

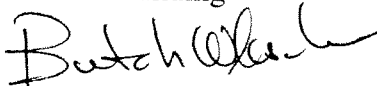


U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **INFORMATION:** Snow Removal on Sidewalks
Constructed with Federal Funding

Date: AUG 27 2008

From: Butch Wlaschin 
Director, Office of Asset Management

In Reply Refer To:
HIAM-20

To: Directors of Field Services
Division Administrators

The purpose of this memorandum is to address questions raised by several FHWA Division Offices about maintaining pedestrian facilities, particularly during the winter season.

Two provisions provide the FHWA with authority to require snow removal on pedestrian facilities constructed with Federal funds. Both of these provisions fall under current statutory and regulatory maintenance requirements.

The maintenance requirements of 23 U.S.C. § 116 apply to all transportation facilities that are constructed with Federal funds. Section 116 requires a State DOT to maintain projects constructed with Federal-aid funding or enter into a maintenance agreement with the appropriate local official where such projects are located.

Snow removal and treatment for ice on sidewalks is also a pedestrian accessibility issue, for which FHWA has oversight responsibility. In accordance with 28 CFR § 35.133, a public agency must maintain its walkways in an accessible condition for all pedestrians, including persons with disabilities, with only isolated or temporary interruptions in accessibility. Part of this maintenance obligation includes reasonable snow removal efforts. See FHWA, Questions and Answers About ADA/Section 504, question 31 under Maintenance, www.fhwa.dot.gov/civilrights/ada_qa.htm#q31.

Note that the maintenance requirements described in this memorandum also apply for other sidewalk obstructions. For more information see section 4.3.1, *Surface Repairs, Snow Removal, and Vegetation* in the AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities (July 2004).

Current maintenance provisions require pedestrian facilities built with Federal funds to be maintained in the same manner as other roadway assets. In some cases, however, local agencies may have policies that reasonably limit removal of snow from their own roadways and adjoining pedestrian facilities. State Agencies have generally established levels of service on various routes especially as related to Snow and Ice events. This is particularly

**MOVING THE
AMERICAN
ECONOMY**



important in heavy snow regions, since it is possible to have snow on the ground for many months from late fall to early spring.

It is recognized that winter conditions vary from State to State. The FHWA's role is to assure that reasonable snow removal efforts are provided to make facilities safe and traversable, considering local conditions.

If you have any further questions, your staff may contact Mr. Celso Gatchalian, Office of Asset Management, 202-366-1342, celso.gatchalian@dot.gov.