

When an alteration meets accessibility requirements but is technically infeasible, the public agency must ensure that the alteration provides accessibility to the “maximum extent feasible”.

ALTERATIONS

An alteration is a change to a facility in the public right-of-way that affects or could affect access, circulation, or use. Projects altering the use of the public right-of-way must incorporate pedestrian access improvements within the scope of the project to meet the requirements of the ADA and Section 504. These projects have the potential to affect the structure, grade, or use of the roadway. Alterations include items such as reconstruction, rehabilitation, widening, resurfacing (see [USDOJ-FHWA technical assistance dated 6-28-13 for additional clarification](#)), pedestrian signal installation, signal installation and upgrades, and projects of similar scale and effect (6-28-2013).*

Alterations shall incorporate accessibility improvements to existing pedestrian facilities to the extent that those improvements are in the scope of the project and are technically feasible, without regard to cost. Projects altering the usability of the roadway must incorporate accessible pedestrian improvements concurrent with the alterations to the roadway.

The DOJ does not consider maintenance activities, such as filling potholes, to be alterations. The DOJ does consider resurfacing beyond normal maintenance to be an alteration. [DOJ's ADA Title II Technical Assistance Manual](#), § II-6.6000, 1993, [USDOJ-FHWA Technical Assistance dated 6-28-2013](#) and <http://www.ada.gov/doj-fhwa-ta-glossary.htm>

The FHWA has determined that maintenance activities include actions that are intended to preserve the system, retard future deterioration, and maintain the functional condition of the roadway without increasing the structural capacity. These activities include, but are not limited to, joint repair, pavement patching (filling potholes), shoulder repair, signing, striping, minor signal upgrades, and repairs to drainage systems. (6-28-2013)

For additional information, see the following:

[Special Report: Accessible Public Right-of-Way Planning and Designing for Alterations](#) dated August 31, 2007.

[Questions and Answers About ADA /Section 504](#), which can be accessed at: http://www.fhwa.dot.gov/civilrights/programs/ada_sect504qa.cfm#q17

[U.S. Access Board, Chapter 2 - Alterations](#)

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/guidance-and-research/accessible-public-rights-of-way-planning-and-design-for-alterations/chapter-2%e2%80%94alterations>

* Rev. 7/15