

# 2018 ANNUAL REPORT



## AMERICANS WITH DISABILITIES ACT (ADA) PROGRAM



Portland Bureau of  
Transportation (PBOT)  
*Case No.: 3:18-cv-00869-HZ*  
June 30, 2019



**PBOT**  
PORTLAND BUREAU OF TRANSPORTATION

We respectfully submit this 2018 PBOT ADA Annual Report describing the City's implementation of the ADA Curb Ramp Settlement Agreement for the reporting period September 27, 2018 (the effective date of the Settlement Agreement) through December 31, 2018.

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***Thank you to so many throughout the City of Portland  
for your support and assistance in making Portland an accessible City for all.***

# ADA Program Annual Report

CALENDAR YEAR 2018

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# ADA Program Annual Report

CALENDAR YEAR 2018

## EXECUTIVE SUMMARY

This Annual Report is provided by the Portland Bureau of Transportation (PBOT) as required by the Americans with Disabilities Act (ADA) Curb Ramp Settlement Agreement as set forth in the Consent Decree (the “Settlement Agreement”) and in accordance with the Final Judgment and Order Approving Class Action Settlement issued by the Honorable Marco A. Hernandez, United States District Judge, on September 27, 2018.

In accordance with Section V.H. of the Consent Decree (the “Decree”), this report details the City’s implementation of the Decree for the period of September 27, 2018 through December 31, 2018. As detailed in the Decree, future reporting periods will consist of a full calendar year to be reported to the Court and Class Counsel by the end of the second quarter of each calendar year.

This Annual Report describes the City of Portland’s implementation of the ADA Curb Ramp Settlement Agreement in nine main (9) categories. The categories and references to the applicable sections in the Settlement Agreement are summarized below.

**1. Survey of City Corners to Identify Curb Ramps That Are Missing or Non-Compliant (Settlement Agreement Section IV. Survey)**

The City has developed an electronic inventory system for use in developing a database containing detailed information of ADA compliant curb ramps throughout the City. The inventory will also provide locations of non-compliant curb ramps and locations where no curb ramps currently exist. Phase 1 (field surveys) of a three phased approach has begun.

**2. ADA Technical Advisor (Settlement Agreement Section V. ADA Technical Advisor)**

The Settlement Agreement calls for the City Engineer to appoint a qualified ADA Technical Advisor. Five (5) qualified ADA Technical Advisors have been appointed to provide expertise in ADA for the public right-of-way.

**3. Curb Ramp Installation and Remediation (Settlement Agreement Section VI. Curb Ramp Installation and Remediation)**

750 Curb Ramp Installations and Remediations were required during the July 1, 2018 through December 31, 2018 timeframe. 823 were completed, 73 which may be applied to future year performance.

**4. Prioritization of Annual Curb Ramp Commitment (Settlement Agreement Section VII. Prioritization of Annual Commitment)**

Consistent with the requirements of the ADA, curb ramps within the public right of way were constructed or upgraded at locations where alterations or new construction occurred.

**5. Transition Plan (Settlement Agreement Section VIII. Transition Plan)**

Development of the updated Title II ADA Transition Plan for the Public Right-of-Way has begun. The first draft is currently in review.

- 6. Curb Ramp By Request System (Settlement Agreement Section IX. Curb Ramp Request System)**  
 The City’s Curb Ramp By Request System (RBR) intake form has been moved to the City’s main webpage and is accessible. An electronic system is in place to track RBR requests and notifications from curb ramp request intake through ramp construction.
- 7. Maintenance (Settlement Agreement Section X. Maintenance)**  
 PBOT commenced a public education initiative to educate the public of the necessity to keep sidewalks clear so people with disabilities can cross the street and access bus stops. Providing accessible routes around construction zones is an expressed requirement to obtain a permit from the City to construct within the City’s public right-of-way.
- 8. Annual Reporting (Settlement Agreement Section XI. Annual Reporting)**  
 This is the first Annual Report.
- 9. Claimant Payments, Attorney Fees, Expenses and Costs (Settlement Agreement Section XV. Attorneys’ Fees, Expenses and Costs)**  
 All fees, expenses and costs have been paid as required by the terms of the Settlement Agreement.

ADA PROGRAM PERFORMANCE BY CATEGORY (2018)		
Number	Category	2018 Performance
1	Survey of City Corners to Identify Curb Ramps That Are Missing or Non-Compliant	On Track ✓
2	ADA Technical Advisor	Done ✓
3	Curb Ramp Installation and Remediation	Done ✓
4	Prioritization of Annual Curb Ramp Commitment	On Track ✓
5	Transition Plan	On Track ✓
6	Curb Ramp By Request System	Done ✓
7	Maintenance	On Track ✓
8	Annual Reporting	On Track ✓
9	Claimant Payments, Attorney Fees, Expenses and Costs	On Track ✓

## ADA ANNUAL REPORT CATEGORIES

### 1. Survey of City Corners to Identify Curb Ramps That Are Missing or Non-Compliant (Settlement Agreement Section IV. Survey)

As part of the City of Portland’s accessibility goals and commitments made in Section IV. of the Settlement Agreement, the City developed a new ADA electronic curb ramp inventory that will **combine data obtained from the Survey of City Corners with data obtained from Curb Ramp Inspections** obtained on newly constructed and remediated ramps. This electronic curb ramp inventory system, used by both City and contract inspectors, will directly update City databases with full inspection records of every ramp inspected or surveyed. The goal is to provide a public-facing map displaying ADA compliant curb ramps within City limits. This map will assist users to identify accessible routes.

The electronic curb ramp inventory will identify ramps that are (a) ADA compliant curb ramps, (b) ramps that are not compliant, and (c) corner locations that contain no ramps. The electronic inventory allows the user to drill down and obtain detailed data describing the dimensions and grades of ADA compliant ramps. Non-compliant ramps and corners with no ramps will be assessed for corrective action (and receive in depth field assessments) when nearby alterations or new constructions are planned and scoped.


Consistent with the Settlement Agreement and to achieve the most efficient use of public funds, PBOT and CREEC are considering a three phased approach to identify curb ramps that are missing or are non-compliant. As background, in 2014 PBOT instituted inspection procedures requiring that new curb ramps be inspected using the 2010 ADA criteria given on the PBOT Curb Ramp Inspection Form. As a result, ramps constructed since 2014 are more likely to meet 2010 ADA standards (current standards) to the maximum extent feasible, meaning they are “ADA compliant.”

PBOT's Americans with Disabilities Act (ADA)  
**CURB RAMP SURVEYS**

**Questions about our survey?**

Portland Bureau of Transportation's ADA curb ramp survey teams are updating the City's geographic information system (GIS) with thorough sidewalk ramp inspections. This helps to ensure the City meets its accessibility goals and improves pedestrian travel.

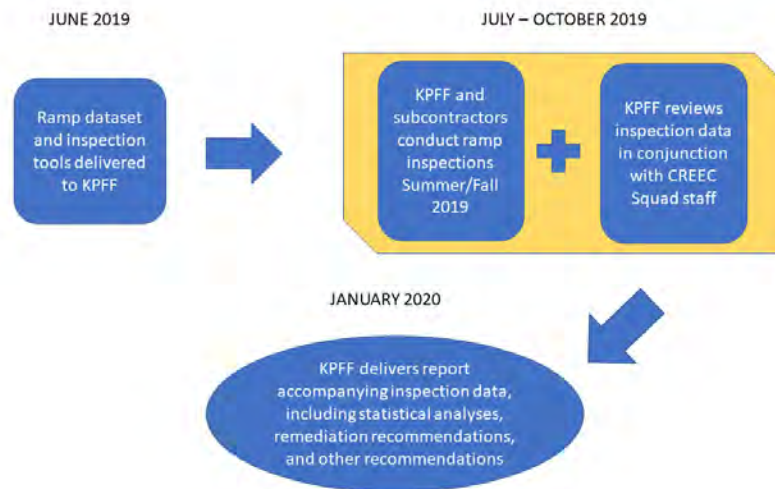
If you have further questions, please contact the City of Portland's ADA Curb Ramp program at [adacreecprogram@portlandoregon.gov](mailto:adacreecprogram@portlandoregon.gov).

[portlandoregon.gov/transportation](http://portlandoregon.gov/transportation) 

## a. Survey of City Corners

### i. Phase 1

The City has contracted local firms to provide field inspections for all ramps in the City asset database constructed between January 1, 2014 and December 31, 2018. Engineering consultant KPFF and its subconsultant team members will complete inspections of approximately 4000 ramps constructed within the 2014 - 2018 timeframe.



### ii. Phase 2

The second phase of the Survey will utilize Google Street View to identify ramps as (a) potentially ADA compliant curb ramps, (b) ramps that are not compliant, and (c) corner locations that contain no ramps. Ramps identified as potentially ADA compliant will be slated for an in-depth field survey to assess whether the ramp meets 2010 ADA standards. Detailed inspection information for compliant ramps will be added to the City database. Non-compliant ramps and corners that contain no ramps will be flagged for remediation or replacement.

### iii. Phase 3

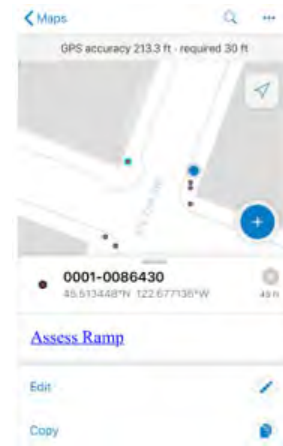
For locations flagged in Phase 2 as having non-compliant ramps or for corners containing no ramps, in depth field assessments identifying the fixes required to make the ramp or corner compliant will occur when nearby alterations or new constructions are planned and scoped as part of the improvement's development phase.

## b. Curb Ramp Inspections

Beginning Summer 2019, the City will begin using a new process for inspecting curb ramps and logging that information into City GIS. This process will be used both by contract and City inspectors. Inspectors plot new ramps in the software application called ESRI Collector and record the ramp inspection in ESRI Survey 123. Next, inspection managers and program specialists review and process the inspections using an ESRI web application.

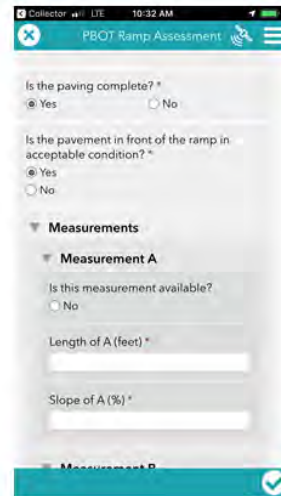
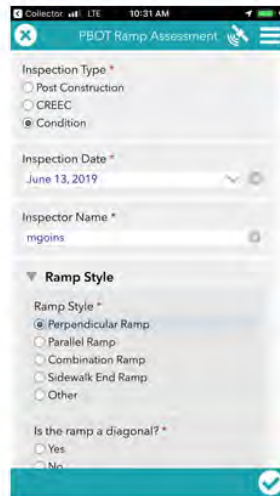
i. Collector

Collector is an ESRI application for logging information directly into a database and then interact with that information through GIS. Red dots indicate a ramp that has already been added to the system (figure 2). If an inspector finds a location with a ramp that is not already in the system, they can directly add the new ramp through the app. They can then select that point and perform the inspection, which automatically launches the Survey 123 app.



ii. Survey 123

Survey 123 is another ESRI app and has been configured to capture a complete inspection, with all measurements and information required by the Settlement (figure 3). The measurements and nomenclature used matches the existing approved paper form in use by the City up to this point. Comment fields are provided for additional inspector notes, and photos can be added directly to the inspection record.



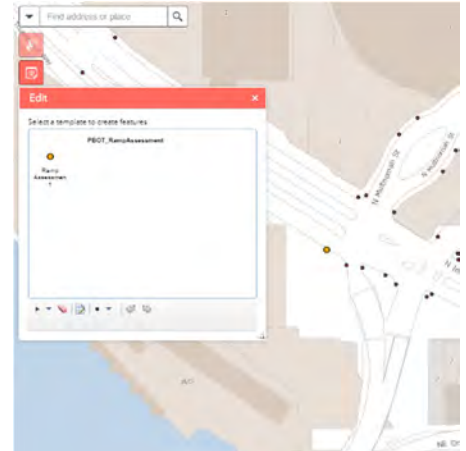
iii. Web Application

A web application is being developed to review all inspection records. The initial version of this app will be used for the Survey of City Corners beginning in July 2019. The database can be filtered by any criteria, and each inspection record reviewed. The entire inspection database can also be exported into an Excel workbook or other table format for further analysis or review as necessary.



### c. Next Steps for 2019

The City's goal is to integrate Survey of City Corners with data obtained from Curb Ramp Inspections and fully test all aspects of the inspection and reviewing software by the end of the 2019 calendar year. As inspection data becomes available, the City will begin developing specialized reports for both internal and external audiences to use in planning, budgeting, and construction. The City will also develop a custom web app for CREEC to use in reviewing City data, rather than needing to submit requests and wait for responses.



## 2. ADA Technical Advisor (Settlement Agreement Section V. ADA Technical Advisor)

Section V. of the Settlement Agreement calls for the appointment of an ADA Technical Advisor who is a professional engineer licensed to practice in Oregon and has at least five (5) years of experience in applying the ADA to provide accessible facilities. Portland City Engineer Steve Townsend has appointed the following five (5) qualified persons to serve as ADA Technical Advisors.

- Chon Wong, P.E. (Permit Engineering Construction)
- Raphael Haou, P.E. (Maintenance Operations/Engineering Liaison)
- Jimi Joe, P.E. (Civil Design and Construction Management)
- Chris Wier, P.E. (Right of Way Programs and Permitting)
- Eva Huntsinger, P.E., JD (PBOT CREEC Program Manager)

The ADA Technical Advisors routinely meet to discuss lessons learned and problem solve challenges, identify and implement improvements for ADA delivery, and present ADA workshops to City staff. Each serves as an ADA expert available to assist City staff in assessing, designing and constructing ADA compliant facilities within the public right-of-way.

Reference:

- [City Engineer Directive ST 002 City of Portland ADA Curb Ramp Design Criteria and Approval for ADA Technical Advisor appointments at https://www.portlandoregon.gov/transportation/article/727351](https://www.portlandoregon.gov/transportation/article/727351)

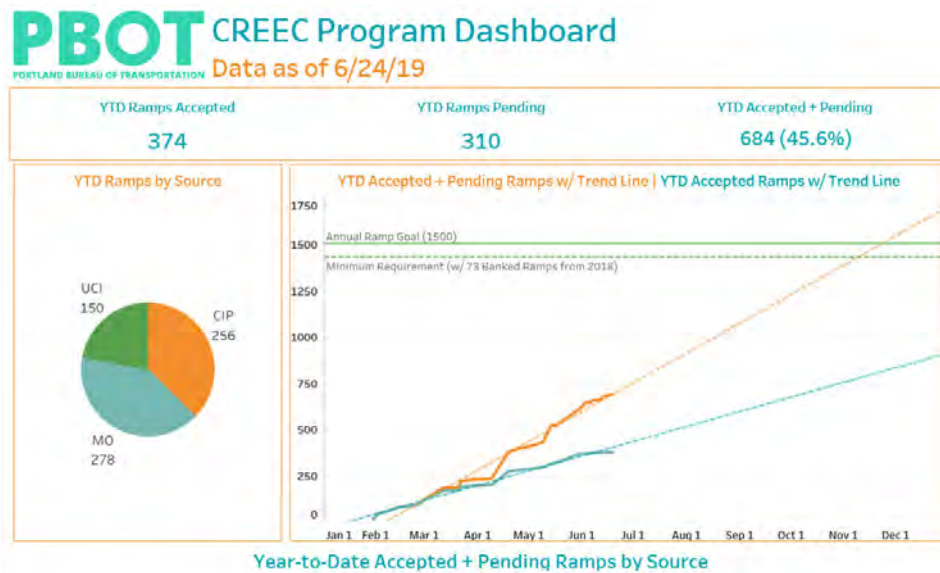
## 3. Curb Ramp Installation and Remediation (Settlement Agreement Section VI. Curb Ramp Installation and Remediation)

For this reporting period, Section VI. of the Settlement Agreement required the installation or remediation of 750 ADA compliant curb ramps. The City logged 823 ADA compliant curb ramps during the reporting period, allowing the 73 excess ramps to be applied to the bank for use toward a future year curb ramp requirement. For a curb ramp to be found compliant and applicable toward the ramp

count, the PBOT’s ADA Curb Ramp Squad (referred to as the “CREEC Squad”) verifies that the ramp complies with 2010 ADA Standards by performing a quality control verification inspection after the initial inspection for the related construction project has been performed. Ramp design and construction inspection criteria are provided on PBOT’s ADA webpage.

ADA allowable variances for technical infeasibility and structural impracticability require ADA Technical Advisor approvals. The review standard applied to these variances is “ADA compliant to the maximum extent feasible within the scope of the work.”

The PBOT CREEC ADA Curb Ramp Performance 2018 Report provided in the Appendix along with supporting scanned inspection forms and photographs of each ramp were presented to Plaintiffs’ Counsel (CREEC, Dardarian et al) on April 4, 2019. The Report describes the sources of the 823 curb ramp remediations and new ramps accepted by the CREEC Squad during this reporting period and is included in the Appendix of this Annual Report.



As depicted in the graphic above, the PBOT CREEC Program Dashboard, summarizes electronically recorded ramp remediation and construction data used to track and project annual performance.

References:

- PBOT ADA Webpage <https://www.portlandoregon.gov/transportation/article/727351>
- PBOT ADA Curb Ramp Design Report <https://www.portlandoregon.gov/transportation/article/727357>
- PBOT CREEC ADA Curb Ramp Inspection Manual <https://www.portlandoregon.gov/transportation/article/727357>

#### 4. Prioritization of Annual Curb Ramp Commitment (Settlement Agreement Section VII. Prioritization of Annual Commitment)

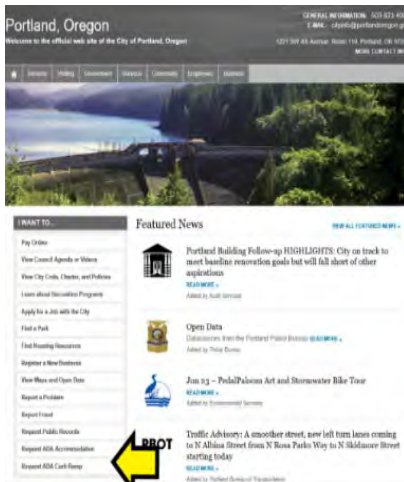
PBOT’s Capital Improvement Program (CIP), PBOT Maintenance Operations paving activities, and Utility/Development Permitting (UCI) provided curb ramp installation and remediation during this reporting period. 2019 curb ramp installation and remediation will be accomplished through a combination of alterations and new construction along with building ramps requested through the City’s Ramps by Request program prior to the effective date of the Settlement Agreement (September 27, 2018), “the RBR backlog.”

#### 5. Transition Plan (Settlement Agreement Section VIII. Transition Plan)

PBOT is making progress on the draft of the ADA Title II Public Right-of-Way Transition Plan Update. Key components underway include the self-evaluation survey, public engagement strategy, glossary and the appendix of the Transition Plan. Requests for public comment from stakeholders are being prepared. The Transition Plan Update effort is on track for completion well before the Settlement Agreement deadline.



#### 6. Curb Ramp Request System (Settlement Agreement Section IX. Curb Ramp Request System)



During this reporting period, PBOT has refined the Curb Ramps by Request (RBR) tracking system to include 15-day and 30-day notifications to the requester as prescribed by the Settlement Agreement along with tracking efforts to provide the requested ramp within nine months of the request. The RBR Intake form has been reformatted for accessibility and placed on the City’s main webpage, along with information describing the process for making a request for a ramp.

Four (4) RBR requests were submitted to PBOT during this reporting period.

#### References:

- ADA Curb Ramp Request Prioritization Criteria <https://www.portlandoregon.gov/article/72452>
- ADA Curb Ramp Request Form <https://www.portlandoregon.gov/76452>

## 7. Maintenance (Settlement Agreement Section X. Maintenance)

The City requires accessible alternative routes around construction zones. PBOT Maintenance Operations continues to address complaints filed through the 503- 823-SAFE intake system to keep sidewalk corridors clear. PBOT Communications initiated a campaign to remind the public to keep paths clear for people with disabilities.



### References:

- TRN-8.12 – Safe Accommodation for Pedestrians and Cyclists In and Around Work Zones <https://www.portlandoregon.gov/citycode/article/595633>
- Report a Maintenance or Traffic Safety Problem or Concern (503-823-SAFE hotline) <https://www.portlandoregon.gov/transportation/article/564769>
- A Message from PBOT Maintenance Crews <https://youtu.be/W7Jd3fwEyhg>

## 8. Annual Reporting (Settlement Agreement Section XI. Annual Reporting)

In accordance with Section V.H. of the Consent Decree and Section XI of the Settlement Agreement, this Annual Report details the City's implementation of the Decree for the period of September 27, 2018 through December 31, 2018. As detailed in the Decree, future reporting periods will consist of a full calendar year to be reported to the Court and Class Counsel by the end of the second quarter of each calendar year.

## 9. Claimant Payments, Attorney Fees, Expenses and Costs (Settlement Agreement Section XV. Attorneys' Fees, Expenses and Costs)

Claimant payments, attorney fees, expenses and costs through the effective date have been paid in accordance with the Settlement Agreement. Plaintiff attorney fees, costs and expenses for this reporting period are provided below.

<b>Attorneys' Fees, Expenses and Costs for Implementing Settlement Agreement</b>			
<b>Firm</b>	<b>Invoicing Period</b>	<b>Amount</b>	<b>Status</b>
Civil Rights Education and Enforcement Center (CREEC)	9/24/2018 - 12/26/2018	\$1,420.20	Paid
Goldstein, Borgen, Dardarian & Ho	9/24/2018 - 12/26/2018	5,248.60	Paid
	<b>Total</b>	\$6,668.60	

**APPENDIX**

**PBOT CREEC ADA Curb Ramp Performance 2018 Report**

**CREEC**

**ADA CURB RAMP**

**PERFORMANCE**

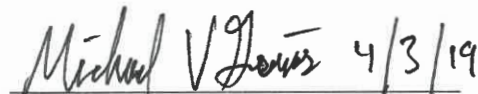
**2018 REPORT**

**PBOT**

**PORTLAND BUREAU OF TRANSPORTATION**

This CREEC ADA Curb Ramp Performance 2018 Report is respectfully submitted by the PBOT CREEC Squad in performance of the CREEC Settlement Agreement.


  
Jim Scanlon, Senior Engineering Associate

  
Michael Goins, Engineering Associate

  
Rex Davison, Senior Engineering Associate

  
Alex Pierro, Lead CREEC Inspector

  
Patrick Field, CREEC Inspector

  
Raphael Haou, P.E., CREEC Squad Lead



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2. Locations and Assessments
3. Curb Ramp Remediations and New Ramp Construction
4. Continuous Improvements
5. Appendix

### 1. Introduction

As part of the CREEC/Portland Settlement Agreement, the City of Portland is required to provide 750 new or remediated ADA compliant curb ramps during the July 1, 2018 through December 31, 2018 timeframe. The purpose of this report is to document the City's performance in constructing or remediating the required 750 curb ramps.

As part of PBOT's ADA Curb Ramp Quality Assurance Program, members of the City's CREEC Squad independently verify the inspection results of each curb ramp constructed during the reporting period. Only those ramps that were found compliant by the City's CREEC Squad are counted toward the CREEC Settlement agreement count. Ramps not found compliant by the City's CREEC Squad will receive corrective action during the next reporting period, and upon acceptance by the CREEC Squad, are eligible to count toward the next year's count.

### 2. Locations and Assessments

Eight hundred twenty-three (823) ADA compliant ramps were accepted by the CREEC Squad for the July 1<sup>st</sup> through December 31<sup>st</sup> 2018 timeframe. As 750 curb ramps was the stated requirement for the subject time period, 73 may be applied to the bank of ramps for the 2019 reporting period, if agreeable by CREEC legal.

### 3. Curb Ramp Remediations and New Ramp Construction

- a. The 23 remediated ramps accepted by the CREEC Squad were built under the City's Capital Improvement Project (CIP) program.
- b. 800 newly constructed ramps were accepted by the CREEC Squad.

Ramp source		Count	Count By Quadrant					
			N	NE	SE	SW	Downtown	NW
M	Maintenance Operations	409	96	140	80	17	0	76
C	Capital Improvement Project (Including Remediations)	265	28	67	148	19	0	3
P	Public Works Permitting (private developer)	123	3	35	46	4	14	21
U	BES, PWB, etc.	26		26				

The 23 Remediated ramps required minor fixes as summarized below.

Ramp source		Count	Repair Type	
			Lip	AD
C	Capital Improvement Project	23	16	11

Lips= > ¼” at bottom of ramp to street connection

AD=Algebraic Difference>11% grade break at ramp to street connection

## 4. Continuous Improvements

Most of the minor fixes involved grinding down lips and smoothing out grade breaks at the bottom of the ramps. Inspection teams as well as paving contractors have been notified to pay attention to these aspects of ramp construction.

The 2018 paper inspection forms are being replaced by electronic forms using tablets and web-based applications. This will provide efficiencies and allow for more data describing each ramp to be collected and stored in the City’s GIS system (e.g. photographs and inspection notes). All 2019 Inspections have been stored digitally. Beta testing of the GIS based Inspection form is scheduled for 2<sup>nd</sup> quarter 2019.

Additionally, PBOT has issued a manual with instructions on how to measure and inspect each curb ramp. This manual is provided in the Appendix to this report.

## 5. Appendix

4 files and 2 folders have been loaded to the thumb drive delivered with this Report. The first folder contains 823 signed inspection report pdfs. The second folder has photos of all the accepted ramps.

1. A copy of this document. (***“2018 CREEC Program Report.pdf”***)
2. An Index (***“CREEC 2018 ALL Accepted Ramps Index.pdf”***) to the individual ramp inspection forms. Each ramp was assigned a unique ramp ID based on the Ramp Source, Intersection, Corner, and Number. Once the ramp was Identified as passing It was assigned an identifier with the Year-Source and CREEC program acceptance number.  
M=MO    C=CIP            P=Permits            U=Utility (BES only in 2018)
3. A second Index sorted alphabetically by Quadrant and Street. (***“CREEC 2018 ALL Accepted Ramps by Quadrant.pdf”***)
4. The current Inspection Manual ***“CREEC ADA Curb Ramp Inspection Manual 3-16-19.pdf”***
5. 2 folders ***“2018 Accepted Scanned Ramps”*** and ***“2018 Accepted Ramp Photos”***