

Accessibility Improvements on the State Highway System

Background

In 2016, ODOT entered into a 15-year Settlement Agreement with the Association of Oregon Centers for Independent Living (AOCIL) to bring nearly 26,000 curb ramps on ODOT's statewide system up to current ADA standards; a federal court approved the settlement agreement in early 2017. The agreement includes upgrading existing curb ramps and pedestrian signals and construction/installation of new ADA-compliant curb ramps and pedestrian signals pursuant to a negotiated, phased schedule.¹

Settlement Agreement terms include:

- Remediate the statewide curb ramp inventory to current ADA standards by Dec. 31, 2032;
- Address plaintiff-prioritized curb ramps and pedestrian signals first;
- Inventory and remediate pedestrian push button crossing signals per agreed upon schedule;
- Retain the services of a mutually acceptable accessibility consultant; and
- Create accessible temporary pedestrian access routes during construction.

Curb ramp remediation schedule:

- By Dec. 31, 2022 – ODOT shall remediate at least 30% of the non-compliant curb ramp locations in the curb ramp inventory.
- By Dec. 31, 2027 – ODOT shall remediate at least 75% of the non-compliant curb ramp locations in the curb ramp inventory.
- By Dec. 31, 2032 – ODOT shall complete remediation of all the non-compliant curb ramp locations in the curb ramp inventory.

Current Status of Improvements

As of December 31, 2022, ODOT had completed 6,176 compliant curb ramps, which represented close to 1,500 ramps fewer than expected. Failure to meet the interim milestone was due to program funding gaps, project cost escalations (bids coming in higher than expected), and lack of available, experienced contractors.

Costs & Funding

Cost Estimates:

The current estimated cost for curb ramp improvements is \$1.6 billion. Installation or upgrading of pedestrian signals is estimated to cost \$200 million (this represents an early estimate and costs could increase after scoping is complete).

¹ AOCIL v. Oregon (2016);
<https://static1.squarespace.com/static/6387d767fc8a755e41aa5844/t/646d8e934b988a1fd2ed55b0/1684901531519/AOCIL-v.-ODOT-Final+Settlement+Agreement.pdf>

Funding Sources:

- \$20 million federal COVID relief funds
- \$600 million STIP funds
- \$637 million federal GARVEE bonds
- \$343 million STIP funds (expected from federal redistribution over multiple years)

Crossing Closures

As part of our statewide curb ramp improvement effort pursuant to the ADA settlement agreement, ODOT also evaluated crosswalks and found that not all crossings are safe or provide equal access. Reasons may include crosswalks ending at or in close proximity to a driveway, a median island or landscaping in the crosswalk path, traffic signals that don't have pedestrian signals, or they are at intersections that were never designed to be crossings. To ensure that people cross a street at the safest point, ODOT is installing "crosswalk closed" signs to alert people that a crossing is unsafe or inaccessible. No marked crosswalks are closing and no intersections are closing, however ODOT may close one leg of an intersection crossing.

ADA Improvements & Cost Responsibility

Oregon has a unique constitutional requirement that both light and heavy users pay in proportion to the damage they impose on the road system in Oregon (deriving from Art IX, Sec 3 of the Oregon Constitution). This requirement also extends to other projects within the right-of-way including bike and pedestrian projects. The expenditures for these types of projects, which includes ADA projects, are included in the overall set of expenditures allocated through the HCAS process. The allocator used for bike and pedestrian projects is the "ALL_VMT" allocator, which means costs are distributed based on total vehicle miles travelled. In the current study, 92% of the VMT and therefore 92% of the costs for ADA projects are attributable to light vehicles and 9% to heavy vehicles.

Contrasting this to the overall cost share of 73% for light vehicles means that as expenditures on ADA projects ramp up, assuming all else equal, this will increase light vehicle share of overall costs. Again, assuming all else equal, to maintain a balanced cost responsibility, light vehicles would need to increase their share of overall revenue as their share of overall costs increase.