



November 12, 2012

Request for Proposals: NCHRP 20-6, Study Topic 20-01, LIABILITY ASPECTS OF PEDESTRAIN FACILITIES

The Transportation Research Board (TRB), as part of its work with the National Cooperative Highway Research Program (NCHRP), plans to award a contract for a study and report. TRB anticipates an estimated 345-420 hour level of effort and compensation in the \$43,125.00 to \$65,520.00 range for this project. Research reports sponsored by this project are published in TRB's Legal Research Digests (LRD) series or in electronic format. Publications are made available to some libraries and to approximately 4000 transportation lawyers and officials through the TRB distribution network. The research Problem Statement is enclosed for your consideration.

After reviewing the enclosed statement, if you are interested in being considered as the researcher and author, you should reply by email on or before December 11, 2012 to:

James B. McDaniel, Esq. Counsel for Legal Research Projects Transportation Research Board 500 5 th Street, NW, 4 th Floor Washington, DC 20001	Tel: (202) 334-3209 Fax: (202) 334-2003 Email: jmcdaniel@nas.edu
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Your reply should include: a statement of interest; a resume; a list of your prior publications (you may enclose one or two publications); a statement of resources you will allocate to this project; any additions, deletions, or changes you may wish to suggest for undertaking the work; and your requested compensation. Your proposal should not exceed 25 pages.

Offerors are evaluated by Project Panel members and NCHRP staff consisting of individuals collectively knowledgeable in the problem area. Evaluations are based upon the offerors': 1) experience in the subject area; 2) experience in research writing; 3) prior relevant publications; 4) understanding the nature and scope of the Problem Statement; 5) quality and commitment of staff and other resources assigned to the project; 6) schedule for completing the work; and 7) price.

Feel free to call me at (202) 334-3209 if you have questions.

Sincerely,

James B. McDaniel
Counsel for Legal Research Projects

NCHRP 20-06, Study Topic 20-01
LIABILITY ASPECTS OF PEDESTRIAN FACILITIES

PROBLEM STATEMENT

Walkways and areas where pedestrians cross roads have traditionally been an area vulnerable to tort claims involving pedestrians injured in trip/fall incidents or vehicle accidents. Public agencies also have exposure in terms of Americans with Disabilities Act (ADA) complaints/lawsuits alleging civil rights violations due to inaccessible pedestrian features. In the cases of both tort claims and accessibility-related claims, the media often highlight unusual cases that are not representative of either jury verdicts or judicial opinions. Limited and/or incorrect information exists about legal aspects associated with the design, construction, inspection, maintenance and operation.

Therefore, a summary and analysis of recent jury verdicts and court decisions addressing tort liability and ADA-related claims covering pedestrian facilities is necessary. By providing insight into the nature and disposition of pedestrian facility-related claims, the research results should be valuable to both government agencies and private entities. It is anticipated that the research results will contribute to enhanced safety and accessibility of pedestrian facilities.

The main objective of this research is to assess liability and claims concerning pedestrian facilities or the lack of such facilities and their interaction with highways. The research will address: 1) tort claims arising out of the design, construction, operation or maintenance of pedestrian facilities, including their interaction with roadways; and 2) civil rights lawsuits in federal court and complaints filed with the United States Department of Justice relating to inaccessible pedestrian facilities.

The research will be conducted in two phases:

- (1) The first phase will address the nature and magnitude of the problem through a review of published sources and a survey. The tasks within this phase include:
 - A. A review of published legal authorities and other sources to identify the substance of court decisions related to pedestrian facilities; and
 - B. A survey of a representative cross-section of government agencies having jurisdiction over pedestrian facilities.

The survey should include public agencies at the state and local levels (e.g., county, city, town, borough, village, township) to determine their recent experience involving pedestrian facilities, including ADA-related complaints. It is important that the survey includes a variety of local agencies based on size and location (rural/urban).

- (2) The second phase will analyze and summarize the information and data collected in Phase 1. Data analysis should include simple statistical summaries and identify common issues and problem areas. Based on this analysis and summary, the research project

should include considerations and recommendations for risk management strategies for pedestrian facilities.

Research Implementation

This research will be conducted in 4 tasks pursuant to a firm fixed price agreement. The tasks will be as follows:

Task 1. Research Plan and Detailed Report Outline. The consultant will conduct background research and collect relevant material. Based on the initial but complete review of the source material, the consultant will submit a work plan. The work plan should be about 10-15 pages, or appropriate length for the material collected. It should contain sufficient detail to inform the committee of what a 75-125 page (or other appropriate length) report will contain. This outline should also contain the estimated pagination for each section of the report. This material will be submitted to the Principal Investigator for committee consideration and approval.

Estimated Length of Time: 60-120 days
Estimated Work Effort: 80-110 hours

Task 2. After TRB approval of the work plan, the consultant should conduct additional surveys, if needed, research, and case and statutory/regulatory analysis.

Estimated Length of Time: 60-75 days
Estimated Work Effort: 75 -100 hours

Task 3. Draft report in accordance with the approved work plan (including modifications required by TRB).

Estimated Length of Time: 90-120 days
Estimated Work Effort: 150 hours

Task 4. Revise report as necessary. The consultant should estimate that 2 revisions will be necessary. One revision may be required after review by the Principal Investigator and members of a select subcommittee. Additional revisions may be required after the full committee has reviewed the report.

Estimated Length of Time: 30 days
Estimated Work Effort: 40-60 hours

Total Estimated Length of Time: 240-300 days (120 days will be added for committee review)

Total Estimated Work Effort: 345-420 hours

Estimated Compensation: \$43,125.00 - \$65,520.00 firm fixed price

- 25% paid upon submission and approval of the Task 1 Report
- 50% paid upon submission and approval of the Task 3 Report
- 25% paid upon submission and approval of the Final Report

If an offeror's estimation of length of time and estimated work effort differs from those above, the offeror should use his/her estimates.

An important factor in rating offers will be the offeror's commitment to promptly undertake and complete this study.

Submit Statements of Interest on or before December 11, 2012 by mail or email to:

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