

2020 ANNUAL REPORT



AMERICANS WITH DISABILITIES ACT (ADA) PROGRAM



Portland Bureau of
Transportation (PBOT)
Case No.: 3:18-cv-00869-HZ
June 30, 2021



PBOT
PORTLAND BUREAU OF TRANSPORTATION

We respectfully submit this 2020 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, 2020 through December 31, 2020.

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Alex Pierro, PBOT CREEC Inspector
Amy Roberts, ADA Technical Advisor Committee
Bruce Winchcomb, PBOT CAD Services
Chon Wong, ADA Technical Advisor
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Rexford Dohse, ADA Ramp Crew
Rick Nixon, City's Website Accessibility Manager
Steve Townsen, City Engineer
Tom Bennett, ADA Technical Advisor
Trini Arce, ADA Ramp Crew

***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 2020

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ADA Program Annual Report

CALENDAR YEAR 2020

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.

Consistent with Section V. H. of the Consent Decree (the “Decree”), this report details the City of Portland’s implementation of the Decree for the 2020 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)

Approximately 9,400 curb ramps have been field inspected and the resulting data resides in the City’s Geographic Information System (GIS). Phase 1 of the three phased approach (which is further described in the 2019 Annual Report) was completed during the 2019 reporting period. Development of the associated computer application for Phase 2 began in 2020. In 2022, when staff return to the Portland Building in accordance with COVID-19 protocols, potentially compliant ramps will be identified visually using Google StreetView imagery. Next, those ramps identified as potentially compliant will receive comprehensive field inspections to confirm ADA compliance. Phase 3 is an on-going activity and involves updating the City’s curb ramp inventory shown in GIS to reflect recently constructed and remediated ramps.

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. In addition to the six ADA Technical Advisors, PBOT’s ADA Technical Advisors Committee includes two representatives from PBOT Maintenance Operations.

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

For the January 1, 2020 through December 31, 2020 timeframe, 1500 Curb Ramp Installations and Remediations were required. The City completed 1,534 ADA compliant curb ramps. The surplus ramp bank for the July 1, 2018 through December 31, 2020 period is now at 98, 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 in accordance with the Americans with Disabilities Act (ADA) and the Consent Decree.

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 scheduled for City Council adoption in Fall 2021.

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 2020, PBOT received over 100 ramps requested through the Ramps by Request system. Each of those has been addressed (recently corrected by a ramp installation or remediation) or is in the process of being addressed based on when request was received and/or the complexity of the design.

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 third 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 (2020)		
Number	Category	2020 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 

PERFORMANCE BY CATEGORY (2020)		
Number	Category	2020 Performance
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 

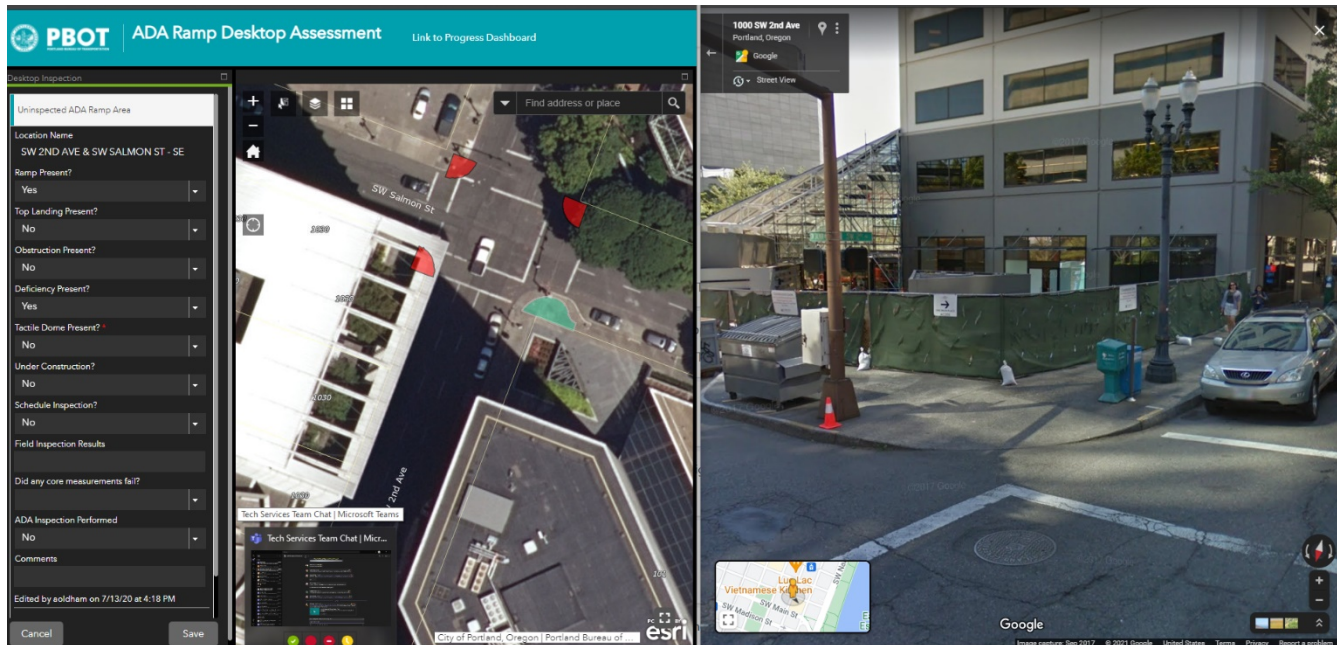
PERFORMANCE REPORTING BY CATEGORY

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 an electronic curb ramp inventory system that stores field inspection data within a Graphical Information System (GIS) database. PBOT's ADA Ramp Crew (aka the CREEC Squad) uses Survey 1-2-3 to inspect curb ramps for the annual CREEC curb ramp count. 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.

Approximately 9,400 curb ramps have been inspected and associated data housed in the City's Geographic Information System (GIS). ¹ Phase 1 of a three phased approach was completed during the 2019 reporting period. Development of the computer application to be used for Phase 2 began in 2020. In 2022, when staff return to the Portland Building in accordance with COVID-19 protocols, potentially compliant ramps identified by using Google StreetView will be then inspected in the field to verify ADA compliance. Phase 3 involves continual updates of the GIS curb ramp data to reflect recently installed and remediated ramps.

¹ The number of ramps inspected and logged into the City's GIS database to date is 9,378. Note this number includes ramps that were inspected as part of project scoping and then replaced with ADA compliant ramps. So, the figure describes a total number of inspections of unique ramps, but not necessarily unique ramp locations.



To support efficient desktop assessment of the condition of existing curb ramps, PBOT Technology Services published a dataset to the City's ArcGIS Enterprise Portal which identifies all potential ramp locations (corners, median islands, and mid-block sidewalk locations). PBOT staff access a web application that enables quick assessment of ramps at each of these locations using Google StreetView imagery. For each location, a corner in the example above, the staff person completes a simple form, identifying whether a ramp or ramps are present at the location and provides key characteristics of the ramp(s) to determine whether the ramp(s) at the location clearly fails to meet standard, or whether a follow-up field inspection is required to make a determination of ADA compliance.

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
- 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 (Portland CREEC Program Manager)

The ADA Technical Advisors routinely meet to discuss lessons learned, 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 design exceptions, referred to as an “ADA maximum extent feasible” or “MEFs”. In addition to the six ADA Technical Advisors, two representatives from PBOT Maintenance Operations sit on the ADA TA Committee: Amy Roberts, Manager, Maintenance Construction and Adam Hogan, who provides field layouts and ADA curb ramp construction expertise.

Curb ramp assessment tools, including the Red-Yellow-Green (RYG) Assessment Tool with instructions are now online under Curb Ramp Scoping category, along with many other ADA curb ramp design and construction resources are located on the PBOT ADA webpage found at <https://www.portland.gov/transportation/engineering/ada-page>

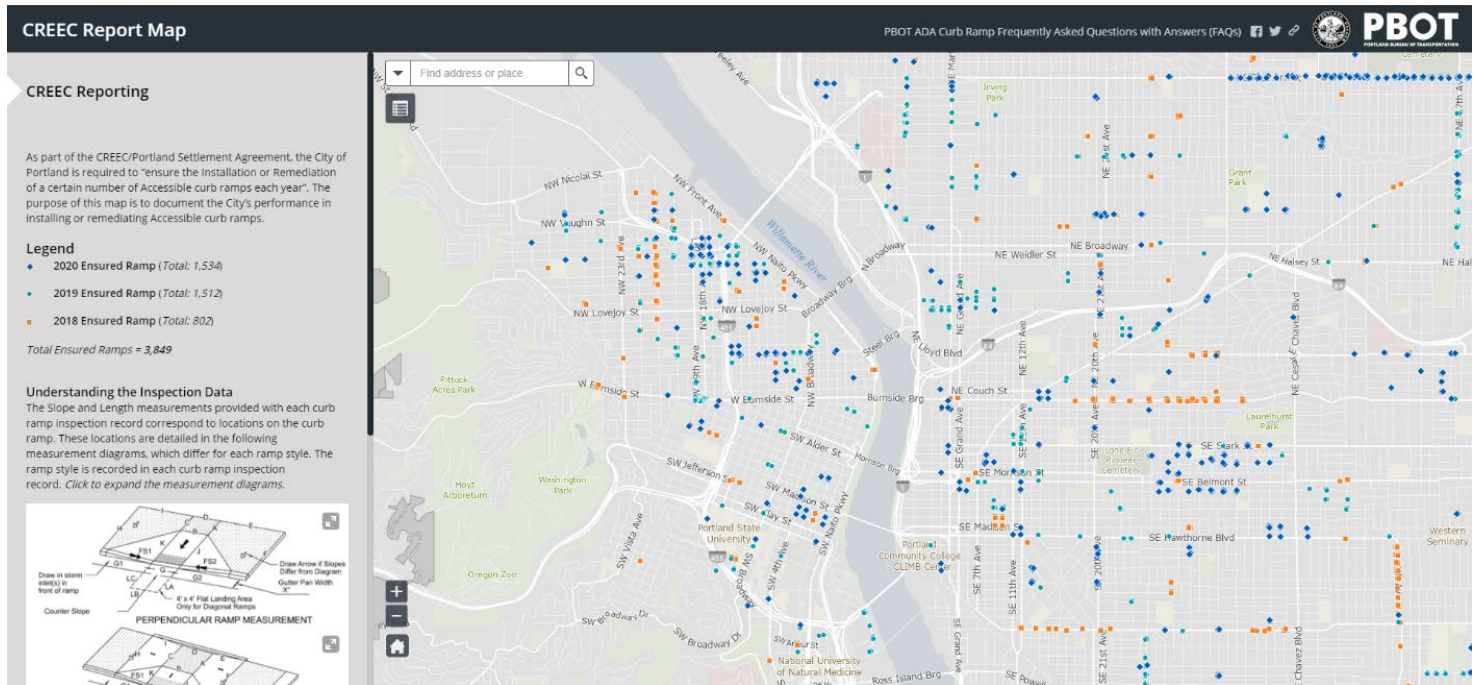
3. Curb Ramp Installation and Remediation (Consent Decree Section V. C. Curb Ramp Installation and Remediation)

Section VI. of the Consent Decree requires installation or remediation of 1,500 ADA compliant curb ramps during the 2020 calendar year. The City provided 1,534 ADA compliant curb ramps during the 2020 reporting period.

During 2020, curb ramp sources (e.g. capital projects, maintenance activity, and permitting) used a common reporting system to notify the ADA Ramp Crew when a ramp was ready for final inspection. Passing ramps were automatically logging into the City’s GIS curb ramp inventory. Records were identified by both street address and graphically in GIS, and any duplicate records were removed from the curb ramp performance database. 98 ramps are now in the curb ramp surplus bank, which can be applied to a future year’s performance.

Curb Ramp Performance by Calendar Year

Calendar Year	2018	2019	2020	Total
Consent Decree Ramp Target	750	1500	1500	3750
Ramps Installed and Remediated	802	1512	1534	3848
Surplus Ramps Bank	52	12	34	98



The CREEC Report Map shows newly installed and remediated ramps throughout the City and is found at <https://pdx.maps.arcgis.com/apps/MapSeries/index.html?appid=747234839df14bdba6871f79c713b87e>

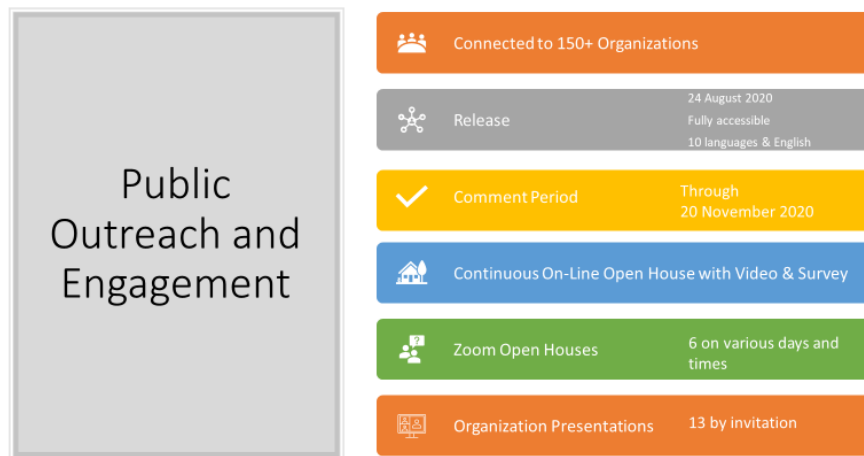
The PBOT CREEC ADA Curb Ramp Performance 2020 Report is provided in the Appendix.

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 2020. Prioritization of curb ramp improvements beyond those triggered by alterations and construction is addressed in PBOT's upcoming ADA Transition Plan.

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

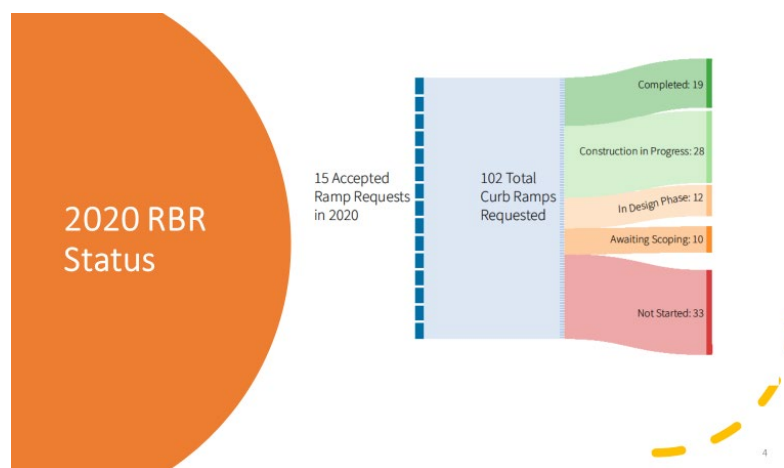
Adoption of the Transition Plan by City Council is anticipated this Fall. The public outreach time was extended to nearly 90 days, to allow more time for commenting during the COVID-19 pandemic. The City will still meet the three-year deadline for presentation of the Transition Plan to City Council for adoption as prescribed in the Consent Decree.



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

Over the course of 2020, the Ramps by Request (RBR) program received 15 qualifying submissions for a total of 102 curb ramp requests. Of these, 19 curb ramps were constructed by December 31, 2020. By May 24, 2021, another 28 ramps moved from “Construction in Progress” to “Completed” and 6 moved from “In Design Phase” to constructed.

December 31, 2020 RBR Progress



Furthermore, the City continues to upgrade the City website, Potland.gov. Recent accomplishments include:

- Continued ongoing support of Zoom meetings and webinars across the City; providing support for captioning and ASL translators for live streaming events to YouTube as needed.
- Continued education and training of content editors surrounding accessibility related issues with content and mitigation methods.
- Continued detection and enforcement of safeguards surrounding accessibility of new content posted on the City website. This includes email notifications to content editors and eGov content specialists to ensure review and proper construction of tables, charts, maps, and other embedded graphics. These notifications also include videos, and audio files in support of captioning or transcription within 5 business days of publishing, per the City Council resolution and related administrative rule.
- New progress in choosing Zendesk, a provider of customer service management (CSM) software. Zendesk will include issue intake and routing to bureau service providers for resolution. Zendesk will be combined with Drupal webforms to provide associated workflows.
- New progress in supporting Language Translation for the City website for the 15 identified harbor languages as identified by the Office of Equity and Human Rights (OEHR). This will allow bureaus to provide translated content that can be searched and found in the native language of the user.
- New webforms resulting from recent work with OEHR and 311 include ADA Accommodation Requests and Contact an Elected with associated workflows.

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. PBOT Communications Group continues its communication campaign reminding the public of the importance of clearing sidewalks during the winter.

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 2020 calendar year and is provided to the Court and Class Counsel by June 30, 2021, 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 2020 calendar year have been paid in accordance with the Consent Decree. Class counsel fees, costs and expenses for this reporting period are provided below. We wish to take this opportunity to thank the Civil Rights Education and Enforcement Center (CREEC), Goldstein, Borgen, Dardarian & Ho (GBDH) and Disabilities Rights Oregon (DRO) for waiving their fees for the June 1, 2020 through December 31, 2020 period.

Class counsel continues to advocate, be helpful and provide support to the City in making a City accessible for all.

2020 Claimant Payments, Attorney Fees, Expenses and Costs

January 1, 2020 – June 30, 2020

Note: Class Counsel waived fees for July 1, 2020 – December 31, 2020

Firm	Amount	Status
Civil Rights Education and Enforcement Center (CREEC)	\$ 7,750.80	Paid
Goldstein, Borgen, Dardarian & Ho (GBDH) and Disabilities Rights Oregon (DRO)	\$ 5,294.27	Paid
Total	\$13,045.07	Paid

APPENDIX

PBOT CREEC ADA Curb Ramp Performance 2020 Report