ODOT
ADA Settlement Agreement & Transition Plan

Lisa Strader
ADA Program

OMPOC Meeting
29 July 2019
A Snapshot of Disability in Oregon

This page provides an overview of disability in Oregon (OR) compared to national estimates. You can use this information to learn more about the percentages and characteristics of adults with disabilities in Oregon.

22.5% of adults in the U.S. have some type of disability.

22.1% of adults in Oregon have some type of disability.

https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/oregon.html
Key Dates in Accessibility

• 1973 Rehabilitation Act, Section 504
  - Prohibits discrimination based on disabilities
  - Applies to programs and activities receiving federal funds

• 1990 Americans with Disabilities Act
  - Civil Rights Law
  - Prohibits discrimination in the provision
    of facilities, services, and programs
  - Title II applies to state and local governments
Happy 29th ADA
MOBILITY

Is the most common type of disability at 13%
The ODOT ADA Lawsuit alleged that ODOT:

- Did not address curb ramps when we triggered. Did not construct them compliantly
- Had inaccessible and non-compliant pedestrian signals
- Did not provide adequate accessible routes through work zones
- Inconsistent communication and outreach. Did not consistently address and track public concerns
## Settlement Agreement

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Initial</th>
<th>Ongoing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curb Ramps</td>
<td>✔️</td>
<td>Yes</td>
</tr>
<tr>
<td>• Inventory</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>• Remediation</td>
<td>✔️</td>
<td></td>
</tr>
<tr>
<td>Pedestrian-Activated Signals</td>
<td>✔️</td>
<td>Yes</td>
</tr>
<tr>
<td>• Inventory</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>• Remediation</td>
<td>✔️</td>
<td></td>
</tr>
<tr>
<td>Plaintiff Priorities</td>
<td>✔️</td>
<td>Yes</td>
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<tr>
<td>Accessibility Consultant</td>
<td>✔️</td>
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<tr>
<td>Annual Reporting</td>
<td>✔️</td>
<td>Yes</td>
</tr>
<tr>
<td>Temporary Pedestrian Access Routes</td>
<td>✔️</td>
<td>Yes</td>
</tr>
<tr>
<td>• Update Standards</td>
<td>✔️</td>
<td></td>
</tr>
<tr>
<td>• Enforcement</td>
<td>✔️</td>
<td></td>
</tr>
<tr>
<td>Comments, Questions, Concerns, Requests</td>
<td>✔️</td>
<td>Yes</td>
</tr>
<tr>
<td>Outreach</td>
<td>✔️</td>
<td>Yes</td>
</tr>
<tr>
<td>• PTAC</td>
<td>✔️</td>
<td></td>
</tr>
<tr>
<td>• OBPTAC</td>
<td>✔️</td>
<td></td>
</tr>
<tr>
<td>Updating Standards, Policies, Guidelines</td>
<td>✔️</td>
<td>Yes</td>
</tr>
</tbody>
</table>
ADA Transition Plan

- Full program access
- Legal requirements
- Identify/inventory barriers
- Methods to remove barriers
- Identify budget
- Schedule to implement

All public agencies with 50+ people are required to have a Transition Plan

ODOT actions under the Settlement Agreement also meet some requirements of the Transition Plan
What Is Full Program Access?

Buildings
Documents & Forms
Transportation System
Communications
Employment
Meetings
Testing
ODOT is changing how it does:

- Planning/Scoping/Selecting Projects
- Design
- Outreach & Communications
- Construction
- Maintenance & Operations
- Working with Local Agencies
Design standards

ODOT Standards

PROWAG

ADAAG
Local Agency Use ODOT Standards

If ANY of these exist

- Work is on or along State Highway System
- ODOT's name on contract
- State or federal funding through ODOT included

Must use ODOT Standards

- Standard drawings, construction specs
- Design every curb ramp, put ‘detail’ in plans
- Curb ramp design checklist, CR design exception process
- Curb Ramp Inspection Form (Inspector pay note inventory)
- Direction on pedestrian signal push button location placement
- Temporary Pedestrian Accessible Route Plans

Panels have a slope 5% to 8.3%
Ramp is a combination ramp
Warping of the cross slope needs to begin on the next panel.
Two curb ramps per corner are required unless impracticable.
Clear Space Examples
Clear Space – Why Does It Matter?

Photo of a man struggling to climb a curb ramp and turn onto the adjacent sidewalk without a turning space.

Photo of a man leaning forward as he tries to navigate the compound slope of a curb ramp without a turning space.
ODOT Inventory

• 2017 Field Inventory

• 2018 Quality Assurance

Criteria

Good
Fair
Poor
Missing
Good
Fair
Poor
Missing
# Updated Settlement Agreement Inventory

<table>
<thead>
<tr>
<th>Functional Condition</th>
<th>Region 1: Portland Metro</th>
<th>Region 2: Willamette Valley, North Coast</th>
<th>Region 3: Southern Oregon, South Coast</th>
<th>Region 4: Central Oregon</th>
<th>Region 5: Eastern Oregon</th>
<th>Transferred</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>418</td>
<td>552</td>
<td>190</td>
<td>110</td>
<td>136</td>
<td>22</td>
<td>1,428</td>
</tr>
<tr>
<td>Fair</td>
<td>18</td>
<td>18</td>
<td>7</td>
<td>7</td>
<td>3</td>
<td>0</td>
<td>53</td>
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<tr>
<td>Poor</td>
<td>7,736</td>
<td>8,960</td>
<td>3,324</td>
<td>2,169</td>
<td>3,464</td>
<td>297</td>
<td>25,846</td>
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<tr>
<td>Missing</td>
<td>1,156</td>
<td>1,571</td>
<td>564</td>
<td>362</td>
<td>709</td>
<td>19</td>
<td>4,381</td>
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<tr>
<td>Total ADA Settlement Curb Ramps</td>
<td>8,068</td>
<td>9,530</td>
<td>3,521</td>
<td>2,286</td>
<td>3,603</td>
<td>319</td>
<td>27,327</td>
</tr>
</tbody>
</table>

[1] Missing curb ramps are a subset of “Poor” and are included in the count of “Poor” curb ramps.
Range of Poor
## Compliance Timeline

### Settlement Agreement Curb Ramp Inventory Compliance Schedule

<table>
<thead>
<tr>
<th>Jan. 7, 2019</th>
<th>First 5-Year Period</th>
<th>Second 5-Year Period</th>
<th>Third 5-Year Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>26,569 Total Curb Ramps to Remediate</td>
<td>2018-2022</td>
<td>2023-2027</td>
<td>2028-2032</td>
</tr>
<tr>
<td>30% (7,971) in 1st 5 years</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45% (11,956) in 2nd 5 years to reach 75%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25% (6,642) in 3rd 5 years to reach 100%</td>
<td></td>
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<td></td>
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</table>
### Detailed Conceptual Compliance Timeline

**Curb Ramp Delivery**

<table>
<thead>
<tr>
<th>Region</th>
<th>Total</th>
<th>Comply</th>
<th>18</th>
<th>19</th>
<th>20</th>
<th>21</th>
<th>22</th>
<th>23</th>
<th>24</th>
<th>25</th>
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<th>27</th>
<th>28</th>
<th>29</th>
<th>30</th>
<th>31</th>
<th>32</th>
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<tr>
<td>Region 1</td>
<td>8,076</td>
<td>252</td>
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<td></td>
<td></td>
<td></td>
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<td>850</td>
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<td>360</td>
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<tr>
<td>Region 2</td>
<td>9,530</td>
<td>249</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>875</td>
<td>875</td>
<td>875</td>
<td>875</td>
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<td>560</td>
<td>560</td>
<td>560</td>
<td>560</td>
<td>557</td>
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<td>Region 3</td>
<td>3,523</td>
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<td>815</td>
<td>815</td>
<td>815</td>
<td>203</td>
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<td>Region 4</td>
<td>2,282</td>
<td>61</td>
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<td>815</td>
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<td>Region 5</td>
<td>3,604</td>
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<td>815</td>
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<td>650</td>
<td>414</td>
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<td>Transfer</td>
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<td>150</td>
<td>147</td>
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<td>Triggered</td>
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<tr>
<td>TOTAL</td>
<td>27,334</td>
<td>765</td>
<td>400</td>
<td>400</td>
<td>1215</td>
<td>2995</td>
<td>2992</td>
<td>3066</td>
<td>2539</td>
<td>2125</td>
<td>2125</td>
<td>2125</td>
<td>1320</td>
<td>1320</td>
<td>1320</td>
<td>1320</td>
<td>1307</td>
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30% 7,971  
75% 19,927  
100% 26,569
## Production Targets

### Ramp Construction Volumes

<table>
<thead>
<tr>
<th>Region</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region 1</td>
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<tr>
<td>Region 2</td>
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<td>Region 4</td>
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<tr>
<td>Region 5</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Pilots</td>
<td>32</td>
<td>6</td>
<td>488</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>32</th>
<th>6</th>
<th>1,888</th>
<th>2,200</th>
<th>1,400</th>
<th>5,326</th>
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</thead>
<tbody>
<tr>
<td>Paper</td>
<td></td>
<td>500</td>
<td></td>
<td></td>
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<td>500</td>
</tr>
<tr>
<td>Trigger</td>
<td>622</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>2,222</td>
</tr>
</tbody>
</table>

|          | 654  | 906  | 2,288| 2,600| 1,800| 8048 |
2019 -20 Curb Ramp Efforts

• Scoping for all curb ramps in Regions 3, 4, 5
• Existing STIP projects in all regions
• Pilot projects in Lakeview, Union, Enterprise +
• Maintenance & permit projects
• Bike/Ped & Safe Routes to Schools projects
Getting into Production
ODOT ADA
Project Development Approach

Current Guidelines

Design
• 3 Dimensional
• Survey
• Design
• Detailed Plans

Construction
• Deliver what is in the detailed plans

Level of Effort

Design
• 2 Dimensional
• Plan set
• Standard drawing
• 2D details

Construction
• Field fit
• Program advisors

Pilot Program
7 Curb Ramp Types

1. Compliant
2. Physical Constraint Requires Design Exception
3. Missing Truncated Domes
4. Street Reconstruction
5. Minor Reconstruction
6. Full Reconstruction but no ROW or Utilities
7. Full Reconstruction, Signalized Intersection
**Pilot Approach**  
**Level 5-6**

**Initial Pilot Program**  
Yamhill, McMinnville, Halsey

Can we build compliant curb ramps with minimal (no) design and experienced field staff?

<table>
<thead>
<tr>
<th>Location</th>
<th>Ramps</th>
<th>Experience</th>
<th>Compliance</th>
<th>Issues</th>
<th>Costs</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yamhill</strong></td>
<td>20</td>
<td>ADA</td>
<td>14/20</td>
<td>5 not compliant, same “nuance” error, 1 quality error 8.4% slope 12</td>
<td>$9.5k/ramp</td>
<td>Construction $5.5k/ramp, PE $2k/ramp, CE $2k/ramp</td>
</tr>
<tr>
<td></td>
<td></td>
<td>experienced contractor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>skilled inspectors</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>McMinnville</strong></td>
<td>12</td>
<td>inexperienced ADA</td>
<td>12/12</td>
<td>Created a tripping hazard that required remediation</td>
<td>$18.5k/ramp</td>
<td>Construction $14.5k/ramp, PE $2k/ramp, CE $2k/ramp</td>
</tr>
<tr>
<td></td>
<td></td>
<td>contractor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>skilled inspectors schooled on Yamhill</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Halsey</strong></td>
<td>6</td>
<td>experienced ADA</td>
<td>6/6</td>
<td></td>
<td>$12.5k/ramp</td>
<td>Construction $9.5k/ramp, PE $2k/ramp, CE $1k/ramp</td>
</tr>
<tr>
<td></td>
<td></td>
<td>contractor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>new inspector</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
What about the rest of the Settlement Agreement?
Work Zones

Temporary Pedestrian Accessible Route Plans (TPARP)

Every work zone must have Traffic Control Plan

Every Traffic Control Plan must have Pedestrian and ADA Access Plan

Must be equal to or better than before

Situational differences: Urban vs. rural
Long term vs. short term
Submitting a CQCR

Paper form:

Link to fill out online: http://www.oregon.gov/ODOT/About/Pages/ADA-Issue-Request-Form.aspx

2018 – 53 submitted
Outreach

- OTC
- Local Agencies
- ADA Program
- ODOT
- Training
- Plaintiffs
- Guidance
- Reports
- Community of People w/ Disabilities
Programmatic LPA Permit Approach
Submitted to Lakeview to date
Pedestrian Signals
On-Going Efforts

• Plaintiff Priority Locations
  – Clatskanie, Springfield, Beaverton, Portland, Lincoln City, Bend
• Curb Ramp Project Scoping
• Accessibility Consultant Policy Review
• Transition Plan Progress
• Outreach
Questions ?