MAP-21 Reauthorization and ADA Updates

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Presentation Outline

• Beyond MAP-21

• ADA Updates

• Q/A
Reauthorization of MAP-21

- 27 month bill, expires Fall of 2014
- Required infusion of capital from the General Fund
- HTF runs into funding shortfalls early as this Summer
- “Unknown Unknown”
- 3 phases left in this legislative year
  - ~ 25 days left between now and June
  - ~ 40 days between June primaries and election day
  - ~15-30 days post election Lame Duck session
Reauthorization of MAP-21

• Progress to date:

• Senate EPW Committee
  • Senator Boxer - two hearings to date
  • Broad look at need to maintain Federal $$ for states and local transportation needs and reauthorization
  • Witnesses made case for Federal spending and a long term bill.
  • Would like to have bill for committee mark-up by end of April
  • Finance Committee key to funding
Reauthorization of MAP-21

- Progress to date:
  - House T&I Committee
    - Water bill still in works—it comes first
    - Rep. Shuster—several hearings and roundtables focusing on reauthorization
    - 50K foot level—need for long term bill
    - Has a primary challenge May 20
    - Mark-up bill this Summer
Reauthorization of MAP-21

• Biggest hurdle will be source of funding
• Priority for policy makers will be avoiding disruption to the HTF
• Prognostication!!
  • Continuing resolution for MAP-21 till 2015
Reauthorization of MAP-21

- So the “unknown unknown”-next round of legislation-when?
- \( \text{FP}^2 \) will remain engaged in this process to ensure that preservation outcomes remain as intended
- Need assistance from YOU!! to encourage passage. Get on board and contact your legislator-if you don’t know how-see the latest Preservation Journal for tips.
Americans with Disabilities Act

- The issue—“Alterations” to the pavement surface
- Title II, Section 202 in the original ADA act, 1990, deals with alterations
- Act mandates compliance when reconstruction, rehabilitation, resurfacing, and widening are planned
- Maintenance activities (pot hole patching in Act) are exempt
Americans with Disabilities Act

- Compliance requires that state and local governments ensure that persons with disabilities have access to the pedestrian routes in the public right-of-way.
- Obligation whenever streets or roadways are altered to provide curb ramps, if they don’t meet current standards, where street level pedestrian walkways cross curbs.
- FP2 Inc. is a very firm supporter of the ADA act.
Americans with Disabilities Act

- FP² Inc. provided comments in November 2011 specifically exempting preservation treatments
- Attempted to follow course of action—discussions between DOJ and FHWA
- Joint DOJ/DOT Joint Technical Assistance document dated July, 2013 “clarifies” the original intent of ADA regarding alterations
- We question engineering reasonableness
Includes:
- Overlays w/wo milling
- New layers of Asphalt
- PCC rehab and reconstruction
- OGFC
- Microsurfacing
- Thin lift overlay
- Cape Seals
- CIR

Excludes:
- Striping
- Crack sealing
- Chips Seals
- Fog seals
- Slurry seals
- Scrub seals
- Dowel bar retrofit
- Diamond grinding
- Patching
• FHWA comments (January 2014) -
  ➢ No feedback yet from DOTs on implementation
  ➢ No data indicating impact on budgets or how it may affect which treatments are used
  ➢ Without data-no action to discuss or “modify” the alteration category
  ➢ Agree that some alterations may be maintenance
Indications are local agencies-

- Not aware of requirements
- Think since they don’t use federal funds, they don’t have to comply

What are the long-term impacts on safety, budgets, and network life extension?
ADA-what’s next?

• AASHTO resolution
• FP2 funded studies to develop cost data?
• Working with NACo, NACE, APWA, AHUA, etc. to develop strategies
• Other actions?
Comments

Questions?
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