



ADA Settlement Agreement Report for 2019

As Required per Section 8

Issued May 13, 2020, Revised August 19, 2020



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Introduction

The Oregon Department of Transportation (ODOT) and the Association of Oregon Centers for Independent Living, et al. (AOCIL) entered into a 15-year settlement agreement (Agreement) on November 2, 2016, to make state highways more accessible to people with disabilities. Section 8 of that Agreement requires ODOT to report annually about its progress on specific tasks.

Section 8 Reporting

The Settlement Agreement states:

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:

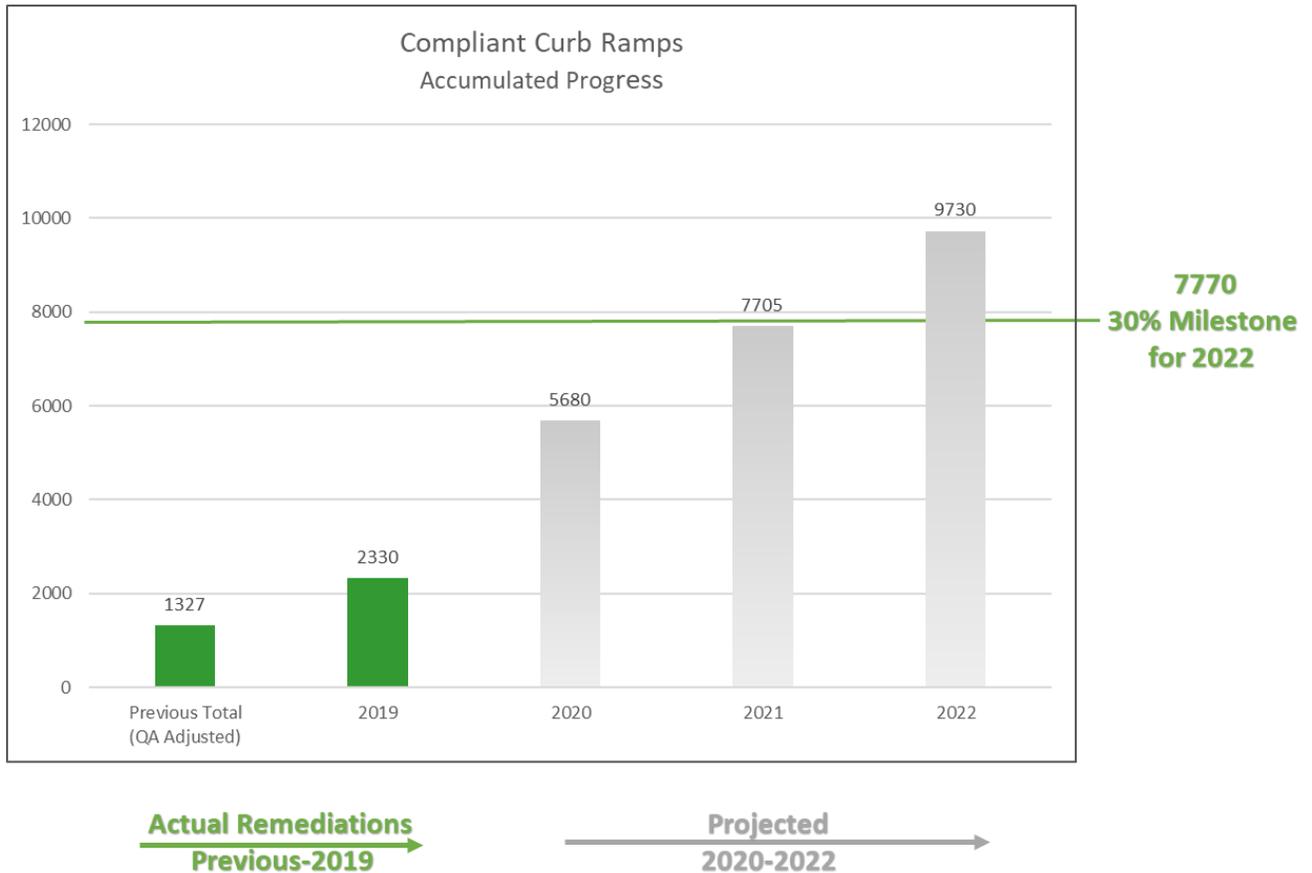
- a) List of actions undertaken and completed by ODOT each year pursuant to this Agreement.*
- b) Amount expended pursuant to Section 3.*
- c) Number of curb ramp locations remediated, specifically:
 - a. the number of curb ramp locations and actual curb ramps remediated per Section 4 (a) or (b) and their physical locations.*
 - b. the number of curb ramp locations remediated per Section 4 (c), (d), (e), (f), and (g), and their physical locations.**
- d) Number of curb ramp locations remaining to be remediated and their physical locations.*

ODOT has made progress implementing the provisions in the Agreement and is pleased to provide the following charts to demonstrate actual remediations through 2019 and projected remediations for 2020 to 2022.

The basis for the progress shown is the revised 2017 inventory of non-compliant curb ramps, as defined in the Settlement Agreement. The revised 2017 inventory established a total of 27,327, of which 25,899 were non-compliant. Milestone targets based on this total are 7770 (30%) and 19,424 (75%).

ODOT has found that ongoing updates and corrections to curb ramp data are routine aspects of managing this data to inform decisions for remediation and for reporting. This creates minor increases and decreases in the number of ramps that require remediation. ODOT will continue to report the number remediated each year, but some minor variances in the totals from year to year should be expected. ODOT will work toward the milestone targets noted in the previous paragraph.

Figure 1: ODOT Curb Ramp Remediation, Actual Remediations through 2019 and Projected Remediations through 2022



ODOT staff has honed standards and processes to improve rates of compliance in curb ramp remediation. Initial pace of remediation has been deliberate, and efforts have poised ODOT to meet or exceed the first milestone in 2022. Criteria for qualified design exceptions and/or crosswalk closures have also been refined to ensure remediation meets all possible standards and ensures safety of all users.

The following table summarizes ODOT’s curb ramp remediations based on categories of curb ramp remediation definitions set out in Section 4, summarized here:

- 4(a) – Compliant by installation of a new ramp where previously missing.
- 4(b) – Compliant due to upgrade of an existing ramp.
- 4(c) – Compliant by design exception.

- 4(d) – Compliant due to crosswalk closure.
- 4(e) – Compliant due to other permissible exception under ADA.
- 4(f) – Compliant due to right of way availability.
- 4(g) – Compliant due to other methods or changes with applicable standards.

Table 1: Remediation by ODOT, 2018-2019, by Curb Ramp Category

Year	4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	4(g)	Total by Year	Cumulative Total
Previously remediated through 2018									1,404*
								Adjustments based on Data QA	-77**
								QA Adjusted Net Total	1327**
2019	22	473	45	259	0	0	204	1,003	
2019 Updated Cumulative Total									2330

Notes about the table above:

* This table clarifies that 1404 remediations occurred in 2017 and 2018. In 2017, ODOT focused on updating its curb ramp inventory, though it did perform some curb ramp remediations when feasible. However, because its focus in 2017 was the delivery of the curb ramp inventory, ODOT included the remediations in the 2018 Annual Report but did not further clarify that this number included both 2017 and 2018. ODOT issued a supplement to the 2018 Annual Report as of August 19, 2020 to clarify.

**Data management and quality assurance will sometimes add to or subtract from total numbers of ramps previously reported as remediated. The net result is shown in this table along with the net impact on the cumulative total.

Part (a) Actions completed by ODOT Pursuant to the Agreement through December 31, 2019

The following is a summary of ODOT actions organized by the Agreement section. Not all sections required deliverables during 2019. Sections 6, 10-13 and 16-25 are not addressed in this report.

Section 1 – Updated Statewide Curb Ramp Inventory

Pursuant to the Agreement, ODOT updated its in-field curb ramp inventory in 2017. In 2018, ODOT evaluated the curb ramp inventory and performed quality assurance/quality control (QA/QC) on over one million data points. ODOT continues to update the inventory as necessary to track new curb ramps and upgrades of existing curb ramps in 2019. The appendices attached reflect updates completed for this reporting year.

Consistent with this Agreement, ODOT is tracking jurisdictional transfers that occurred in 2019 to ensure that necessary curb ramp remediation takes place.

Note: Data updates for this report reflect data collected through September 2019. This and future reports will include this new data timeline allowing for consistent, best practice data management. The Settlement Agreement report inventory year will run from October 1 to September 30.

Section 2 – Inventory of Pedestrian Crossing Signals

ODOT completed the pedestrian signal inventory, performed related QA/QC checks on the data and delivered it in 2017. A summary of this inventory and compliance status is provided in the table below.

Table 2: Pedestrian Signal Compliance with ADA Standards

Pedestrian Push Button Signal Compliance	Unit Count	Percent of Total
Compliant	3,672	44.7%
Non-Compliant	4,544	55.3%
Total Push Buttons included in the ADA Settlement	8,216	100%

Additionally, some of these pedestrian signals include audible signals, most of which are added by citizen request. A summary of pedestrian signals with audible signals follows.

Table 3: Pedestrian Signals with Audible Signal Option

Pedestrian Audible Signal Capability	Unit Count	Percent of Total
With Audible	1,074	13.1%
No Audible	6,993	85.1%
Unknown	149	1.8%
Total Push Buttons included in the ADA Settlement	8,216	100%

ODOT continues to track jurisdictional transfers that include pedestrian signals to ensure that necessary pedestrian signal remediation takes place.

Section 3 – Initial Commitment for Prioritized Projects (Locations)

ODOT committed an initial \$5 million in the Settlement Agreement to address curb ramps and associated pedestrian signals at plaintiff-identified prioritized locations. At this time, ODOT has allocated approximately \$4.27 million to remediate the prioritized locations. These funds are utilized for curb ramp remediation. Non-allocated funds are being held as contingency to ensure adequate funding for the selected projects. Once these projects are completed, any remaining funding will be used to advance additional plaintiff priorities.

Because \$5 million is not sufficient to remediate all of the prioritized locations, ODOT made recommendations to AOCIL about allocations of funds based on the prioritized locations and planned ODOT work. ODOT considered which of the prioritized locations would otherwise be remediated in already-scheduled projects using funds separate from the \$5 million committed to prioritized locations. ODOT recommended it allocate funds to prioritized locations that did not have a scheduled project. Once the \$5 million is expended, any remaining prioritized locations would be remediated during the 15-year lifetime of the Agreement. AOCIL approved this approach in November 2017.

Prioritized locations included those in Regions 1, 2, and 4. The following is an update on the work.

Region 1 – Portland Metro

- Portland metro area: \$1.605 million has been allocated to assist the remediation of approximately 68 curb ramps. They are currently in the design phase and have an estimated construction completion date of 2021. ODOT staff and project consultants are awaiting the allocation of funding for the next phases of the project.

- Beaverton and Hillsboro city locations: Curb ramps are included in upcoming projects currently in the planning phase.

Region 2 – Willamette Valley/North Coast

- Springfield: Approximately \$295,000 was allocated to design and construct three priority ramps. Construction was completed in February 2020.
- Clatskanie: \$575,000 was allocated to the project that is currently in the design phase. The project is awaiting additional resources to finish design and construction. Estimated completion date is 2020.
- Lincoln City: ODOT contributed \$513,000 to assist remediating approximately 20 curb ramps. Construction started December 2019 and is projected to be complete in early 2020. There are 120 curb ramps from the prioritized locations that are in the development phase and will be remediated when funding for the construction phase is allocated.

Region 4 – Central Oregon

- Bend: ODOT has allocated \$1 million to assist two ongoing Region 4 projects that include prioritized locations. Between the two projects, approximately 148 curb ramps are set to be remediated. Both projects are currently in the design phase with an estimated completion in 2022.

Section 4 – Remediation of Curb Ramp Inventory

In 2019, ODOT remediated 1003 curb ramps previously identified in the updated curb ramp inventory as fair, poor, or missing. Remediation details are provided in Part (c) of this report.

ODOT considers data quality as a critical aspect of reporting – as evidenced in 2018 when staff spent extensive time on quality checks of millions of data fields to ensure accurate baseline inventory data. In 2019, ODOT staff turned heightened attention to the quality and reliability of inspections of curb ramps previously reported as compliant. Staff found that some of the ramps sampled, which were reported as passing inspection in 2018, did not precisely meet standards. In those cases the individual ramp data was updated. The timing of these corrections meant that 77 ramps reported as “remediated” or “good,” in 2018 have been re-categorized as “poor” for 2019. Subsequently, ODOT staff prepared new training for all inspectors in 2020, with emphasis on correcting inspection errors. Inspection quality checks will continue in 2020.

ODOT performed database improvements and quality checks in 2019 and found some errors. We corrected the errors, but as a result 257 curb ramps constructed, inspected and remediated in 2019 now show a 2020 inspection date. These will not be reported as remediated in this report, but will be included in next year’s report to maintain consistency in our reporting methods.

Section 5 – Remediation of Pedestrian Signals

ODOT completed its inventory of pedestrian signals, then began refining our evaluation criteria to ensure compliance with the ADA. ODOT staff worked with our accessibility consultant and other ODOT business lines to improve design standards and construction requirements. We also provided a clear explanation of what work constitutes an “alteration,” which requires signal remediation. ODOT has been remediating pedestrian signals that do not meet accessibility standards if they are part of an ODOT construction project.

ODOT continues to look forward to working with the plaintiffs to develop a remediation schedule.

Section 7 – Accessibility Consultant

ODOT continues to work with Cole & Associates as its accessibility consultant, as required under the Agreement. Cole reviews ODOT policies, standards, practices, training, forms and guidance to determine whether ODOT is following applicable standards. Cole provides a concurrence letter acknowledging that ODOT is complying with the applicable standards once these reviews conclude successfully.

In 2019, Cole provided concurrence letters for:

- Maintenance Operations Notice MG-Activities 2, guidance for pedestrian access, including people with disabilities, to travel safely through work zones.
- Technical directive providing guidance on determining when to acquire right of way to accommodate compliant curb ramp designs.

Section 9 – Alternate Routes during Construction

ODOT updated its policy to provide Temporary Pedestrian Accessible Routes (TPARs) through and around work zones that meet applicable standards. As noted in Section 7 above, the accessibility consultant provided concurrence with the additional policy in 2019 and conducted an in-field review. ODOT staff continue to refine the policy and to improve accessibility in work zones. For example, in July, ODOT staff accompanied the accessibility consultant on the field reviews and reevaluated some in-place TPARs to ensure the routes provide appropriate access.

In addition, when projects are nearing the construction phase, ODOT notifies organizations that serve people with disabilities about TPARs for the projects. These organizations are the Centers for Independent Living (CIL), as provided by AOCIL. ODOT also provides opportunities for communication before the construction phase with project open houses where the public can learn more about the project, provide input, and share concerns.

ODOT provided information and guidance to its staff statewide, related to alternate routes during construction at the following meetings:

- Monthly Design Resource meetings the third Tuesday of every month. Twelve meetings were held in 2019.
- In 2019, ODOT presented TPAR materials to ODOT Inspectors Training, and to both the City of Tigard and the City of Portland.

Section 14 – ODOT Oversight

ODOT identified Michael Kimlinger, State Traffic-Roadway Engineer, as a person with access to the ODOT director, as necessary, to be responsible for implementation of processes developed for remediation obligations.

ODOT identified David Morrissey, ADA Program Manager, as ADA coordinator, Office of Civil Rights.

Section 15 – Public Complaint and Request Process

ODOT follows its process to track and respond to Comments, Questions, Concerns or Requests (CQCR) consistent with this section. Each ODOT division and region has a designated “go to” representative who is knowledgeable about ADA requirements and desirable timelines. Each representative on the ADA-CQCR Communication Team helps find solutions to barriers identified in CQCRs submitted by members of the public. The team meets regularly to collectively monitor efforts, maintain high levels of expertise or, as necessary, to jointly solve more complex barriers.

When we receive a CQCR, a CQCR representative contacts the submitter to acknowledge receipt and subsequently gain a clear understanding of the issue(s) in order to find an effective solution. If the CQCR is not within ODOT’s jurisdiction, a representative will provide contact information for other jurisdictions and follow-up as needed. Outreach by CQCR representatives to technical staff across ODOT enhances all staff’s deeper knowledge of barriers encountered and ADA standards as they collaborate on solutions for each CQCR.

ODOT actively seeks to hear about barriers the public encounters. A person can submit a CQCR by printing the CQCR form and mailing it, submitting it via ODOT’s website or calling AskODOT (1-888-275-6368, ext. 7). In addition, ODOT staff who interact with members of the public are trained to provide this information if asked about a barrier.

CQCR Overview for 2019

ODOT received 54 CQCRs during 2019. For each submission, ODOT tracks the subject and location of the request, as well as the status of the CQCR as our team processes them through to resolution.

In addition, three CQCRs received in 2018 were resolved in 2019, but are not included in the following charts.

Figure 2: CQCR End of Year Status

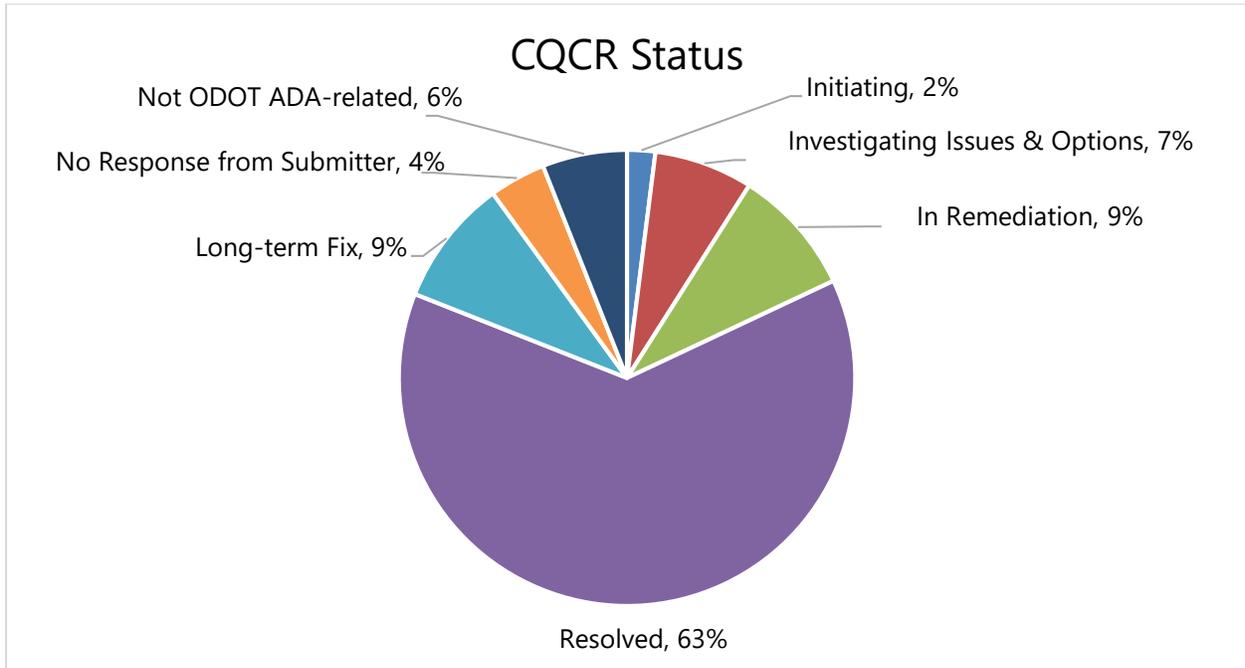


Figure 3: Distribution of CQCR, by ODOT Region

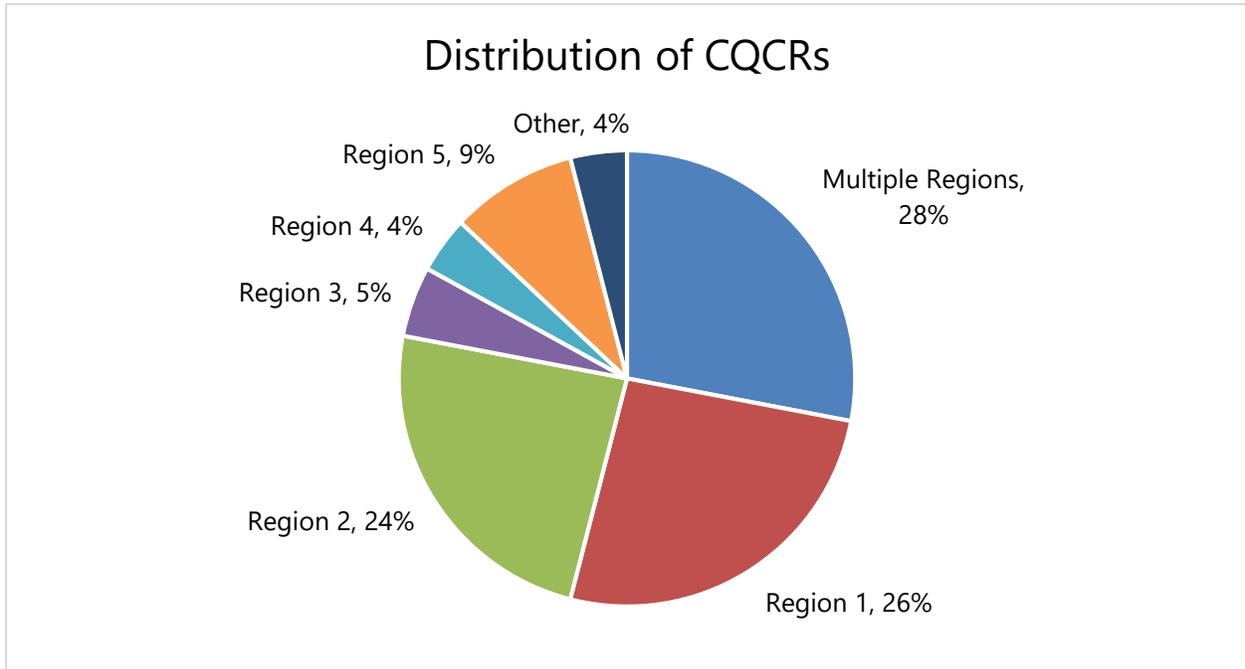
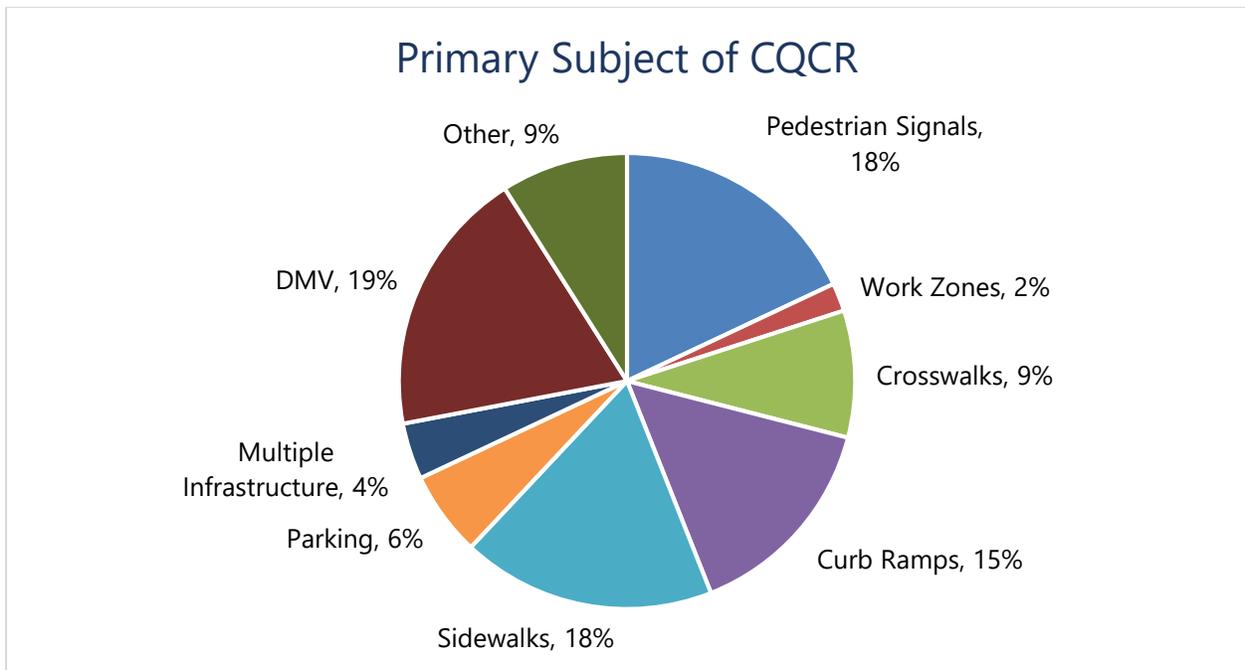


Figure 4: Reason for CQCR Submission



As referenced on page 4, not all sections of the Settlement Agreement require reporting in this report. ODOT reports that there are no deliverables for 2019 for sections 16-25.

Section 26 – Transportation Remediation

The Public Transportation Advisory Committee (PTAC) provides advice to ODOT’s Rail and Public Transit Division and the Oregon Transportation Commission on transit policies and programs. The committee serves as a forum for discussing and identifying issues and solutions in public transportation.

The ADA Workgroup, which reports to the PTAC, was formed in 2017 in response to the Settlement Agreement. The group gathers input from residents, officials and ODOT staff as it considers barriers and other issues people with disabilities face while accessing transit statewide.

ODOT staff regularly participate in the PTAC ADA Workgroup meetings and provide presentations on the ADA Program, updates on the settlement implementation, and other resources to support the workgroup’s function. In 2019 the ADA Workgroup developed surveys to be distributed to transit providers and riders throughout 2020. Feedback from the surveys, combined with other resources, will guide the development of an ADA Accessible Transit Stop Toolkit.

Section 27 – Education and Outreach

ODOT conducted outreach or delivered presentations to the following organizations about ADA requirements and/or the Agreement. ODOT staff worked with CIL representatives in regard to these meetings and invited their assistance to inform their constituents of the meetings.

2019 ADA Outreach

Outreach to external transportation-related committees and other organizations:

- | | |
|---------------|--|
| Jan. 9, 2019 | Lane Area Commission on Transportation, Springfield |
| Jan. 24, 2019 | ADA Peer Round Table Discussion |
| Feb. 7, 2019 | AOCIL Board Meeting, Salem |
| Mar. 4, 2019 | Public Transportation Advisory Committee, Salem |
| Mar. 8, 2019 | State Independent Living Council, Salem |
| Mar. 15, 2019 | Disability Services Advisory Committee, Eugene |
| Apr. 23, 2019 | Public Transportation Advisory Committee ADA Disability Workgroup, Salem |
| Jun. 4, 2019 | Disability for a day (Madras) |
| Jun. 27, 2019 | Cascades West Area Commission on Transportation, Albany |
| Jul. 29, 2019 | Oregon Metropolitan Planning Organization Consortium, Portland |

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Aug. 9, 2019	South Central Oregon Area Commission on Transportation, Klamath Falls
Aug. 12, 2019	Public Transportation Advisory Committee ADA Disability Workgroup, Salem
Aug. 14, 2019	Oregon Bicycle & Pedestrian Advisory Committee, Portland
Aug. 26, 2019	Union City Council work session, Union
Sept. 4, 2019	AOCIL, Salem
Sept. 5, 2019	Mid-Willamette Valley Area Commission on Transportation, Salem
Sept. 9, 2019	Portland Transportation Advisory Committee, Salem
Sept. 10, 2019	Rogue Valley Area Commission on Transportation, Grants Pass
Sept. 12, 2019	Central Oregon Area Commission on Transportation, Redmond
Sept. 13, 2019	Southwest Area Commission on Transportation, Coquille
Sept. 19, 2019	Disability for a day at ODOT Region 4 (internal and external)
Sept. 23, 2019	Southeast Area Commission on Transportation, Baker City
Oct. 3, 2019	Northeast Area Commission on Transportation, La Grande
Nov. 4, 2019	Public Transportation Advisory Committee, Salem
Nov. 13, 2019	Lane Area Commission on Transportation, Springfield
Nov. 13, 2019	Central Oregon Coalition for Access
Nov. 14, 2019	Northwest Area Commission on Transportation, Astoria
Dec. 2, 2019	Public Transportation Advisory Committee, Salem
Dec. 2, 2019	Region 1 ACT, Portland
Dec. 11, 2019	Oregon Bicycle & Pedestrian Advisory Committee, Portland

ADA outreach to other jurisdictions and organizations:

Jan. 7, 2019	Oregon Commission for the Blind
Jan. 11, 2019	City of West Linn
Mar. 1, 2019	Oregon Commission for the Blind
Mar. 15, 2019	Pennsylvania Department of Transportation
Apr. 2 & 4, 2019	Access for the Blind

- Jul. 16, 2019 Oregon Commission for the Blind
- Sept. 24, 2019 Oregon Commission for the Blind
- Dec. 17-19, 2019 ADA Peer Exchange with CalTrans and MnDOT.

Internally, ODOT staff continues work on policies and practices, provides training and communicates regularly to ensure ADA considerations are a routine part of daily business. We set up a governance structure to resolve emerging questions and ensure reliability in all ADA considerations and solutions. The following are standing meetings of ODOT oversight groups:

- ADA Construction Coordination.
- ADA-CQCR Communications Team.
- ADA Oversight Committee.
- ADA Project Managers.
- ADA Working Group (Project Programming).
- Statewide ADA Standards.
- Statewide Town Hall.

This is the conclusion of Part (a)

Part (b) Amount Expended Pursuant to Section 3

As of December 31, 2019, ODOT accumulatively spent \$1,955,459 (\$1,092,205 spent specifically in 2019) to advance projects in prioritized locations through phases of project delivery. These funds come from the \$4.27 million currently programmed for these projects. This spending will continue in 2020 as projects continue to move through project phases.

This amount is not representative of all the work ODOT has performed on prioritized locations, only the work funded under the \$5 million commitment. Work on prioritized locations is also occurring through other projects funded separately, as noted by ODOT and agreed to by AOCIL when the list was finalized in 2017. All locations are shown in the following table.

Table 4: Plaintiff Priority Location Information

City	Region	Highway	Curb Ramps ¹	Status	Estimated Delivery Year
Portland	1	OR 213	8	Complete	2018
Portland	1	OR 213	2	Design Phase	2021
Portland	1	US 26	40	Design Phase	2021
Portland	1	US 26	24	Design Phase	2021
Hillsboro	1	OR 8	20	Planning Phase	2021
Hillsboro	1	OR 8	4	Planning Phase	2021
Clatskanie	2	OR 30	2	Complete	2018
Clatskanie	2	OR 30	10	Design Phase	2020
Springfield	2	OR 126	3	Construction	2020
Lincoln City	2	US 101	15	Complete	2018
Lincoln City	2	US 101	20	Construction	2020
Lincoln City	2	US 101	120	Planning Phase	2022-2032
Bend	4	US 97B	70	Design Phase	2022
Bend	4	US 20	78	Design Phase	2022

After ODOT has spent the committed \$5 million on plaintiffs' prioritized locations, any remaining non-compliant curb ramps will be brought into compliance within the 15 years of this Agreement.

¹ Approximate number.

Part (c) Number of Curb Ramp Locations Remediated

The Agreement requires ODOT to report on the number of curb ramps ODOT remediated and how they were remediated. The first category to report is the number of curb ramps and their physical locations that were remediated by:

- 4(a) the installation of a new curb ramp at a location where one was previously missing: 22 curb ramps.
- 4(b) upgrading an existing, non-compliant curb ramp to meet applicable standards: 473 curb ramps.

(See Settlement Agreement, Section 4)

A summary of missing and poor curb ramps that were remediated by physical installation is provided in the matrix below.

Table 5: Curb Ramp Remediation for Categories 4(a) and 4(b), by ODOT Region

Section	Region 1	Region 2	Region 3	Region 4	Region 5	Transferred	Total
4 (a)	8	5	3	6	0	0	22
4 (b)	113	222	85	33	19	1	473
Total	121	227	88	39	13	1	495

Note: ODOT standards consider “non-compliant curb ramps” to include both ramps that do not meet one or more of the design standards and curb ramps that are needed, but not yet in place (aka “missing”). Collectively, these curb ramps are considered “poor” for accessibility and reported as such. As required by the Agreement, ODOT reports on the number of missing and non-compliant curb ramps that were remediated by physically installing new or upgrading existing curb ramps under Sections 4(a) and (b).

See Appendix 1 for physical locations.

Other categories to report are the number of curb ramps that were remediated by:

- 4(c) determining that there was a design exception because a curb ramp fully compliant with all design standards would be technically infeasible: 45 curb ramps.
- 4(d) closing a pedestrian crossing as appropriate with applicable standards: 259 curb ramps.
- 4(e) determining there was another permissible exception to compliance under ADA: 0 curb ramps.
- 4(f) determining right of way availability precluded compliance: 0 curb ramps.
- 4(g) determining the curb ramps were compliant because of other methods or changes to the location: 204 curb ramps.
 - As this is the first time numbers have been reported under this category of remediation, an example of ramps included here would be an intersection that included 12 ramps in the baseline inventory, but was reconfigured to remove two pedestrian islands. The new intersection configuration complies with all standards, remediates two curb ramps at each of four corners (for a total of eight), but four are no longer necessary. This means four were removed.

(See Settlement Agreement, Section 4)

(See Appendix 2 for physical locations)

Table 6: Curb Ramp Remediation for Categories 4(c)-4(g), by ODOT Region

Section	Region 1	Region 2	Region 3	Region 4	Region 5	Transferred	Total
4(c)	14	19	11	0	1	0	45
4(d)	85	77	49	6	28	14	259
4(e)	0	0	0	0	0	0	0
4(f)	0	0	0	0	0	0	0
4(g)	17	59	7	8	113	0	204

In summary, the total number of curb ramps remediated by all methods listed in Section 4 equals 1,003. A summary of these results is shown in the following table.

Table 7: Curb Ramp Remediation, by Category, for 2019

4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	4(g)	Total
22	473	45	259	0	0	204	1,003

Part (d) Number of Curb Ramp Locations Remaining to be Remediated and their Physical Locations

ODOT continues to plan curb ramp specific projects. Where applicable, curb ramp remediation is incorporated into other ODOT projects.

Table 8 shows the updated good, fair, poor, and missing (a subset of poor) curb ramps, by region, following 2019 remediation efforts. Table 9 shows the remaining number of curb ramps, by region, that require remediation.

Table 8: Breakdown of Curb Ramps included in Agreement, by Condition

Condition	Region 1	Region 2	Region 3	Region 4	Region 5	Transferred	Total
Good	447	548	208	97	136	25	1,461
Fair	18	16	7	7	3	2	53
Poor	7,622	8,826	3,282	2,185	3,461	378	25,754
Removed by reconfiguration	17	59	7	8	113	0	204
Total Ramps	8,104	9,449	3,504	2,297	3,713	405	27,472

Table 9: Ramps that Require Remediation

Condition	Region 1	Region 2	Region 3	Region 4	Region 5	Transferred	Total
Fair	18	16	7	7	3	2	53
Poor	7,622	8,826	3,282	2,185	3,461	378	25,754
Total Ramps to Remediate	7,640	8,842	3,289	2,192	3,464	380	25,807

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

Note: As stated earlier in this report, on-going updates and corrections to curb ramp data will result in minor variances in the totals from year to year. These stem from all aspects of data management for quality data. ODOT will report data each year directly from ODOT data systems without any data adjustment. As a result the total number of curb ramps in the inventory may vary.