



CREEC Consent Decree Update and Tie to ADA Transition Plan

July 21, 2021



PBOT
PORTLAND BUREAU OF TRANSPORTATION



2020 ANNUAL REPORT



AMERICANS WITH DISABILITIES ACT (ADA) PROGRAM



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



Annual Report

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 ✓
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 ✓

2021

CITY OF PORTLAND
BUREAU OF TRANSPORTATION

ADA Title II Public Right-of-Way Transition Plan Update



JUNE 2021
FINAL FOR COUNCIL



Hines (CREEC) Settlement Agreement/Consent Decree and its relationship with the Transition Plan by

Tim Fox, Esq.
Co-Executive Director
Civil Rights Education and
Enforcement Center (CREEC)

Class Counsel

Tim Fox, CREEC

Martie Lafferty, CREEC

Linda Dardarian of Goldstein, Borgen, Dardarian & Ho
Matthew Serres, Disability Rights Oregon

Consent Decree Requirement

July 20, 2021

Via Email
Portland City Council

**RE: Letter of Support for PBOT Accessibility Program's
Implementation of Consent Decree in *Hines et al. v. City
of Portland***

Dear Members of the Portland City Council:

As counsel for the Plaintiff class in *Hines et al. v. City of Portland*, Case No. 3:18-cv-00869-HZ, we write to express our appreciation of and support for the Portland Bureau of Transportation Accessibility Program's (PBOT) commitment to implementation of the requirements set out by the consent decree. Since entry of that decree in September 2018, PBOT has worked with us in a robust collaborative manner to increase accessibility of Portland's public right-of-way through installation of curb ramps which are compliant with federal accessibility requirements and remediation of existing ramps which do not already meet those requirements. Specifically, since 2018 PBOT has increased accessibility of the public right-of-way by installing and remediating 3,848 curb ramps, nearly 100 more than required by the consent order for this three-year period.

PBOT's submission of its proposed ADA Title II Public Right-of-Way Transition Plan Update to the City Council this month timely fulfills another requirement of the *Hines* consent decree. *Hines* requires that PBOT install/remediate 18,000 curb ramps by 2030; the proposed transition plan ensures that PBOT will continue remediation to address the remaining noncompliant curb ramps after the consent decree has ended.

We appreciate PBOT's ongoing commitment to ensuring an accessible public right-of-way through compliance with *Hines* and beyond. We also are pleased with PBOT's engagement with people with disabilities and other

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We Challenge Discrimination

Portland City Council
July 20, 2021
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stakeholders to obtain input for the plan's goals regarding the entirety of Portland's public right-of-way program including those for accessible curb ramps.

Sincerely,

CIVIL RIGHTS EDUCATION
AND ENFORCEMENT CENTER



Martie Lafferty
Tim Fox

GOLDSTEIN, BORGES, DARDARIAN & HO
Linda Dardarian

DISABILITY RIGHTS OREGON
Matthew Serres

Letter of Support



PBOT ADA Title II Public Right of Way Transition Plan Update City Council Presentation

July 21, 2021





What is a Transition Plan & Who Has to Have One?

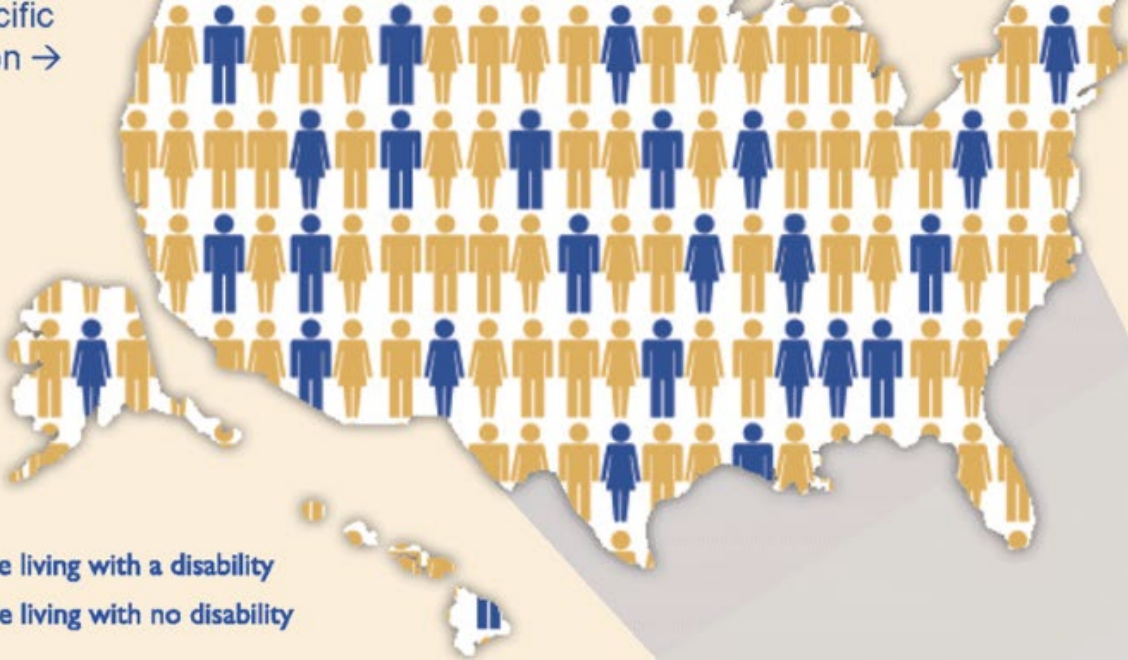
Identifies how an entity will make everything it is responsible for, accessible to everyone.

Any state or local government with 50 or more employees.

Transportation part of the City's transition plan until now.

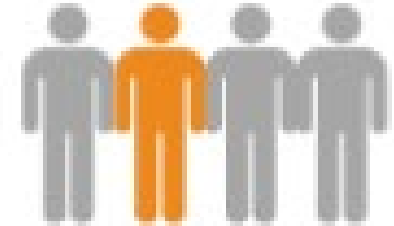
state-specific
information →

 People living with a disability
 People living with no disability



26%
(1 in 4) of adults in
the United States
have some type
of disability

The percentage of people
living with disabilities is
highest in the South



**902,226 adults in Oregon
have a disability¹**

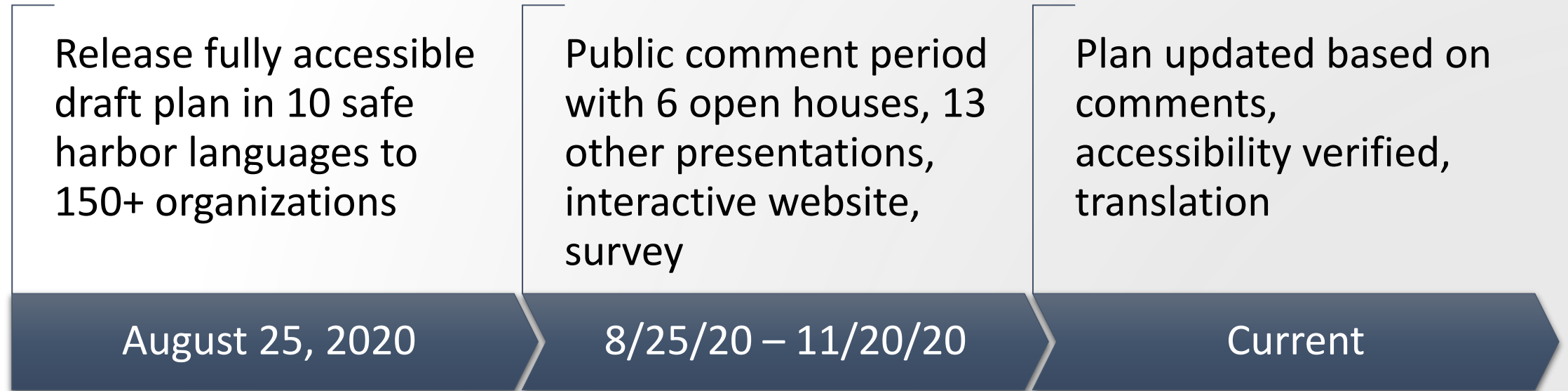
This is equal to 26% or 1 in 4
adults in Oregon

Adults with Disabilities

Mobility is
the most
common type
of disability



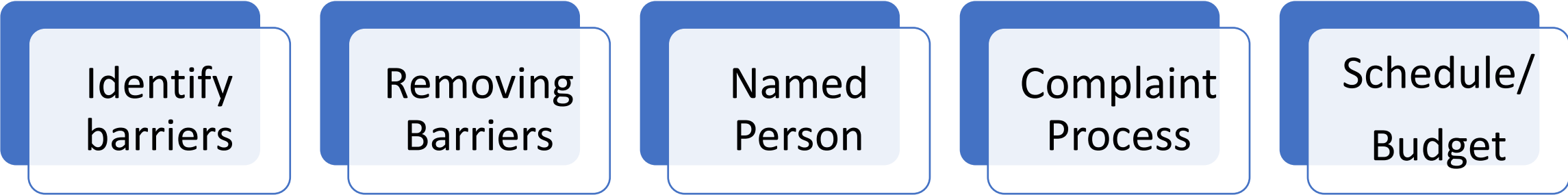
Timeline and Engagement



Comment Highlights

- Proactive sidewalk policy
- Consult before, during, after projects
- Schedule to complete
- Equity in historically underserved areas
- Increase accessible parking
- Transit Stops and transit
- Coordination within PBOT & City
- Safety
 - Cars parked too close to corners
 - Lighting
 - Consistency
 - Communication
 - Other uses on sidewalks

Elements of a Transition Plan



Identify
barriers

Removing
Barriers

Named
Person

Complaint
Process

Schedule/
Budget

PBOT
Responsible
for Public
Right-of-Way
Transportation
System
Elements

CURB RAMPS

PEDESTRIAN SIGNALS

SIDEWALKS

PARKING

TRANSIT STOPS

FULL PROGRAM ACCESS



Compliant versus Non-Complaint Curb Ramps



Non-Compliant versus Compliant Pedestrian Signals



Compliant versus Non-Compliant Sidewalks

What Is Full Program Access?

Buildings

Documents & Forms

Transportation System

Communications

Employment

Meetings



Implementation

Carry out 20-year implementation schedule

PBOT & other projects move the work of the transition plan

Community engagement

Review policies, practices, procedures

Collaborate with planning/design staff and review project plans

Report annually and update plan every 5-years

Early Actions



Ensure work included in projects



Evaluate to know more



Review policies and update as needed



Engage community

Planning for Accessibility



Maintenance
Paving Project
Completes
Curb Ramps



Developer Project Improves Transit Stop



Before



After

SRTS Crossing





Accessible Parking Policy Update

- User Focus Groups
- Adding spaces
- Updating policy
 - Location
 - Number
 - Project guidance
 - Van accessible



Questions?

PBOT

PORTLAND BUREAU OF TRANSPORTATION

<https://www.portland.gov/transportation/planning/adatransitionplan>