

2019 ANNUAL REPORT



AMERICANS WITH DISABILITIES ACT (ADA) PROGRAM



Portland Bureau of
Transportation (PBOT)
Case No.: 3:18-cv-00869-HZ
June 30, 2020



PBOT
PORTLAND BUREAU OF TRANSPORTATION

We respectfully submit this 2019 PBOT ADA Program Annual Report describing the City of Portland's implementation of the ADA Curb Ramp Consent Decree for the reporting period January 1, 2019 through December 31, 2019.

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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 2019

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ADA Program Annual Report

CALENDAR YEAR 2019

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 Consent Decree 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 of Portland’s implementation of the Decree for the 2019 calendar year. As described in the Decree, the Annual Report is provided to the Court and to Class Counsel (“CREEC”) by the end of the second quarter following the reporting year.

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

1. Survey of City Corners to Identify Curb Ramps That Are Missing or Non-Compliant (Consent Decree Section V. B. City Survey)

The City developed an electronic inventory system to record curb ramp inspection results. Data for approximately 4000 curb ramps has been collected and the results are contained in the City’s Geographical Information System (GIS). Phase 1 of a three phased approach was completed during this reporting period.

2. ADA Technical Advisors (Consent Decree Section V. A. ADA Technical Advisor)

The Consent Decree calls for the City Engineer to appoint a qualified ADA Technical Advisor. Six (6) qualified ADA Technical Advisors are appointed to provide ADA expertise and guidance to City staff, consultants and contractors to scope, design, and construct ADA compliant features within the public right-of-way.

3. Curb Ramp Installation and Remediation (Consent Decree Section V. C. Curb Ramp Installation and Remediation)

1500 Curb Ramp Installations and Remediations were required during the January 1, 2019 through December 31, 2019 timeframe. 1,512 were completed. The surplus ramp bank for the July 1, 2018 through December 31, 2019 period is now at 80, the amount that may be applied to meet future year curb ramp delivery obligations.

4. Prioritization of Annual Curb Ramp Commitment (Consent Decree Section V. D. Prioritization of Annual Commitment)

Curb ramps were constructed or upgraded at locations triggered by alterations or new construction.

5. Transition Plan (Consent Decree Section V. E. Transition Plan)

The City's updated Title II ADA Transition Plan for the Public Right-of-Way is in final draft form with public outreach, review and comment planned for Fall 2020.

6. Curb Ramp By Request System (Consent Decree Section V. F. Curb Ramp Request System)

The Ramp By Request System (RBR) intake form is accessible. During 2019, PBOT provided over 100 ramps requested through the Ramp by Request System.

7. Maintenance (Consent Decree Section V. G. Maintenance)










PBOT continues to issue communication notices 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 required to obtain a permit from the City to construct within the City's public right-of-way.

8. Annual Reporting (Consent Decree Section V. H Annual Reporting)

This is the second Annual Report.

9. Claimant Payments, Attorney Fees, Expenses and Costs (Consent Decree Section VI. B. Attorneys' Fees, Expenses and Costs)

All fees, expenses and costs have been paid as required by the terms of the Consent Decree.

PERFORMANCE BY CATEGORY (2019)		
Number	Category	2019 Performance
1	Survey of City Corners to Identify Curb Ramps That Are Missing or Non-Compliant	On Track 
2	ADA Technical Advisors	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 

PERFORMANCE REPORTING BY CATEGORY

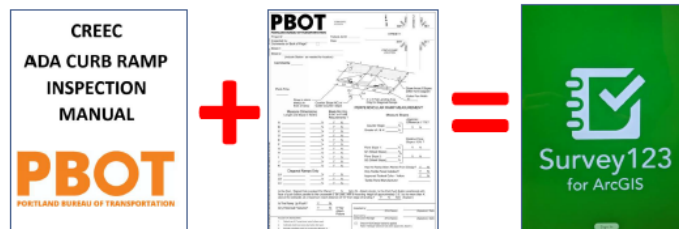
1. Survey of City Corners to Identify Curb Ramps That Are Missing or Non-Compliant (Consent Decree Section V. B. City Survey)

As part of the City of Portland's accessibility goals and commitments made in Section IV. of the Consent Decree, the City developed a new electronic curb ramp inventory system that stores data collected in the field within a Graphical Information System (GIS) database. The database includes curb ramp data for approximately 4,000 ramps constructed during the 2014-2018 timeframe and inspection data for ramps constructed and remediated since that time. PBOT's ADA Ramp Crew (aka the CREEC Squad) now uses Survey 1-2-3 to inspect curb ramps for the CREEC count, and Survey 1-2-3 is being expanded to include other users within PBOT. The main advantage of this reporting system is that field data is consistently gathered using the 1-2-3 Survey application and electronically updated into the City's GIS database where it can then be easily mapped and viewed. 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.



Training and Data Collection Methodology

- **Office Training**
 - Inspection Manual and Inspection Forms
 - iPad with Survey 123 Data Collection App
- **Field Training**
 - Measure ramps & Enter Data in iPad
 - Inspection Forms as Visual Aids



With the support of CREEC and to achieve the most efficient use of public funds, PBOT implemented the following three phased approach to identify compliant curb ramps within the City's GIS system.

a. Survey of City Corners

i. Phase 1

As background, in 2014 PBOT instituted curb ramp 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) – meaning they are compliant.

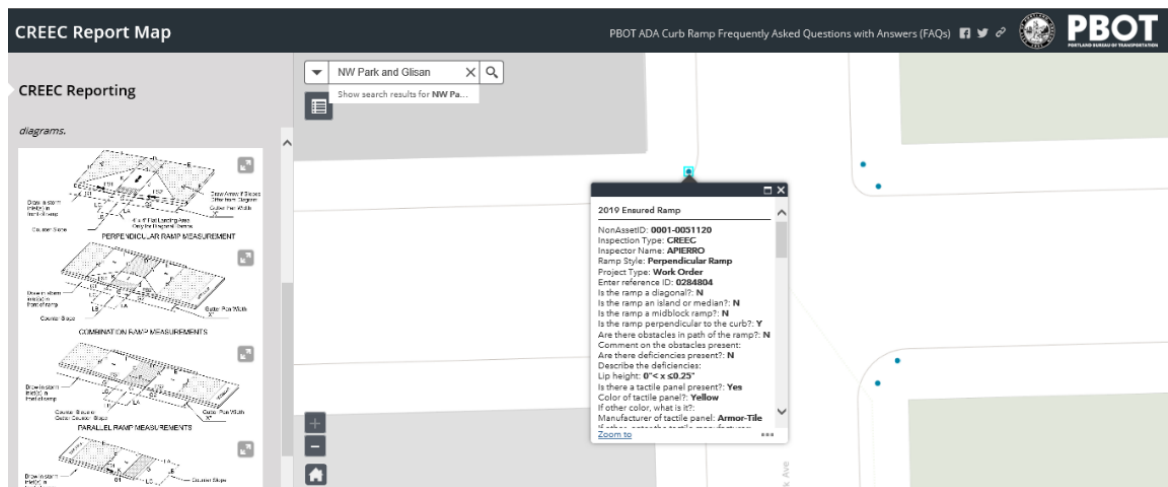
Phase 1 of the Citywide Survey was completed in 2019. The project consisted of conducting field inspections and collecting dimensions, condition and slope data for approximately 4,000 ramps, most constructed or remediated during the 2014-2018 timeframe. The survey was conducted using the City's new Survey 1-2-3 application and the resulting data was transferred directly into the City's GIS system. This work serves as the foundation for Phases 2 and 3, so that when all Phases are complete, GIS maps can be easily created to graphically depict locations and characteristics of the City's curb ramp inventory.

ii. Phase 2

The second phase of the Survey will use 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's GIS database. Non-compliant ramps and corners that contain no ramps will be flagged for remediation or replacement. This work was initially planned for 2020, but due to impacts associated with the COVID-19 pandemic, Phase 2 has been delayed until 2021.

iii. Phase 3

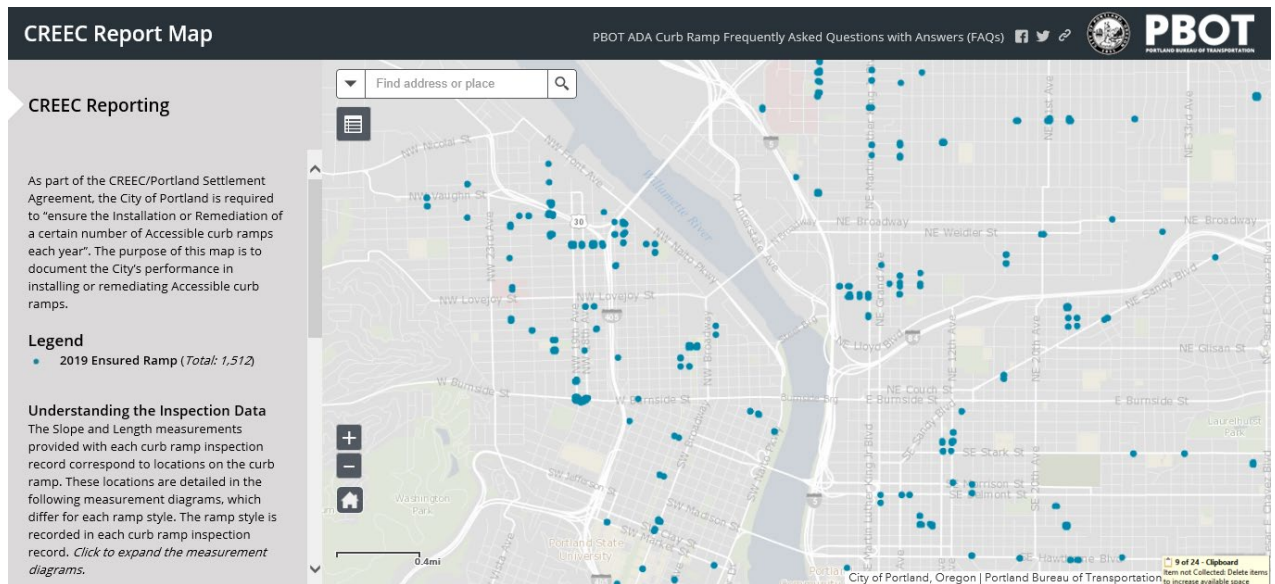
Phase 3 is on-going and will continue beyond the completion of Phases 1 and 2. Ramps and corners triggered by alterations or new construction receive detailed field inspections during the project development phase to identify needed accessibility upgrades. This information will be transferred into the GIS database, providing users with a continuously updated view of the status and condition of the City's curb ramp inventory. Phase 3 work is anticipated to start in 2022.



b. Curb Ramp Inspections

During this reporting period, Survey 1 -2-3 was successfully launched and used for ensuring ramps for the CREEC ramp count. The resulting inspection data for all elements required by the Consent Decree transferred directly in the GIS data base for mapping. Comment fields were added and photos of each ramp at the time of final inspection are linked to the specific curb ramp node in the GIS system for easy access and viewing. Upgrades to Survey 1-2-3 and GIS integration are underway, to improve ease of use and functionality. See [CREEC Report Map](#)

<http://templates.maptiks.com/MapSeries/index.html?appid=747234839df14bdba6871f79c713b87e>



2. ADA Technical Advisors (Consent Decree Section V. A. ADA Technical Advisor)

Section V. of the Consent Decree 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 Townsen appointed the following six (6) qualified persons to serve as ADA Technical Advisors.

- Tom Bennett, P.E., ADA Technical Advisors Committee Lead (Maintenance Supervisor)
- Chon Wong, P.E. (Permit Engineering Construction)
- Raphael Haou, P.E. (ADA Ramp Crew)
- 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 solve challenges, identify and implement improvements for ADA delivery, and present ADA training workshops to City staff. Each serve as an ADA expert available to assist City staff in assessing, designing and constructing ADA compliant facilities within the public right-of-way. An ADA Technical Advisor must approve ADA variances (aka “design exceptions”).

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/758856>

3. Curb Ramp Installation and Remediation (Consent Decree Section V. C. Curb Ramp Installation and Remediation)

For this 2019 calendar year reporting period, Section VI. of the Consent Decree requires the installation or remediation of 1,500 ADA compliant curb ramps. 1,512 ADA compliance ramps were installed or remediated during the reporting period.

During 2019, PBOT moved to a common reporting portal to notify the ADA Ramp Crew when a ramp was ready for their final inspection. PBOT also conducted a thorough reconciliation of year 2018 and 2019 ramp counts by source (Maintenance Operations, Capital Improvements Projects, Permitting and ADA Ramp Crew Contractors). The result of this work is a final accounting of 80 surplus ramps for the combined two reporting periods (68 surplus for the 2018 reporting period and 12 surplus for the 2019 reporting period). These 80 surplus ramps may be applied to a future year curb ramp commitment.

PBOT’s ADA Ramp Crew ensures that newly constructed or remediated ramps are ADA compliant by providing a separate inspection, independent of the initial inspection performed by source inspectors. Ramp design and construction inspection criteria are provided on PBOT’s ADA webpage, <https://www.portlandoregon.gov/transportation/article/727351>

ADA allows for variances due to technical infeasibility and structural impracticability which require PBOT ADA Technical Advisor approval. 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 2019 Report is provided in the Appendix. The CREEC Reporting Map may be found at <http://templates.maptiks.com/MapSeries/index.html?appid=747234839df14bdba6871f79c713b87e>

Also, see PBOT’s ADA Page for scoping, design, inspection and construction resources, located at <https://www.portlandoregon.gov/transportation/article/727351>

4. Prioritization of Annual Curb Ramp Commitment (Consent Decree Section V. D. Prioritization of Annual Commitment)

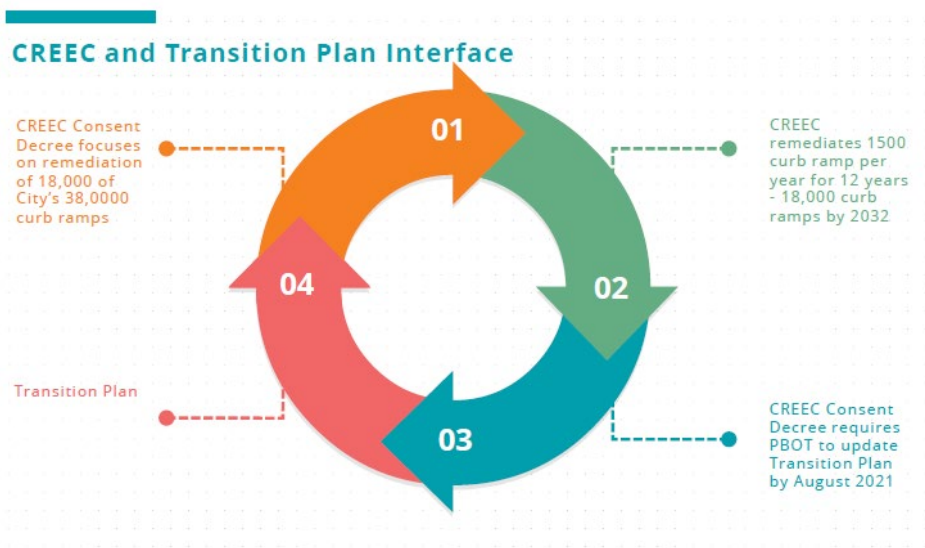
The City's Capital Improvement Program (CIP), PBOT Maintenance Operations paving activities, Utility/Development Permitting (UCI), and Ramps by Request Program generated the bulk of reported constructed and remediated curb ramps during 2019. Prioritization of curb ramp improvements beyond those triggered by alterations and construction will be addressed in PBOT's upcoming ADA Transition Plan.

5. Transition Plan (Consent Decree Section V. E. Transition Plan)

PBOT continues to make progress on the ADA Title II Public Right-of-Way Transition Plan Update. Although PBOT's proposed outreach plan required adjustments due to the COVID-19 pandemic, the Transition Plan Update effort is on track for completion as the Consent Decree requires. A 90-day public comment period, continuous on-line open houses and Zoom question and answer meetings are key elements of PBOT's outreach plan.

"After a thorough review from PBOT staff in planning, permitting, design, equity, and construction, we are in the editing and proofreading stage of the draft PBOT Transition Plan. The next step will be to have its full accessibility independently verified. Once we know we have a fully accessible document, we translate it into our safe harbor languages. We will mail a copy to approximately 125 organizations that serve and support people with disabilities or culturally specific populations. The organizations that were engaged in the consent decree, as well as the CREEC legal team, are within that list. We expect to release it near the end of July or early August for a 90-day public review."

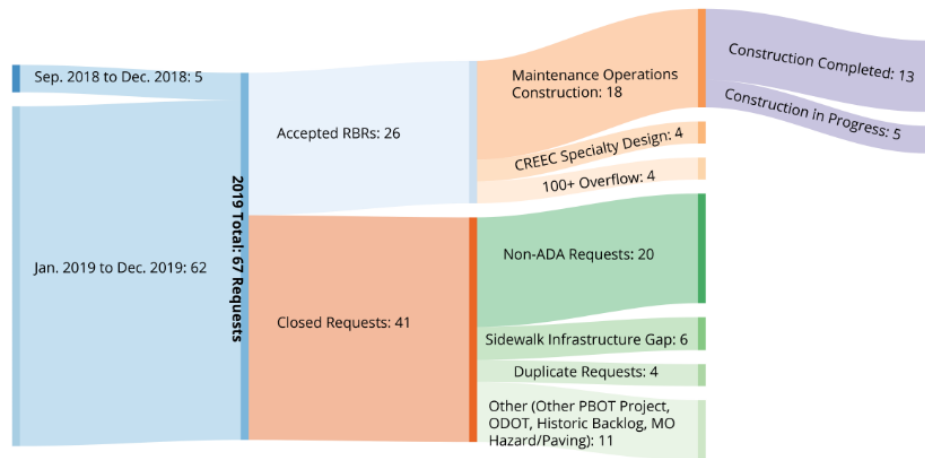
Lisa Strader, PBOT ADA Coordinator



6. Curb Ramp Request System (Consent Decree Section V. F. Curb Ramp Request System)

“In 2019, the Ramps by Request (RBR) program received 67 curb ramp requests. Of these, 26 were accepted and progressed within the RBR process. 4 of those 26 were pulled aside pending non-standard specialty design, and another 4 were reserved for 2020 as the program had already hit its 100-ramp cap. The remaining 18 requests proceeded to Maintenance Operations field design and construction. As of March 2020, 13 of those projects had completed construction, and 5 were in progress.”

Owen Slyman, PBOT Ramps by Request Coordinator



Status of RBR Program Requests (4 to 8 ramps, typical, in each Request)

Furthermore, the City continues to upgrade the City website with the goal of improved accessibility, as described by Rick Nixon, City Information Systems Manager.

“Much of our work over the past three years has focused on accessibility to community members regardless of ability or device. To provide equal access to all visitors regardless of visual, mobility, auditory, and cognitive abilities, we have established a set of standards, tools and processes to help developers correctly plan, design, and develop the project; in addition to providing tools and methods to support content editors in providing accessible content.

- *Some of our methods and testing tools are described in the URL, <https://www.portland.gov/powr/accessibility-portlandgov>*

This work not only includes marked improvements to the content management system (CMS) itself, but also replacing all of the ancillary tools and workflows involving issue tracking, webforms, surveys, and other online capabilities that make the system whole for City use.”

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 (Consent Decree Section V. G. 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.

Additionally,

“PBOT Communications highlights the importance of sidewalk accessibility in a number of ways. Each winter, we educate the public about the need to quickly clear their sidewalks after a snowfall. When we communicate about our construction activities, we make sure to focus on the construction of sidewalks and ADA compliant curb ramps and underscore the importance of these facilities for supporting the mobility of all Portlanders. Finally, as part of our communication about e-scooters, we remind Portlanders to correctly park scooters by not blocking sidewalks or curb ramps. “

John Brady, PBOT Communications Director

For a sample tweet: <https://twitter.com/PBOTinfo/status/1238868700008050688>

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>

8. Annual Reporting (Consent Decree Section V. H. Annual Reporting)

In accordance with Section V.H. of the Consent Decree, this Annual Report details the City’s implementation of the Decree for the 2019 calendar year and is provided to the Court and Class Counsel by June 30, 2020, as required.

9. Claimant Payments, Attorney Fees, Expenses and Costs (Consent Decree Section VI. B. Attorneys’ Fees, Expenses and Costs)

Claimant payments, attorney fees, expenses and costs for services rendered during the 2019 calendar year have been paid in accordance with the Consent Decree. Class counsel fees, costs and expenses for this reporting period are provided below.

2019 Claimant Payments, Attorney Fees, Expenses and Costs

Firm	Amount	Status
Civil Rights Education and Enforcement Center (CREEC)	\$18,493.80	Paid
Goldstein, Borgen, Dardarian & Ho	\$13,572.00	Paid
Total	\$32,065.80	

APPENDIX

PBOT CREEC ADA Curb Ramp Performance 2019 Report