

Talking Points for the Ozaukee Interurban Trail-Trail Improvement Project

What is the main issue that has delayed this project?

The main issue is the interpretation of compliance with the American with Disabilities Act (ADA) of the bridge structure. The Wisconsin Department of Transportation (WisDOT) and federal agencies have determined that a shared-use trail, such as the Ozaukee Interurban Trail, in a public right-of-way, such as I-43, must meet the stricter ADA standards for a sidewalk corridor. The WisDOT has determined that since the I-43 corridor was purchased with federal funding, any structure must be assessable to the strictest ADA standards. This means that the stricter standards of a sidewalk corridor must be followed.

What do you mean by stricter standards of a sidewalk must be followed?

According to ADA requirements, the standards for a sidewalk corridor must have a grade not to exceed 5%. A 5% grade can be exceeded to no more than 8.33% if landings are provided for every 30 inches of vertical rise. The bridge structure can not accommodate these landings. In contrast, the current bridge proposal meets ADA requirements for a shared-use trail, which allows for an 8.33% grade for up to 200 feet.

Why didn't Ozaukee County and their engineering consultant know of these ADA requirements prior to engineering design?

The original Ozaukee Interurban Trail was designed and constructed to meet ADA requirements for a shared-use trail. Upon review of ADA requirements for this project, the County and their consultant found no language that would indicate that this portion of the trail and proposed bridge would be classified as anything different than the rest of the existing Ozaukee Interurban Trail. As of this date, the WisDOT has not produced any written guidelines that explain that when a shared-use trail enters a public right-of-way, it is then considered a sidewalk and must comply with the more strict standards for ADA compliance.

When was the County notified of these requirements?

The County's consultant was contacted by the WisDOT of the ADA requirements of a sidewalk in December 2005. The County was notified in person in January 2006. The County had additional correspondence with WisDOT and Federal Agencies from January through the end of February 2006. The County spent the next three months trying to schedule a meeting with top level WisDOT officials for final determination. This meeting occurred on July 25, 2006.

What about the fencing for the proposed bridge structure?

The County and their consultant applied for an exception-to-standards regarding the fencing on the bridge structure. The WisDOT requires that all pedestrian and bicycle bridges within the WisDOT right-of-way must have fencing of a certain height and angular tops to prevent items from being thrown off of the bridge into oncoming traffic on the interstate and to prevent persons from climbing on the structure. The County felt that this cage-like fencing was not needed in Ozaukee County because no other bridge structure in the County has this fencing and the County has not experience any situations that would warrant this fencing. The County proposed a railing with an incorporated fence that meets State guidelines for bicycle and pedestrian safety, which is similar to the railings that are incorporated into the newly constructed bridges over I-43 in the Marquette Interchange

What are the cost implications of these changes?

The additional cost of the sidewalk corridor grade and State fencing requirements is \$650,137. If the County is successful in applying for future additional State/Federal funding, the County would be required to provide a 20% local match of \$130,027.

Possible next steps?

1. Seek additional State/Federal grants to cover the additional project costs.
2. Seek further Federal assistance in the interpretation and intent of ADA guidelines for this project.
3. Seek additional private funding sources.
4. Abandon the bridge project and repay grant sources and donors. The County would owe \$136,575 for project costs incurred to date. There are currently about 480 funding organizations and individuals involved with this project.
5. Change the scope of the project. Funding implications are not known.