

M A S S INTERCHANGE

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Ramp Up For the Future!



AAB...ADA...MOD...what does it all mean?

With all the ADA and state regulations flying around, it is difficult to know who to turn to when a question arises. The Americans with Disabilities Act (ADA) was enacted by the Federal Government in 1990 "to establish a clear and comprehensive prohibition of discrimination on the basis of disability" (full text of the document can be found on-line at <http://wiretap.spies.com/00/Gov/disable.act>). ADA regulations are national standards set up for those states without regulatory agencies such as the AAB. The Massachusetts Archi-

dis•a•ble

dis•a•ble (dis-a' bel) *verb, transitive*
dis•a•bled, dis•a•bling, dis•a•bles

1. To deprive of capability or effectiveness, especially to impair the physical abilities of.
 2. Law. To render legally disqualified
 3. Computer Science. To suppress
- dis•a' ble•ment** *noun*
—**dis•a' bling** *adjective*
—**dis•a' bling•ly** *adverb*

ac•ces•si•ble

ac•ces•si•ble (ak-ses' e-bel) *adjective*
1. Easily approached or entered.

2. Easily obtained; accessible money
 3. Easy to talk to or get along with: an accessible manager
 4. Easily swayed or influenced: accessible to flattery
- ac•ces si•bil' i•ty** or **ac•ces' si•ble•ness** *noun*
—**ac•ces' si•bly** *adverb*

LTAP Local Technical Assistance Program
(413) 545-2604

"No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity within the Commonwealth." -Massachusetts Constitution

tectural Board was enforcing anti-discrimination regarding public access long before the ADA came into being. As part of the Executive Office of Public Safety, the Architectural Access Board (AAB) was established in 1967 as a regulatory agency whose mandate is to develop and enforce regulations designed to make public buildings accessible to, functional for, and safe for, use by persons with disabilities. In addition to writing regulations, the Board decides on variance requests, issues advisory opinions and makes decisions on complaints. The AAB enforces state regulations which may differ from ADA regulations. However, there is a Substantial Equivalency Bill currently being considered which would standardize both state and federal regulations so that building inspectors would have less ambiguity in enforcing codes.

Local building inspectors are responsible for enforcing the regulations which are a specialized section of the building code. The authority of the AAB is triggered by the construction, renovations, and remodeling of a building or facility that is open to the public, not necessarily retroactively. *MassHighway* notes that a sidewalk is considered a public building by the AAB. The alterations, renovations and remodeling must

comply with the regulations. An example of code violation is the practice of tearing up sidewalk for repairs, then replacing the curb cut at only approximate locations and standards. DPW's must refer to the AAB regarding curb cuts which is the *only* agency that can waive a requirement based on financial need, physical impossibility, etc. Currently, the AAB does not allow "apex" curb cuts. However, they are contemplating changing these regulations. If you would like to be notified of hearings on this matter, you can call the AAB at (800) 828-7222 to get on the mailing list.



Following regulations are important not only to the disabled community, but to the town in general. Anyone can file a complaint with the Board and the Board has the authority to issue variances and impose fines of up to \$1000 per violation per day of noncompliance with its order.

Thus, the Massachusetts Office on Disabilities (MOD) essentially deals with national regulations on a wide spectrum of disability issues, while the AAB strictly deals with state regulations on building accessibility. As the ADA Coordinator for the Commonwealth, the MOD is the agency in Massachusetts which deals with ADA Regulations. Though not an enforcement agency unto themselves, they do have a strong relationship with enforcement agen-

Condolences..

to the Town of Hamilton upon the death of Richard Poole, Highway Foreman of the Department of Public Works. Mr. Poole was killed in a vehicle accident in late August. He is survived by his wife, daughter (15), and son (7). He worked for the DPW for over 16 years and attended many Baystate Road workshops. We will miss him.

In lieu of flowers, contributions may be made in his memory to the Richard W. Poole Education Fund, c/o Beverly National Bank, Hamilton Branch, 25 Railroad Ave., Hamilton, MA 01982.

cies. The MOD is the touchstone within government for technical assistance, trouble shooting, and advice on all disability related issues. This is done through offering training and technical information to any person or agency in need.

For training and technical information, contact the MOD at (800) 322-2020. There is also a state funded program designed for contractors, local housing officials, and municipalities in complying with requirements established by the state's bidding laws for procurement of service to be rendered and in the contracting process for construction projects. Public bid workshops are offered and workbooks that outline the process are provided. For further information, contact the Office of the Chief Counsel at 617-727-7078.

Some helpful publications are The Code of Federal Regulations (28 CFR Part 36) and the Americans with Disabilities Act (Title II Technical Assistance Manual) which can be obtained from the US Architectural and Transportation Barriers Compliance Board at (800) 872-2253 (there is a cost associated with these publications). Also, the Regulation Filing and Publication - 521 MCR can be obtained through the ADA Information Line at (800) 514-0301. There are many more publications available at the above listed numbers, often free of charge.

We have a NEW LINK on our web page...
PW/NET is an online network of resources dedicated to public works agencies, suppliers, and professionals. Check out our web site at:
<http://baystate.ecs.umass.edu/>

It's a Memo...It's a Phone Call ...It's E-Mail!

More than a year ago, a colleague of mine at Clark University asked me an intriguing question: "Is e-mail more like a memo or a phone call?" I have been pondering that question ever since. What, exactly is e-mail?

My first reaction is that it's more like a memo. After all, e-mail is a form of writing. You compose your thoughts on a keyboard, and they appear as familiar letters forming into words before your eyes, moving from left to right across the screen just as they do across the page. However, every definition of e-mail I have ever read mentions "sending" messages between computers. I have never seen the word "writing" in any definition of e-mail.

Is it more like spoken language, then? Its informal and spontaneous tone would suggest so; as in a face-to-face or phone conversation, we don't pay too much attention to the way the words come out. Writing, on the other hand, is a more self-conscious mode of expression. Our educational background makes us hyper-aware of writing style, correctness, and "rules." When we sit down to write a memo or letter, like it or not, the echoes of our teachers' words reverberate in our heads – spelling, sentence structure, capitalization, grammar – and in many cases, those echoes make us nervous and uncertain, which can lead to procrastination and avoidance.

None of that seems to happen with e-mail, which we see as merely a message, usually a short and informal one, that has to get to someone in a hurry. So we sit down at the computer, bang it out (usually with little or no procrastination at all), send it and get on to the next task before us. There's no outlining,

drafting, or worrying about punctuation – no educational "baggage" about do's and don'ts, no images of a teacher's red pen. It's just a message; say what you have to say and click "send." So perhaps it is more like a phone conversation.

Not so fast. Unlike spoken words, e-mail is written down and permanent. Too often we dupe ourselves into thinking that because it is so easy to delete or send, e-mail is transitory. It's the "poof factor," as one of my friends likes to say: "When you send the e-mail,



poof, it's gone." That's not entirely true. It may be gone from your screen, but it's still housed somewhere on the system. And furthermore, it's easily printable into hard copy. When an e-mail is printed out, it has the same permanence and seriousness as a written message. It is unchangeable, undeniable evidence of your thinking. We have all heard horror stories about employees who sent each other messages that they were sure would evaporate into thin air as soon as they were sent or deleted, only to find out later that those messages had been printed out or permanently stored. In that

sense, e-mail is more like writing.

To me, the most intriguing question about e-mail is, what is an appropriate e-mail style: formal and structured (like writing) or informal and casual (like speech)? As e-mail becomes an increasingly prevalent way of communicating in and out of the workplace, do we apply the familiar guidelines and expectations from formal writing, such as introduction-body-conclusion; traditional sentence structure; and correct grammar, punctuation, and spelling? Or do we redefine the standards and create a new style for electronic messages?

As a writing instructor for many years, who has seen innumerable cases of writing anxiety, I view e-mail as tremendously liberating. But at the same time, I recognize that a communication form that operates without standards or consensus is doomed to confusion and chaos. I am sure that a line will have to be drawn, but exactly where it is, is still open to interpretation. Consider this article an opening statement in an argument that, like e-mail itself, is still evolving.

-Rockie Blunt

This article first appeared in *The Corporate Communicator*, a publication of Blunt Consulting Group.

CONGRATULATIONS!

TO THE WORK ZONE SAFETY CONTEST WINNERS!!



**RICHARD ANCIL
YARMOUTH**

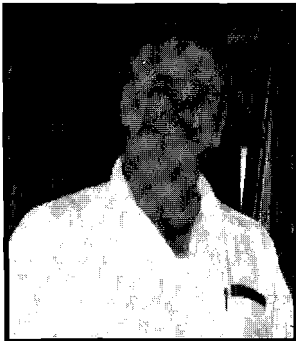


**GRAND
PRIZE:**

*Intrusion
Alarm and
Two Safety
Vests*



**PAUL S. BOKOSKI
BELLINGHAM**

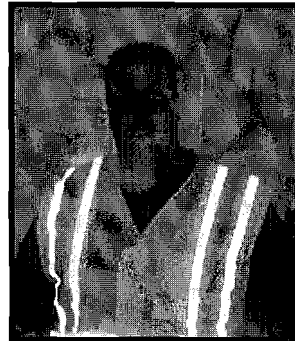


**EDWARD D. PARENT, JR.
HULL**

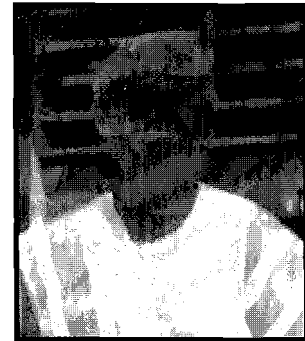


**SECOND
PRIZE:**

*Seven 28" 2-
collar cones
and One
Safety Vest*



**JOHN J. MARSH
EASTON**



**ANITA HEGARTY
BOYLSTON**

**THIRD
PRIZE:**
*Five 28"
2-collar
cones*



**RICHARD MALATESTA
ROCHESTER**



**FOURTH
PRIZE:**

*Two
Safety
Vests*



**DON GILLETTE
N. BROOKFIELD**
photo unavailable

We need your help!!

Would you like notification of special activities that may not be mentioned in flyers or newsletters?

Just send us an e-mail to:

suelee@ecs.umass.edu

and in the subject line, write "Add Me!".

Thanks to all who participated in our recent contest...hope you had fun answering those 17 questions! As noted in our last newsletter, the winners of the Intrusion Alarms will be asked to give us feedback on the benefits of these alarms and this will be reported in a future issue.

Massachusetts Handicapped Parking Law

This law takes effect when it is adopted by City Council (cities) or Town Meeting (towns). In other words, it is a local option, not a mandate. However, all parking lots and garages open to the public must comply with the parking regulations of the Architectural Access Board which are similar to the specifications of the Handicapped Parking Law. The law requires public or private parking areas that are used by the public to reserve designated parking spaces for vehicles which bear an HP plate, placard, or a disabled veteran's plate. The requirement for designated spaces is as follows:

<u>Number of spaces</u>	<u>Number of designated spaces</u>
15-25	1
26-40	5% but not less than 2
41-100	4% but not less than 3
101-200	3% but not less than 4
201-500	2% but not less than 6
501-13000	1.5% but not less than 10

These spaces must be as near as possible to the building entrance or walkway and adjacent to a curb ramp permitting sidewalk access. The spaces must be 12 ft. wide or two 8 ft. areas with 4 ft. crosshatched between them, and they must have above grade signs which bear the words "Handicapped Parking: Special Plate Required Unauthorized Vehicles May be Removed at Owner's Expense." A municipality may further regulate parking by restricting certain on-street areas for vehicles bearing HP plates or placards. The law also exempts people who have an HP plate or placard from paying parking meter fees and from the time restrictions of a parking space. The penalty for unauthorized parking is not less than \$25 nor more than \$100, the exact amount to be determined by the municipality. Cars may also be towed. Enforcement is by the local police or traffic department.

For more information...

You can order publications from the U.S. Departments of Transportation and Justice:

Department of Justice ADA Information Line

The ADA Information Line is available during weekdays to provide technical assistance on the ADA Standards for Accessible Design and other ADA provisions applying to businesses, non-profit service agencies and state and local government programs. It also provides a 24-hour automated service for ordering ADA materials.

(800) 514-0301 (voice)

(800) 514-0383 (TDD)

Or download information by computer:

(202) 514-6193

Disability and Business Technical Assistance Centers (DBTAC's)

The ten regional centers are funded by the Dept. of Education to provide technical assistance on the ADA. Phone number connects to the center of your region. **(800) 949-4232**

The **Architectural Access Board** offers technical guidance on the ADA Accessibility Guidelines.

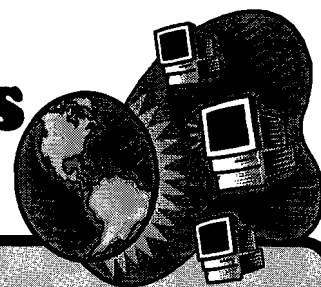
(800) 872-2253 (voice)

(800) 993-2822 (TDD)

(202) 272-5448 (computer download)

Local Libraries have copies of the ADA Information File which has technical assistance materials (including Title III regs). The **DBTAC (800/949-4232)** can assist in finding the library nearest to you.

Helpful Websites



US Dept. of Justice/ADA Information Line
<http://www.usdoj.gov/crt/ada>

ADA Overview
<http://www.ada-infonet.org/ovrview.htm>

Job Accommodation Network
<http://janweb.icdi.wvu.edu/english/homeus.htm>

New England ADA Technical Assistance Center
<http://www.adaptenv.org/mappage/adaptma.htm>

Access Board
<http://www.access-board.gov/>

Independent Living USA
<http://www.ilusa.com/>

Massachusetts Office on Disability
<http://www.magnet.state.ma.us/mod/index.htm>

US Dept. of Transportation
<http://www.fta.dot.gov>

Right-of-Way Acquisition and AAB Compliance

Obtaining a secure legal Right-of-Way is often an important factor in AAB compliance and may require considerable lead time.

Start your right-of-way work early: Remember all rights must be under Public Control.

TYPES OF INTEREST (*"Interest" is a formal word for the action being taken. So if the interest is "right-of-entry", then that is the action taken to create right-of-way.*)

IN FEE: A normal occurrence when parcels are acquired by MassHighway. Can also be used by municipalities. It means that the property was purchased and ownership was taken.

PERMANENT EASEMENT: Used by State and Local Governmental Agencies to acquire an interest in privately owned lands. The Right acquired is permanent in nature while the owner retains fee interest.











EXAMPLE: Utility, Wall, Drainage, and Sidewalk Easements.

TEMPORARY EASEMENT: Used by all agencies to obtain a temporary right in privately held lands.

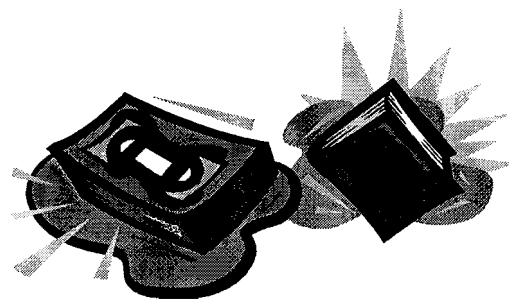
EXAMPLE: Use to obtain a work area necessary to Adjust/Re-grade Slopes, Drive-ways, Retaining Walls and to Loam/Seed/or Sod where necessary.

RIGHT of ENTRY: This Owner Permission Document can generally be substituted for a Temporary Easement. The Right acquired is only temporary in nature and generally there is no payment provision. (See examples above).

TIPS TO CONSIDER

-  The acquisition process is unique and varied in nature to each and every project.
-  All Federal/State/Local rules and regulations must be complied with.
-  All parcels can be acquired legally by Eminent Domain and/or by Gifting.
-  Town Meeting action may be required for Right-of-Way activity if it is a Town project.
-  Fee Acquisitions/Permanent Easements must be dimensioned (English) and have parcel numbers assigned. Standard MassHighway nomenclature should be used.
-  Temporary Easements acquired by Eminent Domain generally require parcel identification and dimensions.
-  A Temporary Easement (work area) adjacent to Fee Acquisition/Permanent Easement may be necessary in order to properly finish the project.
-  Registered land and land under other public ownership may require additional procedural considerations.
-  All Fee and/or Permanent Easements must be recorded at the appropriate Registry of Deeds.
-  Alteration of an existing layout may be required.

publications and videos



PUBLICATIONS

Ecosystem Road Management	MAN-49
FHWA's High Performance Concrete Tool Kit	COC-54
User Guidelines for Waste and By-Product Materials in Pavement Construction	REC-33
Flexibility in Highway Geometric Design	D&C -71
Best of '97 - Turner-Fairbanks Highway Research Center (loan)	CDROM-11

VIDEOS

Snowplowing Safety: Parking Lots	MO-230
Using Snow Plows on Motor Graders	MO-233
EPA Risk Management - A Shared Responsibility	PA-151



Please FAX your requests by code number to Baystate Roads at 413-545-6471 or call 413-545-2604.

LTAP is Serving YOU!

The Baystate Roads Program is one of many LTAP (Local Technical Assistance Program) centers located around the nation, in each State, and Puerto Rico. Most of these centers are located at universities or State highway agencies to stimulate active, progressive, and cost-effective transfer of highway technology and technical assistance to rural and local governments.

These centers offer training (such as the Baystate Roads Workshops), technical assistance, and technology transfer (such as books and videos) to improve the skills and knowledge of local transportation providers. In this way, your LTAP can bring a whole, nationwide network of information to an accessible, local level.



Support for the centers comes from Federal LTAP funds, State Departments of Transportation, the Bureau of Indian Affairs, universities, local agencies, and finances designated by State legislation. The Federal-aid process requires support and involvement from State highway agencies. This is all done with the goal of fostering a safe, efficient, and environmentally sound transportation system for everyone.

FreeVideo!

Baystate Roads has a limited number of copies of a 40-minute videotape on "Utility Cuts in Paved Roads." This video, produced by the Minnesota Local Roads Research Board, examines causes of road damage and a step-by-step process to doing a proper utility cut repair.

If you would like to receive a **free** copy which your organization can keep for future training, please FAX us and request a complimentary "keeper" copy of DC-158.

OOPS!!

Our apologies to the VERMONT LOCAL ROADS PROGRAM for omitting credit for TECH NOTE #17 on "Improving Roads by Improving Communication." This was originally published as Vermont LTAP's Fact Sheet T-135 and was abridged in Baystate's version.

CONGRATULATIONS!

Robert Gilchrist
Highway Supervisor
for the Town of Upton



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The Baystate Roads Program, which publishes *Mass Interchange* each quarter, is a Technology Transfer (T2) Center created under the Federal Highway Administration's (FHWA) Local Technical Assistance Program (LTAP). FHWA is joined by the Massachusetts Highway Department, the Department of Civil and Environmental Engineering at the University of Massachusetts/Amherst, and local public works departments in an effort to share and apply the best in transportation technologies.

In addition to publishing *Mass Interchange*, the Baystate Roads Program facilitates information exchange by conducting workshops, providing reports and publications and videotapes on request, and offering one-to-one technical assistance on specific roadway issues. Because the program relies on input from many sources, inquiries, articles, and ideas are encouraged.

LTAP Local Technical Assistance Program

To contact the Baystate Roads Program call (413) 545-2604 or FAX 413-545-6471.

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MASS INTERCHANGE

FALL 1998

BAYSTATE ROADS PROGRAM

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Amherst, MA 01003-5205

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MASS HIGHWAY



Massachusetts Highway Department
Federal Highway Administration
University of Massachusetts/Amherst

