



Oregon

Kate Brown, Governor

Department of Transportation

Office of the Director

355 Capitol St NE

Salem, OR 97301

February 19, 2016

Kathleen L. Wilde
Disability Rights Oregon
610 SW Broadway, Suite 200
Portland, OR 97205

Re: Discussions to Resolve Curb Ramp Accessibility Matter

Dear Ms. Wilde,

Last May, DRO wrote to the Oregon Department of Transportation (ODOT) alleging that ODOT violated the Americans with Disabilities Act (ADA) by failing to install curb ramps in connection with certain road resurfacing projects. ODOT takes those allegations seriously. ODOT has a strong track record of ADA compliance and has devoted significant resources to improving access not only with regard to curb ramps, but all other aspects of ODOT's facilities as well. ODOT is fully committed to ensuring that the state roadway system is accessible to persons with disabilities.

In the months since your letter, ODOT has continued to work hard to meet all of its ADA obligations, including conducting detailed inventories of its pedestrian facilities, identifying and removing accessibility barriers, and installing hundreds of curb ramps in connection with ongoing ODOT projects.

Meanwhile, ODOT and DRO have engaged in an ongoing dialogue about how to address the state's inventory of missing or substandard curb ramps. While ODOT disagrees with your allegations, everyone agrees that there is work to be done on curb ramps, and ODOT is committed to doing that work.

I deeply regret that despite ODOT's willingness to partner with DRO and tackle this challenge together, you have chosen to cut that conversation prematurely short and pursue litigation. By choosing the path of litigation, DRO will cause the diversion of substantial resources away from needed ADA upgrades and towards costly, unnecessary legal battles.

To avoid that outcome and to focus on solving the problem, ODOT is offering the following proposal: ODOT will commit to inventory and then address missing and non-conforming curb ramps statewide by a set date. Progress toward this goal will be benchmarked and subject to periodic reporting and audits so it can be easily monitored by DRO and the public. Additionally, to ensure compliance with ADA standards, ODOT will hire a mutually agreeable access consultant with expertise in federal accessibility standards.

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I believe this proposal provides the best and most efficient way to ensure curb ramps are installed and upgraded where they are needed. As has been the case all along, ODOT remains ready and willing to partner with DRO to address accessibility barriers on the state highway system. I remain committed to making Oregon's roadways accessible, and I am hopeful that DRO will join ODOT in its effort to develop and implement a plan that will achieve this common goal. Please direct any response to this letter or the proposal it contains to ODOT's counsel.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Garrett', with a large checkmark at the end.

Matthew L. Garrett
Director