

OREGON DEPARTMENT OF TRANSPORTATION

# ADA Settlement Agreement

## Section 8 Report, 2017

Issued: March 30, 2018; revised April 11, 2018



The Oregon Department of Transportation (ODOT) and the Association of Oregon Centers for Independent Living, et al. (AOCIL) entered into a settlement agreement (Agreement) on November 2, 2016, to make state highways more accessible to the people with disabilities. Section 8 of that Agreement requires ODOT to report annually about its progress on specific tasks. This is the language from Section 8 of the Agreement and the report page numbers where the information will be found.

## Section 8. Reporting

For each year of this Agreement, ODOT will prepare an annual report based upon the work ODOT has performed under this Agreement each year and provide information relating to its progress, including:

- (a) list of actions undertaken and completed by ODOT each year pursuant to this Agreement; Pages 2 – 6
- (b) amount expended pursuant to Section 3; Page 7
- (c) number of curb ramp locations remediated, specifically:
  - a. the number of curb ramp locations and actual curb ramps remediated per Section 4 (a) or (b) and their physical locations; and
  - b. the number of curb ramp locations remediated per Section 4 (c), (d), (e), (f), and (g), and their physical locations; Page 8
- (d) number of curb ramp locations remaining to be remediated and their physical locations. Page 9 and attached Curb Ramps Remaining to be Remediated Report.

ODOT has made progress implementing the provisions in the Agreement and is pleased to provide its annual report for 2017.

## Part (a) Actions completed by ODOT pursuant to the Agreement through December 31, 2017

The following is a summary of ODOT actions organized by the Agreement Section. Not all sections required deliverables during 2017; those sections (4, 6, 11-13, and 18-25) are not addressed in this first report. Through the following actions, ODOT complied with the terms of the Agreement.

### Section 1. Updated Statewide Curb Ramp Inventory

ODOT updated its curb ramp inventory statewide and provided the inventory report to AOCIL on December 29, 2017, in both hard copy and digital form. It provided a digital copy to the Accessibility Consultant.

ODOT is tracking those segments of highway that have been transferred to other agencies to ensure that necessary curb ramp remediation takes place.

### Section 2. Inventory of Pedestrian Crossing Signals

ODOT completed the inventory of pedestrian crossing signals and provided the inventory report to AOCIL on December 29, 2017, in both hard copy and digital form. A digital copy was also provided to the Accessibility Consultant.

ODOT is tracking those segments of highway that have been transferred to other agencies to ensure that necessary pedestrian signal remediation takes place.

### Section 3. Initial Commitment for Prioritized Projects

ODOT committed an initial \$5 million to address priority curb ramps and associated pedestrian signals; the money will be spent on project scoping, estimating, development, design, right of way, and construction. The Agreement directs ODOT to begin spending the \$5 million as soon as practicable after priorities are determined.

ODOT has taken a number of steps to position the agency to begin to address the prioritized locations. ODOT hired a consultant to scope and estimate projects for the prioritized locations in July 2017, and the consultant provided its final report on September 29, 2017. ODOT provided the list of prioritized curb ramps to AOCIL through their attorney who approved the order of the list on November 14, 2017, and as revised on December 18, 2017. ODOT is finalizing the design contract for the prioritized projects and is waiting for the projects to complete the appropriate local and federal approval processes.

## Section 5. Remediation of Pedestrian Signals

Through December 31, 2017, ODOT received seven requests for audible pedestrian signals and is responding to them in accordance with the Agreement Appendix B ODOT policy. Three of the requests are being evaluated to determine the appropriate action. Two requests are in the process of being remediated. One request is not within ODOT's jurisdiction, and ODOT provided the citizen who made the request the appropriate local jurisdiction contact information. One request was withdrawn by the citizen.

Parties have had no communication about a remediation schedule for pedestrian signals.

## Section 7. Accessibility Consultant

In May 2017, ODOT retained Cole & Associates as its Accessibility Consultant. The consultant was jointly selected by ODOT and AOCIL. ODOT is actively working with the Accessibility Consultant related to their responsibilities in this section of the Agreement.

## Section 9. Alternate Routes during Construction

ODOT has updated its processes to provide temporary pedestrian routes through and around work zones that meet applicable standards. One of the processes is to notify organizations that serve people with disabilities. ODOT is using the contact information provided by AOCIL in June 2017 to make those notifications.

## Section 10. Monitoring

The 2018 Planned Curb Ramp Projects table below is ODOT's estimation of the number of curb ramps that will be remediated in 2018. Seventeen curb ramps will be remediated from AOCIL's prioritized curb ramp list; 689 805<sup>1</sup> will be remediated through other ODOT planned projects including region-specific projects, maintenance work, local agency agreements and the ADA program.

Figure 1: 2018 Planned Curb Ramps

2018 Planned Curb Ramps	Region 1	Region 2	Region 3	Region 4	Region 5	Total
	Portland/ Metro	Willamette Valley/North Coast	Southern Oregon/ South Coast	Central Oregon	Eastern Oregon	
AOCIL Prioritized Curb Ramps		17				17
Other Planned Curb Ramps	168	353	107	53	124	805
Totals	168	370	107	53	124	822

<sup>1</sup> The March 30, 2018 version of this report incorrectly listed 689 as other curb ramps to be completed in 2018. The table below the narrative correctly identified the number as 805. This updated report corrects the narrative.

The AOCIL Prioritized Curb Ramps in the table are in Clatskanie and Springfield. AOCIL Prioritized Curb Ramps in Portland, Beaverton, and Bend are estimated to be delivered between 2019 and 2022 after they go through the required federal and local processes. The timelines represent ODOT's best estimation of the year curb ramps in these locations will be remediated; ODOT will continue to update those delivery timelines.

#### Section 14. ODOT Oversight

ODOT identified Lisa B. Strader, ADA Program manager, as a person with access to the director as necessary to be responsible for implementation of processes developed for remediation obligations.

ODOT identified Becky Williams, as ADA coordinator. This information is posted on [ODOT's website](#).

#### Section 15. Public Complaint and Request Process

ODOT has established its process to track and respond to Comments, Questions, Concerns, or Requests (CQCR) consistent with this section. The ADA CQCR Communications Team was first convened on March 23, 2017. Since then it has met on May 23 and September 13, 2017 and is actively evaluating and addressing CQCRs as they are received.

ODOT has provided a link to the [CQCR form](#) on its website.

#### Section 16. Self-evaluation and Transition Plan

The Oregon Transportation Commission approved ODOT's updated [Transition Plan](#) in June 2017.

#### Section 17. Joint Press Release

ODOT and AOCIL published a [joint press release](#) on November 3, 2016, describing the agreed-upon plan to make state highways more accessible to people with disabilities.

#### Section 26. Transportation Remediation

At the November 14, 2016, Public Transportation Advisory Committee (PTAC) meeting, ODOT provided PTAC with an update on the Agreement and the requests of PTAC as a result of it.

ODOT recommended that PTAC select an AOCIL member to fill the new Senior and People with Disabilities position. Curtis Raines, SPOKES Unlimited, an AOCIL member, has filled that position.

ODOT recommended that PTAC form a permanent work group to focus on helping persons with disabilities engage in transit statewide and to mitigate barriers. ODOT received confirmation in July 2017 that the workgroup had been formed. It held its first meeting on August 31 with subsequent meetings on September 11 and November 13, 2017. The workgroup chair is Curtis Raines.

ODOT also recommended that the Disability Workgroup address the six issues identified in the Agreement. The workgroup's November 11, 2017, meeting notes indicate the workgroup will review these issues and follow them as guidelines.

## Section 27. Education and Outreach

ODOT trained more than 800 ODOT staff, consultants and contractors on curb ramp inspections and the form used to capture measurements.

ODOT made presentations to the following outside organizations relating to the Agreement details such as inventory, AOCIL's prioritized locations status, the CQCR process, and the importance of Temporary Pedestrian Accessible Route Plans (TPARPs). ODOT has been notifying the Centers for Independent Living (CIL) representatives of the upcoming meetings and requesting their assistance to inform their constituents of the meetings.

2/2/17	Oregon Bicycle and Pedestrian Advisory Committee (OBPAC)
4/10/17	Association of Oregon Counties (AOC)
4/12/17	American Public Works Association (APWA) Oregon Conference
4/28/17	Oregon Local Program Committee
4/28/17	ODOT Industry Leadership Team Meeting w/ AGC Members
5/11/17	Professional Engineers of Oregon
5/23/17	County Engineers Conference
5/25/17	Cascades West Area Commission on Transportation (CWACT)
5/31/17	Association of Oregon Centers for Independent Living (AOCIL) in Salem
6/01/17	Mid-Willamette Valley Area Commission on Transportation (MWACT)
6/23/17	American Public Works Association (APWA) Newport Chapter
7/11/17	Rogue Valley Area Commission on Transportation (RVACT)
7/26/17	American Public Works Association (APWA) Portland Chapter
8/31/17	Public Transportation Advisory Group (PTAC)
9/08/17	Southwest Area Commission on Transportation (SWACT)
9/13/17	Oregon Bicycle & Pedestrian Advisory Committee (OBPAC)
9/14/17	Central Oregon Area Commission on Transportation (COACT)
9/26/17	State Diversity and Inclusion Conference Booth
9/27/17	State Diversity and Inclusion Conference Booth
9/28/17	South & North Eastern Area Commissions on Transportation (SE/NEACT)
10/2/17	Lower John Day Area Commission on Transportation (LJDACT)

10/3/17 Oregon Public Transportation Conference  
11/3/17 South Central Oregon Area Commission on Transportation (SCOACT)  
12/7/17 Oregon Bicycle & Pedestrian Advisory Committee (OBPAC)  
12/14/17 Portland General Electric

ODOT made presentations to the following internal groups:

4/13/17 ODOT Construction Project Managers  
6/19/17 ODOT Project Managers  
7/19/17 ODOT Project Managers on Temporary Access during Construction  
8/01/17 ODOT Mill Creek Management Team Meeting  
8/02/17 ODOT Scope and Select Leadership Team Meeting  
9/06/17 ODOT Scope and Select Leadership Team Meeting  
0/30/17 ODOT Asset Data Management Committee Meeting  
11/1/17 ODOT Scope and Select Leadership Team Meeting  
11/7/17 ODOT Project Delivery Team Meeting  
11/15/17 ODOT Technical Leadership Center All-Staff Meeting

ODOT and AOCIL have agreed to quarterly check in calls. These calls occurred on July 11 and October 16, 2017.

[This is the conclusion of Part \(a\)](#)

### Part (b) Amount expended pursuant to Section 3

Through December 31, 2017, \$255,416 of the \$5 million has been spent to have an engineering firm provide scoping and estimates of AOCIL's list of prioritized curb ramps.

## Part (c) Number of curb ramp locations remediated

- a. the number of curb ramp locations and actual curb ramps remediated per Section 4 (a) or (b) and their physical locations; and

ODOT completed the curb ramp inventory and provided the inventory report to AOCIL in December 2017; ODOT will commence curb ramp remediation in 2018. Future reports will provide a matrix by region showing the number of curb ramps remediated by (a) physical installation of a missing curb ramp or (b) physically upgrading an existing non-compliant curb ramp and a listing of their physical locations.

- b. the number of curb ramp locations remediated per Section 4 (c), (d), (e), (f), and (g), and their physical locations.

ODOT completed the curb ramp inventory and provided the inventory report to AOCIL in December 2017; ODOT will commence curb ramp remediation in 2018. Future reports will provide a matrix by region showing the number of curb ramps remediated by (c) technical infeasibility through a design exception; (d) closing a pedestrian crossing as appropriate in compliance with Applicable Standards; (e) another permissible exception under the ADA and its implementing regulations; (f) right of way availability; or (g) other methods or changes to the location that bring the location into compliance with Applicable Standards as documented on the curb ramp inspection form and a listing of their physical locations.

Part (d) Number of curb ramp locations remaining to be remediated and their physical locations

Figure 2: Functional Condition of Curb Ramps

Functional Condition	Region 1	Region 2	Region 3	Region 4	Region 5	Transferred	Total
	Portland/ Metro	Willamette Valley/North Coast	Southern Oregon/ South Coast	Central Oregon	Eastern Oregon		
Good	232	454	37	53	107	0	883
Fair	14	22	6	6	6	0	54
Poor	7,554	9,056	3,378	1,987	3,312	1	25,288
*Missing	1,402	1,635	781	395	721	0	4,934
Total ADA Settlement Curb Ramps	7,800	9,532	3,421	2,046	3,425	1	26,225
*Missing curb ramps are a subset of "poor." Their count is included in the totals for "poor."							

Because this is the first year of the Agreement and the first report, this information has not changed from the details of the inventory provided on December 29, 2017. The list of physical locations remaining to be remediated is provided as an attachment to this report.