



ADA Settlement Agreement

Report for 2020

As Required per Section 8

Issued March 31, 2021



ADA Settlement Agreement 2020 Annual Report

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Table of Contents

Introduction	1
Section 8 Reporting	1
Part (a) Actions completed by ODOT Pursuant to the Agreement through December 31, 2020.....	4
Section 1 – Updated Statewide Curb Ramp Inventory	4
Section 2 – Inventory of Pedestrian Crossing Signals.....	4
Section 3 – Initial Commitment for Prioritized Projects (Locations)	5
Region 1 – Portland Metro	6
Region 2 – Willamette Valley/North Coast.....	6
Region 4 – Central Oregon.....	6
Section 4 – Remediation of Curb Ramp Inventory.....	6
Section 5 – Remediation of Pedestrian Signals	7
Section 6 – No Deliverables	7
Section 7 – Accessibility Consultant	7
Section 9 – Alternate Routes during Construction.....	7
Sections 10-13 – No Deliverables	8
Section 14 – ODOT Oversight	8
Section 15 – Public Complaint and Request Process.....	8
CQCR Overview for 2020.....	9
Sections 16-25 – No Deliverables	11
Section 26 – Transportation Remediation.....	11
Section 27 – Education and Outreach.....	11
Part (b) Amount Expended Pursuant to Section 3	12
Part (c) Number of Curb Ramp Locations Remediated	13
Part (d) Number of Curb Ramp Locations Remaining to be Remediated and their Physical Locations.....	15

List of Figures

Figure 1: ODOT Curb Ramp Remediation, 2018-2022.....	2
Figure 2: CQCR End of Year Status.....	9
Figure 3: Distribution of CQCR, by ODOT Region.....	10
Figure 4: Reason for CQCR Submission	10

List of Tables

Table 1: Remediation by ODOT, 2018-2020, by Curb Ramp Category.....	3
Table 2: Pedestrian Signal Compliance with ADA Standards.....	5
Table 3: Pedestrian Signals with Audible Signal Option.....	5
Table 4: Plaintiff Priority Location Information.....	12
Table 5: Curb Ramp Remediation for Categories 4(a) and 4(b), by ODOT Region.....	13
Table 6: Curb Ramp Remediation for Categories 4(c)-4(g), by ODOT Region.....	14
Table 7: Curb Ramp Remediation, by Category, for 2020	14
Table 8: Breakdown of Curb Ramps included in Agreement, by Condition.....	15
Table 9: Ramps that Require Remediation	15

Introduction

The Oregon Department of Transportation (ODOT) and the Association of Oregon Centers for Independent Living, et al. (AOCIL) entered into a 15-year settlement agreement (Agreement) on November 2, 2016, to make state highways more accessible to people with disabilities. Section 8 of that Agreement requires ODOT to report annually about its progress on specific tasks.

Section 8 Reporting

The Agreement states:

For each year of this Agreement, ODOT will prepare an annual report based upon the work ODOT has performed under this Agreement each year and provide information relating to its progress, including:

- a) List of actions undertaken and completed by ODOT each year pursuant to this Agreement.*
- b) Amount expended pursuant to Section 3.*
- c) Number of curb ramp locations remediated, specifically:*
 - a. the number of curb ramp locations and actual curb ramps remediated per Section 4 (a) or (b) and their physical locations.*
 - b. the number of curb ramp locations remediated per Section 4 (c), (d), (e), (f), and (g), and their physical locations.*
- d) Number of curb ramp locations remaining to be remediated and their physical locations.*

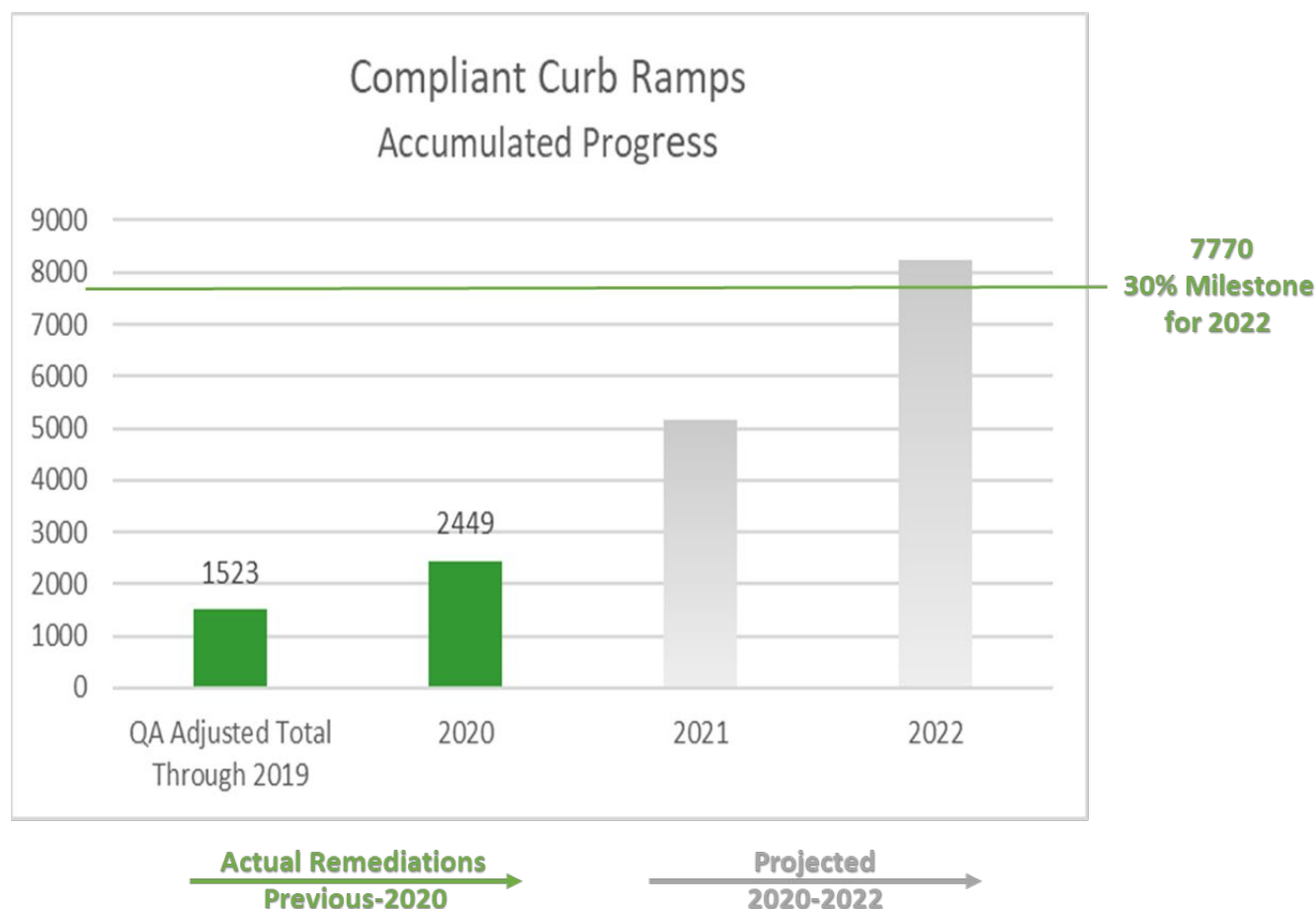
ODOT continued progress implementing the provisions in the Agreement. The following charts, introduced in last year's report, provide an updated view of actual progress through 2020 and planned progress through 2022.

ODOT made progress, despite an entire year of unprecedented challenges in 2020. While the numbers of curb ramps remediated in 2020 fell short of the number planned, the gains are sufficient to keep ODOT on track to meet the approaching 30% milestone target.

The basis for the progress is the corrected 2017 inventory of non-compliant curb ramps, as defined in the Agreement. This established a total of 27,327 curb ramps, of which, 25,899 of these were determined to be non-compliant. Milestone targets then equal 7770 (30% following 2022) and 19,424 (75% following 2027). "Curb ramp" is a general term used throughout this document in reference to accessible pedestrian access points.

Reminder: ODOT has found that ongoing updates and corrections to curb ramp data are important aspects of managing this data. This does result in minor adjustments in the number of ramps that require remediation at points in time. ODOT will continue to report the number remediated each year, but some minor variances in the totals from year to year should be expected. ODOT will work toward the milestone targets noted in the previous paragraph.

Figure 1: ODOT Curb Ramp Remediation through 2020 and Projections through 2022.



ODOT staff continues to monitor standards and processes to improve rates of compliance in curb ramp remediation; initial pace of remediation has been deliberate. While unforeseen events in 2020 (COVID 19 pandemic, unprecedented wildfires and other related challenges) impacted construction timelines, ODOT is on track to meet the first milestone in 2022.

Please note that the 2020 Annual Report intentionally reflects only nine months of data, rather than 12 months. As noted on page 4 of the 2019 Annual Report, ODOT transitioned to a data year that runs from October through September. This transition allows more time at the end of the calendar year for data processing and quality assurance measures but also results in a nine-month reporting period for the 2020 Annual Report.

The following table summarizes ODOT's curb ramp remediations based on categories of curb ramp remediation definitions set out in Section 4, summarized here:

- 4(a) – Compliant by installation of a new curb ramp where previously missing.
- 4(b) – Compliant due to upgrade of an existing curb ramp or sloped area.
- 4(c) – Compliant by design exception.

ADA Settlement Agreement 2020 Annual Report

- 4(d) – Compliant due to crosswalk closure.
- 4(e) – Compliant due to other permissible exception under ADA.
- 4(f) – Compliant due to right of way availability.
- 4(g) – Compliant due to other methods or changes with applicable standards.

Table 1: Remediation by ODOT through 2020, by Curb Ramp Category.

Year	4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	4(g)	Total by Year	Cumulative Total
Previously remediated through 2019									2,330*
					Adjustments based on Data QA				-807**
					QA Adjusted Net Total				1523**
2020	42	311	11	254	0	0	308	926	
2020 Updated Cumulative Total									2449

Notes about the table above:

* Total accumulated curb ramp remediations through previous reporting year.

** Data management and quality assurance (QA) sometimes results in adjustments to previously reported curb ramp data, and ODOT reports these adjustments in its annual reports noting net changes when applicable. In 2020, ODOT made an improvement to its data system management and QA review process. With this improvement, ODOT determined that previous annual reports included duplicate data. ODOT has subsequently corrected this duplication and includes herein the most up-to-date curb ramp data. Please see Section 4 for additional information.

Part (a) Actions completed by ODOT Pursuant to the Agreement through December 31, 2020

The following is a summary of ODOT actions organized by the Agreement section. Not all sections required deliverables during 2020. Sections 6, 10-13 and 16-25 are not addressed in this report.

Section 1 – Updated Statewide Curb Ramp Inventory

Pursuant to the Agreement, ODOT maintains its updated in-field curb ramp inventory and continues to update the inventory as necessary to track new curb ramps and upgrades of existing curb ramps occurring each year. Data and systems management practices facilitate accurate maintenance of this inventory. Any data adjustments made as a result of these practices will be described in Section 4 of this report if they effect net remediation totals. The appendices attached reflect updates completed for 2020.

Consistent with this Agreement, ODOT will continue to track jurisdictional transfers that occurred each calendar year of the Agreement to ensure necessary curb ramp remediation takes place.

Reminder: Data updates for this report reflect data collected through September 2020. This and future reports will continue to reflect this data timeline allowing for consistent, best practice data management for calendar year reporting. This first transitional year means that this report includes only nine months of data. Subsequent Agreement reports will include a full 12-month inventory year, October 1 to September 30.

Section 2 – Inventory of Pedestrian Crossing Signals

ODOT continues to make progress on pedestrian crossing signal remediation since baseline inventory was established in 2017. A summary of this inventory and compliance status is provided in the table below. “Push button” is a general term used throughout this document in reference to accessible pedestrian crossing signals.

Table 2: Pedestrian Crossing Signal Compliance with ADA Standards.

Pedestrian Push Button Signal Compliance	Unit Count	Percent of Total
Compliant	3,880	47%
Non-Compliant	4,406	53%
Total Push Buttons included in the ADA Settlement	8,286	100%

Additionally, some of these pedestrian signals include audible signals, most of which are added by citizen request. While not an element of the Agreement, a summary of pedestrian signals with audible signals for information only follows.

Table 3: Pedestrian Signals with Audible Signal Option.

Pedestrian Audible Signal Capability	Unit Count	Percent of Total
With Audible	1,174	14%
No Audible	6,967	84%
Unknown	145	2%
Total Push Buttons included in the ADA Settlement	8,286	100%

ODOT continues to track jurisdictional transfers that include pedestrian signals to ensure that necessary pedestrian signal remediation takes place.

Section 3 – Initial Commitment for Prioritized Projects (Locations)

ODOT committed to an initial expenditure of \$5 million (priority funding) in the Agreement to address curb ramps and associated pedestrian signals at locations, which plaintiffs identified as high priority (priority locations). After Plaintiffs provided their priority list, ODOT evaluated the best way to remediate these locations as efficiently as possible and determined that priority funding may be combined with other highway system improvement projects, in addition to stand-alone curb ramp projects, to maximize the benefit of its combined funding options. ODOT is tracking progress on all priority locations, regardless of funding source from priority funds or other program budgets.

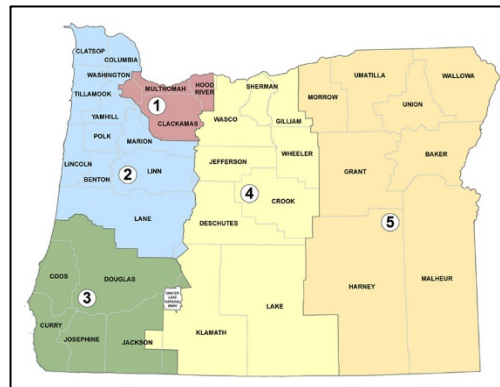
ODOT adjusted methods to track this priority work by corner rather than by curb ramp. This is better aligned with the initial locations identified on the priority list. See Part (b) for supplemental information.

As projects conclude, any remaining earmarked funds for plaintiff priorities will continue to be allocated to address as many additional priority locations as possible. Once the \$5 million is fully expended, all remaining prioritized locations will be remediated during the 15-year

lifetime of the Agreement. This approach was approved by AOCIL in November 2017. A brief update on priority locations in Regions 1, 2 and 4* follows:

Region 1 – Portland Metro

- Portland (US 26) SE 92nd: In design.
- Portland (US 26) SE 102nd to 119th: In design.
- Portland (US 26) SE 122nd to 136th: In construction.
- Portland (SE 82nd/ OR 213): One segment has been constructed; remaining segments are in design.
- Hillsboro (OR 8 at 44th): In construction.



Region 2 – Willamette Valley/North Coast

- Springfield: Construction completed.
- Clatskanie: In design; anticipated construction by 2022.
- Lincoln City (US 101): ODOT completed planned construction; additional remediation incorporated into city projects.

Region 4 – Central Oregon

- Bend (US 20) 3rd/ Greenwood: In design; construction planned for 2022.

Section 4 – Remediation of Curb Ramp Inventory

In 2020, ODOT remediated 926 curb ramps identified in the updated curb ramp inventory as fair, poor, or missing. Remediation details are provided in Part (c) of this report.

ODOT considers data quality to be critical for reliable remediation reporting as evidenced by its investment in quality control and quality assessment: in 2018 extensive time was spent on quality to ensure accurate baseline inventory data; in 2019 inspection quality reviews were performed and data corrections made to ensure correct results; and in 2020 data system enhancements were implemented.

System enhancements were finalized late in 2020, but extensive efforts on data quality assurance checks progressed throughout early 2021 resulting in significant adjustments to curb ramp data and remediation totals. ODOT determined that some curb ramps had been included twice through regular data updates. ODOT has implemented data and system improvements to update the curb ramp data and prevent future duplications. The updated data is included in the summary chart on page 2 and table provided on page 16. ODOT has also included revised appendices for ramps remediated in 2018 and 2019 for reference. ODOT is committed to data

quality and processes and will implement improvements as necessary and correct reports when appropriate.

Section 5 – Remediation of Pedestrian Signals

ODOT maintained its inventory of pedestrian signals and continues to apply its evaluation criteria to ensure compliance with the ADA. ODOT staff worked with its accessibility consultant and other ODOT technical programs to improve design standards and construction requirements. ODOT also provided a clear explanation of what work constitutes an “alteration,” which requires signal remediation. ODOT has been remediating pedestrian signals that do not meet accessibility standards if they are part of an ODOT construction project.

ODOT looks forward to working with the plaintiffs to develop a remediation schedule.

Section 6 – No Deliverables

As referenced on page 4, not all sections of the Agreement require reporting in this report. ODOT reports that there are no deliverables for 2020 for Section 6.

Section 7 – Accessibility Consultant

ODOT continues to work with Cole & Associates (Cole) as its accessibility consultant, as required under the Agreement. Cole reviews ODOT policies, standards, practices, training, forms and guidance to determine whether ODOT is following applicable standards. Cole provides a concurrence letter acknowledging that ODOT is complying with the applicable standards once these reviews conclude successfully.

In 2020, Cole provided concurrence letters for:

- 2020 New Construction Curb Ramp and Push Button Inspection Forms.
- Oregon Standards Drawings RD700 and RD900 Series.
- Curb Ramps Process document.

Section 9 – Alternate Routes during Construction

ODOT continues to update policy to provide Temporary Pedestrian Accessible Routes (TPARs) through and around work zones to meet applicable standards, with accessibility consultant concurrence. In 2020, ODOT staff provided the accessibility consultant with virtual field reviews and reevaluated some in-place TPARs to ensure the routes provide appropriate access.

In addition, when projects are nearing the construction phase, ODOT notifies organizations that serve people with disabilities about TPARs for the projects. These organizations are the Centers for Independent Living (CIL), as provided by AOCIL. ODOT also provides opportunities for communication before the construction phase with project open houses where the public can learn more about the project, provide input and share concerns.

ODOT provided information and guidance to its staff statewide related to alternate routes during construction as necessary and at the monthly TPAR Design Resource meetings the third Tuesday of every month.

Sections 10-13 – No Deliverables

As referenced on page 4, not all sections of the Agreement require reporting in this report. ODOT reports that there are no deliverables for 2020 for Sections 10-13.

Section 14 – ODOT Oversight

ODOT identified Michael Kimlinger, state Traffic-Roadway engineer, as a person with access to the ODOT director, as necessary, to be responsible for implementation of processes developed for remediation obligations.

ODOT identified David Morrissey, ADA Program manager based in the Office of Civil Rights, as ODOT's ADA coordinator.

Section 15 – Public Complaint and Request Process

ODOT follows its process to track and respond to comments, questions, concerns or requests (CQCR) consistent with this section. Each ODOT division and region has a designated “go to” representative who is knowledgeable about ADA requirements and desirable timelines. Each representative on the ADA-CQCR Coordination team helps find solutions to barriers identified in CQCRs submitted by members of the public. The team meets regularly to collectively monitor efforts, maintain high levels of expertise or, as necessary, to jointly solve more complex barriers.

When ODOT receives a CQCR, a CQCR representative contacts the submitter to acknowledge receipt and subsequently gain a clear understanding of the issue(s) in order to find an effective solution. If the CQCR is not within ODOT's jurisdiction, a representative will provide contact information for other jurisdictions and follow-up as needed. Outreach by CQCR representatives to technical staff across ODOT enhances all staff's deeper knowledge of barriers encountered and ADA standards as they collaborate on solutions for each CQCR.

ODOT actively seeks to hear about barriers the public encounters. A person can submit a CQCR by printing the CQCR form and mailing it, submitting it via ODOT's website, or calling AskODOT (1-888-275-6368, ext. 7). In addition, ODOT staff who interact with members of the public are trained to provide this information if asked about a barrier.

CQCR Overview for 2020

ODOT received 60 CQCRs during 2020. For each submission, ODOT tracks the subject and location of the request, as well as the status of the CQCR as the team processes them through to resolution.

In addition, four (4) CQCRs received in 2019 were resolved in 2020, but are not included in the following charts, which reflect cases opened in 2020.

Figure 2: CQCR Status at Year End.

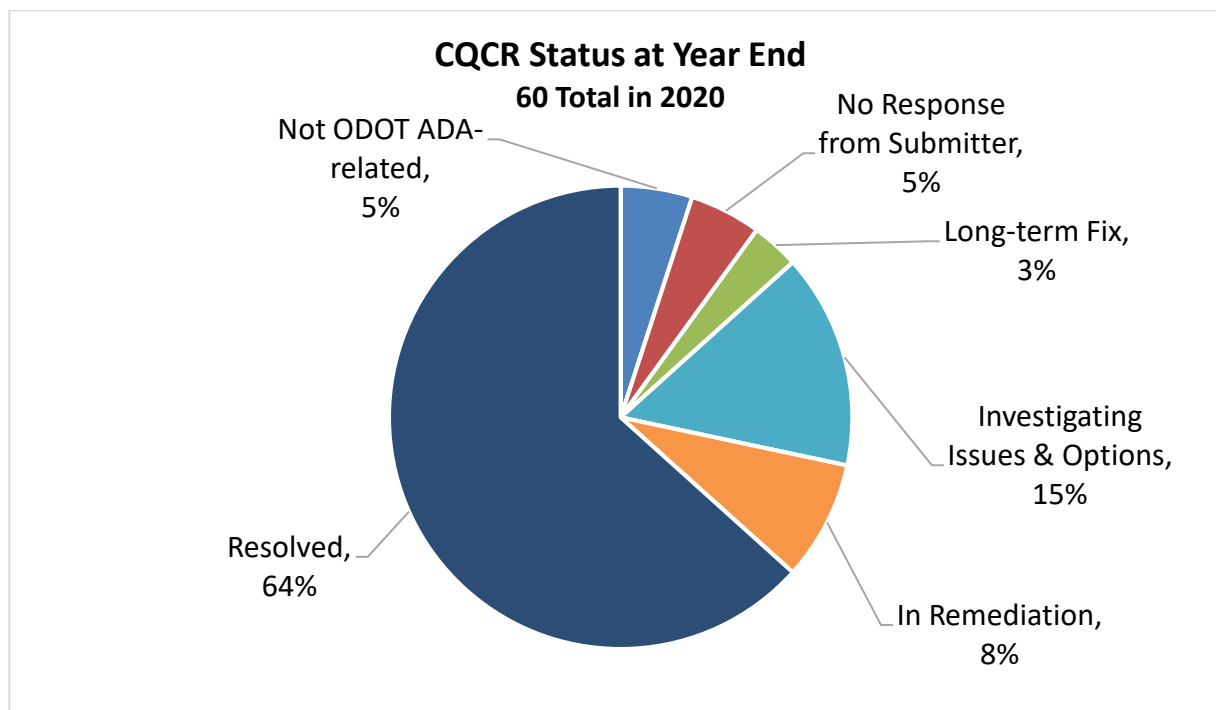


Figure 3: Geographic Distribution of CQCRs.

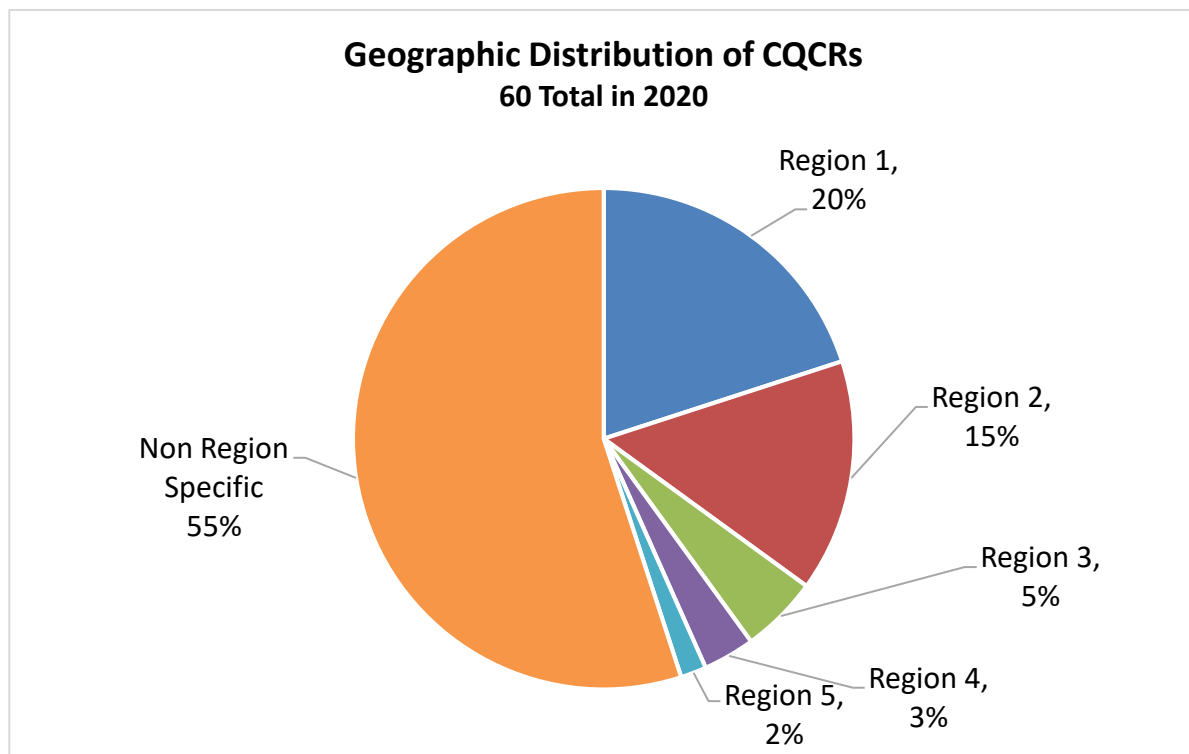
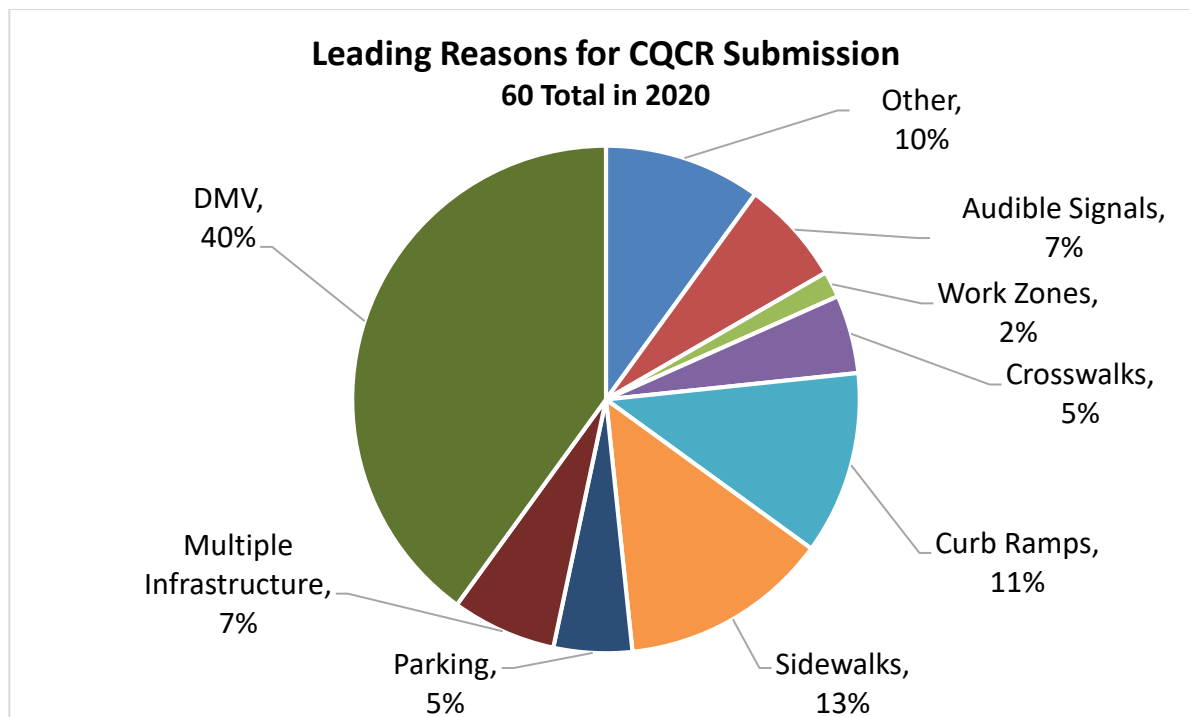


Figure 4: Leading Reasons for CQCR Submission.



Sections 16-25 – No Deliverables

As referenced on page 4, not all sections of the Agreement require reporting in this report. ODOT reports that there are no deliverables for 2020 for Sections 16-25.

Section 26 – Transportation Remediation

The Public Transportation Advisory Committee (PTAC) provides advice to ODOT's Public Transportation Division and Oregon Transportation Commission on transit policies and programs. The committee serves as a forum for discussing and identifying issues and solutions in public transportation.

The ADA workgroup, which reports to the PTAC, was formed in 2017 in response to the Agreement reached between ODOT and AOCIL. The workgroup gathers input from residents, officials and ODOT staff as it considers barriers and issues people with disabilities face while accessing transit statewide. The workgroup's priorities and work plan are coordinated with the PTAC. Despite the challenges of COVID-19 the workgroup met virtually, reviewed access statements and discussed impacts of the pandemic on transit and paratransit services.

ODOT staff regularly participate in the workgroup meetings and provide presentations on the ADA Program, updates on the Agreement implementation, and other resources to support their work. In 2020, the workgroup identified that there is not a single standard message about access and accessibility across ODOT. The workgroup advised that PTAC recognize and address this gap in ODOT's systems for serving Oregon's population with disabilities. In 2021, the workgroup will engage on this topic with PTAC.

Section 27 – Education and Outreach

ODOT conducted outreach or delivered presentations to the following organizations about the Agreement. ODOT staff worked with CIL representatives in regard to these meetings and invited their assistance to inform their constituents of the meetings. ODOT conducted these outreach efforts in compliance with all Covid-19 guidelines.

Nov. 4, 2020 AOCIL Board Meeting

Nov. 5, 2020 Mid-Willamette Valley Area Commission on Transportation

Nov. 10, 2020 Rogue Valley Area Commission on Transportation

Nov. 13, 2020 Southwest Area Commission on Transportation

Nov. 13, 2020 South Central Oregon Area Commission on Transportation

Nov. 13, 2020 Federal Highway Administration

This is the conclusion of Part (a)

Part (b) Amount Expended Pursuant to Section 3

Original estimates for priority locations established in collaboration with AOCIL far exceeded the \$5 million established in the Agreement. However, by partnering with other stakeholders or adding funds to other construction projects, ODOT has been able to remediate additional priority locations. Accumulative ODOT expenditures or allocated funds as of December 31, 2020 are shown in the table below along with current project status. The remainder of the \$5 million will be held in reserve to ensure projects underway can be successfully completed.

Table 4: Plaintiff Priority Location Information.

City & Location	Number of Corners	Project Stage	Completion Year*	ADA \$5million or Other
Clatskanie	8	Design	2022	\$575,000
Springfield	2	Construction	2019	\$326,000
Portland US26				
92nd	4	Design	2023	\$1,605,000
102nd to 119th	18	Design	2022	+ Other
122nd to 136th	20	Construction	2020	
Portland SE 82nd				
Johnson Creek	2	Design	2022	Other
SE Holgate Blvd	1	Design	2023	
SE Flavel-SE Foster	5	Construction	2019	
Bend				
3rd St/Revere to Greenwood	36	Design	2022	\$1,300,000
Greenwood/4th to 11th	31	Design	2022	+ Other
Hillsboro OR8				
44th	2	Construction	2019	Other
Lincoln City 101				
3rd to 4th	6	City	City Schedule	Other
5th	3	City	City Schedule	Other
NE/NW 6th	2	Construction	2018	Other
11th to 14th	16	Construction	2018/2019	\$535,000
NE/NW 21st	4	Construction	2019	Other
Total Corners: 160		Allocated/Encumbered Funding-Priority Locations: \$4,341,000		

* Future dates are estimates

After ODOT has spent the committed \$5 million on plaintiffs' prioritized locations, any remaining non-compliant curb ramps will be brought into compliance within the 15 years of this Agreement.

Part (c) Number of Curb Ramp Locations Remediated

The Agreement requires ODOT to report on the number of curb ramps ODOT remediated and how they were remediated. The first category to report is the number of curb ramps and their physical locations that were remediated by:

- 4(a) the installation of a new curb ramp at a location where one was previously missing: 42 curb ramps.
- 4(b) upgrading an existing, non-compliant curb ramp to meet applicable standards: 311 curb ramps.

(See Agreement, Section 4)

A summary of missing and poor curb ramps that were remediated by physical installation is provided in the matrix below.

Table 5: Curb Ramp Remediation for Categories 4(a) and 4(b), by ODOT Region.

Section	Region 1	Region 2	Region 3	Region 4	Region 5	Transferred	Total
4(a)	9	10	16	1	6	0	42
4(b)	121	100	29	16	44	1	311
Total	130	110	45	17	50	1	353

Note: ODOT standards consider “non-compliant curb ramps” to include:

- curb ramps that do not meet one or more of the design standards,
- curb ramps that are needed, but not yet in place (a.k.a “missing”), or
- curb ramps that do not have a properly installed crosswalk closure.

Collectively, these curb ramps are considered “poor” for accessibility and reported as such. As required by the Agreement, ODOT reports on the number of missing and non-compliant curb ramps that were remediated by physically installing new curb ramps or upgrading existing curb ramps under Sections 4(a) and (b).

See Appendix 1 for physical locations.

Other categories to report are the number of curb ramps that were remediated by:

- 4(c) determining that there was a design exception because a curb ramp fully compliant with all design standards would be technically infeasible: 11 curb ramps.
- 4(d) closing a pedestrian crossing as appropriate with applicable standards: 254 curb ramps.
- 4(e) determining there was another permissible exception to compliance under ADA: 0 curb ramps.
- 4(f) determining right of way availability precluded compliance: 0 curb ramps.
- 4(g) determining the curb ramps were compliant because of other methods or changes to the location: 308 curb ramps.
 - As an example, curb ramps included here would be an intersection that included 12 ramps in the baseline inventory but was reconfigured to remove two pedestrian islands. The new intersection configuration complies with all standards, remediates two curb ramps at each of four corners (for a total of eight), but four previous curb ramps are no longer necessary and were removed.

(See Agreement, Section 4).

(See Appendix 2 for physical locations).

Table 6: Curb Ramp Remediation for Categories 4(c)-4(g), by ODOT Region.

Section	Region 1	Region 2	Region 3	Region 4	Region 5	Transferred	Total
4(c)	6	1	3	0	1	0	11
4(d)	175	26	28	3	22	0	254
4(e)	0	0	0	0	0	0	0
4(f)	0	0	0	0	0	0	0
4(g)	91	48	66	77	26	0	308

In summary, the total number of curb ramps remediated by all methods listed in Section 4 equals 926. A summary of these results is shown in the following table.

Table 7: Curb Ramp Remediation, by Category, for 2020.

4(a)	4(b)	4(c)	4(d)	4(e)	4(f)	4(g)	Total
42	311	11	254	0	0	308	926

Part (d) Number of Curb Ramp Locations Remaining to be Remediated and their Physical Locations

ODOT continues to plan curb ramp specific projects. Where applicable, curb ramp remediation is incorporated into other ODOT projects.

Table 8 shows a breakdown of curb ramps in the Agreement. The breakdown totals include: compliant in-place, remediation reason and non-compliant, by region, following 2020 remediation efforts.

Table 9 shows the remaining number of curb ramps, by region, that require remediation.

Table 8: Breakdown of Curb Ramps included in Agreement.

Remediation Reason	Region 1	Region 2	Region 3	Region 4	Region 5	Transfer	Total
Compliant in Place	203	190	62	50	87	8	600
4(a)	17	15	19	7	6	0	64
4(b)	236	351	124	49	67	2	829
4(c)	20	20	14	0	2	0	56
4(d)	270	103	77	12	52	14	528
4(e)	0	0	0	0	0	0	0
4(f)	0	0	0	0	0	0	0
4(g)	103	86	71	85	27	0	372
Total Compliant	849	765	367	203	241	24	2449
Non-Compliant	7227	8683	3098	2079	3363	435	24,885
Totals	8076	9448	3465	2282	3604	459	27,334

Table 9: Curb Ramps that Require Remediation.

Condition	Region 1	Region 2	Region 3	Region 4	Region 5	Transfer	Total
Non-Compliant	7227	8683	3098	2079	3363	435	24,885

The list of curb ramps remaining to be remediated and the physical locations are in Appendix 3.

Note: As stated earlier in this report, on-going updates and corrections to curb ramp data will result in minor variances in the totals from year to year. These stem from all aspects of

ADA Settlement Agreement 2020 Annual Report

data management for quality data. ODOT will report data each year directly from ODOT data systems without any data adjustment. As a result the total number of curb ramps in the inventory may vary.