

2023

ADA Settlement Agreement Report



As Required per Section 8
Issued March 2024

ADA Settlement Agreement 2023 Annual Report

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.

ODOT does not discriminate based on disability in admission or access to its programs, services, activities, hiring and employment practices. Questions: 1-877-336-6368 (EEO-ODOT) or through Oregon Relay Service at 7-1-1.

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Introduction

The Oregon Department of Transportation and the Association of Oregon Centers for Independent Living (AOCIL), 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 2023 Annual Report, the seventh report submitted. This report demonstrates the considerable progress made by the agency in accelerating its remediation of curb ramps and push buttons throughout the state.

In 2023, 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.

On July 13, 2023, the Oregon Transportation Commission (OTC) adopted ODOT's new ADA Title II Transition Plan. The [2023 Transition Plan](#) includes requirements from this settlement agreement and guides statewide efforts toward program accessibility including curb ramps, pedestrian signals, and other ADA-related infrastructure and processes.

Section 8 Reporting

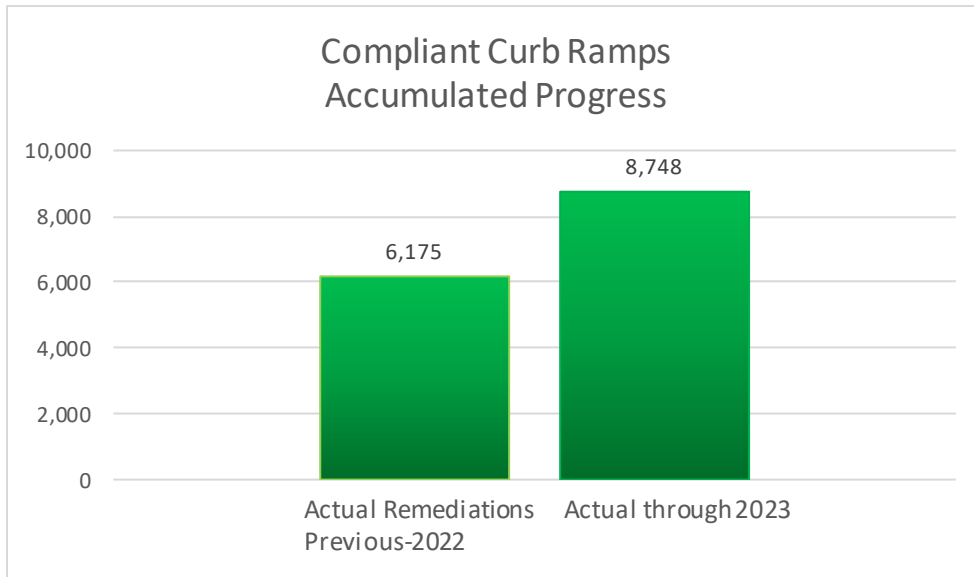
The agreement states:

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 2023.

Figure 1: ODOT Curb Ramp Remediation through 2023.



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 2023, 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*	6,175
2023	445	1,571	59	367	0	0	131	2573	
2023 Updated Cumulative Total									8,748

Note about the table above:

* Due to a programmatic determination in the system, the cumulative total was corrected from 6,176 in the 2022 Annual Report to 6,175 for one asset that was previously misassigned its remediation year.

As of Dec. 31, 2023, 8,748 ramps in the 2017 Settlement Agreement Curb Ramp Inventory are now compliant.

ODOT continues to make significant strides in its remediation efforts and increases 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, 2023

Per the agreement, the following includes all required reporting on deliverables for 2023. Not all sections required deliverables during 2023 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 2023.

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 about 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	4,445	55%
Non-Compliant	3,683	45%
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.

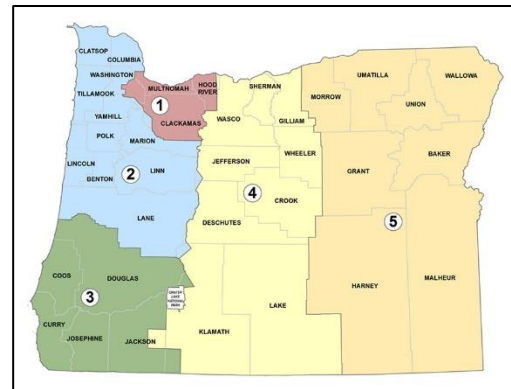
Audible Pedestrian Signals	Unit Count	Percent of Total
With Audible	1,440	18%
No Audible	5,823	72%
Unknown	865	10%
Total Push Buttons included in the ADA Settlement	8,128	100%

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. See Part (b) for supplemental information on prioritized curb ramp projects.

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.



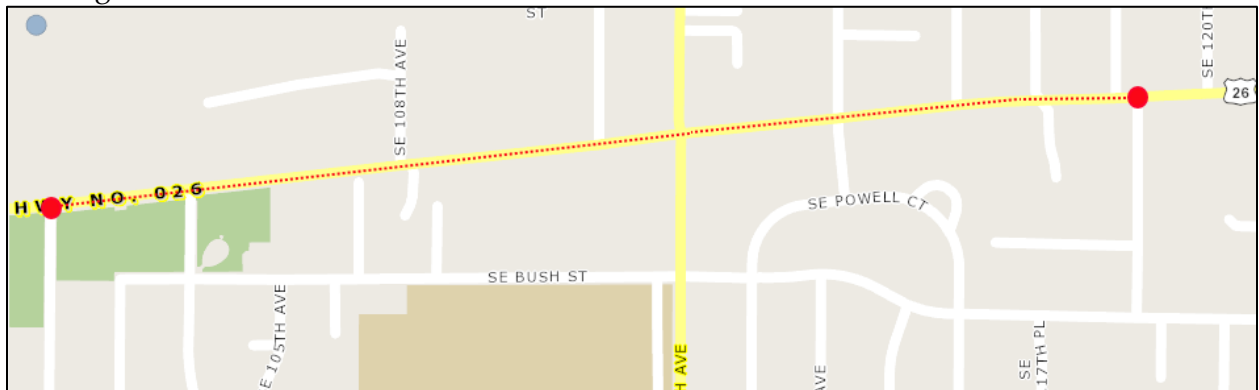
A brief update on active priority locations in Regions 1, 2 and 4 follows; these summary statements represent the project status at the end of 2023. For additional project information, please visit the [Transportation Project Tracker](#). As of 2023, ODOT has expended over \$5 million on priority locations and thus met its commitment under Section 3. See Part (b) for more details about expended amounts. Accordingly, ODOT will not report on Section 3 activity in future reports.

Region 1 – Portland Metro

- Portland (U.S. 26) SE 92nd: Currently in design; construction planned to open for bidding in 2024.



- Portland (U.S. 26) SE 102nd to 119th: Currently in design; construction planned to open for bidding in 2024.

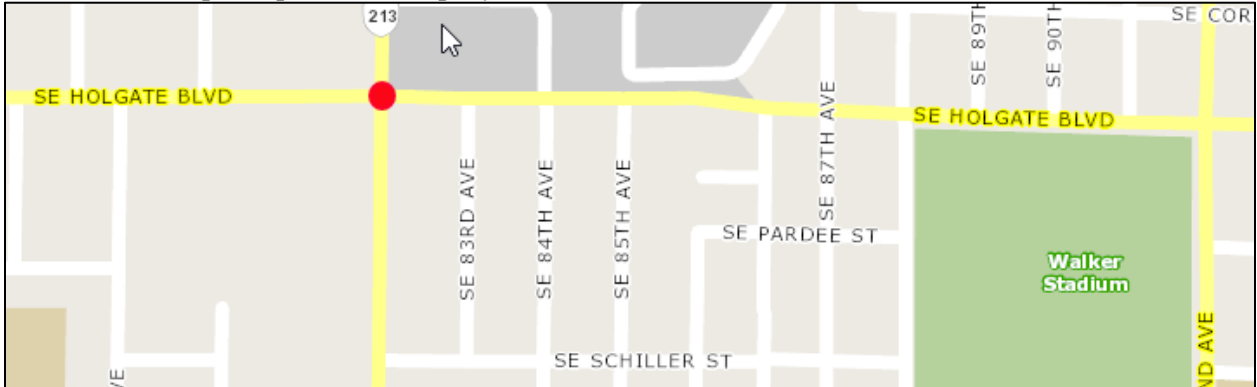


- Portland (U.S. 26) SE 148th: Currently in design; construction planned to open for bidding in 2024.

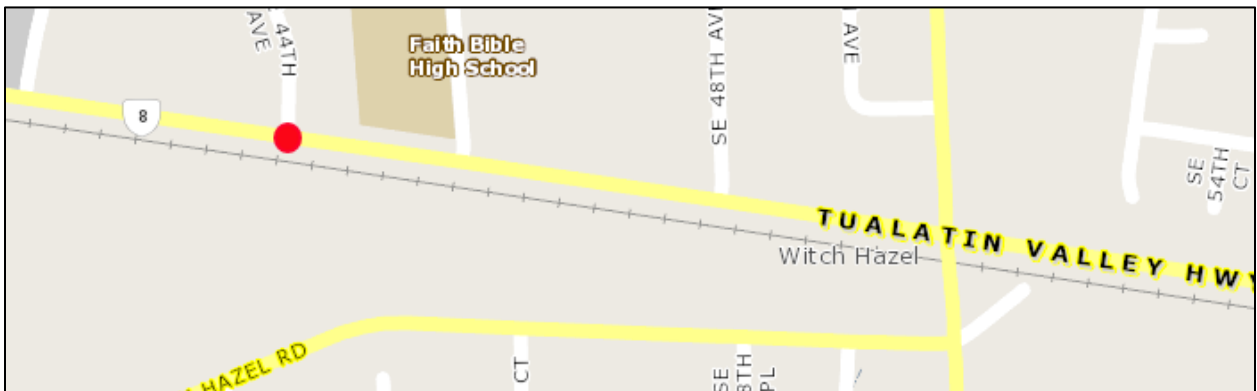


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- Portland (OR 213/SE 82nd/SE Holgate Blvd.: Currently in design. Intersection was added to a Portland Bureau of Transportation (PBOT) project to realign the intersection. PBOT will remediate ramps as part of that project.

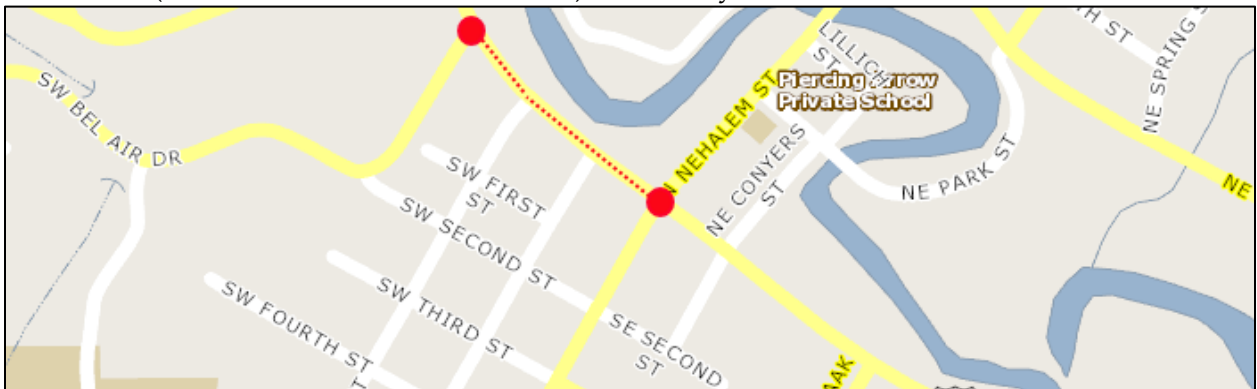


- Hillsboro (OR 8 at 44th): Marked crossing with median island constructed in 2018 adjacent to SE 44th Ave intersection; minor corrections to truncated domes still needed for ramps to be fully compliant at intersection.



Region 2 – Willamette Valley/North Coast

- Clatskanie (U.S. 30/Nehalem St/Bel Air Dr): Currently in construction, 2024.

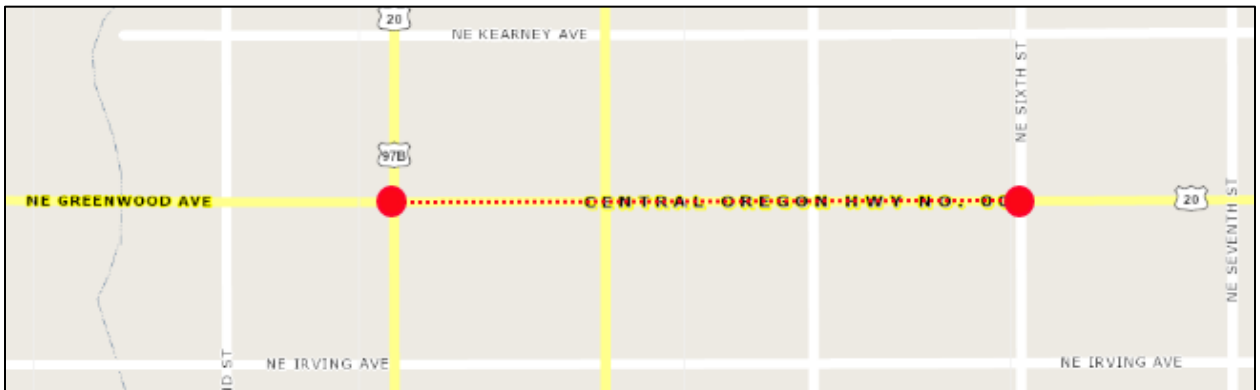


- Lincoln City (U.S. 101/NW Logan Rd-SW Fleet Ave S): Currently in design, construction planned to open for bidding in 2024.

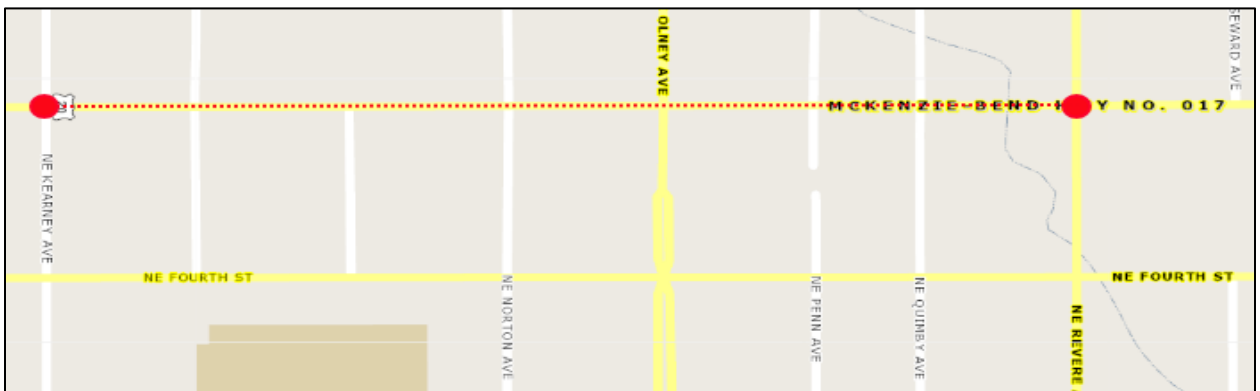


Region 4 – Central Oregon

- Bend (U.S. 20) 3rd/ Greenwood:
 - Hwy 007 (Central Oregon Highway: U.S.20/Greenwood Ave/3rd St – NE 6th): Currently under construction.



- Hwy 007 (Central Oregon Highway: U.S. 20/3rd St/NE Revere Ave/NE Kearney St): Currently under construction.



- Hwy 007 (Central Oregon Highway: U.S. 20/NE Greenwood/NE 4th St – NE 11th):
Currently in design; construction planned to open for bidding in 2024.



Section 4 – Remediation of Curb Ramp Inventory

In 2023, ODOT remediated 2,573 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.

In many locations ODOT continues to make progress by addressing pedestrian push button accessibility when constructing curb ramps.

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 2023 for Section 6.

Section 7 – Accessibility Consultant

ODOT continues to work with 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 for curb ramps. Cole provides a concurrence

letter acknowledging that ODOT is complying with the applicable standards once these reviews conclude successfully.

In 2023, Cole provided concurrence letters for the following:

- Oregon Department of Transportation Highway Design Manual 2024 Draft, Section 800 Pedestrian Design.
- Oregon Department of Transportation Operational Notice MG144-03, Traffic Signal Work and Americans with Disabilities Act, 2017.
- Oregon Department of Transportation Curb Ramp Inspection Training Curriculum 2021.
- Oregon Department of Transportation ADA Inspection Guide Version 1, June 2021.
- Oregon Department of Transportation Inspection Forms for ADA Push Buttons, 734-5245A and 734-5245B.
- Technical Bulletin RD21-01(A), Curb Ramp Gutter Flow Slope Design and Design Exceptions, 2021-2024.
- Technical Bulletin RD21-04(B), Design for Program Funded Curb Ramps Projects Programmed to Constructed in 2021-2024.

In 2023, Cole provided accessibility awareness training under a separate contract to ODOT for general training of ODOT staff, management, and the public. It provided an opportunity to understand the impact our ADA work can have on people with disabilities and the importance of an equitable transportation system. Sessions were delivered to each region and a video recording is available for [on demand training](#).

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 (TPAR) policy to meet applicable standards. In 2023, ODOT staff and the accessibility consultant participated in field reviews and evaluated many in-place routes to ensure they provided appropriate access. The results of the field reviews were presented to ODOT and will be assessed for potential change in design and training.

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 2023, in coordination with Oregon State University (OSU) technical engineering educational series, an on demand [TPAR design training](#) curriculum for public right of way was created and is available to staff and the public. Several training sessions have been presented to others including the Northwest Asphalt Pavement Association.

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 2023 for Sections 10-13.

Section 14 – ODOT Oversight

ODOT identified Michael Kimlinger, 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 Brenda Gessner, 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. Where ODOT jurisdiction CQCR solutions require a longer timeframe and planning to address, these locations are retained and noted in Appendix F of the [2023 ODOT ADA Transition Plan](#). 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 learn 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>), 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 2023

ODOT received 92 comments, questions, concerns, or requests during 2023. 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.

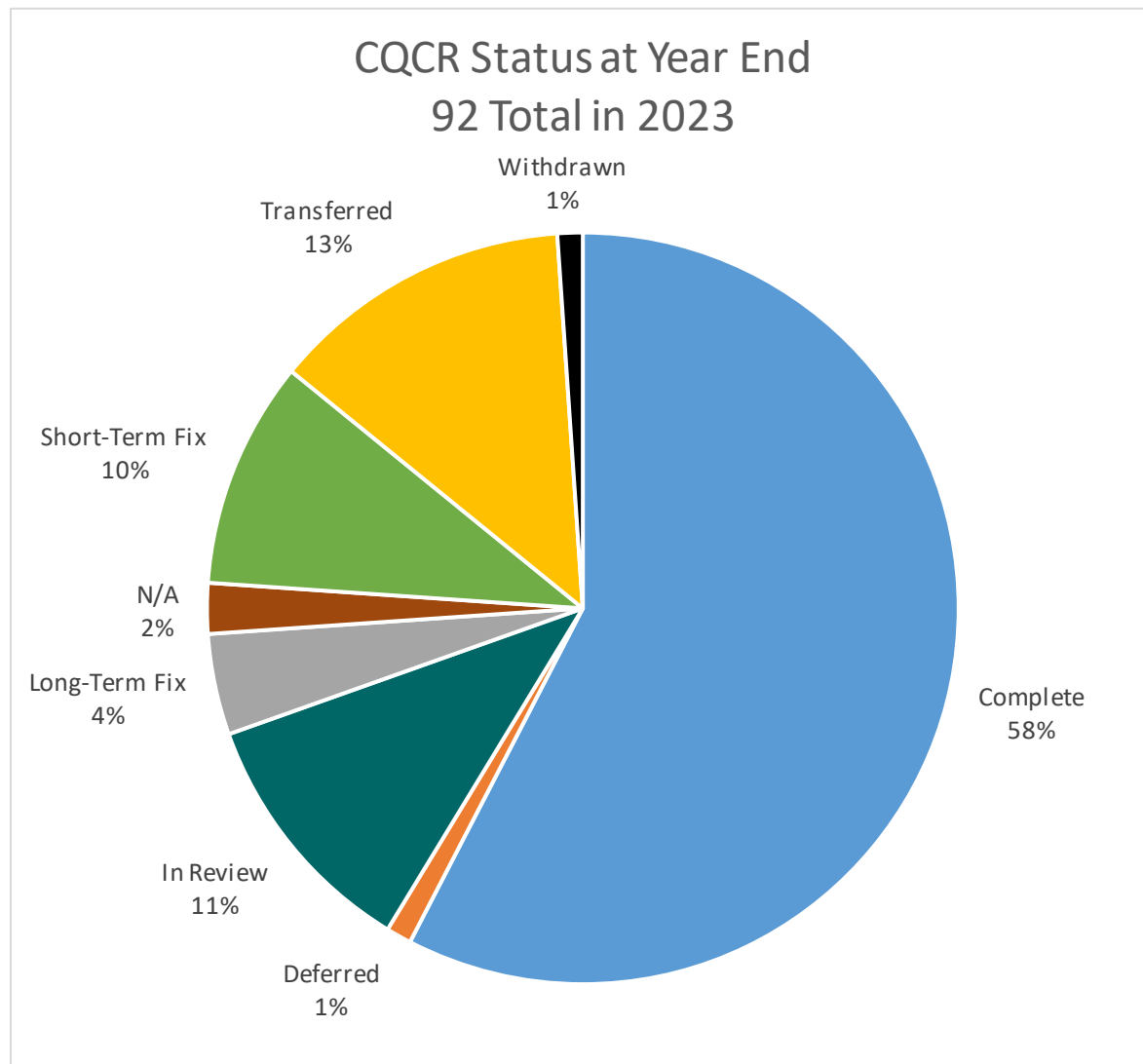
In addition, 12 CQCRs received in prior years were resolved in 2023.

The following charts only reflect cases opened in 2023.

The status distribution of CQCRs in Figure 2 is organized by status designation. The designation of “long-term fix” are those reported barriers that involve multiple elements of infrastructure, a significant length of highway, or other challenges at the site that require significant engineering or long-term planning to address. Long-term fix accounts for 4% of the 2023 total.

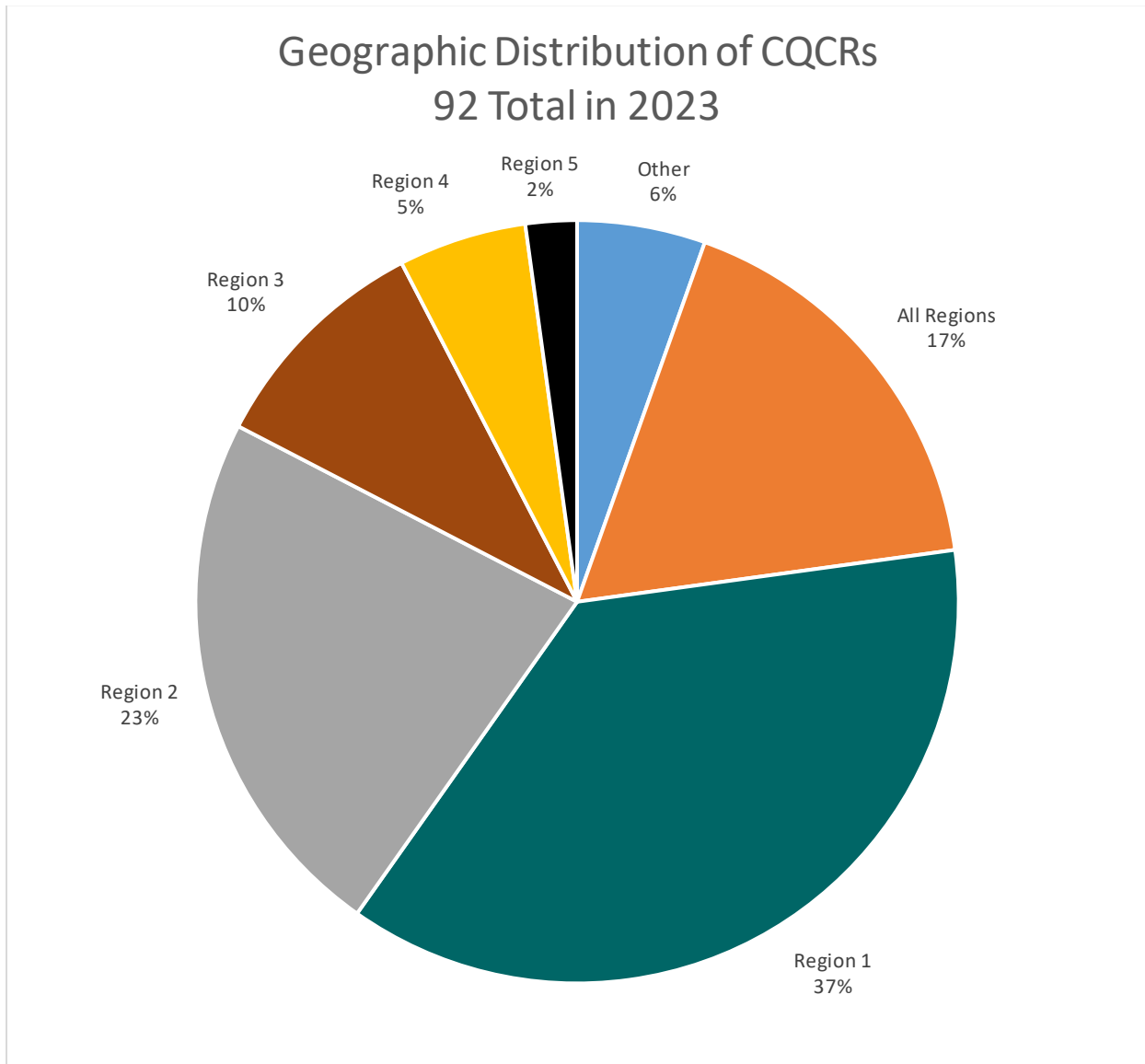
A request for a wider pedestrian way on the Yaquina Bay Bridge is an example of a complex, long-term barrier. This historic signature bridge is hundreds of feet long. While addressing the pedestrian width could be possible, it would require significant engineering and long-term planning to address.

Figure 2: CQCR Status at Year End.



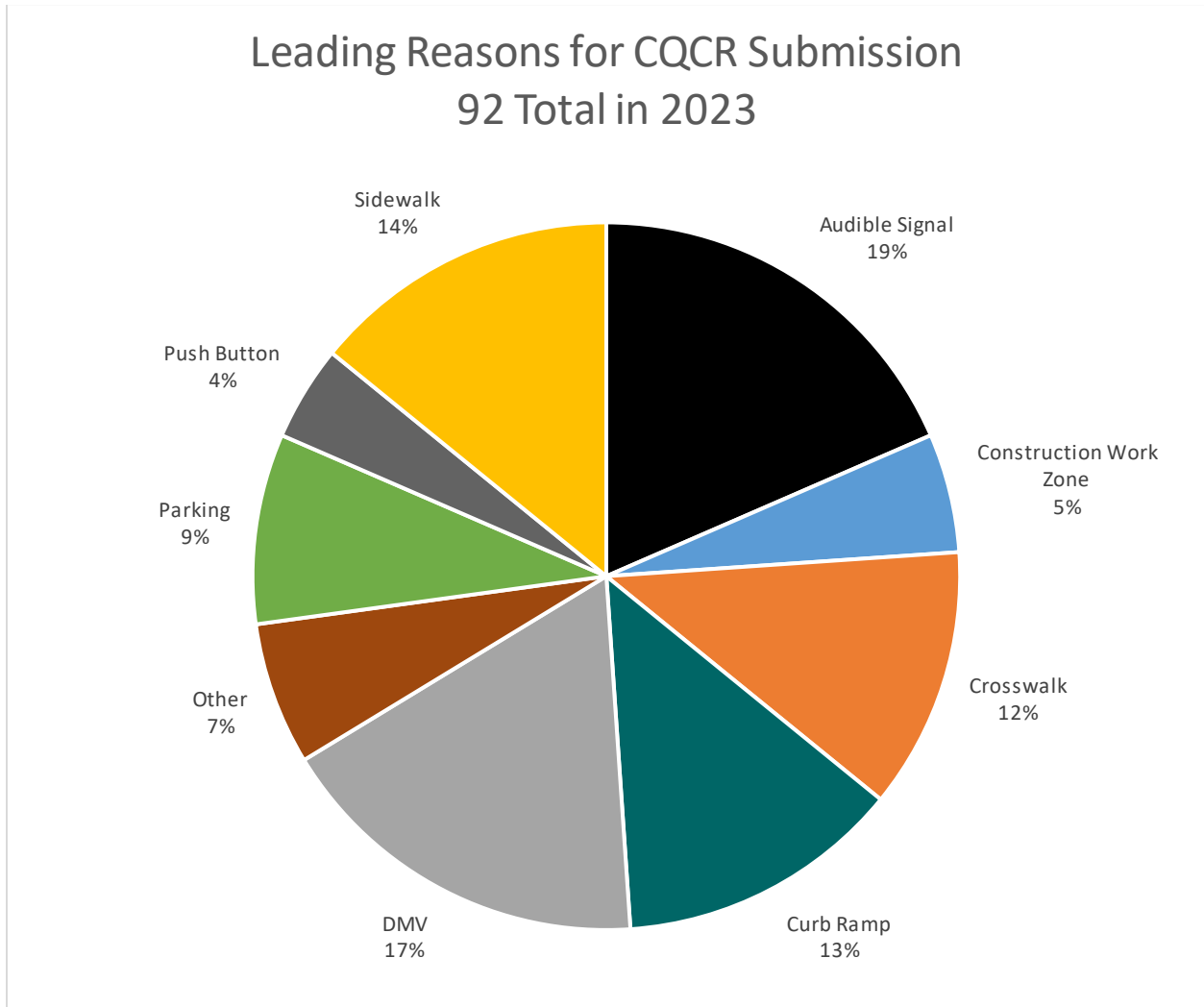
The geographic distribution of CQCRs in Figure 3 is organized by region. The designation “all regions” is reserved for those CQCRs involving statewide policies or DMV processes. The designation "other" is reserved for cases that apply to a subset of multiple regions and to cases without clearly defined locations.

Figure 3: Geographic Distribution of CQCRs.



The designation "other" in Figure 4 is reserved for barriers that do not fall within the established categories.

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 2023 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 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 PTAC ADA workgroup’s priorities and work plan are coordinated with the PTAC.

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.

January 12, 2023 Oregon Disability Commission.

September 11, 2023 Oregon Commission for the Blind.

October 23, 2023 Oregon Association of County Engineers.

December 28, 2023 Certification User Group (CUG) for Local Public Agencies.

Additionally, ODOT worked with Cole to develop and deliver an ADA Education and Awareness training to ODOT staff (see section 7).

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 interested parties 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, 2023. As detailed below, ODOT has expended over \$5 million on priority locations and thus met its commitment under Section 3. Accordingly, ODOT will not report on Section 3, including this Part (b), in future reports.

Table 4: Plaintiff Priority Location Information.

City & Location	Number of Corners	Remediated Corners as of 2023	Allocated/Spent Priority Funding (\$5 M) or Other*
Region 1 - Portland Metro			
Portland U.S. 26	63	27	\$2,145,369 + Other
Portland SE 82 nd	9	7	Other
Hillsboro OR 8	10	7	Other
Region 2 - Willamette Valley/ North Coast			
Springfield	2	2	\$323,235
Clatskanie	8	3	\$722,247
Lincoln City U.S. 101	90	18	\$4,725,323 + Other
Region 4 - Central Oregon			
Bend	69	37	\$1,874,419 + Other
Statewide Totals	251	101	\$9,790,593

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

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: 445 curb ramps.
- 4(b) upgrading an existing, non-compliant curb ramp to meet applicable standards: 1,571 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)	71	110	77	69	113	5	445
4(b)	301	457	277	167	339	30	1,571
Total	372	567	354	236	452	35	2,016

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

- curb ramps that do not meet one or more of the applicable 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 and documentation.

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: 59 curb ramps.
- 4(d) closing a pedestrian crossing as appropriate with applicable standards: 367 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: 131 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.
 - For example, curb ramps that were determined “not needed” through further analysis and evaluation are remediated curb ramps. This may be because there is no pedestrian infrastructure in place or it is determined that a crosswalk does not exist.

(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)	7	26	10	7	8	1	59
4(d)	216	111	11	8	17	4	367
4(e)	0	0	0	0	0	0	0
4(f)	0	0	0	0	0	0	0
4(g)	16	66	20	8	21	0	131

In summary, the total number of curb ramps remediated by all methods listed in Section 4 equals 2,573. 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 2023.

4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	4(g)	Total
445	1,571	59	367	0	0	131	2,573

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 2023 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	183	185	62	50	87	34	601
4(a)	163	176	151	122	181	9	802
4(b)	789	1,163	684	435	1,069	70	4,210
4(c)	56	101	36	17	25	15	250
4(d)	1,039	412	176	72	135	50	1,884
4(e)	0	0	0	0	0	0	0
4(f)	0	0	0	0	0	0	0
4(g)	212	244	202	170	163	10	1,001
Total Compliant	2,442	2,281	1,311	866	1,660	188	8,748
Non-Compliant	5,006	7,035	2,127	1,411	1,944	1,063	18,586
Totals	7,448	9,316	3,438	2,277	3,604	1,251	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	5,006	7,035	2,127	1,411	1,944	1,063	18,586

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