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37543

Resolution

Adopt the Americans with Disabilities Act Title II Public Right of Way Transition Plan

Adopted

WHEREAS, the Federal Americans with Disabilities Act (ADA) was signed into law in July 1990; and

WHEREAS, the Portland City Council adopted Resolution 34945 in February 1992 affirming that all programs, services, and activities provided by the city be accessible to people with disabilities; and

WHEREAS, one in four Oregonians identify as having a disability and mobility is the most common type of disability; and

WHEREAS, transportation system accessibility is important for all community members, it is essential for the safety and mobility of people with disabilities; and

WHEREAS, people with disabilities rely on an accessible transportation system to provide them access to employment, social connections, recreation, shopping, entertainment, and healthcare; and

WHEREAS, the ADA requires state and local governments with more than 50 employees to have a transition plan; and

WHEREAS, the Portland City Council adopted Resolution 35135 in May 1993 approving the City's first transition plan; and

WHEREAS, the City updated its transition plan in Month 1996 and November 2014; and

WHEREAS, the City Council accepted the Portland Parks and Recreation amendment to the City's transition plan in August 2015; and

WHEREAS, the City Council accepted the Performing Arts Venue update to the City's transition plan in December 2016; and

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Prepared by

Lisa Strader

Date Prepared

July 2, 2021

Requested Agenda Type

Time Certain

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WHEREAS, on September 27, 2018 the City Council accepted the Civil Rights Education and Enforcement Center (CREEC) Consent Decree related to installing and maintaining accessible curb ramps; and

WHEREAS, the CREEC Consent Decree includes a commitment that PBOT will submit a public right of way transition plan to City Council within three years of the Consent Decree effective date; and

WHEREAS, PBOT released the draft transition plan for public comment in August 2020 and held a public comment period of almost 90 days during the COVID-19 pandemic; and

WHEREAS, PBOT's transition plan was released in the 10 safe harbor languages at the time of release; and

WHEREAS, PBOT's public outreach included a dynamic webpage, a narrated power point presentation translated into the top four safe harbor languages; 6 on-line open houses, and a plan summary and survey also available in the 10 safe harbor languages; and

WHEREAS, PBOT received over 600 comments from its survey; and

WHEREAS, the Portland City Council passed Resolution 37517 adopting Disability Equity Goals in November 2020 which included a commitment of equitable outcomes and opportunities in all city activities, programs, and facilities; and

WHEREAS, PBOT prioritizes its work in underserved areas of the City and those same areas will also be underserved by ADA compliant transportation system elements; and

WHEREAS, PBOT has a Curb Ramps by Request Program to allow expedited response for needed curb ramps to people with disabilities; and

WHEREAS, the CREEC Consent Decree Transition Plan section includes a requirement the PBOT provide the draft transition plan to Plaintiff's Counsel from their review and comment before presenting it to City Council for adoption; and

WHEREAS, PBOT did provide the draft to Plaintiff's Counsel and they had no comments.

NOW, THEREFORE, BE IT RESOLVED, THAT THE City of Portland adopts the ADA Title II Public Right of Way Transition Plan attached as Exhibit A; and

BE IT FURTHER RESOLVED, that the Council directs the Portland Bureau of Transportation (PBOT) to engage in activities to fund and implement the schedule in Section 8.1 of the plan;

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BE IT FURTHER RESOLVED, that PBOT staff is directed to work with Tri-Met to re-instate an expired Intergovernmental Agreement (IGA) for construction of capital and accessible improvements at transit bus stops; and

BE IT FURTHER RESOLVED, that the Council directs PBOT to incorporate work of the Transition Plan in the next Transportation System Plan (TSP) update, where appropriate; and

BE IT FURTHER RESOLVED, that the Council directs PBOT to incorporate work to advance the Transition Plan into capital projects when feasible, even when the work is not triggered by the ADA; and

BE IT FURTHER RESOLVED, that the Council directs PBOT to continue to develop relationships and engage people with disabilities, organizations that support and serve them, and culturally specific organizations before, during, and after projects; and

BE IT FURTHER RESOLVED, that the Council directs PBOT to evaluate the Curb Ramps by Request Program to efficiently address the backlog of requests that come in each year; and

BE IT FURTHER RESOLVED, that PBOT staff is directed to post the transition plan annual report to the PBOT Transition Plan webpage by the end of March each year; and

BE IT FURTHER RESOLVED, that the Council directs PBOT to review and make appropriate updates to the Transition Plan every 5 years until its completion; and

BE IT FURTHER RESOLVED, that PBOT staff is directed to issue public communications on the posting of the annual report and 5-year plan updates to make community members aware of their availability; and

BE IT FURTHER RESOLVED, that the City Council thanks partners and the public for their efforts to help develop and advance the ADA Title II Public Right of Way Transition Plan.

Documents and Exhibits

 [Exhibit A](#) (15.99 Mb)

Impact Statement

 [Impact Statement](#) (37.87 Kb)

Agenda Items

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Adopted

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea

General information

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