

2021 ANNUAL REPORT



AMERICANS WITH DISABILITIES ACT (ADA) PROGRAM



Portland Bureau of
Transportation (PBOT)



PBOT
PORTLAND BUREAU OF TRANSPORTATION

We respectfully submit this 2021 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, 2021, through December 31, 2021.

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***Thank you to the staff mentioned above
along with so many others throughout the City of Portland
for your contribution, support, and assistance in making Portland an accessible City for all.***

ADA Program Annual Report

CALENDAR YEAR 2021

Table of Contents

EXECUTIVE SUMMARY3

PERFORMANCE REPORTING BY CATEGORY.....5

1. Survey of City Corners to Identify Curb Ramps That Are Missing or Non-Compliant 5

2. ADA Technical Advisors.....6

3. Curb Ramp Installation and Remediation.....7

4. Prioritization of Annual Curb Ramp Commitment..... 8

5. Transition Plan.....8

6. Curb Ramp Request System.....9

7. Maintenance.....10

8. Annual Reporting.....10

9. Claimant Payments, Attorneys’ Fees, Expenses and Costs11

APPENDIX11

ADA Program Annual Report

CALENDAR YEAR 2021

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 2021 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, cumulatively called the City’s CREEC Program. 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)

10,481 curb ramp field inspections have been conducted and recorded within the City’s digital inspection applications as of December 31, 2021. 5,391 curb ramps are identified within the City’s GIS system as being remediated or installed and found ADA complaint through the CREEC Program. An additional 563 ramps constructed prior to the CREEC Program have been inspected and found ADA compliant. Consequently, a total of 5,954 ADA ramps are identified as ADA compliant ramps within the City’s GIS system.

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 performing Phase 2 began in 2020 and was completed in 2021.

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. For this reporting period, the City has seven (7) qualified ADA Technical Advisors providing 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)

For the January 1, 2021, through December 31, 2021, timeframe, 1,500 Curb Ramp Installations and Remediations were required. The City completed 1,543 ADA compliant curb ramps. The surplus ramp bank for the July 1, 2018, through December 31, 2021, period is now at 141, 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 was adopted by City Council as required by the Decree.

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

During 2021, PBOT received over 116 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 fourth 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 (2021)		
Number	Category	2021 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	Done 

PERFORMANCE BY CATEGORY (2021)		
Number	Category	2021 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 inspection system that stores field inspection data in a Geographic Information System (GIS) database. PBOT's ADA Ramps Team uses ArcGIS Survey 123 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 Survey 123 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.

10,481 curb ramp field inspections have been conducted and recorded within the City's digital inspection applications as of December 31, 2021. 5,391 curb ramps are identified within the City's GIS system as being remediated or installed and found ADA complaint through the CREEC Program. An additional 563 ramps constructed prior to the CREEC Program have been inspected and found ADA compliant. Consequently, a total of 5,954 ADA ramps are identified as ADA compliant ramps within the City's GIS system.

Phase 1 (an initial condition assessment of ramps constructed after 2014) of a three phased approach was completed during the 2019 reporting period. Development of the PBOT ADA Ramp Desktop Assessment Tool (Phase 2) began in 2020 and was completed in 2021. Starting in 2022, and as a continuation of Phase 2, potentially compliant ramps will be identified using Google Street View and ramps found to be potentially compliant will be field inspected to verify ADA compliance. Phase 3 involves continual updates of the GIS curb ramp data to reflect recently installed and remediated ramps.



Section V. of the Consent Decree calls for the appointment of an ADA Technical Advisor who is a

- Tom Bennett, P.E., ADA Technical Advisors Committee Lead
- Chon Wong, P.E. (Temporary Traffic Control and Engineering)

- Raphael Haou, P.E. (ADA Ramps Team)
- Jason Grassman, P.E. (Civil Engineering and Drafting)
- Cori Wiessner, P.E. (Permit Construction and Inspection)
- 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 provide ADA guidance 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”. Adam Hogan, who has a much experience with the City’s Maintenance Operations group performing field layouts and constructing ramps, is also a member of the ADA Technical Advisors Committee.

PBOT’s ADA webpage provides a plethora of resources for requesting, scoping, design and constructing ADA compliant curb ramps. See <https://www.portland.gov/transportation/engineering/ada-page>

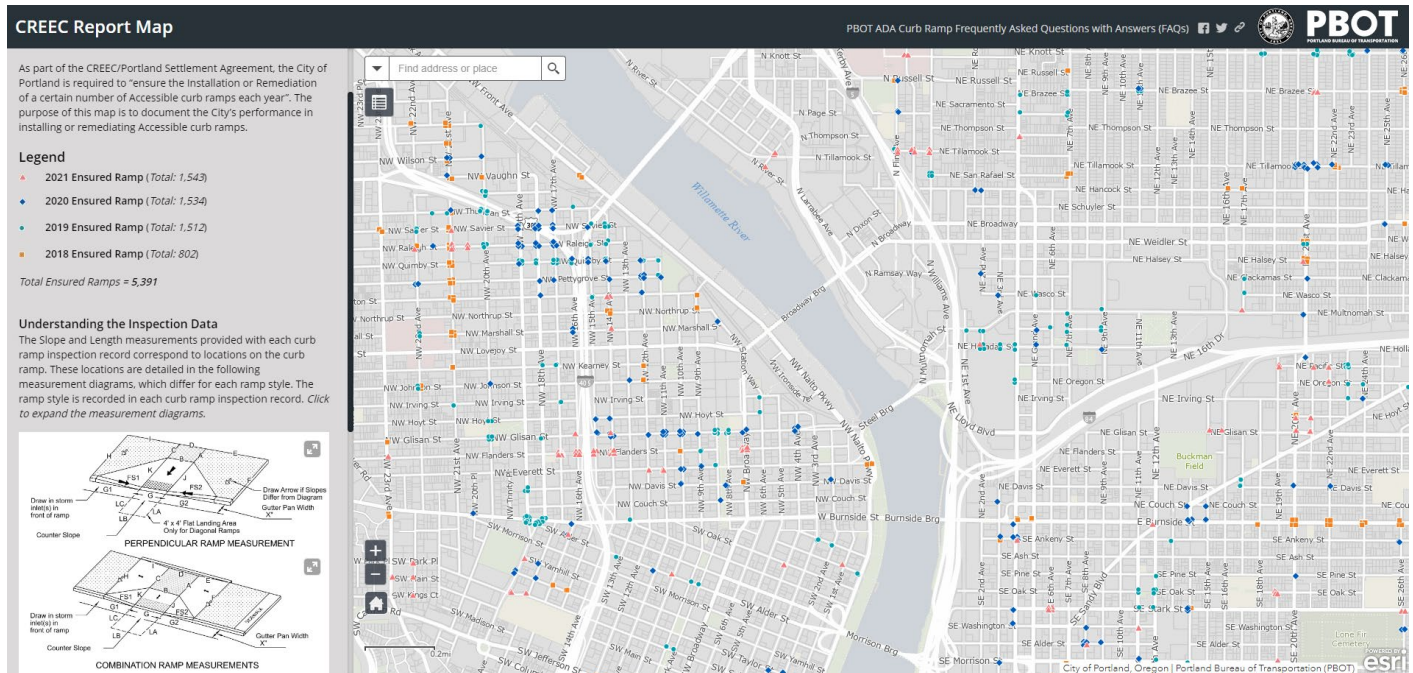
3. Curb Ramp Installation and Remediation (Consent Decree Section V. C. Curb Ramp Installation and Remediation)

Section VI. of the Consent Decree requires installation or remediation of 1,500 ADA compliant curb ramps during the 2021 calendar year. The City provided 1,543 ADA compliant curb ramps during the 2021 reporting period.

During 2021, curb ramp sources (e.g. capital projects, maintenance activity, and permitting) used a common reporting system to notify the ADA Ramps Team 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. 141 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	2021	Total
Consent Decree Ramp Target	750	1500	1500	1500	5250
Ramps Installed and Remediated	802	1512	1534	1543	5,391
Surplus Ramps Bank	52	12	34	43	141



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 2021 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 2021. Prioritization of curb ramp improvements beyond those triggered by alterations and construction is addressed in PBOT's ADA Transition Plan.

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

City Council adopted the ADA Transition Plan On July 21, 2021, as Resolution 37543 within the time prescribed by the Settlement Agreement. The adopted PBOT ADA Title II Public Right of Way Transition Plan may be found at <https://www.portland.gov/transportation/planning/adatransitionplan/adopted-portland-city-council-resolution-37544#toc-pbot-ada-title-ii-public-right-of-way-transition-plan-update-adopted-by-council-resolution-37544>

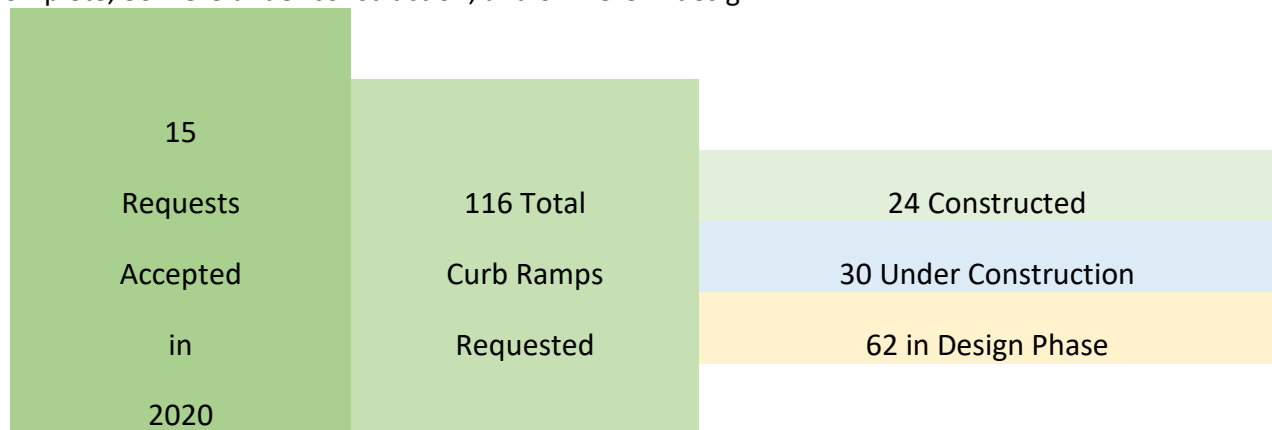
The Resolution adopting the Transition Plan is located at <https://efiles.portlandoregon.gov/Record/14615672/>

The City met the three-year deadline for presentation of the Transition Plan to City Council for adoption as prescribed in the Consent Decree. In addition, progress in the following areas is underway.

- Working with TriMet to develop improved access mechanisms to connect buses with curbs.
- Improved Title II and Title VI complaint process and complaint form.
- Hosting focus groups with accessible parking pass users to inform the update of our accessible parking policy.
- Connecting the Earthquake Ready Bridge Replacement project with several organizations that support and serve people with disabilities to ensure their opinions and concerns are heard in the design process.
- Providing accessibility-focused content in our online Sunday Parkways programming.
- Coordinating site reviews of Flanders Crossing, Better Naito, and Division transit with blind and low vision pedestrians to get their perspectives on accessible design features.

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

During the 2021 calendar year, the Ramps by Request (RBR) Program received 15 qualifying submissions for a total of 116 curb ramp requests. By the end of the year, 24 RBR ramps were complete, 30 were under construction, and 62 were in design.



The City's Bureau of Technology Services (BTS) continues to upgrade the City's public website, Portland.gov and employee website, Employees.portland.gov. Recent accomplishments include:

- Replaced the following forms with readily accessible webforms:
 - ✓ ADA Accommodation Request
 - ✓ Report Discrimination
 - ✓ Report an E-scooter, Report and E-scooter Resolution
 - ✓ Contact Elected Official
 - ✓ Contact Emergency Coordination Center
 - ✓ Look Up Your Garbage Hauler
 - ✓ Offer Feedback on Charter Commission
- Completed support of language translation enablement on City's public website, portland.gov. The City's website now supports English, Spanish, Russian, Chinese (simplified), and Vietnamese. Remaining harbor languages are forthcoming.
- 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. Most recent support includes support for language translation with language specific interpreters.
- 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. The Resolution is found at <https://efiles.portlandoregon.gov/Record/5023361/> and the administrative rule is found at <https://www.portland.gov/policies/technology-services/e-government/bts-304-captioning-video-and-audio-materials>.

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 2021 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 2021 calendar year have been paid in accordance with the Consent Decree. Class counsel fees, costs and expenses for this reporting period are provided below.

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

2021 Claimant Payments, Attorney Fees, Expenses and Costs

January 1, 2021 – December 31, 2021

Firm	Amount	Status
Civil Rights Education and Enforcement Center (CREEC)	\$ 3,826.09	Paid
Goldstein, Borgen, Dardarian & Ho (GBDH) and Disabilities Rights Oregon (DRO)	\$ 4,841.11	Paid
Total	\$ 8,667.20	Paid

APPENDIX

PBOT CREEC ADA Curb Ramp Performance 2021 Report