

# 2022

## ADA Settlement Agreement Report



As Required per Section 8  
Issued March 31, 2023



ODOT is an Equal employment Opportunity and Affirmative Action Employer.

This information can be made available in alternative format by calling the ADA program in the Office of Equity and Civil Rights at 855-540-6655; for TTY use 7-1-1 relay services, or email to [ODOT\\_ADA@odot.oregon.gov](mailto:ODOT_ADA@odot.oregon.gov).

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## Introduction

The Oregon Department of Transportation and the Association of Oregon Centers for Independent Living, et al. entered into a 15-year settlement agreement on Nov. 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.

In keeping with the annual report requirements found within the agreement, ODOT is providing this document as the 2022 Annual Report, the sixth report submitted. This report demonstrates the considerable progress made by the agency in accelerating its remediation of curb ramps throughout the state.

In its September 2022 meeting, the Oregon Transportation Commission approved a transformational increase in funds dedicated to curb ramp construction – improving accessibility for all transportation system users across Oregon. With this allocation, an additional \$700 million is dedicated to curb ramp replacements between now and December 2027. Additionally, we have committed to a funding strategy extending to 2032 prioritizing community engagement, equitable outcomes, climate considerations and sustainability.

Also in 2022, ODOT initiated modifications to the staffing structure to ensure agency-wide visibility, authority, and accountability to deliver on our commitment to improve the accessibility of Oregon’s transportation system.

## Section 8 Reporting

The agreement states:

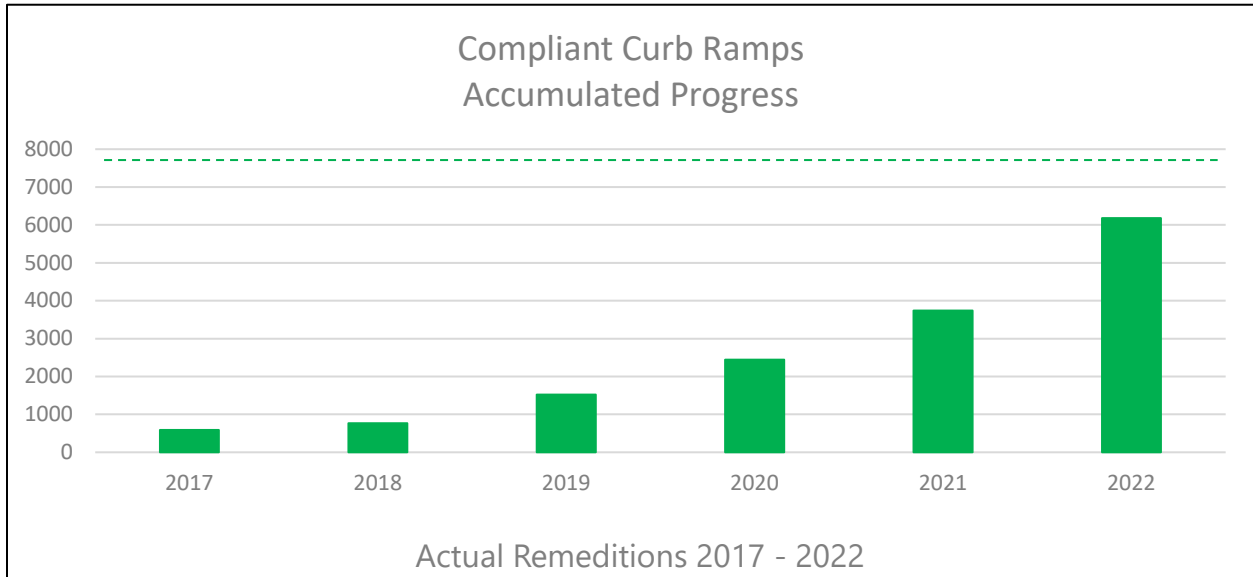
*For each year of this agreement, ODOT will prepare an annual report based upon the work ODOT has performed under this agreement each year and provide information relating to its progress, including:*

- 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 2022.

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

Figure 1: ODOT Curb Ramp Remediation 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:

- 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 2022, by Curb Ramp Category.

<b>Year</b>	<b>4(a)</b>	<b>4(b)</b>	<b>4(c)</b>	<b>4(d)</b>	<b>4(e)</b>	<b>4(f)</b>	<b>4(g)</b>	<b>2022 Total</b>	<b>Previously Remediated (2017-2021)</b>	<b>Cumulative Total</b>
2022	186	1,181	115	630	0	0	322	2,434	3,742*	6,176

Note about the table above:

\* Due to a programmatic determination in the system, this number is corrected from 3,744 as reported in the 2021 Annual Report to 3,742 because two curb ramps were previously misassigned. In addition, the cumulative total includes curb ramps that are compliant in place.

As of Dec. 31, 2022, 6,176 ramps in the 2017 Settlement Agreement Curb Ramp Inventory are now compliant. This number does not include 823 curb ramps constructed or otherwise remediated by the agency in 2022 and therefore does not fully capture all ODOT’s work in 2022. As noted in previous reports, ODOT conducts a stringent review on curb ramp inspection forms before it concludes the curb ramp is considered remediated under the agreement. As a result, even though ODOT received the inspection forms for 823 curb ramps on or before Dec. 31, 2022, its QA/QC process was not complete until after Jan. 1, 2023, therefore the curb ramps will be credited toward the 2023 Annual Report. Additionally, between Jan. 1 and March 15, 2023, ODOT received inspection forms for 620 ramps that were constructed on or before Dec. 31, 2022. Once ODOT completes its QA/QC for these ramps, they will also be included in the 2023 Annual Report.

ODOT has made significant strides in its remediation efforts in the past year. In 2022, ODOT remediated 2,434 curb ramps which is 88% higher than the previous annual high of 1,295 reached in 2021. While the completion number is below the 30% milestone for 2022, the progress and effort continue. ODOT continues to increase production through the expanded funding and staffing structure changes described in the introduction of the report.

## **Part (a) Actions completed by ODOT Pursuant to the Agreement through December 31, 2022**

Per the agreement, the following includes all required reporting on deliverables for 2022. Not all sections required deliverables during 2022 and as such, 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 and continues to update in-field curb ramp inventory 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. The appendices attached reflect updates completed for 2022.

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 of push buttons. 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.

<b>Pedestrian Push Button Signal Compliance</b>	<b>Unit Count</b>	<b>Percent of Total</b>
Compliant	4,310	53%
Non-Compliant	3,818	47%
Total Push Buttons included in the ADA Settlement	8,128	100%

Some of these pedestrian signals include audible signals, which are typically added as the result of a request by a member of the public. 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.

<b>Audible Pedestrian Signals</b>	<b>Unit Count</b>	<b>Percent of Total</b>
With Audible	1,244	15%



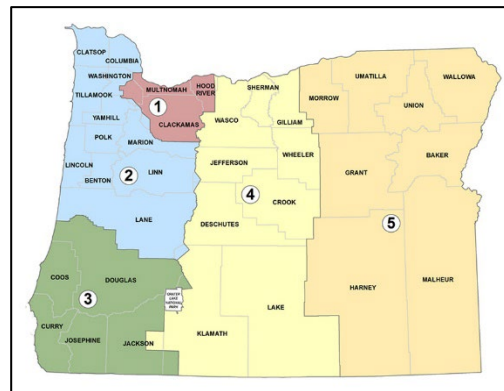
Audible Pedestrian Signals	Unit Count	Percent of Total
No Audible	5,993	74%
Unknown	891	11%
Total Push Buttons included in the ADA Settlement	8,128	100%

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.

Around the time that the agreement took effect, ODOT had projects in the standard Statewide Transportation Improvement Program process that would remediate curb ramps in the priority locations. The normal STIP process may span several years. The plaintiffs agreed that priority locations could be addressed in the STIP process when possible. 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. The plaintiffs approved this approach in November 2017.



A brief update on active priority locations in Regions 1, 2 and 4 follows; these summary statements represent the project status at the end of 2022. For additional project information, please visit the [Transportation Project Tracker](#).

## Region 1 – Portland Metro

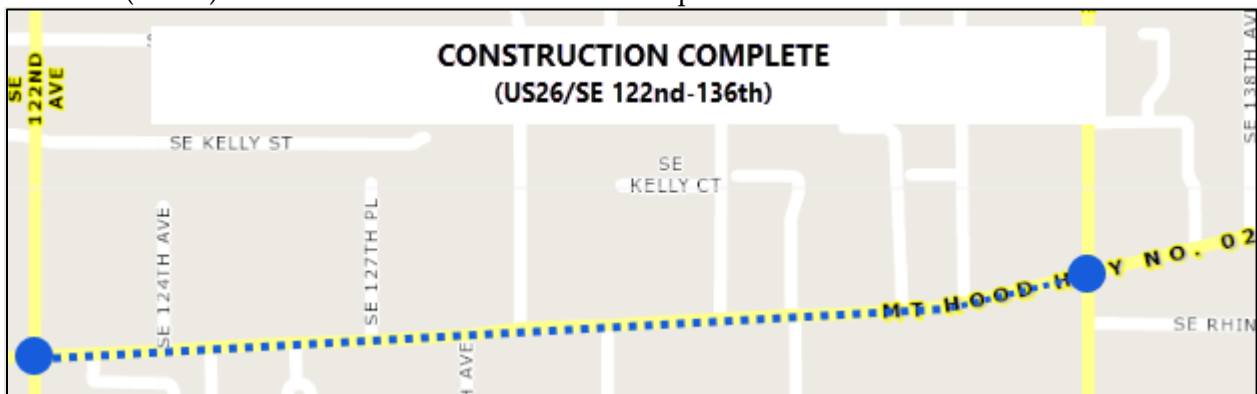
- Portland (US 26) SE 92<sup>nd</sup>: Currently in design; construction planned to open for bidding in 2024.



- Portland (US 26) SE 102<sup>nd</sup> to 119<sup>th</sup>: Currently in design; construction planned to open for bidding in 2023.



- Portland (US 26) SE 122<sup>nd</sup> to 136<sup>th</sup>: Construction completed.



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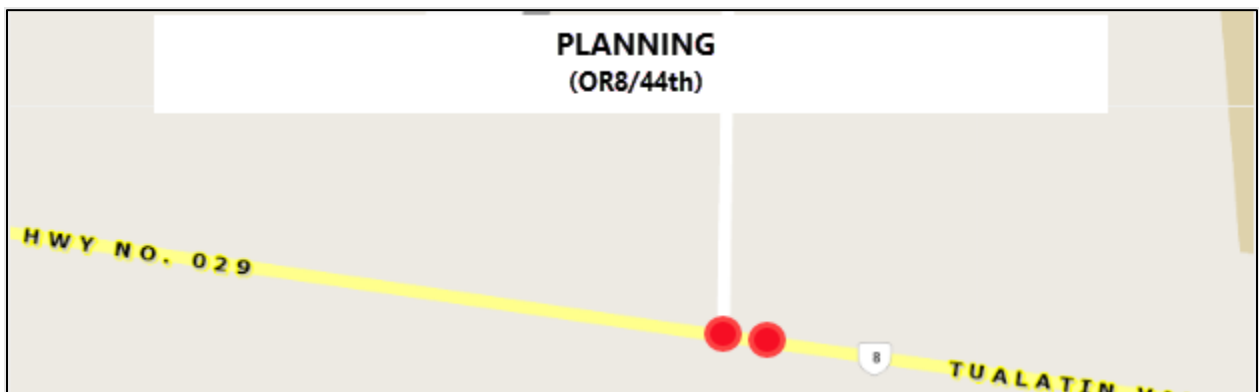
- Portland (US 26) SE 148<sup>th</sup>: Currently in design; construction planned to open for bidding in 2023.



- Portland (SE 82<sup>nd</sup>/ OR 213): Currently in design; construction planned to open for bidding in 2024.



- Hillsboro (OR 8 at 44<sup>th</sup>): Marked crossing with median island constructed in 2018 adjacent to SE 44th Ave intersection; minor corrections still needed for ramps to be fully compliant at intersection.



## Region 2 – Willamette Valley/North Coast

- Springfield: Construction completed.



- Clatskanie: Currently in design; construction planned to open for bidding in 2023.

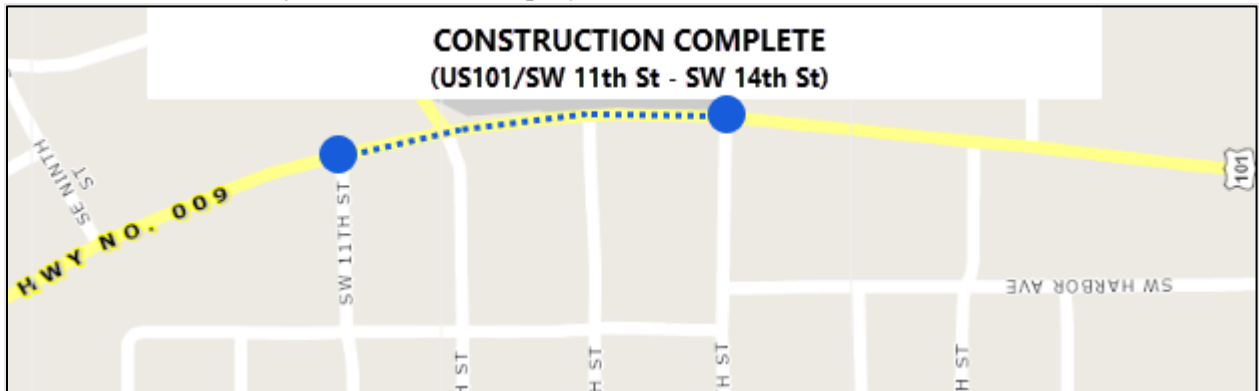


- Lincoln City (US 101):

- Currently in design, construction planned to open for bidding in 2024.

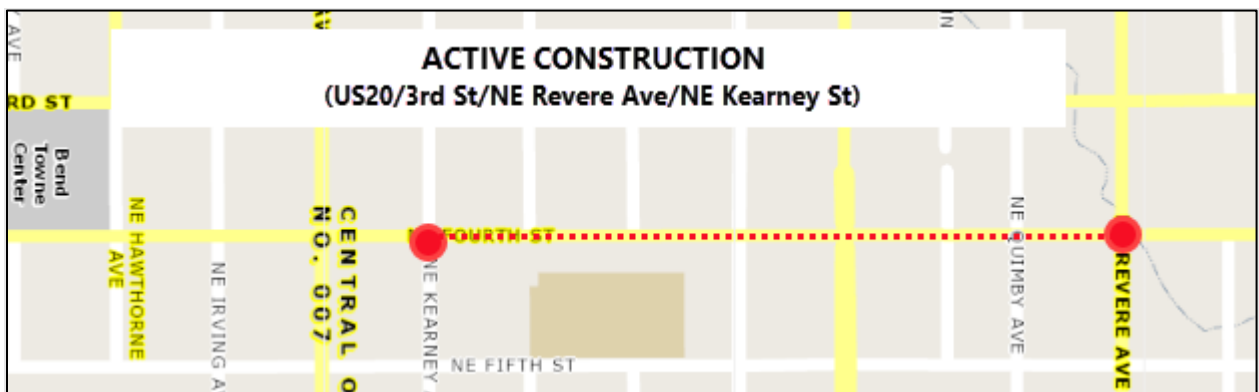
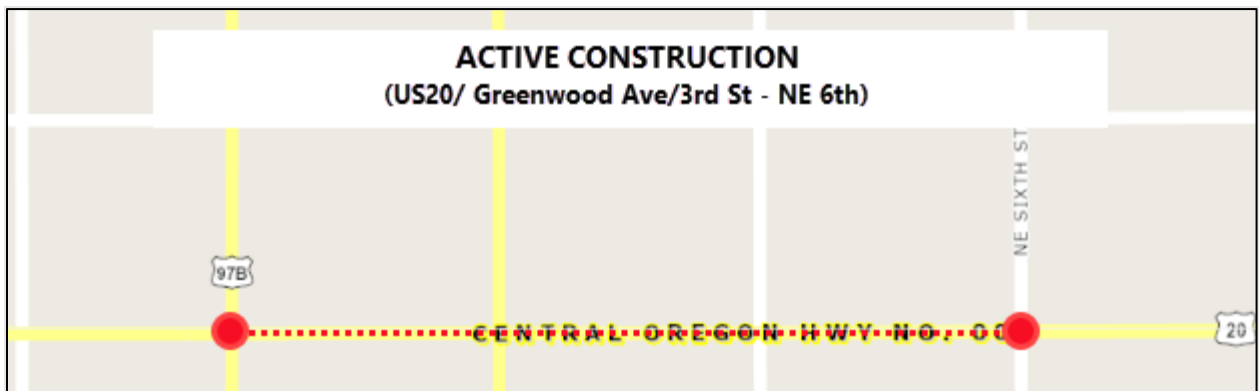


- Construction completed along one segment of US101 within Lincoln City. ODOT contributed money to this local area project.



## Region 4 – Central Oregon

- Bend (US 20) 3<sup>rd</sup>/ Greenwood:
  - Hwy 007 (Central Oregon Highway): Currently under construction.



- Hwy 007 (Central Oregon Highway): Currently in design; construction planned to open for bidding in 2023.



## Section 4 – Remediation of Curb Ramp Inventory

In 2022, ODOT remediated 2,434 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 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.

In 2022, ODOT negotiated a contract with a selected bidder to assess ODOT’s statewide pedestrian signals. ODOT expects analysis to begin in 2023. 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 2022 for Section 6.

## Section 7 – Accessibility Consultant

ODOT continues to work with its accessibility consultant, as required under the agreement. Cole and Associates 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 2022, Cole provided concurrence letters for the following:

- Oregon Department of Transportation Highway Design Manual 2023, Part 800 Pedestrian Design, Part 900 Bikeway Design, Part 1000 Design Exceptions, and Appendix G ODOT Curb Ramp Process.
- Oregon Department of Transportation Highway Design Manual 2023, Figure 800-38; ODOT Exhibit D for Design Gutter Flow Slope Conditions.
- Oregon Department of Transportation Highway Design Manual 2023, Figure 800-39; ODOT Exhibit D for Design Gutter Flow Slope Conditions for Right Turns.
- Technical Bulletin RD19-02(B), Measurement Criteria for Newly Constructed Curb Ramps and Sidewalks.

## Section 8 – Reporting

The contents of this report identify 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 its temporary pedestrian access routes policy to meet applicable standards. In 2022, ODOT staff provided the accessibility consultant with virtual field reviews and evaluated some in-place routes 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, as provided by AOCIL. ODOT also notifies the 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 2022, ODOT continued to provide information, training and guidance to staff statewide, as well as at the TPAR Design Resource meetings available to ODOT and consultant design staff. Additionally, the TPAR training provided to certified local public agencies in 2021 is available as a video presentation on ODOT's website.

## 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 2022 for Sections 10-13.

## Section 14 – ODOT Oversight

ODOT identified Michael Kimlinger, interim Chief 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 Equity and 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 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 and gain a clear understanding of the issue(s). The CQCR coordinator will then work to identify an effective solution and follow each case to completion, communicating with the submitter as necessary. 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](mailto: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.

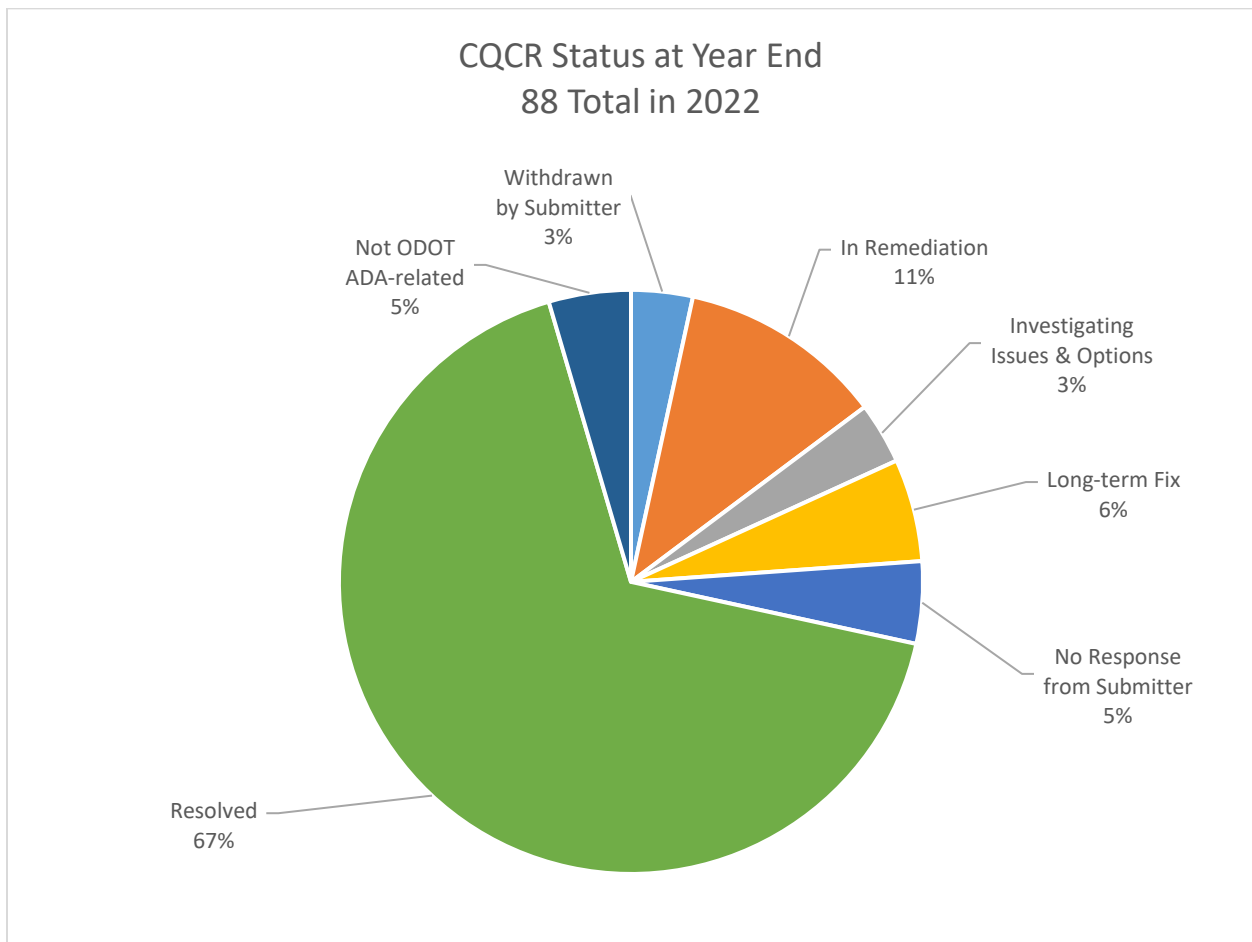


## CQCR Overview for 2022

ODOT received 88 comments, questions, concerns or requests during 2022. 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, 15 CQCRs received in prior years were resolved in 2022. The following charts only reflect cases opened in 2022.

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.

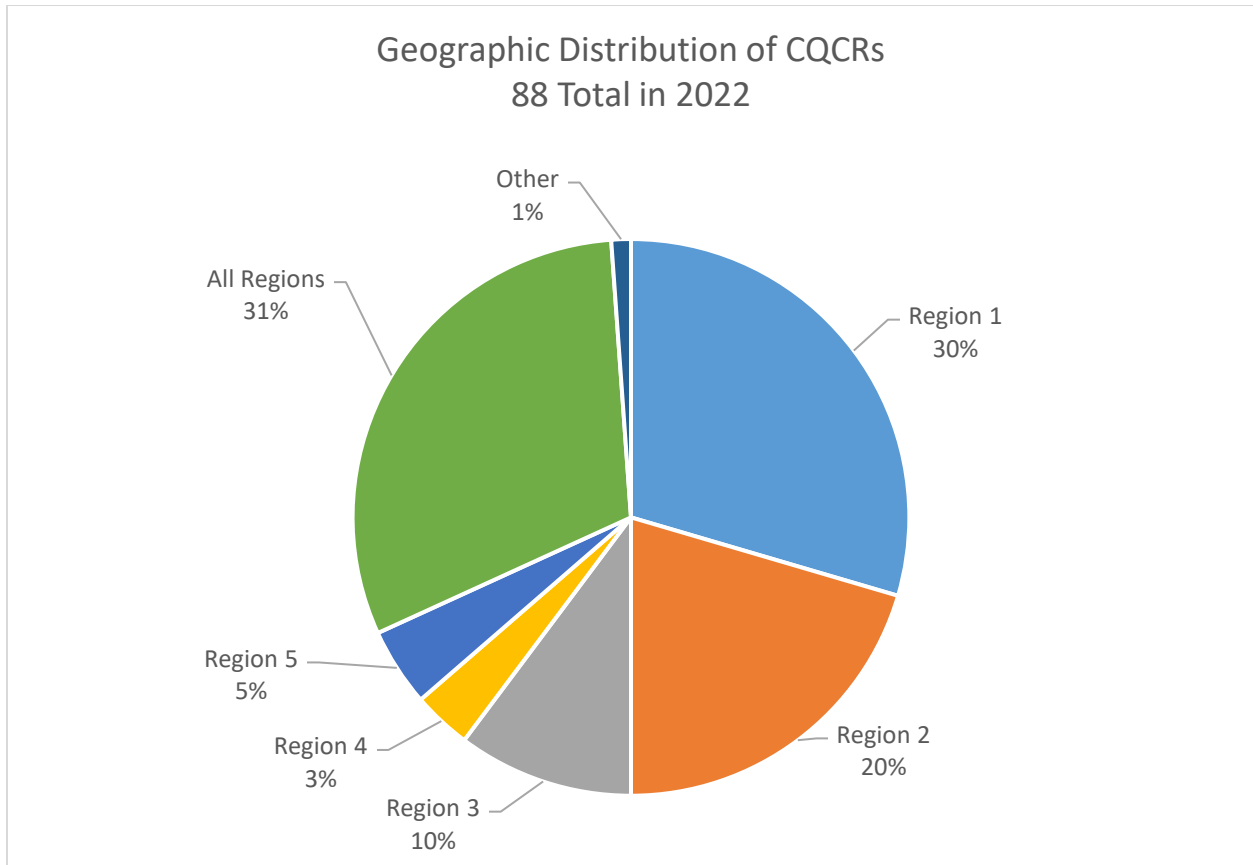
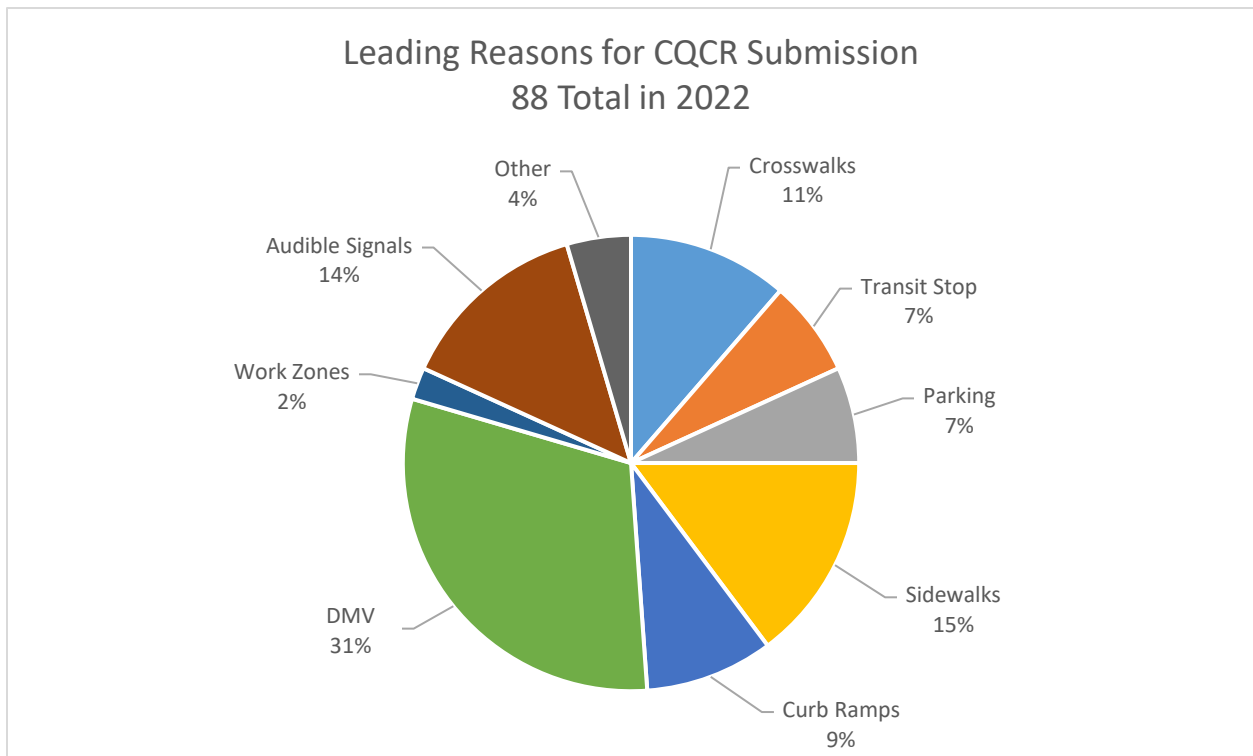


Figure 4: Leading Reasons for CQCR Submission.



## 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 2022 for Sections 16-25.

## Section 26 – Transportation Remediation

The Public Transportation Advisory Committee 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 committee’s 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 committee.

## **Section 27 – Education and Outreach**

ODOT conducted outreach or delivered presentations to the following organizations about the Agreement and/or ODOT's Delivery and Operations ADA program and projects.

- March 4, 2022 Association of General Contractors advisory meeting
- Apr. 28, 2022 Oregon Cascades West Council of Governments
- May 17, 2022 American Council of Engineering Companies ODOT Partnering Conference
- Jun. 24, 2022 Industry Leadership Group
- Nov. 2, 2022 National Association of Minority Contractors
- Nov. 3, 2022 ODOT Industry Leadership Group
- Nov. 4, 2022 Professional Business Development Group

Additionally, ODOT worked with Cole and Associates to develop and deliver an ADA Education and Awareness training to ODOT staff.

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 identified in the agreement. However, by partnering with other stakeholders and adding funds to STIP and other construction projects, ODOT has been able to remediate additional priority locations. The table below identifies cumulative remediated corner counts and allocated funds as of Dec. 31, 2022.

Table 4: Plaintiff Priority Location Information.

City & Location	Number of Corners	Remediated Corners as of 2022	Allocated/Spent Priority Funding (\$5 M) or Other*
<b>Region 1 - Portland Metro</b>			
Portland US26	63	27	\$917,548 + Other
Portland SE 82 <sup>nd</sup>	9	7	\$229,387 + Other
Hillsboro OR8	10	2	Other
<b>Region 2 - Willamette Valley/ North Coast</b>			
Springfield	2	2	\$323,235
Clatskanie	8	3	\$562,083
Lincoln City 101	90	18	\$5,833,064 + Other
<b>Region 4 - Central Oregon</b>			
Bend	69	29	\$2,066,667 + Other
<b>Statewide Totals</b>	<b>251</b>	<b>88</b>	<b>\$9,931,983</b>

\* Other may include a combination of local agency funding or other ODOT discipline funding.

After ODOT has spent the committed \$5 million on plaintiffs' prioritized locations, any remaining non-compliant curb ramps will reach 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 remediated curb ramps 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: 186 curb ramps.
- 4(b) upgrading an existing, non-compliant curb ramp to meet applicable standards: 1181 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
4(a)	50	33	35	39	28	1	186
4(b)	201	238	219	193	325	5	1,181
<b>Total</b>	<b>251</b>	<b>271</b>	<b>254</b>	<b>232</b>	<b>353</b>	<b>6</b>	<b>1,367</b>

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 (also known as “missing”).
- 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: 115 curb ramps.
- 4(d) closing a pedestrian crossing as appropriate with applicable standards: 630 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: 322 curb ramps.
  - For example, an intersection that included four corners and two pedestrian islands will show a reduction of four curb ramps due to the removal of two pedestrian islands. The new intersection configuration complies with all standards and results in eight remediated curb ramps.

(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)	31	41	11	10	15	7	115
4(d)	391	127	50	19	36	7	630
4(e)	0	0	0	0	0	0	0
4(f)	0	0	0	0	0	0	0
4(g)	71	71	23	56	91	10	322

In summary, the total number of curb ramps remediated by all methods listed in Section 4 equals 2,434. 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 2022.

4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	4(g)	Total
186	1,181	115	630	0	0	322	2,434

## 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 2022 remediation efforts.

Table 8: Breakdown of Curb Ramps included in Agreement.

<b>Remediation Reason</b>	<b>Region 1</b>	<b>Region 2</b>	<b>Region 3</b>	<b>Region 4</b>	<b>Region 5</b>	<b>Transfer</b>	<b>Total</b>
Compliant in place	183	188	62	50	87	31	601
4(a)	92	66	74	53	68	4	357
4(b)	487	706	407	268	730	40	2,638
4(c)	49	75	26	10	17	14	191
4(d)	823	302	165	64	118	45	1,517
4(e)	0	0	0	0	0	0	0
4(f)	0	0	0	0	0	0	0
4(g)	195	182	182	162	141	10	872
<b>Total Compliant</b>	<b>1,829</b>	<b>1,519</b>	<b>916</b>	<b>607</b>	<b>1,161</b>	<b>144</b>	<b>6,176</b>
Non-Compliant	5,619	7,927	2,522	1,670	2,443	977	21,158
<b>Totals</b>	<b>7,448</b>	<b>9,446</b>	<b>3,438</b>	<b>2,277</b>	<b>3,604</b>	<b>1,121</b>	<b>27,334</b>

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

Table 9: Curb Ramps that Require Remediation.

<b>Condition</b>	<b>Region 1</b>	<b>Region 2</b>	<b>Region 3</b>	<b>Region 4</b>	<b>Region 5</b>	<b>Transfer</b>	<b>Total</b>
Non-Compliant	5,619	7,927	2,522	1,670	2,443	977	21,158

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