

## IMPACT STATEMENT

**Legislation title:**     **\*Authorize a Class Action Settlement Agreement related to the installation and remediation of curb ramps in pedestrian right of way along City streets, and pay claims of named class representatives together with Plaintiffs attorneys' fees as directed by the Court. (Ordinance)**

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### **Purpose of proposed legislation and background information:**

On July 22, 2016 the Civil Rights Education and Enforcement Center (CREEC) notified the City of a potential class action lawsuit for lack of ADA compliant curb ramps. As a result, the City and CREEC entered into a Negotiations Agreement to seek a settlement that uses more public dollars to construct an accessible city in a more manageable way over time in lieu of costly litigation and a court mandated order.

### **Financial and budgetary impacts:**

Budget impacts. The Settlement Agreement will require significant increases in City funding for construction of Americans with Disabilities Act (ADA) compliant ramps throughout the City. PBOT estimates that complying with the terms of this twelve-year agreement will cost \$113.5 million. PBOT has identified current and future Transportation resources, as well as Council-approved General Fund and Build Portland resources, to address \$61.2 million of the liability, leaving an estimated funding gap of \$52.3 million. PBOT Finance and Engineering met with the City Budget Office, the City's Chief Financial Officer, and the City's Debt Manager to discuss funding options. The group developed a funding plan option for Council consideration, which is reflected in the Mayor's Proposed Budget. However, this ordinance is to execute the Settlement Agreement and related legal filings only. Identifying the necessary funding to fulfill the terms of the agreement will be addressed as part of the City's budget approval process.

Negative impacts if not approved. If this ordinance is not approved, Claimants will move to contest the issue in federal district court, requiring the City to fund costly litigation, and the City will then be required to comply with an order mandated by court decision or judicial order.

### **Community impacts and community involvement:**

This legislation will improve accessibility of the entire City and its neighborhoods, providing a more inclusive, equitable City. Curb ramps are necessary to provide people with mobility disabilities access to sidewalks from streets. Without compliant curb ramps, people are forced to travel in the street, which poses significant safety risks. Under the terms of the Settlement, the City

shall ensure the installation or remediation of an average of 1,500 accessible curb ramps each year for 12 years, including ramps requested by persons with mobility disabilities.

The Settlement Class includes all persons (including residents of and/or visitors to the City of Portland) with any Mobility Disability, who have been denied full and equal access to the City's pedestrian right of way due to lack of a curb ramp or a curb ramp that was damaged, in need of repair, or otherwise in a condition not suitable or sufficient for use.

Outreach and notification is provided to the Settlement Class through the following Portland organizations.

- American Associate of People with Disabilities
  - Association of Oregon Centers for Independent Living
  - Community Vision
  - Connecting Communities Coalition
  - Disability Rights Oregon
  - Elders in Action Commission
  - Family and Community Together (FACT)
  - Independent Living Resources
  - Lewis & Clark College – Student Services
  - Multnomah County Aging and Disability Services
  - Multnomah County Development Disabilities Services
  - Multnomah County Disability Services Advisory Council
  - National Organization on Disability
  - Northwest ADA Center
  - On-the-Move Community Integration
  - Oregon Commission for the Blind
  - Oregon Council on Development Disabilities
  - Oregon Department of Human Services
  - Oregon Disabilities Commission
  - Oregon Spinal Cord Injury Connection
  - Paralyzed Veterans of America
  - Portland Commission on Disability
  - Portland Community College – Disability Services
  - Portland State University – Disability Resource Center
  - Portland VA Medical Center
  - Reed College – Disability Support Services
  - Ride Connection
  - State Independent Living Council
  - Tri-Met Public Transportation
  - United Cerebral Palsy Association
  - United Cerebral Palsy of Oregon and South Washington
  - United Spinal Association
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Budgetary Impact Worksheet

Does this action change appropriations?  
☐ YES: Please complete the information below.  
☒ NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount