

## ADA Frequently Asked Questions

### **What is the ADA and what are ODOT's requirements under it?**

The Americans with Disabilities Act (ADA) gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. Title II of the ADA specifically addresses the subject of making public agency services and facilities accessible to those with disabilities. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

### **What is ODOT's responsibility to ADA compliance?**

ODOT has the responsibility to ensure that its services, programs and activities are readily accessible and usable by individuals with disabilities. Specific responsibilities include designating staff to address ADA issues, having a grievance policy, conducting self-evaluations of facilities, following an ADA Transition Plan and following ADA requirements when constructing or altering facilities. Since ODOT is the statewide transportation agency and oversees statewide programs and federal funding, it has an oversight role with local transportation agencies. As part of that oversight role, ODOT's ADA processes, procedures and standards affect how local transportation agencies implement the ADA in their jurisdictions. ODOT is committed to providing full accessibility to its programs and infrastructure and acts in good faith to comply with all aspects of the Americans with Disabilities Act. Compliance responsibilities are vested in many areas of the department.

### **What is the ADA Transition Plan?**

An ADA Transition Plan is requirement of Title II for any public agency with over 50 employees. Its purpose is to identify potential barriers to accessibility within that public agency's services and to describe methods and set forth a schedule to make its services accessible. ODOT's ADA Transition Plan is an OTC-approved document that describes on-going self-evaluations of ODOT's physical assets in the transportation system, including curb ramps, pedestrian signals, sidewalks, shared use paths, transit stops, parking areas, and building sites and sets forth a comprehensive 30-year plan to address accessibility barriers to ensure that ODOT's transportation system and facilities (buildings, structures, etc.) are accessible to everyone.

### **Why was ODOT sued?**

The Plaintiffs alleged that they were precluded from using the transportation system because ODOT had not addressed curb ramp or pedestrian signal pushbutton issues when performing paving. They also alleged that ODOT didn't provide accessible routes through work zones. After several months of mediation, ODOT and the plaintiffs came to mutual agreement and entered into a settlement agreement that outlines commitments to improve accessibility over the next 15-years.

### **What is the Settlement Agreement?**

It is a court sanctioned agreement in which ODOT committed to inventory and remediate noncompliant curb ramps on the state highway system within a 15 year period and to inventory pedestrian signals; remediation schedule yet to be established. The agreement also requires, improving processes to address concerns with accessibility on the transportation system and oversight, handle review and resolution of disputes, and address accessible routes through work zones.

### **How are the Transition Plan and the Settlement Agreement different?**

Having a Transition Plan is a requirement for public agencies with 50 or more employees under the ADA. ODOT updated the agency's Transition Plan in 2017 and the Oregon Transportation Commission adopted it. An agency's Transition Plan is a comprehensive blueprint of how it will make all of its programs and systems fully accessible. The Transition Plan includes a schedule to improve curb ramps and pedestrian signals, among other transportation assets over a long range timeline. In contrast, the Settlement Agreement is a court imposed obligation to remediate curb ramps on the state highway system in a shorter time frame. The Settlement Agreement includes a schedule to improve curb ramps in 15 years, commitments to evaluate curb ramps and pedestrian signal pushbuttons and a commitment ensure accessible work zones.

### **What guidance do we follow now when we design or build curb ramps?**

ODOT has strengthened its standards and practices to assure what gets built on or along the state highway system is compliant.

For curb ramps, ODOT's required design standards ensure that what ODOT designs, builds, or accepts meets what ADA requires. One adjustment is that we design to a flatter slope than ADA allows, which results in a construction tolerance that better assures what gets designed and built falls within the ADA requirements. For specific information please refer to

<http://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>

### **How do we know what we have to build?**

The inventory list will be available later this year. All curb ramps that are out of compliance must be remediated by 2032.

**How will ODOT pay for it?**

The ADA Program budget is a portion of all funds ODOT has to deliver its various projects. The ADA Program will fund some curb ramp specific projects. Curb ramps that are triggered in an ODOT STIP project will be remediated using funds from that project. There is no new source of funds.

**What are the yellow strips (truncated domes) for?**

These are a surface treatment that assists people with visual impairments. They mark the place where the pedestrian path (sidewalk) transitions to a street. The contrasting color and the array of bumps (truncated domes) warn you that you are about to step into the street.

**A push button is broken, what can I do? (CQCR process)**

ODOT has a new process to accept input regarding transportation infrastructure accessibility, including a form that initiates a documented and tracked review and response to the input. Keep in mind that some requests may not be able to be accommodated immediately and some suggested solutions may not be feasible. ODOT staff will make best efforts as part of the evaluation of the CQCR to explore viable alternatives.

Contact ODOT through the ADA Accessibility Request Form at this link

<http://www.oregon.gov/ODOT/About/Pages/ADA-Issue-Request-Form.aspx>

or contact an ODOT Maintenance District Office

<http://www.oregon.gov/ODOT/Maintenance/Pages/Contact-Us.aspx>

Or contact ASK ODOT

<https://highway.odot.state.or.us/cf/comments/comments.cfm>

Or contact ODOT Office of Civil Rights

<http://www.oregon.gov/ODOT/Business/OCR/Pages/Contact-Us.aspx>

**If I want a curb ramp at a certain location, what should I do? (CQCR process)**

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