

2018 Annual Settlement Agreement Report FAQs

Why is ODOT issuing this report?

Providing an annual report is a requirement of our Settlement Agreement.

What is the Settlement Agreement?

In February 2016, ODOT was sued by Association of Oregon Center for Independent Living (AOCIL). The Settlement Agreement is a court sanctioned agreement in which ODOT committed (1) to inventory and remediate noncompliant curb ramps on the State Highway System within a 15 year period and (2) to inventory pedestrian signals, with a remediation schedule yet to be established. The Settlement Agreement also requires several other actions including hiring an accessibility consultant, improving processes to address concerns with accessibility on the transportation system, engaging in more community outreach, reporting, and providing accessible routes through work zones. In March 2017, the courts approved the [Settlement Agreement](#) that ODOT will be operating under until 2032.

Did ODOT meet the Settlement Agreement requirement to prepare an annual report within 90 days after the end of the calendar year?

ODOT did. It delivered the report to the Plaintiffs' attorney on Friday, March 29, 2019.

Is the report public? If so, where can I find it?

The [report](#) is a public document.

What does the report say?

The Settlement Agreement requires that the report be based upon the work ODOT has performed under the Settlement Agreement. Accordingly, the report goes through each section of the Settlement Agreement and identifies ODOT's actions related to that section. There are some sections that do not have required actions and the report identifies those.

Does anyone other than ODOT review the report to validate it?

The Settlement Agreement requires that the accessibility consultant, the independent third party jointly selected by ODOT and the Plaintiffs, review and comment on the report. The Settlement Agreement gives the accessibility consultant 60 days after ODOT completes the report, to provide their report.

Will the Accessibility Consultant's report be available?

Yes. Once it is received, it will also be posted on ODOT's website.

What else does the accessibility consultant do for ODOT?

The accessibility consultant is an expert in national Americans with Disabilities Act (ADA) practices and provides experience and expertise in facility accessibility and right of way pedestrian facilities. The accessibility consultant reviews and provides recommendations on ODOT policies and standards. They also conduct quality assurance field checks of new or reconstructed curb ramps and pedestrian signals.

The matrix of good, fair, poor, and missing curb ramps looks different than last year. What changed?

Since we released the original inventory in December of 2017, we completed a thorough review of the approximately 800,000 data points collected. The total curb ramps in the inventory increased by 4.2 percent from 26,225 to 27,334. Section 1 of the Settlement Agreement recognized that in an effort of this size, some inventory might be missed in the first pass. “In the event that it is established that ODOT did not include a location or a curb ramp that was within the State Highway System before the inventory is completed, ODOT will add the location or curb ramp to the inventory.” Through the quality assurance / quality control effort, ODOT added locations to the total inventory. The matrix also includes the 2018 remediation work.

Is the inventory report available to be viewed?

The inventory is posted on the [ODOT website](#). Additionally, curb ramps and their status of good, fair, poor, or missing, can be viewed on our [Trans GIS system](#).

Will the inventory report be provided on a map?

It is now viewable in our [Trans GIS system](#).

Where are the prioritized projects and when will they be completed?

As part of the Settlement Agreement, ODOT agreed to dedicate \$5 million immediately to address curb ramps and pedestrian signals in the Plaintiffs’ top priority locations. The Plaintiffs identified priority locations in Clatskanie, Springfield, Bend, Portland, Beaverton, and Lincoln City. Curb ramps and related pedestrian signals in some of these locations were already included in other ODOT projects separately funded, and with the Plaintiffs’ concurrence, those will be completed in the timeline of those projects and with project specific funding, outside of the dedicated \$5 million. Even with many locations being paid for through other project budgets, the \$5 million is not enough money to cover all the curb ramps on the priority list. Those that are not completed as part of this effort will be completed in the 15 years of the Settlement Agreement.

How many curb ramps will be completed for the \$5 million?

At this time, we do not know the quantity of curb ramps and pedestrian signals that will be completed with these funds. We will be able to report more details as the projects are completed.

The Settlement Agreement states that ODOT has budgeted \$18 million during the 2018-21 Statewide Transportation Improvement Plan (STIP) to implement the Settlement Agreement. How is this money being used and how many more curb ramps will be completed with this funding?

The budgeted amount in the 2018-21 STIP was increased to \$37 million after the Settlement Agreement was finalized. This money funds Comments, Questions, Concerns, or Requests (CQCR) responses, plaintiff priority improvements, maintenance triggered curb ramps, pilot projects, and program scoping in addition to curb ramp construction projects. It has also funded the inventory collection and training of ODOT staff, consultants, local agency staff, and contractors. Several hundred curb ramps are in development with this funding. The number of curb ramps that will ultimately be completed from these funds cannot be estimated because individual curb ramp costs will vary depending on location requirements and complexities, utility or building conflicts, and other factors.

Last year's report indicated that ODOT planned to build 822 curb ramps in 2018. According to this year's report, the total built was 663. At this pace, will ODOT meet its obligations within the Settlement Agreement?

The 822 was an estimate. Some planned projects and parts of projects were not completed in 2018 therefore the number changed. ODOT has consistently said that the curb ramp quantities in early years will be lower as we adjust processes to ensure curb ramps are compliant. The quantity will increase over time. ODOT believes that this approach will allow it to meet its Settlement Agreement obligations.

The report indicates that ODOT now has a policy for providing audible pedestrian signals. How do I request an audible pedestrian signal?

Using the [Comments, Questions, Concerns, or Requests](#) (CQCR) form is the best way to make ODOT aware of your need.

I see that some curb ramps were made compliant by using a design exception. What does that mean?

The Settlement Agreement defined seven ways ODOT could make a curb ramp compliant. Achieving compliance by "technical infeasibility through a design exception" was one of those. This means that ODOT accepts as compliant a curb ramp that deviates from the standard design because it is technically infeasible to meet the standard for some element.

There are eleven elements on a curb ramp, each with specific dimensions or slopes. In some locations, it is not physically possible to meet the standards for all eleven elements. For instance, at a corner on a hill, limiting the slope to 8.3% may not be possible because the sidewalk, road, and adjacent property may all be steeper than that. In these cases ODOT will use a design exception to explain the limitations and the steps taken to provide a curb ramp that meets the standards on as many elements as possible. The Settlement Agreement then recognizes these curb ramps as compliant.

I also see that some curb ramps are compliant due to crosswalk closures. Is ODOT closing crosswalks just to avoid remediating the related curb ramps?

Definitely not. “Closing a pedestrian crossing as appropriate in compliance with Applicable Standards” is another of the seven defined ways a curb ramp can be made compliant. ODOT closes crosswalks where it determines it is unsafe for any pedestrian to cross the road. ODOT follows a defined process to evaluate locations to determine whether to close a crossing, including other available pedestrian access routes. If the closing is approved, there is a letter documenting the approval and a barrier placed at the location. There is only one person in ODOT authorized to approve closing a crossing. That ensures the review process at each location is very consistent.

How do I know what the alternate route is around a work zone in my area?

There will be advance notice sent out through contacts at Centers for Independent Living (CILs) and the ODOT Project Manager’s office and there will be signs and barricades indicating detours. Finally, you can sign up to receive [notices](#) for your area.

How many Comments, Questions, Concerns or Requests (“CQCRs”) has ODOT received and how many have been resolved?

In 2018, the second year of the Settlement Agreement, ODOT received 53 CQCRs. Of those, six were determined not to be ADA related, 37 have been resolved, five are in the process of being addressed, and five are in the investigation phase.

I see there have been public meetings, but not in my area. Will there be?

We have attended many public meetings throughout the state and will be attending many more. If there is an upcoming project in your area, there will be a meeting specifically for the project. If you are interested in a general outreach meeting, we share our meeting schedule with the Association of Oregon Centers for Independent Living (AOCIL). You can contact your local Center for Independent Living (CIL) for the upcoming meetings near you. All ODOT meetings are accessible to persons with disabilities, per the Americans with Disabilities Act.

I have heard that ODOT completed a self-evaluation and has a transition plan. What are they?

ODOT completed a self-evaluation as initially required by the Americans with Disabilities Act. The self-evaluation (1993) necessitated collection and analysis of data that subsequently informed ODOT’s first ADA Transition Plan (1995). ODOT has since implemented practices that maintain pertinent data on an on-going basis. For example, curb ramp inventory was just updated for the state highway system in 2018 – as new curb ramps are constructed, inspection data is captured to update this inventory. These practices allow ODOT to evaluate compliance with ADA standards as a part of everyday business practices.

ODOT’s current, updated [ADA Transition Plan](#) was approved and published in 2017. This document communicates who is responsible for implementation of the plan, includes identified physical barriers that limit accessibility, describes the methods that will be used to remediate

these identified barriers and also describes the prioritization and schedule of when remediation will take place. Each plan update now uses data described above, but typically also includes recommendations to periodically review methods for determining ADA compliance as standards or conditions change. Plan updates ideally occur about every five years, but ODOT may delay this if the current plan remains materially pertinent in its content.

Curb Ramp Inventory Matrix Including 2018 Construction

Functional Condition	Region 1: Portland Metro	Region 2: Willamette Valley, North Coast	Region 3: Southern Oregon, South Coast	Region 4: Central Oregon	Region 5: Eastern Oregon	Transferred	Total
Good	418	552	190	110	136	22	1,428
Fair	18	18	7	7	3	0	53
Poor	7,736	8,960	3,324	2,169	3,464	297	25,846
Missing¹	1,156	1,571	564	362	709	19	4,381
Total ADA Settlement Curb Ramps	8,068	9,530	3,521	2,286	3,603	319	27,327

The list of curb ramps remaining to be remediated and their physical locations are in Appendix 3.

¹ Missing curb ramps are a subset of “Poor” and are included in the count of “Poor” curb ramps.