

ADA Settlement Agreement



> Report for 2021

As Required per Section 8

Issued March 31, 2022

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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 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:

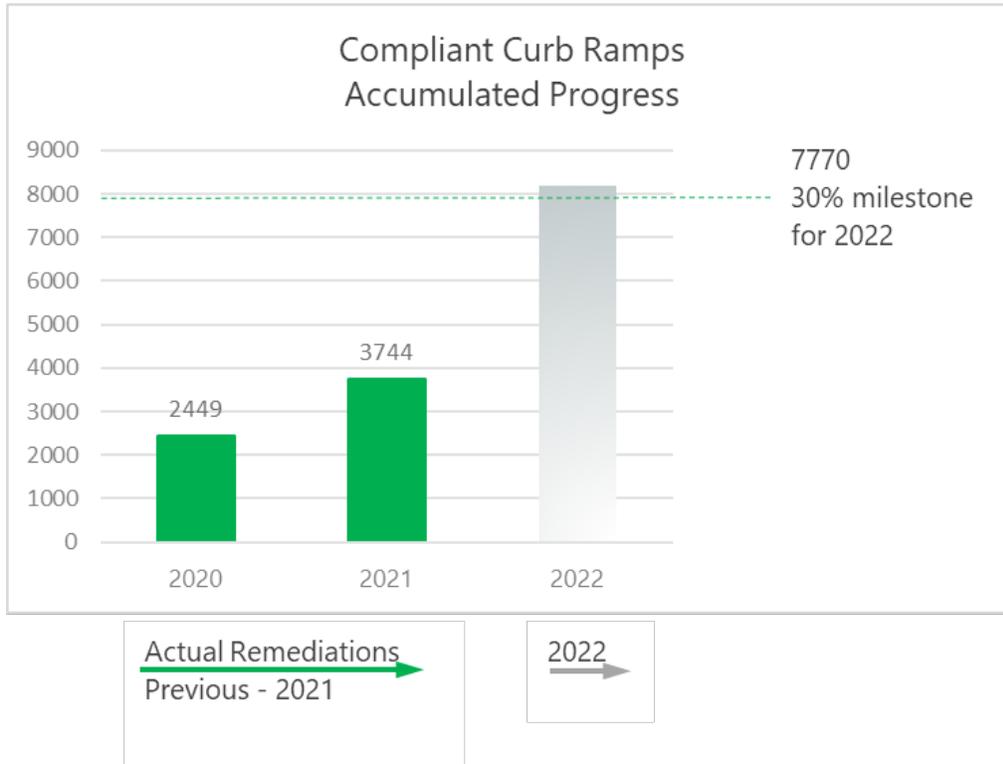
- a) List of actions undertaken and completed by ODOT each year pursuant to this Agreement.*
- b) Amount expended pursuant to Section 3.*
- c) Number of curb ramp locations remediated, specifically:
 - a. the number of curb ramp locations and actual curb ramps remediated per Section 4 (a) or (b) and 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 continued progress implementing the provisions in the Agreement. The following charts provide updated progress through 2021 and planned progress through 2022.

“Curb ramp” is a general term used throughout this document in reference to accessible pedestrian access points.

Reminder: ODOT has found that ongoing updates and corrections to curb ramp and pedestrian crossing signal data are important aspects of managing this data. As necessary, updates may result in minor adjustments in the number of assets that require remediation. ODOT will continue to report the number remediated each year, but some minor variances in the totals from year to year are to be expected.

Figure 1: ODOT Curb Ramp Remediation through 2021 and Projections through 2022.



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

- Compliant in Place - Compliant with original baseline.
- 4(a) – Compliant by installation of a new curb ramp where previously missing.
- 4(b) – Compliant due to upgrade of an existing curb ramp or sloped area.
- 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 through 2021, by Curb Ramp Category.

Year	Compliant In Place*	4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	4(g)	Total by year	Cumulative Total
									Previously Remediated	2449
2021	1	107	630	20	359	0	0	178	1295	
									2021 Updated Cumulative Total	3744

Notes about the table above:

* Compliant in place: Due to a programmatic determination in the system, the remediation reason was previously misassigned.

Part (a) Actions completed by ODOT Pursuant to the Agreement through December 31, 2021

The following is a summary of ODOT actions organized by the Agreement section. Not all sections required deliverables during 2021. 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 maintains its updated in-field curb ramp inventory and continues to update the inventory as necessary to track new curb ramps and upgrades of existing curb ramps occurring each year. Data and systems management practices facilitate accurate maintenance of this inventory. Any data adjustments made as a result of these practices will be described in Section 4 of this report if they effect net remediation totals. The appendices attached reflect updates completed for 2021.

Consistent with this Agreement, ODOT will continue to track jurisdictional transfers that occurred each calendar year of the Agreement to ensure necessary curb ramp remediation takes place.

Section 2 – Inventory of Pedestrian Crossing Signals

ODOT continues to make progress on remediation since baseline inventory was established in 2017. A summary of this inventory and compliance status is provided in the table below.

“Push button” is a general term used throughout this document in reference to locations with push button assets.

“Audible pedestrian signal” is a general term used to reference the type of audio included at the crossing.

Table 2: Pedestrian Push Button Signal Compliance with ADA Standards.

Pedestrian Push Button Signal Compliance	Unit Count	Percent of Total
Compliant	3706*	46%
Non-Compliant	4422	54%
Total Push Buttons included in the ADA Settlement	8128	100%

*Additional analysis in 2021 found that 158 previously reported pedestrian push buttons were double counted and determined to be duplicates, resulting in a reduction from last year’s report.

Some of these pedestrian signals include audible signals, most of which are added by submitter request. While not a requirement for the Annual Report, ODOT provides the following summary of pedestrian signals with audible signal status in Table 3.

Table 3: Audible Pedestrian Signals.

Audible Pedestrian Signals	Unit Count	Percent of Total
With Audible	1040	13%
No Audible	6939	85%
Unknown	149	2%
Total Push Buttons included in the ADA Settlement	8128	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 to an initial expenditure of \$5 million (priority funding) in the Agreement to address curb ramps and associated pedestrian signals at locations, which plaintiffs identified as high priority (priority locations). After plaintiffs provided their list of priority locations, ODOT evaluated the best way to remediate these locations as efficiently as possible and determined that priority funding may be combined with other highway system improvement projects, in addition to stand-alone curb ramp projects, to maximize the benefit of its combined funding options. ODOT is tracking progress on all priority locations, regardless of funding source from priority funds or other program budgets. See Part (b) for supplemental information.

As projects conclude, any remaining priority funding will continue to be allocated to address as many additional priority locations as possible. Once the \$5 million is fully expended, all remaining priority locations will be remediated during the 15-year lifetime of the Agreement. This approach was approved by AOCIL in November 2017. A brief update on active priority locations in Regions 1, 2 and 4 follows.

Region 1 – Portland Metro

- Portland (US 26) SE 92nd: In design.
- Portland (US 26) SE 102nd to 119th: In design.
- Portland (US 26) SE 122nd to 136th: In construction.
- Portland (SE 82nd/ OR 213): One segment in design; remaining segments completed.
- Hillsboro (OR 8 at 44th): In construction.



Region 2 – Willamette Valley/North Coast

- Springfield: Construction completed.
- Clatskanie: In design.
- Lincoln City (US 101): One segment complete; remaining segments in design.

Region 4 – Central Oregon

- Bend (US 20) 3rd/ Greenwood: In design.

Section 4 – Remediation of Curb Ramp Inventory

In 2021, ODOT remediated 1295 curb ramps identified in the updated curb ramp inventory as fair, poor, or missing. Remediation details are provided in Part (c) of this report.

ODOT continues its commitment to data quality and processes and will implement improvements as necessary and correct reports when appropriate.

Section 5 – Remediation of Pedestrian Signals

ODOT continues to maintain its inventory of pedestrian signals and applies its evaluation criteria to ensure compliance with the ADA. ODOT works with its accessibility consultant Cole & Associates (Cole) and other ODOT technical programs to improve design standards and construction requirements. ODOT also provides guidance regarding what work constitutes an “alteration,” requiring signal remediation. ODOT remediates pedestrian signals that do not meet accessibility standards when they are part of an ODOT construction project.

ODOT is implementing statewide pedestrian signal scoping in 2022. This work will provide the necessary information to establish a remediation schedule. ODOT looks forward to collaborating with plaintiffs on that schedule.

Section 6 – No Deliverables

As referenced on page 3, not all sections of the Agreement require reporting in this report. ODOT reports that there are no deliverables for 2021 for Section 6.

Section 7 – Accessibility Consultant

ODOT continues to work with its accessibility consultant Cole, 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 2021, Cole provided concurrence letters for:

- Oregon Standard Drawings RD700 Series (Sidewalk and Driveways).
- Oregon Standard Drawings RD900 Series (Curb Ramps).
- Technical Bulletin RD21-03(B) 2021/ 2022.

Section 8 – Reporting

The contents of this report identifies the work ODOT has performed under this Agreement each year and provides information relating to its progress.

Section 9 – Alternate Routes during Construction

ODOT continues to work with the accessibility consultant to update temporary pedestrian access routes (TPARs) policy to meet applicable standards. In 2021, ODOT staff provided the accessibility consultant with virtual field reviews and evaluated some in-place TPARs to ensure the routes provide appropriate access.

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 notifies the general public and provides opportunities for communication before the construction phase with project open houses where the public can learn more and provide input. Project information is located on the ODOT project page <https://www.oregon.gov/odot/Projects/Pages/default.aspx>.

In 2021, ODOT developed a training seminar for certified local agencies focusing on alternative routes and ADA compliance. ODOT also provided information, training and guidance to its staff statewide as necessary, and at the TPAR Design Resource meetings every other month.

Sections 10-13 – No Deliverables

As referenced on page 3, not all sections of the Agreement require reporting in this report. ODOT reports that there are no deliverables for 2021 for Sections 10-13.

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, Title VI, ADA and Environmental Justice Program manager based in the Office of Civil Rights, as ODOT's ADA coordinator with access to the ODOT director, as needed, for processes related to disability rights.

Section 15 – Public Complaint and Request Process

ODOT follows its process to review and respond to comments, questions, concerns, and requests (CQCR) consistent with this section. Designated ODOT ADA-CQCR coordinators, knowledgeable about ADA requirements and CQCR process timelines, strive to find solutions

to barriers identified in CQCRs. Coordinators meet monthly to share expertise, solve complex barriers, and monitor CQCR remediation efforts.

When ODOT receives a CQCR, an ADA-CQCR coordinator contacts the submitter to acknowledge receipt, gain a clear understanding of the issue(s), and identify an effective solution. If the CQCR is not within ODOT's jurisdiction, ODOT will facilitate contact information for other jurisdictions and transfer the request information to the correct contact(s) for each local program. CQCR coordinators collaborate with technical staff throughout ODOT. This agency-wide process enhances deeper staff knowledge of barriers encountered and ADA standards and solutions.

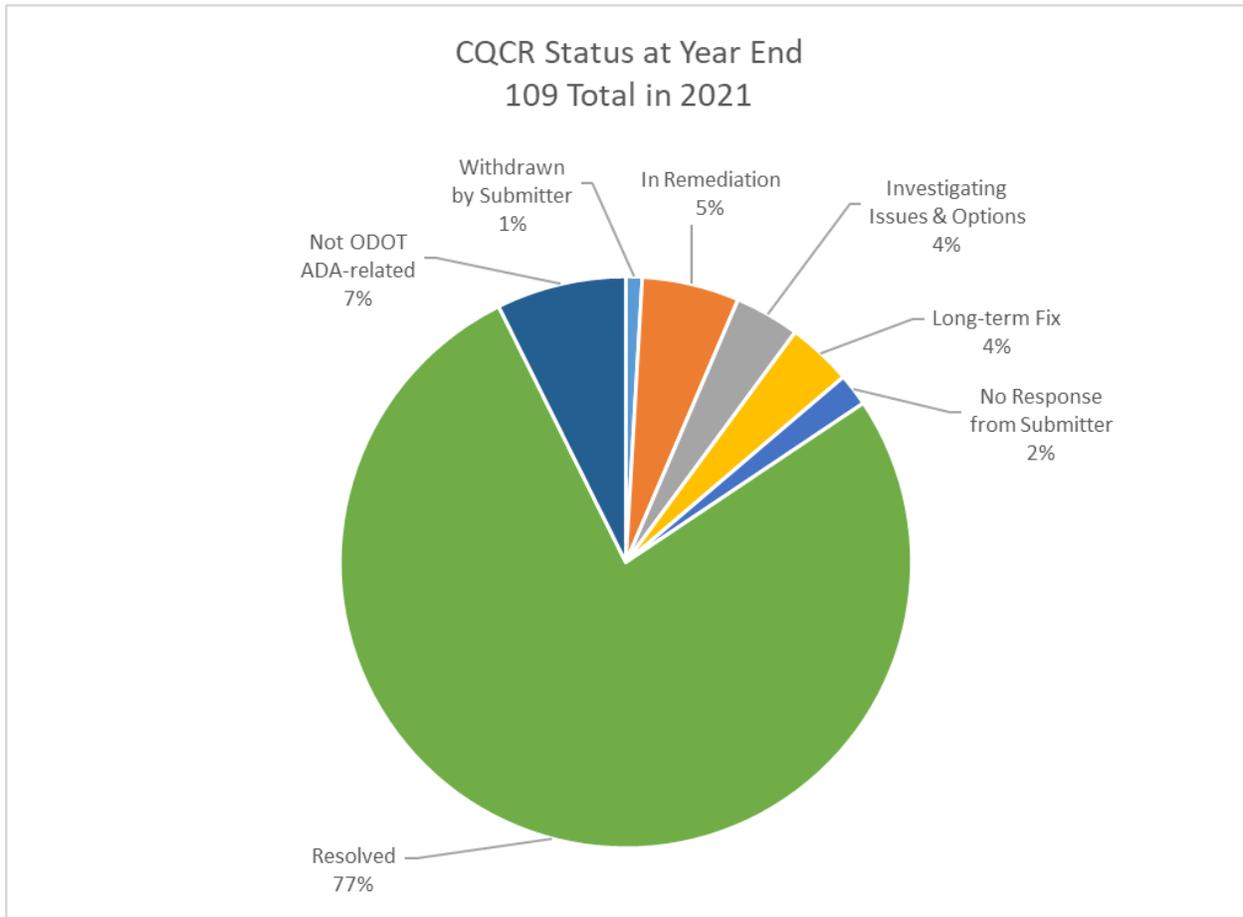
ODOT actively seeks to hear about barriers the public encounters. Any person can submit a CQCR using the designated form on [ODOT's website](https://www.oregon.gov/odot/About/Pages/ADA-Issue-Request-Form.aspx) (<https://www.oregon.gov/odot/About/Pages/ADA-Issue-Request-Form.aspx>), calling AskODOT (1-888-275-6368, ext. 7), or emailing (ODOT_ADA@odot.oregon.gov). In addition, ODOT staff members who interact with members of the public can provide contact information for reporting barriers or requesting access accommodations.

CQCR Overview for 2021

ODOT received 109 CQCRs during 2021. For each submission, ODOT tracks the subject and location of the request, ODOT's steps to identify solutions and other information throughout the process to resolution.

In addition, 23 CQCRs received in prior years were resolved in 2021. The following charts only reflect cases opened in 2021.

Figure 2: CQCR Status at Year End.



The geographic distribution of CQCRs in Figure 3 is organized by region. The designation “all regions” is reserved for those CQCRs involving statewide policies or DMV processes.

Figure 3: Geographic Distribution of CQCRs.

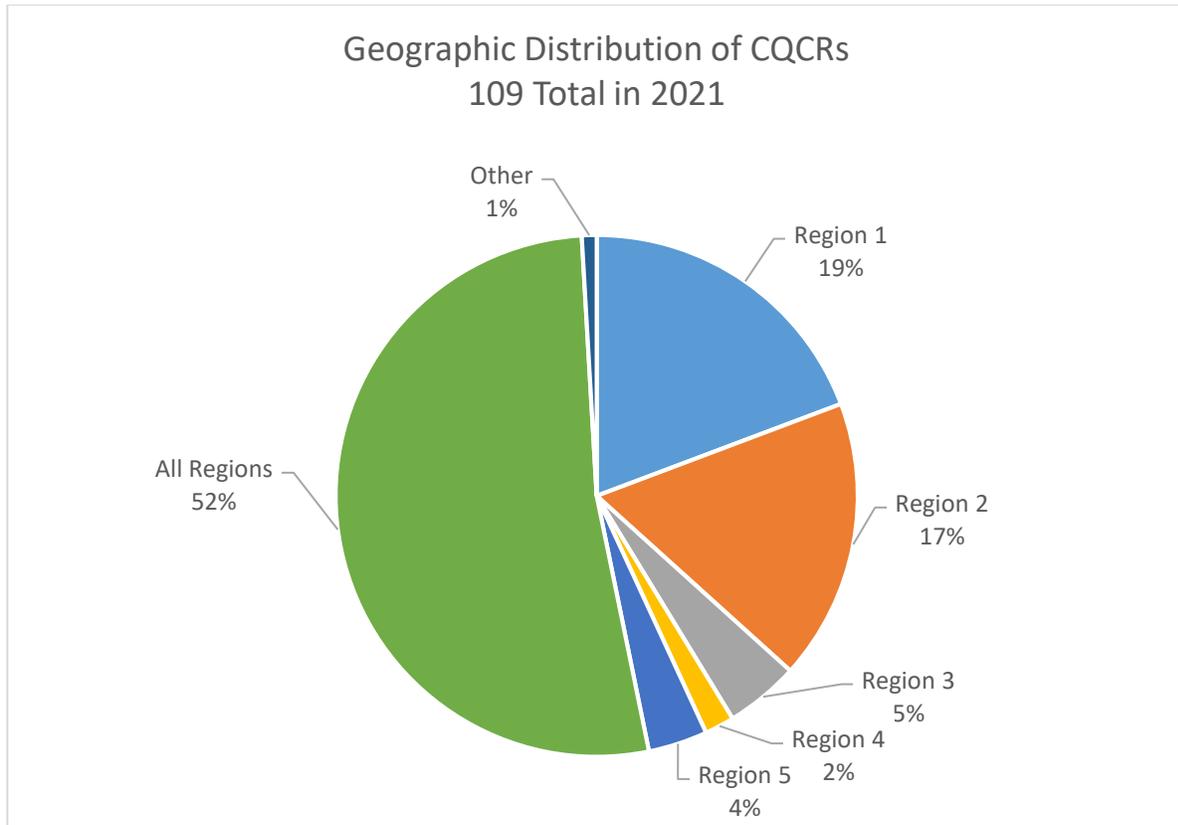
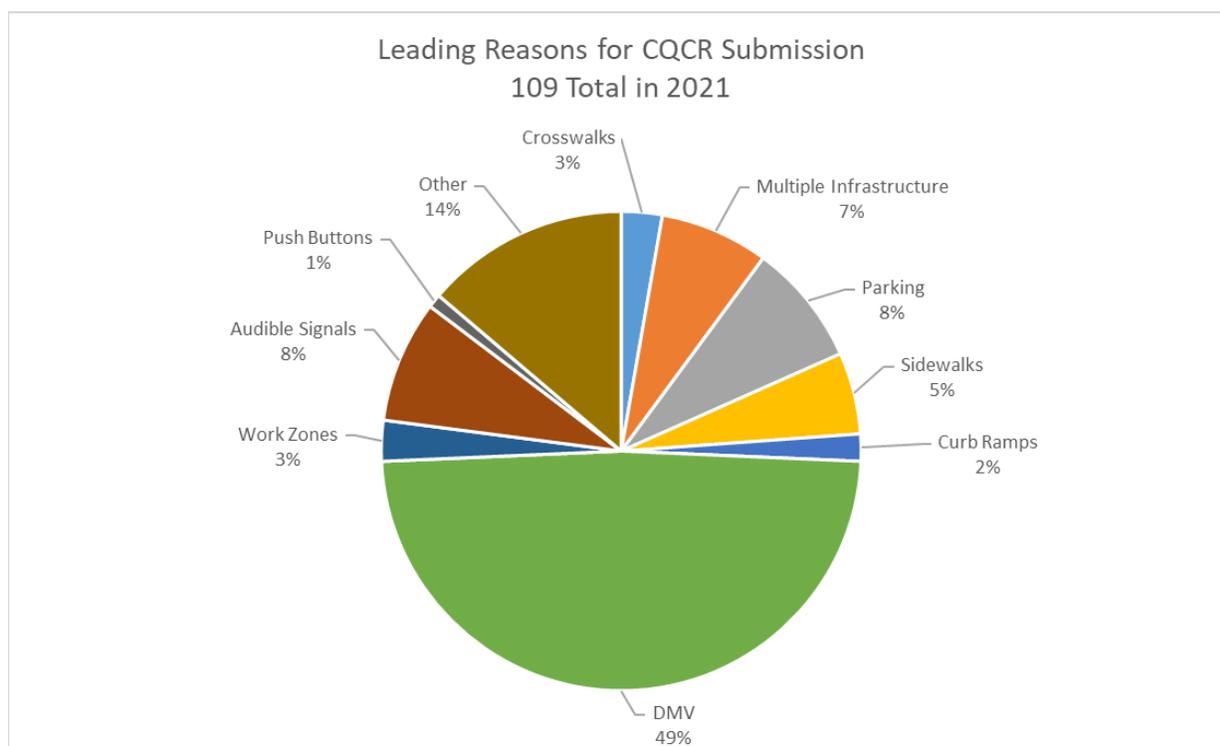


Figure 4: Leading Reasons for CQCR Submission.



Sections 16-25 – No Deliverables

As referenced on page 3, not all sections of the Agreement require reporting in this report. ODOT reports that there are no deliverables for 2021 for Sections 16-25.

Section 26 – Transportation Remediation

The Public Transportation Advisory Committee (PTAC) provides advice to ODOT’s Public Transportation Division and 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 PTAC ADA Workgroup formed in 2017 in response to the settlement reached between ODOT and the AOCIL. The group gathers input from residents, officials and ODOT staff as it considers barriers and issues people with disabilities face while accessing transit statewide. The ADA workgroup’s priorities and work plan are coordinated with the PTAC.

In 2020, the PTAC ADA workgroup observed there is not a single, standard message about access and accessibility across ODOT. The workgroup identified this in transit-related documents and requested PTAC address this gap in ODOT’s plans, policies, and initiatives. In 2021, the workgroup made progress to address this gap when PTAC endorsed a new draft access statement and the access statement moved to ODOT leadership for consideration.

During 2021, ODOT also began development of a scope of work for a priority multimodal network project. The project looks to include an inventory of transit stops with attention to compliance with accessibility standards.

Section 27 – Education and Outreach

ODOT conducted outreach or delivered presentations to the following organizations about the Agreement and/or ODOT’s ADA program and projects. ODOT conducted these outreach efforts in compliance with all Covid-19 guidelines.

2021, monthly	ADA Curb Ramp Inspection Certification Course
2021, quarterly	Rogue Valley Area Commission on Transportation
Apr. 22, 2021	Certified Local Public Agencies ADA Spring Training
Sept. 24, 2021	ACEC/ ODOT Partnering Conference
Oct. 12, 2021	Sweet Home City Council Meeting
Oct. 27, 2021	Sweet Home City Council Meeting
Nov. 16, 2021	Olympia Chapter of Project Management Institute
Dec. 2, 2021	Mid-Willamette Valley Area Commission on Transportation

This is the conclusion of Part (a).

Part (b) Amount Expended Pursuant to Section 3

Original estimates for priority locations established in collaboration with AOCIL far exceeded the \$5 million priority funding established in the Agreement. However, by partnering with other stakeholders and adding funds to other construction projects, ODOT has been able to remediate additional priority locations. The table below identifies remediated corner counts and allocated funds as of December 31, 2021. The remainder of the \$5 million is reserved to ensure projects for priority locations currently underway will be successfully completed.

Table 4: Plaintiff Priority Location Information.

City & Location	Number of Corners	Remediated Corners as of 2021	Allocated ADA \$5 million or Other
Region 1 - Portland Metro			
Portland US26	63	16	\$1,605,000 + Other
Portland SE 82 nd	9	7	Other
Hillsboro OR8	10	1	Other
Region 2 - Willamette Valley/ North Coast			
Springfield	2	2	\$326,000
Clatskanie	8	3	\$575,000
Lincoln City 101	90	15	\$535,000 + Other
Region 4 - Central Oregon			
Bend	69	4	\$1,300,000
Statewide Totals	251	48	\$4,341,000

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.

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:

- Compliant in-place.
- 4(a) the installation of a new curb ramp at a location where one was previously missing: 107 curb ramps.
- 4(b) upgrading an existing, non-compliant curb ramp to meet applicable standards: 630 curb ramps.

(See Agreement, Section 4).

A summary of missing and poor curb ramps that were remediated by physical installation is provided in the table 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
Compliant in-place	1	0	0	0	0	0	1
4(a)	28	18	20	7	34	0	107
4(b)	83	117	66	26	338	0	630
Total	112	135	86	33	372	0	738

Note: ODOT standards consider “non-compliant curb ramps” to include:

- curb ramps that do not meet one or more of the design standards,
- curb ramps that are needed, but not yet in place (a.k.a “missing”), or
- curb ramps that do not have a properly installed crosswalk closure.

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 curb ramps 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 that was fully compliant with all design standards would be technically infeasible: 20 curb ramps.
- 4(d) closing a pedestrian crossing as appropriate with applicable standards: 359 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: 178 curb ramps.
 - As an example, curb 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 previous curb ramps are no longer necessary and were removed.

(See Agreement, Section 4).

A summary of curb ramps remediated by these categories is provided in the table below.

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)	5	14	1	0	0	0	20
4(d)	182	72	38	33	30	4	359
4(e)	0	0	0	0	0	0	0
4(f)	0	0	0	0	0	0	0
4(g)	22	25	86	21	24	0	178

In summary, the total number of curb ramps remediated by all methods listed in Section 4 equals 1295. A summary of these results is shown in the following table.

(See Appendix 2 for physical locations).

Table 7: Curb Ramp Remediation, by Category, for 2021.

Compliant in-place	4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	4(g)	Total
1	107	630	20	359	0	0	178	1295

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 a breakdown of inventory curb ramps subject to the Agreement. The breakdown totals include: compliant in-place, remediation category (e.g. 4(a)) and non-compliant, by region, following 2021 remediation efforts.

Table 8: Breakdown of Curb Ramps included in Agreement.

Remediation Reason	Region 1	Region 2	Region 3	Region 4	Region 5	Transfer	Total
Compliant in-place	204	188	62	50	87	10	601
4(a)	45	33	39	14	40	0	171
4(b)	319	468	188	75	405	2	1457
4(c)	25	34	15	0	2	0	76
4(d)	452	175	115	45	82	18	887
4(e)	0	0	0	0	0	0	0
4(f)	0	0	0	0	0	0	0
4(g)	125	111	159	106	51	0	552
Total Compliant	1170	1009	578	290	667	30	3744
Non-Compliant	6906	8439	2887	1992	2937	429	23,590
Totals	8076	9448	3465	2282	3604	459	27,334

Table 9 shows the remaining number of curb ramps, by region, that require remediation.

Table 9: Curb Ramps that Require Remediation.

Condition	Region 1	Region 2	Region 3	Region 4	Region 5	Transfer	Total
Non-Compliant	6906	8439	2887	1992	2937	429	23,590

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 from year to year.