

**City of Fresno, Public Works Department**  
**Right-Of-Way Design Exception for Technical Infeasibility**

Specific Location	
Asset #	
Date	
Project ID	
Inspector Name	

***The following standards could not be met:***

Curb Ramp: ☐ Running Slope ☐ Cross Slope ☐ Grade Breaks ☐ Width ☐ Surface

Turning Space: ☐ Running Slope ☐ Cross Slope ☐ Grade Breaks ☐ Width ☐ Surface

Truncated Domes: ☐ Alignment ☐ Color ☐ Size ☐ Width

Other: ☐ Counter Slope ☐ Gutter Lip ☐ Flares ☐ Clear Space in front of grade break ☐ Sidewalk  
Cross Slope ☐ Sidewalk Running Slope

Design Deviation (maximum extent practicable):	
Justification for Design Deviation (attach additional pages as necessary):	
Requested by (Print Name)	
Signature	
Date	

The planned alteration project is not in full compliance with the respective ADA guidelines. As determined by the Public Works Department Director, this item does provide a level of accessibility to the maximum extent feasible in compliance with the above exception.

Approved by (Print Name)	
Title*	
Signature	
Date	

\*If signing for Department Director, attach memo confirming such authorization

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Supplemental Information**

**Provisions of the Americans with Disability Act Accessibility Guidelines (ADAAG) and the Public Rights-of-Way Accessibility Guidelines (PROWAG)**

ADAAG and PROWAG both contain a provision relating to technical infeasibility which is applicable only in alterations. ***This exception does not apply to new construction.*** The provision is as follows:

***Technical Infeasibility*** means, with respect to an alteration of an existing facility, that it has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

***Existing Physical Constraints*** in the right-of-way include, but are not limited to, underlying terrain, right-of-way availability, underground structures, adjacent developed facilities, drainage, or the presence of a notable natural or historic feature.

***Exception:*** In alteration work, if compliance with the ADA is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible. Any elements or features of the facility that are being altered and can be made accessible shall be made accessible within the scope of the alteration.