



**Oregon Department of Transportation
Americans with Disabilities Act, Section 504 Transition Plan Update
October 2011**

BACKGROUND

ADA, Title II Subpart A, requires ODOT to ensure protection to qualified individuals with disabilities from discrimination on the basis of disability in any of the services, programs, or activities that are provided by the department.

ADA required that a public entity develop a transition plan when structural modifications were required to achieve program accessibility. In 1992, ODOT issued an initial Transition Plan that provided for the removal of these barriers whenever possible.

All public entities subject to Title II of the ADA were further required to complete a self-evaluation of ADA compliance. In 1993, ODOT issued an initial Self Evaluation Report to identify any remaining physical barriers to access. The report included a Transition Plan which identified steps needed to make these programs accessible.

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ODOT issued an update to the Self-Evaluation Report along with a Transition Plan in 2004. Issues Identified in the March 2004 report included:

FACILITIES, 2004

ODOT will identify and create a schedule of ADA issues/deficiencies to be addressed in state-owned (ODOT-occupied) facilities and in ODOT/state-leased facilities.

Priority criteria that will be used to address these issues/deficiencies are:

- ◆ **Priority 1:** Offices and facilities with high volume of public access, e.g. public rooms, safety rest areas and DMV/MCTD field offices
- ◆ **Priority 2:** Offices and facilities having employees with disabilities with accessibility needs
- ◆ **Priority 3:** Other offices and facilities

ODOT HIGHWAY DIVISION, 2004

- ◆ Continue identifying curb ramp needs throughout the state
- ◆ Balance allocation of ADA curb ramp funds with other maintenance needs

Highway 2006 follow-up:

Region 1:

- ◆ Total number of curb ramps “needed” per ODOT March 2004 Self-Evaluation: 293
- ◆ Total number of curb ramps constructed 3/2004-5/2006 as identified in 2004 Self-Evaluation: 13
- ◆ Percentage of curb ramps constructed that were identified as “needed” in 2004 Self-Evaluation: 4.4%

Additional ramps constructed in Region 1:

- ◆ Total number of curb ramps constructed 3/2004-5/2006: 218
- ◆ Percentage of curb ramps constructed that were “needed” as well as others: 74%

PROGRAMS & SERVICES, 2004

- ◆ Develop a department-wide policy providing guidance and establishing a process to include ADA accessibility in periodic reviews of departmental policies and programs
- ◆ Establish a process to accommodate requests for alternative formats
- ◆ Coordinate with ODOT Employee Labor Relations and Human Resource Development to design employee-focused ADA, accessibility, and customer service awareness training

DIVISION ADMINISTRATORS, 2004

- ◆ Ensure their respective programs and services are reviewed for accessibility
- ◆ Provide ADA training opportunities to subordinate managers and staff

COMMUNICATIONS, 2004

- ◆ The Communications Division Administrator will reassess the effectiveness and accessibility of the department’s communication media. This assessment will include People with Disabilities (PWD) stakeholders.

EMPLOYMENT, 2004

ODOT Human Resources, Civil Rights, the Diversity Council, and the ADA Coordinator will:

- ◆ Partner to develop outreach strategies to attract qualified People with Disabilities (PWD) applicants
- ◆ Collaborate to develop minority retention and career development strategy inclusive of PWD

Since issuance of the ODOT Self –Evaluation and Transition Plan in 2004, ODOT has continued to identify and address issues regarding facility and program access for individuals with disabilities. ODOT has implemented a variety of improvements that integrate ADA access initiatives into key business processes and systems. As a result, ODOT has increased its ability to track and prioritize ADA-related projects to help ensure accessibility on state right of ways and in ODOT facilities.

Facilities Update, October 2011

ODOT owns approximately 1,200 buildings. The Oregon Legislature has mandated that ODOT inspect its owned buildings at least once every three years. As a part of the inspection ADA deficiencies are noted. If the problem can be addressed by maintenance, a work order is submitted and work completed in a short period. If the issue is also one of health and safety, it is addressed immediately.

If the problem requires more than a “quick fix,” a work order is submitted and then projects are prioritized and addressed as funds allows. ADA issues are prioritized compared to one another but they have not been prioritized in the ODOT’s overall project schedule.

However, many ADA issues have been addressed in since 2004. Unfortunately, this information has not been adequately documented.

In 2009, Facilities embarked on a project to create one database that holds all information related to ODOT-owned buildings. This includes all facility-related projects requested and completed, as well as issues identified as problems for each building inspected. Issues related to ADA access are also included.

How this will be done

Currently, all inspectors have a checklist they use when inspecting ODOT-owned buildings. The Federal ADA requirements became part of that checklist in July 2010.

The facilities database allows staff to make a request by region for maintenance. The request can relate to a variety of issues (safety, leaks, electrical, etc.) and a

check box has been added to these maintenance request forms to indicate the issue is related to ADA access.

Also built into the Facilities database is the ability to pull reports (maintenance requests, projects requests and completions, building inspection reports) based on ADA issues.

Currently all the ADA deficiencies identified in ODOT-owned facilities have been repaired or scheduled for repair (see attached ADA facilities report; “C” means completed, “I” means in progress).

LEASED FACILITIES:

Currently, ODOT leases 88 facilities; 56 are DMV field offices. Unlike owned facilities, where ODOT makes the necessary repairs, ODOT’s responsibility for leased facilities is different. The leased facility repairs and compliance are controlled by the lease agreement, which is implemented through the Department of Administrative services (DAS). DAS holds the contract between the landlord or owner of the building (LL) and ODOT (or DMV),.

In order for ODOT to lease a facility, the LL commits to make the facility compliant with state and federal code, including the ADA. Therefore, prior to ODOT or DMV leasing a facility, it must be ADA compliant.

Highway Division Update, October 2011

Funding Sources and ADA Requirements

Curb ramps, sidewalks and other ADA-related appurtenances are funded through several avenues:

STIP Programmed Project Funds – Preservation, Safety, Operations and Modernization projects upgrade sidewalks and curb ramps, where applicable. (Rurally located projects do not typically construct sidewalks, for example.)

ODOT Maintenance Funds – Currently \$200,000 annually is designated for curb ramp infill and upgrade. Funds are distributed on a formula basis to District Maintenance Offices.

ODOT-administered Grant Programs – The ODOT Pedestrian and Bicycle Program, Transportation Enhancements, Safe Routes to School, Flexible Federal Funds, CMAQ and Emerging Small Business grant programs distribute monies to ODOT offices and local agencies. Projects that include sidewalk construction must comply with the latest ADA guidelines and will construct curb ramps, sidewalks and other ADA related appurtenances, as required.

Pedestrian and Bicycle Program Funds – In addition to the ODOT Pedestrian and Bicycle Program grant mentioned above, the ODOT Pedestrian and Bicycle Program distributes monies to ODOT Region and District offices for construction of bikeways and walkways. Sidewalk projects must comply with current ADA guidelines and upgrade or install curb ramps, where applicable.

Local Government – Projects administered by the ODOT Local Government program that include sidewalk construction must comply with the latest ADA guidelines and will construct curb ramps, sidewalks and other ADA related appurtenances, as required.

Private Development – Private property development along state highways is required to construct sidewalks and curb ramps, where applicable.

Public Requests – Citizen requests for ADA accommodation along state highways are responded to as funding is available. The ODOT Pedestrian and Bicycle Program, and ODOT District Maintenance and Region offices provide funding on an as-needed basis.

Highway ADA Facility/Curb Ramp Inventory

The ODOT Pedestrian and Bicycle Program has completed an inventory of all state highways within Federal Urbanized Areas, plus all incorporated cities under 5,000 population.

Table 1 – Curb Ramp Inventory Summary

	Region 1	Region 2	Region 3	Region 4	Region 5	Statewide
Total Number of ADA Ramps Warranted – 100%	4,481	6,201	2,261	1,522	2,473	16,938
Total Number of Good ADA Ramps	349	501	208	352	258	1,668
% Good ADA Ramps	7.8%	8.1%	9.2%	23.1%	10.4%	9.8%
Total Number of Fair ADA Ramps	518	816	133	190	543	2,200
% Fair ADA Ramps	11.6%	13.2%	5.9%	12.5%	22.0%	13.0%
Total Number of Poor ADA Ramps & Percent	2,640	3,640	1,491	713	1,104	9,588
% Poor ADA Ramps	58.9%	58.7%	65.9%	46.8%	44.6%	56.6%
Total Number of Missing Ramps where Warranted	974	1,244	429	267	568	3,482
% Missing Ramps where Warranted	21.7%	20.1%	19.0%	17.5%	23.0%	20.6%

Definitions:

Good: Meets Proposed Right of Way Accessibility Guidelines (PROWAG)
Fair: Meets PROWAG – minus Truncated Domes
Poor: Does not meet one or more PROWAG curb ramp guidelines

Curb ramps in fair condition are missing truncated domes. These ramps were constructed prior to the inclusion of truncated domes in the ADA guidelines.

Funding Needs

It is estimated that to upgrade all non-compliant curb ramps on all inventoried state highways would cost between \$24 million and \$35 million.

Design Standards

ODOT insures compliance with ADA accessibility guidelines in a number of ways:

Standard Drawings – ODOT issues and maintains standard drawings semi-annually, including standard drawings for curb ramps, driveways, signal poles push buttons, crosswalk markings and other related ADA appurtenances.

New Products – New products, such as truncated domes and audible push buttons, are reviewed and approved on an as-needed basis.

New ADA Guidelines – ODOT monitors developments in ADA guidelines and regulations and updates standards and processes to comply.

Design Exception Process

In 2010, ODOT developed an exception process for ADA guideline non-compliance. Highway Division Administration review and approval must be obtained for projects not able to meet the ADA PROWAG guidelines.

Work Plan

ODOT will implement the following work plan in 2011 to continue to insure compliance with the American with Disabilities Act:

ADA Ramp Inventory – The curb ramp inventory will be maintained.

TRANSINFO – The curb ramp inventory will be transferred to the new corporate asset database.

QA/QC – Curb ramp inventory data will undergo a QA/QC process.

Construction and Upgrades – Curb ramps and sidewalks will continue to be constructed, per the mechanisms outlined above.

Public Requests – Citizen requests for accessibility on state highways will be responded to on an as-needed basis.

PROWAG – ODOT will adopt PROWAG and ensure compliance with the new guidelines when the U.S. Dept. of Justice issues a final rule.

Priority Sidewalk – ODOT Region 5 planning will pilot development of priority sidewalk infill criteria in State FY 2012. It's anticipated that the infill criteria will be rolled out to other regions in future years.

Programs and Services Update, October 2011

- ◆ A department-wide ADA policy was established 3/01/06
- ◆ A department-wide EEO/ADA Communication Policy was established 2/19/09. This policy addresses statements that need to be included in publications and for ODOT events that address how a person can request information in alternative format and how to request accommodations as well as language that we do not discriminate based on disability status.
- ◆ Communications Division has a protocol in place since 2006 regarding procedures for responding to requests for accommodations or alternative formats for public events. This procedure was revisited and updated in 2008.
- ◆ DMV is in the process of developing standardized procedures for responding to requests from customers in field offices for either accommodations or information requested in an alternative format
- ◆ Employment and Recruitment has a procedure in place for responding to requests from applicants for accommodations or requests for alternative format. This procedure was updated when ODOT moved to the NEOGOV online application system (11/09).

Training:

- ◆ As of April 2008, the department-wide ADA policy is included in the new employee packet
- ◆ As of August 2008, the ADA was incorporated into the New Employee online training orientation
- ◆ All HR managers were trained on the changes to the ADA in Jan. 2009
- ◆ All DMV Field Services Managers were trained on issues related to Service Animals in Field Services offices (by employee or customer) in 2008
- ◆ ADA training is provided as a regular, on-going topic through our training options for all managers
- ◆ Training related to ADA and specific disability topics (e.g. Invisible Disabilities) are offered as requested by HR, departments and managers
- ◆ Training specifically related to ADA Title II obligations was provided to the executive staff and DMV Management team in 2009

Division Administrators Update, October 2011

ADA training opportunities are reflected previously in this report.

Communications Update, October 2011

As part of the 2004 transition plan, ODOT completed a full self-evaluation including interviews with stakeholders with disabilities. For this (2011) update, the department focused on responding to concerns brought forward by individual stakeholders with disabilities. The department is also improving internal communications processes so that information is accessible to individuals (the public) with disabilities (see policy example in previous programs and services section).

ODOT's main Web page is accessible to individuals with disabilities (www.oregon.gov/odot), however, ODOT does not have a mechanism for ensuring that Web pages developed by different branches, projects and groups are also accessible to individuals with disabilities.

Employment Update, October 2011

- ◆ The Diversity Council developed a recruitment strategy guide book for managers including social, printed and internet resources for contacting and engaging underrepresented populations in the workforce including PWD.
- ◆ The Diversity Council proposed Cultural Competency training for all employees to raise the cultural awareness internally to underrepresented employee populations and applicants. This three-day Cultural Competency training has been taking place since fall 2010. Day 1 training began in fall 2010; Day 2 training will begin in November 2011; and Day 3 training will begin fall 2012.
- ◆ The Diversity Council was restructured and enlarged to create a widespread internal communication network and regional workgroups to explore diversity issues impacting the business and organization. Diversity is inclusive of PWD.
- ◆ ODOT co-sponsored an annual Diversity Conference (the seventh consecutive year) that included of a broad range of topics (as many as 24 each year) including recruitment, retention, accessibility, and other related workshops including several focused on issues related to PWD. Presentations are made by local and national subject matter experts.
- ◆ ODOT employed outside consultants to conduct an agency-wide assessment regarding the culture of the workplace and level of Cultural Competency among the employees. This survey included meeting with small focus affinity groups including PWD.

- ◆ ODOT joined the Portland/Vancouver business-based organization, Partners in Diversity, to improve networks and obtain “best practice” processes from private sector and public business leaders.
 - ◆ ODOT has focused additional resources on local and regional career fairs serving Veterans (e.g., Military Exits, Fort Lewis), PWDs (e.g., St. Vincent DePaul Industries), and racial minorities (e.g., Urban League, NW EEO and Oregon Association of Minority Entrepreneurs).
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Looking to the Future

ODOT has created an internal ADA management system that will allow for accurate and timely tracking of the condition and status of that state’s curb ramp and facility inventory. Activities occurring as a result of these improvements include:

Facilities

- Continual surveys of facilities using the ODOT ADA inspection checklist
- Tracking of facility ADA status using the facility database
- Integration of automated work order generation on ADA prioritized projects upon entry into facility database
- Commitment of Emerging Small Business Program funding to address identified improvement projects
- Quarterly facility ADA status reports to provide updates to management and ADA coordinators

Curb Ramp Inventory

- Highway Division will apply QA/QC process to maintaining curb ramp data in corporate asset database
- Recent update to curb ramp inventory status will be used to prioritize construction, repairs and improvements into projects

Communications

- The department will need to develop some process to ensure that ODOT Web pages accessible to the public are also accessible to individuals with disabilities.