

2020 Annual Settlement Agreement Report FAQs

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 can be found on the [Accessibility at ODOT 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 and the SA Report identifies those.

Does anyone other than AOCIL receive the annual SA Report?

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.

Will the accessibility consultant’s report be available?

Yes. Once it is received, it will also be posted on the Accessibility at ODOT web page.

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 experience and 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 of new or reconstructed curb ramps and pedestrian signals.

Is the inventory report available to be viewed?

The inventory is posted on the [ODOT website](#). Additionally, curb ramps and other related inventory, and their status of good, fair, poor, or missing, can be viewed on our [FACS-STIP](#) or [TransGIS](#).

Will the inventory report be provided on a map?

It is now viewable in either [FACS-STIP](#) or [TransGIS](#).

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, Beaverton, 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. Curb ramps and related pedestrian signals in some of these locations were already included in other ODOT projects and, with the AOCIL’s concurrence, will be completed in

the timeline of those projects. 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 2020 SA Report.

Is ODOT on track to meet its first milestone of remediating 30% of its curb ramps by 2022?

Yes. The 2017 inventory updates established the baseline total number of curb ramp and remediation targets of 30% (7770) by 2022; 75% (19,424) by 2027 and 100% by 2032. ODOT did not initially seek to just build lots of curb ramps, but sought to implement higher standards for remediation of curb ramps as part of the Settlement Agreement to ensure optimal accessibility. We began remediation work with a very deliberate pace to identify and implement any needed process improvements to ensure effectiveness of these higher standards. Currently, we are working on construction projects for 2021 and 2022 that position ODOT to meet the 30% milestone at the end of 2022.

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

As noted in the 2020 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.

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

The Settlement Agreement defined 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. Locations with a design exception are identified on the [FACS-STIP](#) tool.

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 another 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. An ADA Closed Crossing asset report is available on the [FACS-STIP tool](#).

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 2020, ODOT received 60 CQCRs regarding accessibility concerns related to public right of ways and other public programs. At the end of 2020, of those, 64% were resolved within the same reporting year.

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

While COVID limited our outreach capabilities in 2020, we arranged public meetings throughout the state, both virtually and in person, and will be arranging more in 2021. If there is an upcoming project in your area, there will be a meeting specifically for the project. If you are interested in a general outreach meeting, we share our meeting schedule

with the Association of Oregon Centers for Independent Living (AOCIL). You can contact your local center for independent living for the upcoming meetings near you. 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 a transition plan. What are they?

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 current, updated ADA Transition Plan was approved and [published in 2017](#). This document 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, but ODOT may delay this if the current plan remains materially pertinent in its content. Each plan update uses data described above and may include recommendations to periodically review methods for determining ADA compliance as standards or conditions change.