



**COLORADO**

**Department of Transportation**

Division of Transportation Development

2829 W. Howard Place  
Denver, CO 80204-2305

**TO: CDOT Staff & Consultants Designing & Constructing Curb Ramps**

**FROM: CDOT Civil Rights Business Resource Center / Bicycle & Pedestrian Section**

**DATE: July 12th, 2019**

**RE: Technical Infeasibility and Curb Ramp Variance Support Document Process & Requirements**

When a curb ramp is designed, or constructed, and cannot conform to the requirements for curb ramps due to a technical infeasibility, a Curb Ramp Variance Support Document must be completed and submitted to the Regional Curb Ramp Program Manager and CDOT's Civil Rights & Business Resource Center. The technical requirements for curb ramps are defined in Chapter 3 of the 2011 Public Right-of-Way Accessibility Guidelines (PROWAG), and are listed in Table 1 of the Curb Ramp Variance Support Document.

Completion of a Form 464 (Design Exception Variance Request) **is not required** for curb ramps that do not comply with the PROWAG Technical Requirements. While important, curb ramps are not part of the FHWA controlling criteria and do not have to be documented with a Form 464. Furthermore, completed Curb Ramp Variance Support Documents do not have to be submitted to the FHWA for review or approval. This document is intended for CDOT to be able to track the rationale for curb ramps which are installed and do not meet technical requirements due to an existing physical constraint.

Curb Ramp Variance Support Documents should be completed as a PDF and sent electronically to the Regional Curb Ramp Program Manager and the Civil Rights & Business Resource Center. Specifically, Jose Rosado in the CRBRC @ [jose.rosadomoura@state.co.us](mailto:jose.rosadomoura@state.co.us).

If you have any questions or comments, please contact Ken Brubaker at 303-757-9804, or Jose Rosado at 303-512-4142.

### **Frequently Asked Questions:**

**Q) Why is the Curb Ramp Variance Support Document form required?**

- A.** Where existing physical constraints make complying with new construction requirements impractical then it is required that elements be made accessible to the extent practical within the scope of the project. The purpose of Curb Ramp Variance Support Document form is to document the conditions that made full compliance impractical and the steps that were taken to make the curb ramp accessible to the maximum extent practical within the scope of the project.



Q) What is technically infeasible?

- A. In alterations, it can be impractical to make curb ramps fully compliant with the requirements for new construction due to existing physical constraints. Making a curb ramp fully compliant with the requirements for new construction can be deemed “Technically Infeasible” when sound engineering judgement is exercised. Existing physical constraints generally include, but may not be limited to, underlying terrain, underground structures, adjacent developed facilities, drainage, or the presence of a notable natural or historic feature. When one of these conditions is present, it is possible to deem it “technically infeasible” to make a curb ramp fully compliant. In this situation, a curb ramp should be made compliant to the maximum extent practical within the scope of a project. The justification for non-compliance must be documented on the Curb Ramp Variance Support Document.

Q) Who approves the Curb Ramp Variance Support Document and the decision to determine that it was “technically infeasible” to make a curb ramp fully compliant during an alteration?

- A. CDOT Procedural Directive 605.1 requires that the Program Engineer responsible for the area in which the curb ramp is located approve or deny the decision, and associated documentation, determining that it is technically infeasible to make a curb ramp fully compliant.

Q) Does limited Right-of-Way availability qualify as an existing physical constraint?

- A. Per PD 605.1, Right-of-Way acquisition in general does not qualify as a technical infeasibility. PD 605.1 defines that Right-of-Way shall be purchased if needed to make a curb ramp compliant. Case-by-case situations may be escalated to the Region Transportation Director who may consult with the Civil Rights and Business Resource Center for assistance.

### **Additional Resources:**

CDOT ADA Resources for Engineers:

<https://www.codot.gov/business/civilrights/ada/resources-engineers>

CDOT Accessible Pedestrian Design Chapter of the Roadway Design Guide:

[https://www.codot.gov/business/designsupport/bulletins\\_manuals/roadway-design-guide/final-rdq-ch12-ad-07-27-18/view](https://www.codot.gov/business/designsupport/bulletins_manuals/roadway-design-guide/final-rdq-ch12-ad-07-27-18/view)

Public Right-of-Way Accessibility Guidelines (PROWAG):

<https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way>

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# Non Compliant Curb Ramp Documentation Process

7/10/2019

For current Curb Ramp Variance Support Document form and ArcGIS Inventory visit:  
<https://www.codot.gov/business/civilrights/ada/resources-engineers>

