OVERVIEW OF THE PROPOSED GUIDELINES FOR PUBLIC RIGHTS-OF-WAY

This overview highlights provisions in the Access Board’s proposed guidelines for accessible public rights-of-way and also includes answers to common questions. The Board’s published proposal discusses in greater detail provisions of the rule.

Scope of the Guidelines
The Access Board’s proposed guidelines address access to newly constructed and altered public streets and sidewalks covered by the American with Disabilities Act (ADA) and, in the case of those federally funded, the Architectural Barriers Act (ABA) or the Rehabilitation Act. In alterations, these requirements would apply within, not beyond, the planned scope of a project. The guidelines do not apply to existing public rights-of-ways except those portions that are altered. Program access mandates of the ADA and the Rehabilitation Act may require access improvements to existing pedestrian networks, but these obligations are regulated by other agencies, such as the Department of Transportation and the Department of Justice, not the Access Board.

Accessibility Addressed
Many provisions are designed to ensure that public rights-of-ways contain a continuous accessible route that accommodates all pedestrians, including those who use mobility aids.

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These requirements also benefit many other users, including those traveling with strollers. The guidelines also address access for people who are blind or who have low vision and include requirements to mediate potential hazards along public streets and sidewalks. These include provisions that cover tactile warnings at transitions to streets, accessible pedestrian signals, signalization at traffic roundabouts, and objects that protrude into circulation paths.

Recognized Constraints and Exceptions

The guidelines take into account conditions typical of roadway geometry and common constraints unique to public rights-of-way in order to facilitate compliance and minimize impacts. For example, the grade of accessible pedestrian routes is permitted to follow those of adjacent streets. In alteration projects, departures are allowed where existing constraints, such as terrain, space limitations, drainage requirements, and historic features, make compliance impracticable. The guidelines also exempt from coverage utility vaults and tunnels and other spaces used only by service personnel.

Relationship to Other Guidelines and Requirements

The Board’s ADA and ABA Accessibility Guidelines address access to buildings and facilities located on sites. Standards based on these guidelines apply within the boundary of covered sites as defined by property lines and public rights-of-ways. In covering public rights-of-ways, the new guidelines essentially pick up where these guidelines leave off. The proposed rights-of-way guidelines reference requirements in the ADA and ABA guidelines for certain elements, such as toilet facilities and escalators. The guidelines also refer to requirements in the most recent edition (2009) of the Federal Highway Administration’s Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways to ensure consistency and to avoid redundancy. Specifically, the guidelines invoke MUTCD definitions and technical criteria for temporary alternate pedestrian routes and pedestrian signals and push buttons.

What the Guidelines Cover

The guidelines cover pedestrian features in new or altered public right-of-ways, including sidewalks and other pedestrian ways, street crossings, medians and traffic islands, overpasses, underpasses and bridges. On-street parking, transit stops, toilet facilities, signs, and street furniture are also addressed. The guidelines apply to permanent as well as temporary facilities, such as temporary routes around work zones and portable toilets. Provisions in the guidelines address:

- Pedestrian Access Routes (including sidewalks, street crossings, curb ramps/blended transitions)
- Pedestrian Signals
- Detectable Warning Surfaces
- Roundabouts
- On-Street Parking and Passenger Loading Zones
- Transit Stops and Shelters
- Street Furniture and Other Elements

Pedestrian Access Routes

A continuous accessible pedestrian route at least 4 feet wide is specified along pedestrian networks. Most provisions apply only within this portion of public rights-of-way, although some requirements, such as those limiting hazards posed by protruding objects, apply to all areas of circulation. Specifications for the grade and cross slope of pedestrian access routes take into account factors such as terrain and drainage requirements. Specifications are provided or referenced for route components, including curb ramps, blended transitions such as depressed corners and raised street crossings, ramps, elevators, stairways, and handrails.

Pedestrian Signals

The guidelines do not require intersections to be signalized for pedestrians, except at certain roundabouts and channelized turn lanes. Instead, they generally apply MUTCD requirements only where pedestrian signals are provided. Pedestrian signals and push buttons meeting MUTCD criteria integrate discreet locator tones and vibro-tactile indicators of walk/don’t walk cycles. Unlike earlier technologies, current products create very little noise because the low-volume tone, often a ticking sound, is...
used to indicate the location of vibrotactile signals and push buttons, not to broadcast walk cycles. The guidelines also specify signal phase timing based on a maximum traveling speed of 3.5 feet per second.

Detectable Warning Surfaces

Detectable warnings, a distinct tactile surface of truncated domes, are specified to alert pedestrians with vision impairments of transitions to vehicle ways and of open drop-offs at transit platforms. The guidelines propose requiring these warnings at curb ramps and blended transitions which remove tactile cues otherwise provided by curb faces. The Board also proposes requiring them at certain pedestrian refuge islands above a specified width, at-grade pedestrian-only rail crossings, and transit stop boarding platforms or areas.

Requirements for detectable warnings on curb ramps were previously included in the Board’s guidelines for buildings and facilities but were removed in the last update in deference to this rulemaking. Detectable warnings on curb ramps and blended transitions are especially important along public sidewalks where hazards posed by vehicle traffic are greater.

Roundabouts

Circular intersections or “roundabouts,” by their continuous traffic flow and non-linear pedestrian routes, are often difficult for people with vision impairments to safely navigate. The guidelines include requirements for pedestrian activated signals at roundabouts with multi-lane crossings and multi-lane channelized turn lanes. The guidelines also call for tactile barriers or warnings along portions of sidewalks flush against the curb where pedestrian crossing is not intended.

On-Street Parking and Passenger Loading Zones

Where marked or metered on-street parking is provided, the guidelines specify the minimum number that must be accessible based on the total number provided on a block perimeter. In general, at least 4% of spaces must be accessible (scoping lowers to 2% for amounts between 101 and 200 spaces). Adjoining access aisles must serve spaces, but in the case of parallel parking, only where the sidewalks are wide enough (14 feet minimum) to accommodate them. Perpendicular and angled spaces, parking meters and pay stations, and passenger loading zones (other than transit stops) are covered as well. Accessible passenger loading zones are required for every 100 feet of continuous loading zone space provided.

Transit Stops and Shelters

Provisions for transit stops address boarding and alighting areas, including their size and grade, boarding platforms, and provided shelters. These requirements require sufficient space so that people with disabilities, including those who used wheeled mobility aids, can board or disembark from transit vehicles and have equal access to shelters.

Street Furniture and Other Elements

The guidelines cover street furniture and other elements that serve public rights-of-way, including drinking fountains, toilet facilities, and benches. Some elements are addressed through references to the relevant sections in the ADA and ABA Accessibility Guidelines. Components such as ramps, stairways, and escalators are also addressed, as are signs, protruding objects, and operable parts.

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ANSWERS TO COMMON QUESTIONS

Will existing streets and sidewalks have to be modified to meet the new guidelines?

No. The guidelines apply only to those portions of public rights-of-way that are newly constructed or altered. They do not apply to existing public rights-of-way outside of planned alterations. Jurisdictions can voluntarily consult the guidelines in undertaking access improvements at existing streets and sidewalks.

Will these guidelines significantly impact the design of streets and sidewalks?

Accessibility in general often has minimal impacts when properly integrated into planning and design. However, constraints and conditions unique to public rights-of-ways can pose significant challenges, which is why the Board is developing these guidelines separately from its guidelines for buildings and facilities. As proposed, the guidelines accommodate typical roadway geometry, such as specifying grades and cross slopes for pedestrian access routes based on the established street grade. Projects involving existing streets and sidewalks may be further constrained by limited space and right-of-way availability, underlying terrain, underground structures, drainage, and other factors. The guidelines allow departures in alterations where existing physical constraints make compliance impracticable. These and other allowances will greatly mediate the impacts of the guidelines.

Won’t requirements for accessible pedestrian signals cause noise pollution?

No. Current pedestrian signal devices, which have become the norm, feature discreet tones or ticks that indicate the location of nearby push buttons and tactile signals that silently vibrate to indicate walk cycles. The locator tone is not used to broadcast walk cycles. To be effective, the locator signal is designed to be audible only within the vicinity of the signal or push button. Earlier technologies that used louder chirps and tones to indicate walk cycles are no longer in use and are not required by the guidelines.

Why are requirements for detectable warnings, which were removed from the Board’s facility guidelines, included in this rule?

The Board considers detectable warnings on curb ramps and blended transitions important in the public rights-of-way realm where hazards to people with vision impairments posed by vehicle traffic are greater. At facilities located on sites, such hazards are often reduced by lower traffic speeds, traffic calming measures, and pedestrian right-of-way. Detectable warnings re-establish a tactile boundary between pedestrian and vehicular ways that is taken away by the removal of curb faces at ramps and blended transitions. The proposed guidelines, like the Board’s facility guidelines, also require detectable warnings along unprotected drop-offs at boarding platforms in transit stations.

What are the next steps in finalizing these requirements?

The Access Board will proceed to finalize the guidelines based on the public comments received on this proposal. Once finalized, the guidelines, though usable, will not actually be mandatory until implemented as enforceable standards by other agencies such as the Department of Transportation and the Department of Justice.

What should be applied to public rights-of-way under design at this time or in the near future?

Design guides and manuals on accessible public rights-of-ways and information gathered in the course of this rulemaking are available on the Board’s website as interim resources until these guidelines are completed. In addition, the Board regularly provides technical assistance and training on this subject upon request. For further information, contact the Access Board at ta@access-board.gov (technical assistance), training@access-board.gov (training), (800) 872-2253 (v), or (800) 993-2822 (TTY).
ADA TRANSITION PLANS
By Jeffrey M. Smith, City Engineer, Peoria, Illinois

Does your City or Village have an up to date ADA transition plan? If a complaint is filed, that may be the first question asked by the Department of Justice. If you have an up to date transition plan, and are following it, you should have a good defense.

If not, ……. When the Americans with Disabilities Act, (ADA), was adopted in 1990, public entities with more than 50 employees were required to develop a plan for compliance by July 26, 1992. Such plans are commonly called “transition plans”. In developing the plan, the public entity needed to provide an opportunity for public input. If a public entity had responsibility or authority over streets, roads, or walkways, its transition plan needed to give priority to places:

A. With a presence of a disabled population or specific request from a disabled person or advocacy group;
B. With a high volume of pedestrians such as in the community’s Central Business District;
C. Near public buildings, business areas such as shopping malls, hospitals, or schools or universities;
D. With low volume pedestrian use such as residential subdivisions; and
E. Where there are no sidewalks. As a minimum the transition plan needed to:
   1. Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
   2. Describe in detail the methods that will be used to make the facilities accessible;
   3. Identify steps that will be taken and establishing the schedule during each year of the transition period to achieve compliance;
   4. Indicate the official responsible for implementation of the plan.

Hopefully your City or Village prepared a transition plan in 1992 and you have been able to follow it. I would expect that in most cases, over the past nineteen years there has been an emphasis placed on installing curb ramps. After all, most organizations are committed to the principle of making the public ways accessible. I would also expect that the plan has found its way to a shelf or basement file cabinet and is not being followed as originally intended. If your community is like most places, there probably have been funding shortages, changes in key staff members, and new priorities that have detracted from a comprehensive, focused, consistent approach to eliminating all obstacles in the public right-of-way.
I would challenge all of you to first find your original transition plan and then to embark on a process to update it. So, how should you begin? The best source of information I have found is ADA Transition Plans: A Guide to Best Management Practices, published by the National Academy of Sciences. This suggests that the outline for the plan should include the following: Introduction, Background, Self-Evaluation, Correction Program, Implementation Schedule, Program Responsibility, Public Involvement, Complaint Procedure, and Attachments. This isn’t an easy process and will take some time. The most time consuming part is conducting the inventory and assigning priorities.

In updating the plan for Peoria, I have found that the original criteria leave something to be desired. Many locations that were previously considered to have ramps, don’t fully comply with the current recommendations of the Public Rights-of-Way Access Advisory Committee’s Access Guidelines, PROWAG. Therefore, in the plan update the ramps need to be evaluated per PROWAG. We are ranking each access location not only according to the location priorities as indicated earlier, but also by the condition priorities. These condition priorities are:

1. Existing ramp which is unsafe due to deterioration, excessive slopes, or abrupt changes in the surface elevations;
2. There is no ramp at a pedestrian crossing in an area with sidewalks;
3. Where ramps are generally safe and in good condition but do not fully comply because there are no detectable warnings with domes, side tapers are out of compliance, etc;
4. Where it is not feasible to construct a ramp because of excessive slopes or obstacles; and
5. Ramp is in good condition and fully compliant. So each ramp will have an alphanumeric priority. For example a ramp in the Central Business District that complies geometrically but does not have the detectable warnings would be classified as B3. A matrix can be used to establish which ramps will receive priority focus such as:

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Specific projects designed to build ramps or correct deficiencies should address those rated A, B, and C and 1 and 2 first. Those rated E or 4 would not qualify for ramp installation until such time as sidewalks are installed or there is an extensive project in the areas that would address the change the slope or obstruction and allow a ramp to be installed. Other locations rated D or 3 should be either included in projects making an alteration or as funding permits.

Prepare a plan for conducting the self-assessment. This will take a commitment of resources. Various forms have been developed for this process. If your community has a GIS system it would be wise to conduct the assessment so the results can be incorporated into the GIS. In addition, public involvement is necessary. A variety of groups usually exist in each community to help the disabled. They can be very helpful in identifying needs and setting priorities.

Make sure your plan establishes policies for what triggers implementing accessible facilities. For example new construction requires full compliance and alterations to existing facilities require addressing and upgrading ramps. New interpretations have determined that alterations now include street overlays and should include work in a quadrant by a utility company. There is no requirement to purchase Right-of-Way to comply or to install sidewalks where none exist. While not fully adopted at this time, PROWAG provides good guidance, as does following IDOT standards and policies. I would also suggest that you consider adding bus stop standards in your plans. Bus stops need to have access to an accessible route, access into a shelter if provided, and a 5’ by 8’ pad at curb height to accommodate the new bus designs for wheelchair use.

Many examples of transition plans can be found on the Internet. I have included some references which may be helpful to you. If you would like a copy of the City of Peoria draft Transition Plan Update, please email me at jmsmith@ci.peoria.il.us.

So what are you going to do when they come for you? Hopefully you can present your newly updated ADA Transition Plan to demonstrate the intent of your community to comply with ADA.
2011 APWA PUBLIC WORKS LEADER OF THE YEAR
Jeffrey M. Smith, City of Peoria

As the City Engineer for the City of Peoria, Ill., Jeffrey M. Smith provides leadership and management for the Engineering Divisions which has nineteen engineers, technicians and administrative support staff. His responsibilities include performing hiring and personnel evaluations, participating in union contract negotiations, developing annual work programs, preparing and reviewing correspondence to the City Council, selecting consulting engineers and preparing and monitoring the annual budget. Prior to working for the City of Peoria, Smith served as the City Engineer for the Cities of Gillette, Wyoming and Champaign, Illinois.

Smith has made a significant difference in Peoria by moving many projects forward that had languished for some time, and by implementing a number of projects involving coordination with other government agencies and private entities. He has managed the administration of several grant-funded projects (including ARRA program funds) to help maximize the receipt of said funds for the benefit of the community. His skills in organizing and managing those various efforts have made a major difference in completing projects in a timely manner.

Smith has been a major contributor to the APWA activities in Illinois for many years. He is a Past President of the Illinois Chapter (2002-03) and has served as Chapter Treasurer since 2004. He was a founder of the Illinois Public Services Institute and developed the pro forma for the program, presenting it to the Illinois and Chicago Metro Chapters. Since its inception, this program has served to help educate hundreds of public works staff members in the areas of leadership development, service excellence and personal supervisory skills. This program operates a week long class of about 120-150 students every October and after three years, students are graduated from the program. To date, 254 participants have graduated from the program.

NEW FIELD GUIDE FOR EROSION AND SEDIMENT CONTROL

The Technology Transfer (T2) Center now has copies of the Erosion and Sediment Control Field Guide for Construction Inspection (P050). This guide contains practices for the correct installation, maintenance, inspection and compliance of storm water erosion and sediment control (ESC) for roadway projects. This Manual provides guidance in the form of Best Management Practices (BMPs) that will assist in the management of pollutants on a construction site in order to minimize the discharge of pollutants into Illinois waters.

To request your copy of the guide, please call 217/782-1682 and request P050 or visit the T2 website at http://www.dot.il.gov/blr/vpform.pdf and submit an order form.
As a civil engineer (or one who works closely with civil engineers) you know that when you’re designing an intersection and you have a question about sight distance, you can look in the American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets, also known as the AASHTO Green Book, for an answer. Similarly, when you have a question about signs, pavement markings and signals for the same intersection, you know you will find all the answers in your copy of the Manual on Uniform Traffic Control Devices, or MUTCD.

But where do you look when you have a question about traffic safety? For example, what is the safest method for handling left turn movements at a four-way signalized intersection? Until recently, you would have had to sift through multiple sources of information (including, probably, the AASHTO Green Book, the MUTCD, and published research reports) to find an answer to such a question. But there was no guarantee that you would find a definitive answer. The question about left turn movements exposes a dilemma that safety professionals have grappled with for years: What constitutes safety on a road? Must a road simply adhere to established design standards to be considered safe, or does it require something more?

Standards not enough
Dr. Ezra Hauer, Professor Emeritus in the Department of Civil Engineering at the University of Toronto and internationally-recognized highway safety expert, introduced the adjectives “nominal” and “substantive” to help shed more light on the topic of roadway safety. In a 1999 paper titled Safety in Geometric Design Standards, Hauer wrote, “Nominal safety is judged by compliance with standards, warrants, policies and sanctioned procedures … substantive safety is measured by expected crash frequency and severity.” (Hauer 1999a)

The problem with defining safety as a function of compliance with standards, Hauer asserted, is that “Limit standards do not tell the designer what the safest design is. Rather, they specify the limit of what is permissible.” (Hauer 1999b).

Today the Highway Safety Manual (HSM), which is available through AASHTO, is the definitive source of substantive answers to roadway safety questions. The manual was developed and refined by a diverse team of roadway safety stakeholders over the past ten years to provide a single source for safety information and tools in a form that facilitates data-based decision-making.

Major effort
Creation of the HSM began in May 2000 under the direction of a group of volunteers from eight different subcommittees of the Transportation Research Board (TRB) in Washington DC. Research and development for the effort was funded in
large part by the National Cooperative Highway Research Program (NCHRP). The Federal Highway Administration (FHWA) provided supplementary funding and research support.

In 2006, a decision was made to publish the HSM as an AASHTO document, at which point a Joint Task Force was formed with representatives from the AASHTO subcommittees on Design, Traffic Engineering and Safety Management. Over the next three years, the task force examined the HSM to ensure that it would meet the needs of State Departments of Transportation and local agencies. During that time, members of the task force also worked to promote the HSM within their respective subcommittees.

In 2009, after nine years of intensive development and careful refinement, the AASHTO board of directors approved the HSM for distribution.

Valuable resource, but not a standard
Priscilla Tobias, Bureau Chief of Safety Engineering for the Illinois Department of Transportation (IDOT) serves as Chair of the task force that oversees the maintenance and ongoing development of the HSM. She is extremely pleased that such a powerful tool is available for road owning agencies. “This manual represents the best safety-related science of our day,” she said. “And it has been thoroughly vetted by safety experts and representatives from all groups involved with roadway safety to make sure it’s accurate and relevant for all stakeholders. This is the first time we have had such a resource.”

Tobias is careful to stress that the HSM is not a standard, like the MUTCD. “The manual is intended as a guide; nothing about it constitutes a legal standard, nor does it mandate responsibilities,” she said. “It’s simply a great tool for making informed decisions about how to allocate resources to address safety issues most effectively.”

New direction in highway safety
The key to the manual’s usefulness lies in its thorough, scientific approach to identifying, analyzing and solving safety problems. First, by accounting for the statistical phenomenon of regression to the mean, many methods of site selection in the HSM help road agencies zero in on the most relevant sites by eliminating from consideration sites that are at a randomly high or low fluctuation in crashes. After a site is identified, the HSM provides a means for analyzing the safety impact of decisions at all stages of the project development process, which enables practitioners to quantify the effectiveness of safety improvements along with other transportation performance measures.

Finally, the HSM includes an extensive catalog of proven crash modification factors (CMFs) for a variety of geometric and operational treatment types. Using CMFs, practitioners can predict the safety impact that a potential treatment or design may have on their road system.

Highway safety expert Dr. Hauer is pleased that the manual is available. “Publication of the Highway Safety Manual indicates wide recognition of the need for approaching safety in some evidence-based manner. With procedures that examine safety quantitatively rather than subjectively, the document is an important first step in the right direction.”

Early adopters lead the way
At three volumes and nearly one thousand pages, the HSM contains a formidable amount of information, especially for those who are not experienced in the practice of analyzing and improving roadway safety. To help disseminate new information in the manual and to encourage road owning agencies to use it, the NCHRP is sponsoring an effort that involves showcasing different states’ experiences with the HSM. The effort, officially titled the Lead States Initiative for Implementing the Highway Safety Manual, involves state and local transportation officials in thirteen states (see “Lead States Initiative” on page 11).

The project manager for the Lead States Initiative is Charles Niessner, senior program officer at NCHRP. To kick the project off, Niessner worked with Tobias’ AASHTO task force on the HSM to solicit participants from among State Departments of Transportation (DOTs). He was encouraged by the response. “Thirty DOTs initially expressed interest,” Niessner said. “That was encouraging. We didn’t expect that kind of response from the states because launching something like this is not a simple thing – it’s a major effort.” Niessner thinks the willingness to get involved is thanks to the requirement in the transportation bill of 2005 (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or SAFETEA-LU), that required each state DOT to establish a strategic highway safety plan by October 1, 2007. “Requiring strategic highway safety plans really elevated the importance of roadway safety and helped everyone move more purposefully in that direction. I think the response to our invitation
shows that our State DOTs see the HSM as another great tool to help refine our collective approach to improving the safety of our roads.”

**Not just for State DOTs**

Tony Giancola, Executive Director of the National Association of County Engineers (NACE) is also excited about the availability and relevance of the HSM for road-owning agencies across the country. “This is a very useful tool,” he said. “It will be a big help for road agencies at state and local levels as they evaluate, design, plan for and implement safety improvements in their respective communities.”

Everyone familiar with the HSM agrees that it will be a great tool for improving roadway safety, but some are expecting more—especially those who have experience with implementing safety improvements at the local level. Wayne Schoonover, P.E., County Highway Engineer for Ionia County Road Commission in Michigan, says the HSM could help local road agencies pay for road projects. He has been an enthusiastic participant in the Michigan Department of Transportation’s (MDOT) Local Safety Initiative program (see “MDOT Local Safety Initiative,” on page 5) since it was created in 2004. “The success we’ve had in securing federal safety funding for Ionia County road improvements is a great example of the value of a data-driven approach to safety,” Schoonover said. “If not for the quantifiable solutions that MDOT’s Local Safety Initiative group helped us define, we would not have qualified. The Highway Safety Manual can help any agency define quantifiable solutions to their safety problems, which could help them secure similar funding.”

For more information about the Highway Safety Manual, including how to order it, please visit www.highwaysafetymanual.org.

**References**


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**LEAD STATES INITIATIVE**

**for implementing the Highway Safety Manual**

Thirteen states are participating in the Lead States Initiative, which is sponsored by the National Cooperative Highway Research Program (NCHRP). Objectives of the project are to:

- Provide the participating states with access to experts who are familiar with HSM development and implementation
- Facilitate the exchange of HSM implementation experiences among the lead states
- Develop an HSM user guide to assist other state and local road agencies in implementing the HSM.

For more information on the Web, go to: www.MichiganLTAP.org/pubs, and then select “NCHRP Lead States Initiative” from the list.
The Technology Transfer (T2) Program is a nationwide effort financed jointly by the Federal Highway Administration and individual state departments of transportation. Its purpose is to transfer the latest state-of-the-art technology in the areas of roads and bridges by translating the technology into terms understood by local and state highway or transportation personnel.

The Illinois Interchange is published quarterly by the Illinois Technology Transfer Center at the Illinois Department of Transportation. Any opinions, findings, conclusions, or recommendations presented in this newsletter are those of the authors and do not necessarily reflect views of the Illinois Department of Transportation, or the Federal Highway Administration. Any product mentioned in the Illinois Interchange is for informational purposes only and should not be considered a product endorsement.

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