

# **2022 Annual Settlement Agreement Report FAQs**

## **(5-year milestone)**

### **Why is ODOT issuing this report?**

Providing an annual report is a requirement of our Settlement Agreement. In this FAQ document, the Settlement Agreement Report is hereafter referenced as the “SA Report.”

### **What is the Settlement Agreement?**

In February 2016, the Association of Oregon Center for Independent Living (AOCIL) sued ODOT. AOCIL alleged that ODOT was not constructing curb ramps and pedestrian signals in compliance with the Americans with Disabilities Act. The parties agreed to a court sanctioned Settlement Agreement in which ODOT committed to inventory and remediate noncompliant curb ramps on the state highway system within a 15-year period. The Settlement Agreement also requires several other actions including inventory and remediation of pedestrian signals, hiring an accessibility consultant, improving processes to address concerns with accessibility on the transportation system, engaging in more community outreach, providing accessible routes through work zones, and producing annual reports. In March 2017, the courts approved the Settlement Agreement that ODOT will be operating under until 2032.

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

The **SA Report** is a public document and each year’s report can be found on the [ODOT AOCIL Settlement Agreement webpage](#).

### **What does the SA Report say?**

The Settlement Agreement requires that the SA Report is based upon the work ODOT has performed under the Settlement Agreement. Accordingly, the SA Report goes through each section of the Settlement Agreement and identifies ODOT’s actions related to that section. There are some sections that do not have required actions, which the SA Report identifies.

### **Is the annual SA report submitted to anyone other than AOCIL?**

The Settlement Agreement requires that the accessibility consultant, the independent third party jointly selected by ODOT and AOCIL, review and comment on the SA Report. The Settlement Agreement gives the accessibility consultant 60 days after ODOT completes the SA Report to provide their report. Additionally, the SA report is posted to the [ODOT AOCIL Settlement Agreement webpage](#).

### **Are the accessibility consultant's reports also available?**

Yes. Once it is received, each year's consultant report is posted on the [ODOT AOCIL Settlement Agreement webpage](#).

### **What else does the accessibility consultant do for ODOT?**

The accessibility consultant is an expert in national Americans with Disabilities Act (ADA) practices and provides expertise in facility accessibility and right of way pedestrian facilities. The accessibility consultant reviews and provides recommendations on ODOT policies and standards. They also conduct quality assurance field checks on a sample of new or reconstructed curb ramps and pedestrian signals.

### **Is the inventory report available to be viewed?**

The SA report inventories are available on the [ODOT AOCIL Settlement Agreement webpage](#) within the appendices for each year's report. Additionally, ODOT ADA asset inventories are publicly available on [FACS-STIP](#).

### **Where are the prioritized projects and when will they be completed?**

As part of the Settlement Agreement, ODOT agreed to commit \$5 million in funding to address AOCIL's top priority locations in Clatskanie, Springfield, Bend, Portland, Hillsboro, and Lincoln City. AOCIL provided a priority list of approximately 160 corner locations. Each corner typically includes one or two curb ramps, depending on the configuration of the intersection and the pedestrian crossings. Because curb ramps and related pedestrian signals in some of these priority locations were already included in other ODOT projects, ODOT proposed completing them within those project timelines, and AOCIL approved. By combining this work, these earmarked funds have the potential to address additional priority locations on the list. Even with these efficiency gains, the \$5 million is not enough to cover all the curb ramps on the priority list. Those that are not completed as part of this effort will be completed in the 15 years of the Settlement Agreement. A table with updated project information in these locations is included as Table 4 in the 2022 SA Report.

### **How do I request an audible pedestrian signal be installed at a location?**

As noted in the 2022 SA Report, ODOT has a policy for providing audible pedestrian signals. Using the [Comments, Questions, Concerns, or Requests \(CQCR\) form](#) is the best way to make ODOT aware of your need. ADA access requests can also be made by calling the Office of Equity and Civil Rights ADA Program at 855-540-6655.

**I see that some curb ramps were made compliant by using a design exception. What does that mean?**

The Settlement Agreement identified seven ways ODOT could make a curb ramp compliant with the ADA requirements. Achieving compliance by “technical infeasibility through a design exception” was one of those. This means that ODOT accepts as compliant a curb ramp that deviates from the standard design because it is technically infeasible to meet the standard for some element.

There are eleven elements on a curb ramp, each with specific dimensions or slopes. In some locations, it is not physically possible to meet the standards for all eleven elements. For instance, at a corner on a hill, limiting the slope to 8.3% may not be possible because the sidewalk, road, and adjacent property may all be steeper than that. In these cases, ODOT will use a design exception to explain the limitations and the steps taken to provide a curb ramp that meets the standards on as many elements as possible. AOCIL and ODOT agreed under the Settlement Agreement that these curb ramps are accepted as compliant. -.

**I also see that some curb ramps are compliant due to crosswalk closures. Is ODOT closing crosswalks just to avoid remediating the related curb ramps?**

Definitely not. “Closing a pedestrian crossing as appropriate in compliance with Applicable Standards” is one of the seven defined ways a curb ramp can become compliant. ODOT closes crosswalks where it is unsafe for any pedestrian to cross the road. ODOT follows a defined process to evaluate locations to determine whether to close a crossing, including other available pedestrian access routes. When a closing is approved, the ramp status is updated in the inventory and a sign and/or barrier are placed at the location.

**How do I know what the alternate route is around a work zone in my area?**

ODOT works to distribute upcoming construction notices to disability community organizations such as centers for independent living, as well as general community announcements and media outreach. Additionally, you can sign up to receive notices for your area at [this link](#). At construction sites, ODOT staff and contractors place signs and barricades indicating traffic detours and alternative pedestrian routes.

**How many Comments, Questions, Concerns or Requests (“CQCRs”) has ODOT received and how many have been resolved?**

In 2022, ODOT received 88 CQCRs regarding accessibility concerns related to public right of ways and other public programs. Of those, 67% were resolved within the same year. Additional details are available in Section 15 of the 2022 SA report.

### **I see there have been public meetings, but not in my area. Will there be?**

When there is an upcoming project in a local area, there will be a meeting specifically for that project in that community. ODOT shares our outreach meeting schedule with the Association of Oregon Centers for Independent Living (AOCIL). Additionally, ODOT regularly presents its upcoming project schedules to local Area Commissions on Transportation. All ODOT meetings are accessible to persons with disabilities, consistent with the Americans with Disabilities Act.

### **I have heard that ODOT completed a self-evaluation and has an ADA transition plan. What is a transition plan and where can it be found?**

ODOT completed its first self-evaluation in 1993 as required under the Americans with Disabilities Act. The self-evaluation included collection and analysis of data that subsequently informed ODOT's first ADA Transition Plan, published in 1995. ODOT has since implemented practices that maintain pertinent data on an on-going basis. For example, curb ramp inventory was just updated for the state highway system in 2018 – as new curb ramps are constructed, inspection data is captured to update this inventory. These practices allow ODOT to evaluate compliance with ADA standards as a part of everyday business practices.

ODOT's ADA Transition Plan was approved and [published in 2017](#). It was recently updated (2022) and is currently out for [public comment](#) with multiple opportunities for interested persons to review and comment through June 2, 2023.

A transition plan communicates who is responsible for implementation of the plan, includes identified physical barriers that limit accessibility, describes the methods that will be used to remediate these identified barriers, and describes the prioritization and schedule of when remediation will take place. Plan updates ideally occur about every five years.

For more information about ODOT's current and upcoming ADA transition plans, visit our [transition plan webpage](#). Each plan update uses data described above and may include recommendations to periodically review methods for determining ADA compliance as standards or conditions change.

### **I heard that ODOT launched a new ADA Delivery program. What's the story?**

While an ADA program was previously established, a new approach was needed to meet the challenging timeline and technical requirements. The ADA Delivery Program officially launched March 1, 2023.

Specifically, the ADA Delivery Program's focus is to replace or upgrade thousands of non-compliant curb ramps to help make our transportation system more accessible for all users while also aligning with the terms of our settlement agreement.

The ADA Delivery Program is expanding to significantly accelerate curb ramp projects. We have centralized many of the technical functions which will help us achieve the aggressive pace of curb ramp remediation.