

## **2019 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.

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

The [report](#) is a public document and can be found on the [Accessibility at ODOT webpage](#).

### **What does the report say?**

The Settlement Agreement requires that the report is 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 the Accessibility at ODOT webpage.

### **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.

### **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.

**Will ODOT meet its first milestone of remediating 30% of its curb ramps by 2022, and if so, how many curb ramps did ODOT remediate in 2019?**

The 2017 inventory established the baseline for curb ramp remediation targets of 30% (7770) by 2022; 75% (19,424) by 2027 and 100% by 2032. Building on the work through 2018, ODOT remediated 1003 curb ramps in 2019, for a cumulative total of 1666 toward the 2022 milestone. The initial pace of remediation has been deliberate and calculated to 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 sign and barrier are 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 Resident Engineer’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 2019, ODOT received 54 CQCRs. At the end of 2019, of those, 34 were resolved, 10 were in the investigation and remediation planning process, five were scheduled for future remediation as part of other planned projects, and five were referred to the appropriate local jurisdictions or otherwise could not be resolved by ODOT.

**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.