

projects involve the construction of transportation management center buildings or information kiosks. Such projects are not likely to cause any negative environmental impacts, except in rare cases where they might encounter an archaeological site, a historic site or an endangered species habitat.

13.7 AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS

ADA standards which deal with the public right of way (such as curb ramps, sidewalks, etc.) apply to ITS projects. Common elements in ITS projects in California are computer hardware/software, Changeable Message Signs (CMS) and Closed-Circuit Television (CCTV), Communications, and public websites. These elements are discussed individually below.

- 1.) Computer Hardware and Software
Computer hardware and software that is used **internally** by public agencies are generally not subject to ADA requirements. This includes computer equipment at traffic/transit management centers, or other locations. However, one key exception is websites or kiosks that are accessible to the general public (see item 4 below).
- 2.) Changeable Message Sign and Closed-Circuit Television
ITS projects sometimes include one or several Changeable Message Signs (CMS) or Closed-Circuit Television cameras (CCTV). These are often mounted on poles near a roadway. One key question for analyzing this element for ADA requirements is, "Does the installation or operation of a CMS or CCTV unit disturb any pedestrian facilities or travel routes"? The term "disturb" includes partial or complete removal as well as damage to the pedestrian facility or travel route that was caused by tunneling underneath. If a pedestrian facility or travel route is disturbed in any of these ways, then that portion disturbed **must be re-built in compliance with ADA standards**. If the installation of CMS or CCTV units do not disturb pedestrian facilities or travel routes, then they do not have to be rebuilt. Note that CMS and CCTV units generally require communications (see below).
- 3.) Communications
Communications systems are sometimes installed as part of ITS Integration projects. For both Wireline and Wireless communications, a key question in determining ADA requirements is, "Does the installation or operation of this ITS communication system disturb any pedestrian walkways"?

These systems can take several forms:

- a) "Wireline" (e.g. fiber-optic, coax, other types of cables) - If these are installed above ground using existing facilities (e.g. telephone or cable-TV poles) or underground in existing conduit, and if no pedestrian walkways are disturbed during the installation process, then the ADA standards do not require any changes to nearby walkways. If installation requires digging trenches in the ground and those trenches disturb a pedestrian facility or travel route, then that facility or travel route must be rebuilt to ADA standards. If the trench is within the roadway itself, all legal crossings and crosswalks are considered pedestrian facilities or travel routes and the portion of the roadway that is disturbed must be rebuilt to ADA standards.
- b) "Wireless" communications require antennas, which can be mounted on poles, buildings, roadside signs, or other structures. If these structures already exist and **no** pedestrian

walkways are disturbed during installation or operation of these communications systems, then ADA does not require any changes to nearby walkways.

4.) Public Websites or Kiosks

ITS Integration Projects sometimes include a website, which may be accessible to the public or restricted to designated parties. If the website (or kiosk) will be available to the public (e.g. for distributing traveler information), then it must meet the requirements of Section 508 of the Rehabilitation Act of 1973 (as amended in 1998). This means that the website must include features that enable the use of "assistive technology", by people with certain types of disabilities. Section 508 is a requirement for recipients of federal funds and for federal agencies. If the kiosk or website is not intended for public use, then both the recipient and the federal agency must ensure that accessibility for the information on the technological device is available for any employees.

For more information on ADA Requirements, please see the following websites:
www.ADA.gov and www.section508.gov.

13.8 RIGHT OF WAY

Generally, new right of way is rarely needed for ITS projects. Easements may be needed for communications cabling. Occasionally, an ITS project may involve utility relocations or the purchase of right of way for construction of a traffic management center building or information kiosk. For guidance on right of way procedures, see Chapter 13, "Right of Way" of the LAPM.

13.9 PROCUREMENT / CONSTRUCTION

The federal-aid procurement regulations as set forth in 23 CFR 172, 635, 655, and 49 CFR 18, define the requirements that state and local agencies must adhere to when procuring projects with federal-aid highway funds. These procurement regulations identify possible contracting options available for designing and constructing projects including such contracts as "engineering and design related services," "construction," and "non-engineering/non-architectural." The regulations also require use of competitive contract award procedures for any project financed by federal highway funds.

The regulations require state and local agencies to award:

- Construction contracts on the basis of competitive bidding,
- Engineering and Design services contracts on the basis of qualifications-based selection,
- Non-engineering/non-architectural contracts use state approved procurement procedures in accordance with 49 CFR 18.

The procurement approach required for construction projects (as defined by 23 USC 101 and the related FHWA regulations) does **NOT** always apply to ITS projects. Many standalone ITS projects do not meet the FHWA definition of construction.

- **ITS Construction** – If field devices and/or communications infrastructure are being physically installed in the roadway, then that work and required equipment usually meets the definition of construction. Examples are the purchase and installation of new traffic signals, new controller cabinets, vehicle detectors, and conduit for cabling.