

MARION COUNTY PUBLIC WORKS



Americans with Disabilities Act Transition Plan for Accessibility in Public Rights-of-Way

2022

Official Responsible for Transition Plan Implementation:

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Marion County

Americans with Disabilities Act Transition Plan for Public Rights-of-Way

Acknowledgements

Many individuals were involved in helping to develop the Marion County ADA Transition Plan.

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Marion County

Americans with Disabilities Act Transition Plan for Public Rights-of-Way

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1. Overview

Title II of the Americans with Disabilities Act (ADA) requires that a public entity of 50 or more employees perform a self-evaluation and then develop a transition plan if removal of barriers is necessary to achieve compliance. In an effort to ensure pedestrian facilities within the public rights-of-way (ROW) are accessible to all users, Marion County (the “County”) has developed the *Marion County Americans with Disabilities Act Transition Plan for Public Rights-of-Way* (the “Plan”). Marion County’s team has prepared this Plan based upon self-evaluation findings, public outreach, and collaboration with stakeholders throughout the County. The Plan focuses on the County’s existing inventory of curb ramps, sidewalks and pushbutton signals and how to prioritize future improvements to make more facilities accessible by the public. The Plan will demonstrate the County’s commitment to providing equal access to sidewalks, curb ramps, signalized intersections and related services within the public ROW for all users.

The Plan is created separately from other County ADA related documents in order to better address accessibility specifically within the County’s public ROW for persons with disabilities.

The Plan:

- Evaluates County standards, policies, and practices;
- Evaluates existing inventory of pedestrian routes and facilities for all users in the public ROW;
- Identifies physical barriers that limit the accessibility of ROW facilities for any and all users (including individuals with disabilities);
- Identifies modifications needed to services, standards, policies, and practices, recognizing the national and state guidelines for the design, construction, and alteration of pedestrian facilities in the public ROW, as developed by the U.S. Access Board and the Oregon Department of Transportation (ODOT);
- Describes the methods to be used to make the facilities accessible;
- Provides a methodology for prioritizing removal of barriers to improve access on ROW facilities;
- Sets annual goals for modifications and construction;
- Initiates a new process for the public to request new ADA-related accommodations in the public ROW;
- Identifies a process for the public to follow in the event of a grievance;
- Identifies the public officials responsible for implementing this Plan; and

- Was prepared through collaboration with local stakeholders.

A Vicinity Map is included in Appendix A.

1.1 Select Definitions

Following are definitions published by the Access Board for terms used in this Plan and in Access Board documentation:

Accessible: Describes a facility in the public right-of-way that complies with ADA guidelines.

Alteration: A change to a facility in the public right-of-way that affects or could affect pedestrian access, circulation, or use.

Blended Transition: A raised pedestrian street crossing, depressed corner, or similar connection between the pedestrian access route at the level of the sidewalk and the level of the pedestrian street crossing that has a grade of 5 percent or less.

Curb Ramp: A ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.

Element: An architectural or mechanical component of a space, site, or public right-of-way.

Facility: All or any portion of improvements, elements, and pedestrian or vehicular routes located in the public right-of-way.

Pedestrian Access Route: A continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path.

Pedestrian Circulation Path: A prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

Public Right-of-Way: Public land or property, usually in interconnected corridors, that is acquired for or dedicated to transportation purposes.

2. Legal Requirements

Discrimination against persons with disabilities is prohibited on federal, state, and local levels and enforced with enacted laws, regulations, and approved/accepted policy plans and documents. A summary is provided below of those most closely related to the funding, design, construction, and alteration to provided ADA-compliant pedestrian facilities in the ROW. The following is a summary of various federal, state, and local ADA-related plans and documents.

2.1. Federal Requirements

Title VI of the Civil Right Act of 1964, [42 U.S.C 2000d-1]

Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal assistance.

Section 504 of the Rehabilitation Act of 1973 [29 U.S.C 794]

Section 504 prohibits discrimination against individuals with disabilities under any program or activity receiving federal financial assistance. The U.S. Department Transportation (DOT) routinely provides such assistance to state and local governments for the development of transportation networks.

Section 109 of Title I of the Housing and Community Development Act of 1974 [42 U.S.C 5309]

Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from the U.S. Department of Housing and Urban Development's (HUD) Community Development and Block Grant Programs.

Americans with Disabilities Act of 1990 (42 U.S.C 12101 et seq.)

The ADA prohibits discrimination against individuals with disabilities and Title II of the ADA applies specifically to state and local governments. The Department of Justice (DOJ) issues Title II regulations, with the exception of those regulations specific to public transportation and related accessibility standards for the design, construction, and alteration of facilities which are issued by the Department of Transportation. The DOT's current ADA standards became effective in 2006.

Title II of the ADA [298 CFR Section 35.150(d)]

Title II requires that a public entity of 50 or more employees complete a "self-evaluation" by which the entity must develop a grievance procedure, designate an individual to oversee Title II compliance, develop a transition plan if removal of barriers is necessary to achieve compliance, and to retain the self-evaluation for three years. The transition plan should contain, at a minimum, the basic components listed below:

1. List of physical barriers in the ROW that limit accessibility of persons with disabilities;
2. Description of methods to be utilized to remove the barriers;
3. Schedule for taking the necessary steps to achieve compliance (requirement for curb ramps specifically); and
4. Name of official responsible for transition plan implementation.

An opportunity for public comment on the transition plan shall be made available to interested persons, including those with disabilities or organizations representing individuals with disabilities. A copy of the transition plan shall be made available for public inspection.

The Department of Justice published revised regulations for Title II of the ADA in 2010. These 2010 regulations adopted the revised, enforceable accessibility design standards called the 2010 ADA standards for Accessible Design (2010 Standards) and permitted the 1991 Standards to be used until March 14, 2012.

Access Board's Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

The Access Board is an independent federal agency that promotes accessible design and development of accessibility guidelines and standards. The Access Board's proposed guidelines for the design, construction, and alteration of pedestrian facilities in the public right-of-way are to ensure these facilities are accessible and usable by pedestrians with disabilities. These guidelines were first published for public comment on July 26, 2011, with corrections issued on July 26, 2011, and the comment period was reopened on December 5, 2011 by request of several national organizations. On February 13, 2013, the Access Board issued a notice to supplement its rulemaking to address shared use paths. When the guidelines are adopted by the US Department of Transportation (DOT), with or without additions and modifications, they will become the accessibility standards with mandatory compliance issued by other federal agencies implementing the ADA, Section 504 of the Rehabilitation Act, and the Architectural Barriers Act).

Curb Ramps for Pavement Resurfacing Projects (23 CFR Section 151)

Federal Highway Administration (FHWA) requires that whenever streets, roadways, or highways are altered, curb ramps must be provided where street level pedestrian walkways cross curbs (when federal funds are used). Additional clarification was issued by the Department of Transportation in 2013 to state that this requirement also applies to pavement resurfacing projects.

2.2.State Requirements

Oregon Revised Statutes Chapter 447 – Standards and Specifications for Access by Persons with Disabilities (Sections 447.210 to 447.310)

Provides for the construction of curb cuts or ramps within a street block and minimum standards for those items whenever a curb or sidewalk is constructed or replaced at any point in a block which gives reasonable access to a crosswalk. ORS 447.233 establishes standards for accessible parking spaces, including on-street parking within the public rights-of-way covered by this Plan. ORS 447.233 also applies to public and private parking lots, but parking lots are not covered by this Plan.

2.3. County Requirements

Marion County Administrative Policy 304 Americans with Disabilities Act

This policy was updated in 2021. It addresses how the County complies with ADA and ADA Amendments (ADAA). Procedures 304-A and 304-B were also updated at the same time.

Procedure 304-A addresses County employees and the County's employment practices. Procedure 304-B addresses the public and access to County programs and services (while on County property). Both procedures address reasonable accommodations processes and grievances for those particular subject matters. Neither of these procedures covers facilities within the public ROW, as included in this Plan.

With this Plan, the County has adopted a new process, identified as Procedure 304-C, to address reasonable accommodation requests and a grievance procedure for County ROW. The formal Procedure 304-C and its associated forms are included in Appendix B.

Marion County Americans with Disabilities Act (ADA) Design Standards and Requirements

This comprehensive document approved in 2021 addresses design processes and procedures for County, consultant, and developer designers. This document contains:

- ADA Design Procedures
- ADA Design Standards, including Standard Drawings
- Design Plan requirements
- ADA Design Exception Process
- ADA Construction Inspection
- References to various guidance and resources

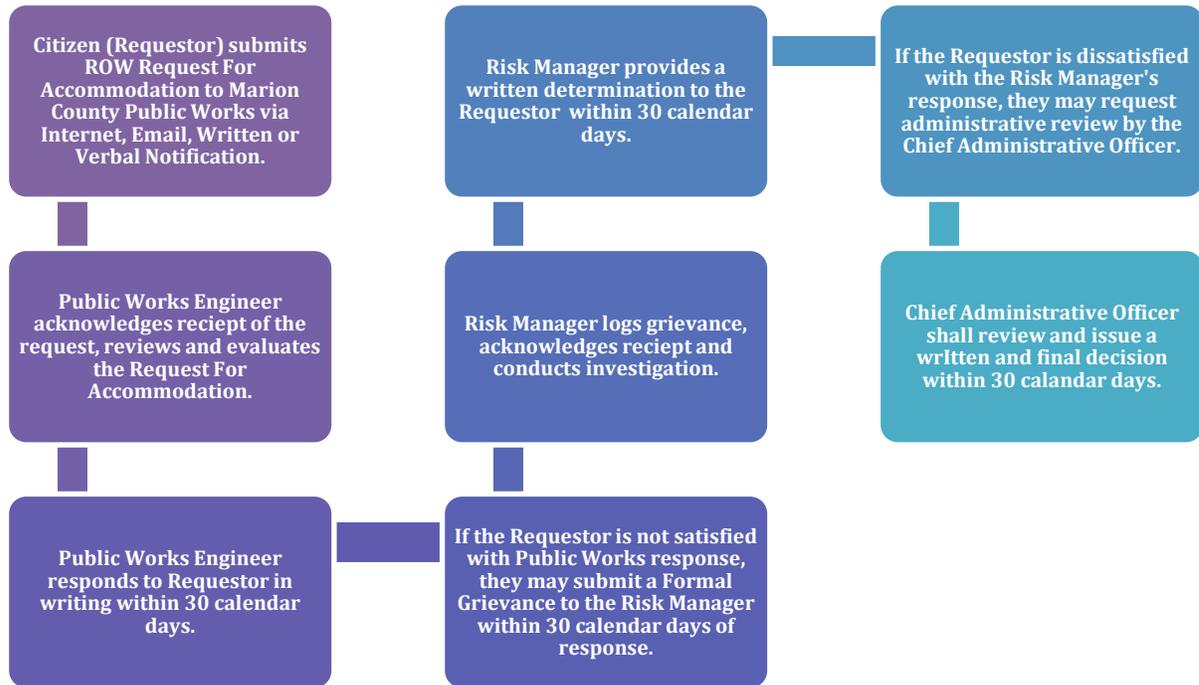
Rural Transportation System Plan (RTSP)

Most recently approved in 2005, this 20-year plan includes policies related to spending and project priorities.

2.4. Grievance Procedure

Under Title II of the ADA, the County is required to “adopt and publish a grievance procedure” as part of the Plan. Public Works has developed a two-tiered approach to comply with this requirement and to allow the public to place their requests for ADA-compliant improvements. The first step is a “Request for Accommodation” and the second is the “Grievance”. Following is a flowchart showing both steps. The full process is shown in Appendix B.

Figure 1. Right of Way Request for Accommodation & Grievance Process Flowchart



Request for Accommodation

A Request for Accommodation Form is used to request a barrier removal. A request for accommodation may be filed with the County using the following methods:

- Phone: (503) 588-5036
- Email: MCDPW@co.marion.or.us
- Online: www.co.marion.or.us/PW/Engineering/Pages/ADA-Transition-Plan.aspx, Or:
 - Marion County Website (www.co.marion.or.us)
 - Select “Public Works” within the “Departments” pull-down list located at the top of the page
 - Select “Engineering” within the navigation list on the left side of the page
 - Select ADA Transition Plan
 - Download the Request for Accommodation form
 - Complete the fillable PDF form
 - Mail, email, or deliver the completed form to Marion County Public Works
- In-person: Marion County Public Works (5155 Silverton Road NE, Salem, OR 97305)

The requestor is asked to provide their contact information and a description of the accommodation. The recording of the request is critical for recordkeeping and to evaluate the Department’s response to ADA-related requests. The expected process is outlined below.

- Initial acknowledgement of the accommodation request will occur within five (5) business days of receipt of request.
- Public Works will evaluate the request and respond to the requestor in writing no later than thirty (30) calendar days from the date of acknowledgment (after receipt of the request).

Grievance

If the accommodation request is denied or the requestor is not satisfied with the response received, a grievance may be filed.

The complainant must file the Grievance within thirty (30) calendar days of receiving the response from Public Works.

Filing a grievance is done via an on-line form located on the ADA Transition Plan web page at www.co.marion.or.us/PW/Engineering/Pages/ADA-Transition-Plan.aspx. The Grievance form shall clearly state that the Request for Accommodation form was submitted and a response from Public Works was received. The Grievance form shall be submitted to the County Risk Manager. The County Risk Manager logs the grievance and performs an investigation. A written determination is made within thirty (30) calendar days of the filing.

If the citizen is not satisfied with the grievance response, they may request reconsideration by the County Chief Administrative Officer (CAO). The CAO will issue a final decision within thirty (30) calendar days of the request for reconsideration.

3. Pedestrian-Accessible Facilities within the Public Rights-of-Way

ADA compliance is expected for all permanent and temporary facilities located in the ROW when either newly constructed or altered and when elements are added for pedestrian use. The types of facilities cited by the Access Board that must be readily accessible and usable in the ROW by pedestrians with disabilities are listed below:

- Sidewalks, pedestrian overpasses and underpasses, and other pedestrian circulation paths including requirements for pedestrian access routes, alternate pedestrian access routes when pedestrian circulation paths are temporary closed, and protruding objects along or overhanging pedestrian circulation paths;
- Pedestrian street crossings, medians and pedestrian refuge islands, including requirements for curb ramps or blended transitions, and detectable warning surfaces;
- Pedestrian street crossings at roundabouts, including for detectable edge treatments where pedestrian crossing is not intended, and pedestrian activated signals at multi-lane pedestrian street crossings;

- Pedestrian street crossings at multi-lane channelized turn lanes at roundabouts and at other signalized intersections, including requirements for accessible pedestrian signals (APS) and pedestrian pushbuttons;
- Transit stops and transit shelters for buses and light rail vehicles including requirements for boarding and alighting areas where sidewalk or street level, boarding platforms, and route signs;
- Pedestrian at-grade rail grade crossings, including requirements for flangeway gaps;
- On-street parking that is marked or metered, and passenger loading zones;
- Pedestrian signs, including requirements for visible characters on signs and alternative requirements for accessible sign systems and other technologies;
- Street furniture for pedestrian use, including drinking fountains, public toilet facilities, tables, counters, and benches;
- Ramps, stairways, escalators, handrails, doors, doorways, and gates.

For purposes of the Plan, County facilities in the public ROW are currently limited to sidewalks, curb ramps, pedestrian refuge islands, roundabouts, and pedestrian signals. At the time the Plan was prepared, Marion County Public Works owned no pedestrian overpasses or underpasses, transit stops, or street furniture (drinking fountains, public toilet facilities, tables, counters, benches), stairways, escalators, doors, doorways, and gates. Other County departments may own street furniture, but inventory of such is not included in the Plan. The Salem Area Mass Transit District (Cherriots) is the local Public Bus Transportation Agency who own their transit stops, shelters, and signage. For transit stops in the County ROW, the County is responsible only for pedestrian routes and sidewalk supporting those elements. County Parks and other departments are responsible for ADA accessibility into County parks and buildings.

4. Public Outreach and Participation

4.1. Marion County ADA Transition Web Page

The County's web page for the ADA Transition Plan is

www.co.marion.or.us/PW/Engineering/Pages/ADA-Transition-Plan.aspx

4.2. ADA Focus Group

A volunteer Focus Group consisting of community members and other interested persons, including those with disabilities or organizations representing individuals with disabilities, participated in the Plan's development process. This group met to review the County's prioritization criteria and to review the Draft Plan.

The first meeting established the need for the Plan as well as to provide an understanding of the facilities that are subject to the Plan.

During the second meeting, the group reviewed and commented on the County's Barrier Removal Prioritization Criteria.

A third meeting was held to review the Draft Plan and gather the group's comments.

Summaries for each of the meetings are included in Appendix C.

4.3. Draft Transition Plan Review and Feedback

The Draft plan was presented to the County Commission at a public meeting in advance of public review. The Draft Plan was then made available for public review and comment on the County's website. The County posted its availability on their social media sites. Two comments were received, but were a question and a suggestion. The County's self-evaluation and input received during the public comment period will be retained.

The website posting, comments received, and the responses are included in Appendix D.

5. Identification of Barriers (Self-Evaluation)

5.1. Inventory Process

Completing an inventory of existing pedestrian facilities is a significant component of the self-evaluation process. For this self-evaluation, all pedestrian facilities under County jurisdiction within the County public ROW will be evaluated for compliance with ADA accessibility standards. The data collected from the self-evaluation allows the County to determine whether any individual facility meets ADA design standards. The information is used to quantify the severity of barriers that impact accessibility. Understanding existing barriers, combined with the facilities providing service and public feedback, will ultimately serve as the basis to identify and prioritize locations that need accessibility improvements.

The inventory of existing pedestrian facilities includes curb ramps located at all intersections, as well as curb ramps that are located mid-block and at the ends of sidewalks. Curb ramps are required at all mid-block pedestrian crossings where curbs and sidewalks are present. End-of-walk curb ramps are where the sidewalk ends at locations that are not intersections.

Following PROWAG (Public Right of Way Access Guidelines) standards, Marion County uses ODOT methodology for reviewing and assessing curb ramps and other features such as pedestrian signals. Following is a summary of findings for pedestrian facilities subject to the Plan.

Curb Ramp Inventory Findings

County staff began inventorying curb ramps in 2018 following ODOT's measurement protocol for curb ramps, including quantifying ramp run slope and cross slope, turning space run slope and cross slope, ramp length and width, turning space length and width, curb run slope, counter slope, lip heights, and obstructions within the ramp. The County has

inventoried 2,662 existing curb ramps, including some locations noted as missing curb ramps. The inventory is known to be incomplete, but the County estimates it covers 95% of all curb ramps. Only two of those ramps were found to be fully compliant with County ADA standards. However, 20% of the ramps were deemed “functional” when applying a less stringent criteria (4% maximum cross-slope and 10% maximum running slope is determined to be “functional”).

The County plans to use the ODOT ADA Curb Ramp Construction Inspection Form to assess the remainder of the curb ramps.

Pedestrian Signal Inventory Findings

The County has inventoried all 26 of the traffic signal pushbutton locations using the ODOT ADA Pushbutton New Construction Inspection Form templates. Data was gathered for reach, height, level landing presence, the presence of audible components, and the distance between the audible components.

Sidewalk Inventory Findings

While pedestrian signals are being inventoried, the County inventoried sidewalks for approximately 500 feet in each direction of the pushbutton. The evaluations assess functionality by noting horizontal and vertical obstructions and tripping hazards. The County has generated a qualitative sidewalk inventory that identifies the location and length of sidewalk segments within the ROW.

Remaining Inventory Work Priority

The County has established a priority for inventorying additional public works facilities for inclusion in ADA GIS Mapping layers.

- Inventory Priority 1 – Pedestrian Signals (completed in 2021)
- Inventory Priority 2 – Sidewalks
- Inventory Priority 3 – ADA Curb Ramps

GIS Mapping

Current curb ramp inventories are available on the ADA GIS mapping portal and public facing GIS viewer (gis-marioncounty.opendata.arcgis.com). The County will supplement the GIS inventory over time to include sidewalks and pedestrian signal push buttons. Rather than expending the time and resources needed to measure existing facilities, County staff are collecting data that will allow an initial assessment of functionality. This data will be used to help identify barrier removal improvement project needs. Actual measurements and survey data will be gathered as part of the project design process.

5.2. Safe Harbor Concept

The 2010 ADA Regulations introduced the concept of “safe harbor” which allows facilities built prior to March 15, 2012, that comply with the 1991 ADA Standards to remain as-is until

a public entity plans an alteration to the structural feature. This is significant to the Self-Evaluation in that the Safe Harbor exception applies to elements that might otherwise have to be modified under: 1) the program access requirement for public entities; 2) the readily achievable barrier requirement for places of public accommodation; or 3) the path of travel requirement for any alteration that affects the usability of a primary function area in any covered facility.

If pedestrian facilities such as curb ramps were built or altered in the past 20 years to become compliant with the 1991 ADA Standards, no further changes to those elements are mandated until the structural feature is altered, even though the 2010 standards have different requirements. However certain exceptions to “safe harbor” do exist. For example, roadway alterations as described in the State and Federal Requirements for Removal of Barriers section in the next chapter are required to bring all the curb ramps up to the current standard and “safe harbor” does not apply.

6. Methods to Remove Barriers to Pedestrian-Accessible Facilities

There are a variety of processes by which facilities in the ROW are designed, constructed, and altered. All of these provide opportunities to address removal of barriers for persons with disabilities. Some processes are generic to all types of facilities while others are tailored to a specific facility.

6.1. Project Types Generating Barrier Removal Activities

Many types of projects can generate barrier removals. Project types include, but are not limited to the following:

- Capital Projects
- Major Maintenance Pavement Resurfacing Projects

For both, Capital and Major Maintenance Pavement Resurfacing Projects, 23 CFR 151 requires that whenever streets, roadways, or highways are altered, Agencies shall provide curb ramps where the street level pedestrian walkways cross curbs. On July 8, 2013, the U.S. Department of Justice and the Department of Transportation issued a joint Technical Assistance memo further explaining the requirements to provide curb ramps when the streets are altered through resurfacing projects.

- Safety Improvements
 - Safe Routes to Schools Program (SRTS – federal grants)
 - All Routes Transportation Safety Program (ARTS – state grants)
- Salem-Keizer Area Transportation System (SKATS grants)
- Bridge Widening and Replacement projects

- Private Developer Projects permitted through County Land Development Engineering and Permits (LDEP)
- Sidewalk and ADA improvement projects
- Landowner sidewalk improvements
- Public Request for Accommodation

6.2.ADA Prioritization Requirement

298 *CFR Section 35.150* specifies that the Transition Plan schedule give “priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.” This requirement is met in the County’s Project Prioritization Criteria presented in Section 6.3.

6.3.Barrier Removal Project Prioritization Criteria

The County has established a matrix strategy for addressing barrier removal in the public ROW. The matrix reflects the type of location served and the severity of the barrier. Categorizing the location served assesses the group impacts. Categorizing the severity of the barrier assesses the level of improvement needed to remove the barrier.

Location Served

- A. Access to Essential Public and Private Services (higher priority)
- Supermarkets and Public Markets
 - Government Offices that provide daily services to the public
 - Public and Private Schools (“Schools” public and private)
 - Hospitals and Urgent Care Facilities
 - Public Transit Facilities

These are publicly or privately owned facilities where access is critical and essential.

- B. Access to Non-Essential Public Centers
- Major Employment Sites and Professional Offices
 - Non-Urgent Medical Offices
 - Major Shopping Malls and Retail Outlets
 - High Density Multi-Family Housing Developments
 - Places of Public Assembly

These are facilities where access is highly valuable, but not essential.

- C. Residential Connections (lower priority)
- Parks
 - Neighborhoods
 - Industrial Zones

- Other facilities not included in Category A or B

These are facilities that provide continuity within and between neighborhoods along with facilities that do not fit in either Category A or B.

Barrier Severity

1. Major Barrier examples:
 - Sidewalk with significant obstructions
 - Sidewalk with a missing or greatly damaged segment
 - Sidewalk with no curb ramp at the end
2. Intermediate Barrier examples:
 - Sidewalk that is narrow due to obstructions (e.g. utility poles or signs)
 - Curb ramp that is steep or is otherwise difficult to traverse
 - Pedestrian push button that is difficult to reach
3. Minor Barrier examples:
 - Missing sidewalk segment with usable road shoulder
 - Curb ramp with flooding issues
 - Steep roadway cross-slopes
4. Slight Barrier examples:
 - Sidewalk with areas of spalling
 - Missing sidewalk segment with usable road shoulder
5. No Barrier

Figure 2. Barrier Removal Project Prioritization Matrix

		LOCATION SERVED			
		A	B	C	
		Access to Essential Public/Private Services	Access to Non-Essential Public/Private Centers	Residential/Industrial Connections	
SEVERITY	1	Major Barrier	A1	B1	C1
	HIGH PRIORITY				
	2	Intermediate Barrier	A2	B2	C2
	3	Minor Barrier	A3	B3	C3
	MEDIUM PRIORITY				
4	Slight Barrier	A4	B4	C4	
5	No Barrier	A5	B5	C5	
LOW PRIORITY					

The County will use the matrix to determine the priority of individual barriers and will also apply the following additional considerations.

- Reasonable Request For Accommodation
- High Impact Opportunities (high benefit to cost ratio)
- Pedestrian Priority Routes
- Pedestrian Routes in areas of Flooding and Runoff
- Coordination with Capital Projects

The County has not yet established a list of Pedestrian Priority Routes. However, a list will be developed and incorporated in the County GIS. Safe Routes to Schools will be included in the priority route list.

The above criteria will be used to determine the priority of barrier removal projects. There is no assumption that all high priority improvements would be completed before starting a

medium priority improvement. Rather, the County will use the matrix and additional considerations as a guide to identify the timing of all identified barrier removal projects.

6.4. Public Works Facility Prioritization

After considering the Prioritization Matrix above, the County has also further established a priority amongst the types of Public Works facilities within the public ROW. Following is the priority order of the three types of facilities:

1. Curb Ramps
2. Traffic Signal Pedestrian Push Buttons
3. Sidewalks
 - a. Missing or impassable Sidewalk
 - b. Existing non-compliant, but passable sidewalk

6.5. ADA Design Standards

The County has developed a design standards document, *Marion County Americans with Disabilities Act (ADA) Design Standards and Requirements*. This document contains:

- ADA Design Procedures
- ADA Design Standards, including Standard Drawings
- Design Plan requirements
- ADA Design Exception Process
- ADA Construction Inspection
- References to various guidance and resources

The County’s design standards are well-founded in the ODOT ADA design process and many are presented with references to applicable ODOT documents, standard drawings, design checklists and construction inspection checklists.

6.6. ADA Design Exceptions

Where existing physical constraints make it impractical for altered facilities to fully comply with new construction requirements, compliance is required to the extent practicable within the scope of the project. Examples of potential physical constraints include underlying terrain, ROW availability, underground structures, adjacent developed facilities, drainage, or the presence of a notable natural historic feature. Cost alone is not considered a constraint. The Department of Justice regulations have deemed, “the additional cost of alterations to provide an accessible ‘path of travel’ to the altered area disproportionate when it exceeds 20 percent of the cost of the alteration to the ‘primary function’ area. (See 28 CFR 35.151(b)(4)(iii)).” (2011 Notice of Proposed Rule Making Section by Section Analysis page 21)

The determination of a physical constraint and compliance to the maximum extent practicable is made on a case-by-case basis and the justification(s) for the decision must be well-documented. The County has detailed their ADA Design Exception process in the *Marion County Americans with Disabilities Act (ADA) Design Standards and Requirements*.

6.7.Funding Sources

The County will dedicate funding annually for barrier removal. Due to funding availability uncertainty, the County is unable to define an annual minimum. However, an amount will be established annually and included in the County's Transportation System Plan. An amount will be set aside to respond to public requests for accommodation.

Other typical funding sources for barrier removal include:

Pavement Resurfacing (Pavement Preservation Program) Projects

It is the County's policy to fund curb ramp improvements from the same funding source that triggers the requirement for curb ramp installation. Sometimes, the County pursues state and/or federal grants as a way to offset those costs. For example, State and Federal grants may be available to pay for sidewalk and bike lane improvements within a corridor. When public funds are used for a pavement resurfacing project and the street is altered as part of the project, then accessible curb ramps must be provided. However, pavement resurfacing projects can be funded through a variety of sources including revenues from Local Gas Tax, Local Bond Proceeds, Road Operation Funds, Transportation Systems Development Charges (impact fees), and Federal/State Regional Grants.

Land Development Permitting

Developers are required to comply with ADA by providing compliant curb ramps and sidewalks for new construction in existing public right of way or areas that will be dedicated or transferred for public right of way purposes. Examples include single family subdivisions, commercial developments, street widening, new traffic signals, and traffic signal upgrades.

7. Barrier Removal Schedules

The County has not developed a comprehensive barrier removal schedule. However, the County plans to dedicate funds each year to projects that include barrier removal. As projects that include barrier removal are identified, those projects will have individual completion schedule commitments. The County will review and report progress annually.

8. Official Responsible for Transition Plan Implementation

Marion County Public Works Director
5155 Silverton Rd.
Salem, Oregon 97305
(503) 588-5036

9. Performance Measures

The Federal Highway Administration (FHWA) identifies the establishment of processes for monitoring removal of barriers to accessibility as a “best practice” for achieving compliance with ADA standards. Achieving full ADA compliance is a large task that will take many years to complete. Marion County has developed annual processes for tracking the progress of ADA compliance. Monitoring allows the process to move forward making best use of existing resources, and enables staff to determine progress towards full compliance, identify issues as they arise, and report progress to the public.

9.1. Best Practices

The following activities have been identified as best practices for implementing and monitoring barrier removal to improve ADA accessibility:

- **Update Inventory** – As projects are completed that include curb ramps or traffic signal features, compliance will be confirmed through inspection forms. Upon construction completion, data from the inspection forms will be added to the County GIS system.
- **On-line Data Accessibility** – The County will include options for a public interface with GIS mapping. The public could then monitor progress and obtain information on the accessibility of various routes.
- **Annual Evaluation Report** – Public Works will prepare an Annual Evaluation Report and publish it on the ADA Transition Plan website to provide the public with information on progress made toward barrier removal.
- **Review of Accommodation Requests and Grievances** – The ADA Coordinator will review all requests for ADA improvements or grievances in the Marion County public right-of-way received throughout the year and evaluate responsiveness and decision-makings.
- **Barrier Removal Project list** – Each year, Public Works will establish an anticipated list of projects to be completed in the coming construction season through all programs and funding sources.
- **Support Team** – The ADA Focus Group that helped in developing this ADA Transition Plan or a similar volunteer team may be created to assist Public Works with resolving issues – that arise related to the ADA Transition Plan or possible prioritization of projects.

9.2. Annual Evaluation Report

At the conclusion of each fiscal year, Marion County Public Works will publish an Annual Evaluation Report describing the work completed to implement this ADA Transition Plan. The report will summarize the work completed during the previous 12 months, the planned funding for the upcoming year, and outline a list of projects the County plans to undertake in the coming year.

The Annual Evaluation Report will include:

- A summary of any Requests for Accommodation, grievances or complaints that were filed during the previous year regarding accessibility within the Marion County public right-of-way. In addition to the original complaint, the summary will provide information on decisions, work completed, costs, and response time.
- A summary of all costs associated with ADA improvements on Marion County overlay and construction projects from the previous year will be tracked to capture the ongoing investment in improving accessibility.
- A summary of work completed to ensure access and/or removal of access barriers in conjunction with Marion County overlay and construction projects and other projects completed with the Capital Improvement Program funds.
- A summary of the total number of facilities inventoried and upgraded to ADA compliance.
- Information on public outreach and any action resulting from the outreach.
- Information documenting all barrier removal efforts accomplished in conjunction with Third Parties (such as utility companies).
- A prospective plan of funding and projects for the coming year.
- A schedule of proposed barrier removal projects projected for the coming year.

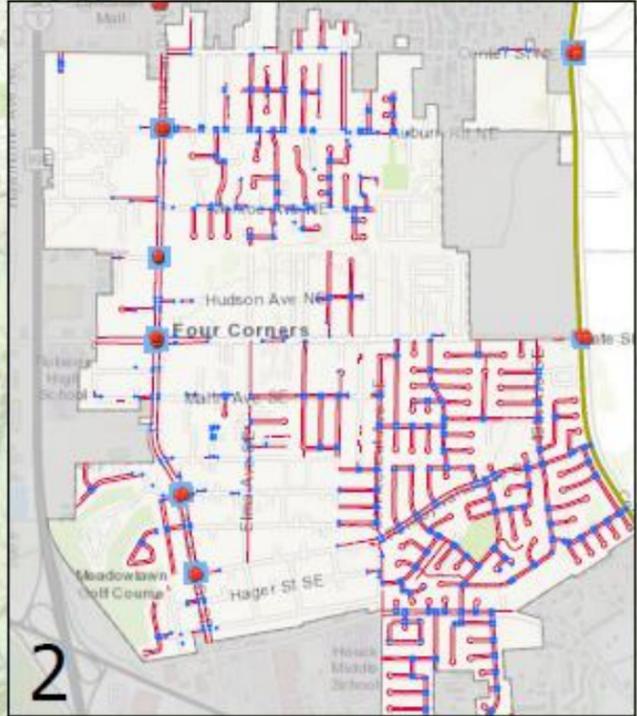
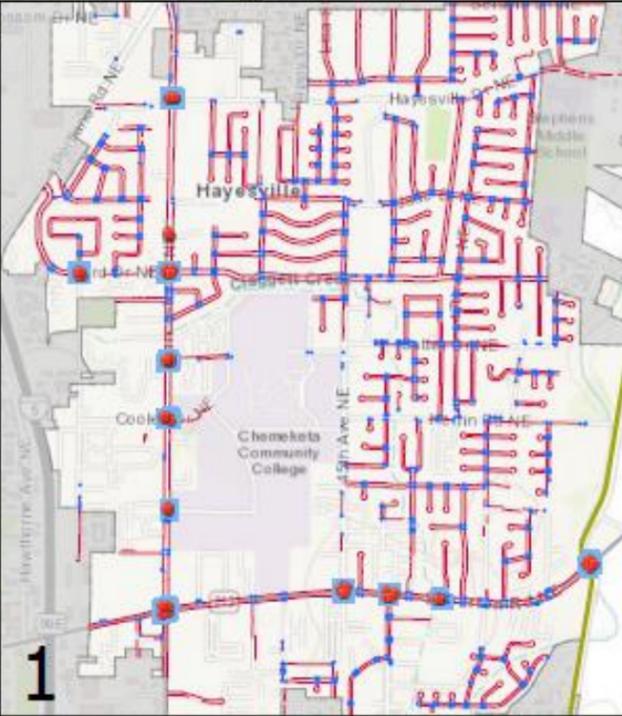
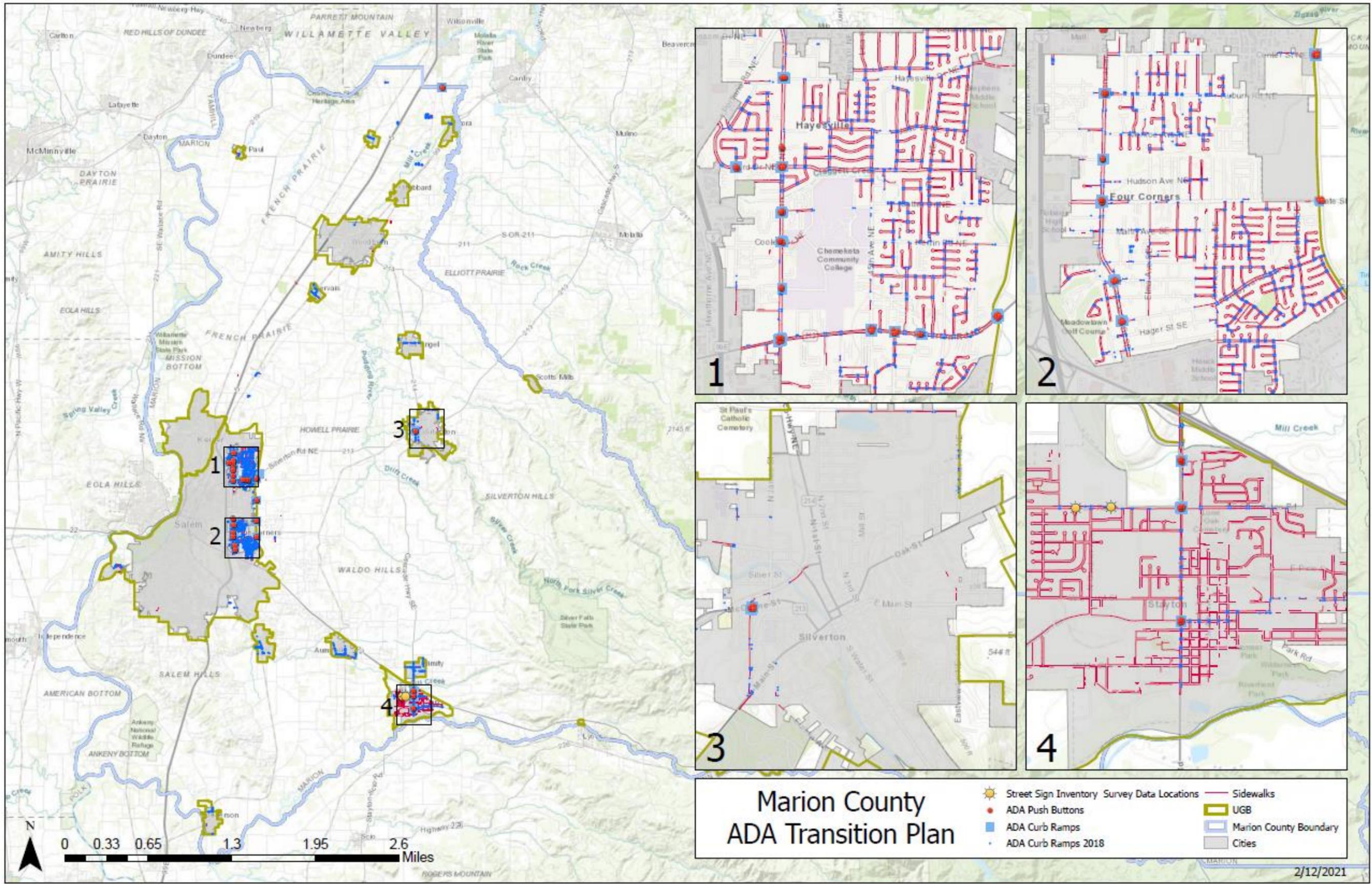
The annual report will be submitted to ODOT Office of Civil Rights ADA Program Manager.

9.3. Key Performance Indicators

Marion County has established the following key performance indicators to measure progress within the Annual Evaluation Report:

- The number of ADA facilities inventoried
- The number of curb ramps constructed to ADA compliance
- The number of pedestrian signals upgraded to Accessible Pedestrian Signal (APS) standards
- The number of curb ramps constructed in conjunction with Marion County overlay and construction projects
- The total dollars spent on all barrier removals regardless of funding source or project type

Appendix A
County Map



**Marion County
ADA Transition Plan**

- Street Sign Inventory Survey Data Locations
- ADA Push Buttons
- ADA Curb Ramps
- Sidewalks
- UGB
- Marion County Boundary
- Cities

Appendix B
Grievance Procedure and Form



TITLE: ADA Transition Plan for Public Rights-of-Way - Accessibility Grievance Procedure		PROCEDURE #: 304-C - Rights-of-way
DEPT: Public Works		PROGRAM: Engineering
EFFECTIVE DATE: 05/2022	REVIEWED:	REVISED:

OBJECTIVE: To establish a request for accommodation and outline the grievance procedure for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act.

REFERENCE: Policy #304

POLICY STATEMENT: In accordance with the requirements of the Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA), Marion County does not discriminate on the basis of disability against qualified individuals with disabilities in county employment, services, programs, or activities.

APPLICABILITY: Members of the public.

PROCEDURES:

1. Request for Accommodation

- 1.1. An accommodation request may be filed in one of the following ways:
 - 1.1.1. Submit a request for accommodation to the Public Works Department via the on-line form. <https://www.co.marion.or.us/PW/Engineering/Pages/ADA-Transition-Plan.aspx>
 - 1.1.2. Email a request for accommodation to <mailto:PWADA@co.marion.or.us>
 - 1.1.3. Mail a written request for accommodation to:
Marion County Public Works, Attn: ADA Request
5155 Silverton Rd NE
Salem, OR 97305
 - 1.1.4. Deliver a written request for accommodations to the
Marion County Public Works Department
5155 Silverton Rd NE, Bldg. 1
Salem, OR 97305
 - 1.1.5. Verbal request to Public Works Department
Phone: 503-588-5036
- 1.2. Public works staff will review the request and respond to requestor in writing no later than 30 calendar days after receipt of the request.

2. Complaint and Investigation Process

SUBJECT: ADA Transition Plan for Public Rights-of-Way Accessibility Grievance Procedure

- 2.1. If the response by the Public Works Department does not satisfactorily resolve the issue, the individual making the request may file a formal grievance using the on-line form <https://www.co.marion.or.us/PW/Engineering/Pages/ADA-Transition-Plan.aspx> with the county risk manager. The risk manager has been designated to coordinate ADA compliance efforts for Marion County.

Email: riskmanagement@co.marion.or.us

Mail: Risk Manager
Marion County
PO Box 14500
Salem OR 97309
Phone: 503-589-3295

- 2.2. A complaint must be filed in writing and contain the name, address, and telephone number of the person filing the complaint. It must describe the alleged violation of the regulations.
- 2.3. A county employee may transcribe an oral complaint from a member of the public.
- 2.4. A complaint must be filed no later than 30 calendar days after the response to the request for accommodation has been mailed to the complainant pursuant to Section 2.9 below.
- 2.5. The risk manager or designee shall conduct the investigation, as may be appropriate, following the filing of a complaint.
- 2.6. These procedures contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- 2.7. The risk manager shall issue a written determination as to the validity of the complaint and a description of the resolution, if any, and send a copy to the complainant pursuant to Section 2.9 below no later than 30 calendar days after receipt of the complaint.
- 2.8. If dissatisfied with the resolution, the complainant may request reconsideration of the case.
- 2.8.1. Requests for reconsideration must be made to the Marion County Chief Administrative Officer in one of the following ways:
- 2.8.1.1. Email a request for reconsideration to jfritz@co.marion.or.us
- 2.8.1.2. Mail a written request for accommodation to
Chief Administrative Officer – ADA Request
Marion County Board of Commissioners Office
PO Box 14500
Salem, OR 97309
- 2.8.1.3. Deliver a written request for accommodations to the
Chief Administrative Officer
Marion County Board of Commissioners Office
555 Court St NE, Suite 5232
Salem, OR 97301

SUBJECT: ADA Transition Plan for Public Rights-of-Way Accessibility Grievance Procedure

- 2.8.2. A request for reconsideration must be filed no later than 30 calendar days after written determination of the risk manager has been mailed to the complainant pursuant to Section 2.9 below.
- 2.8.3. The chief administrative officer shall issue a written and final decision and send a copy to the complainant pursuant to Section 2.9 below no later than 30 calendar days after receipt of the request for reconsideration.

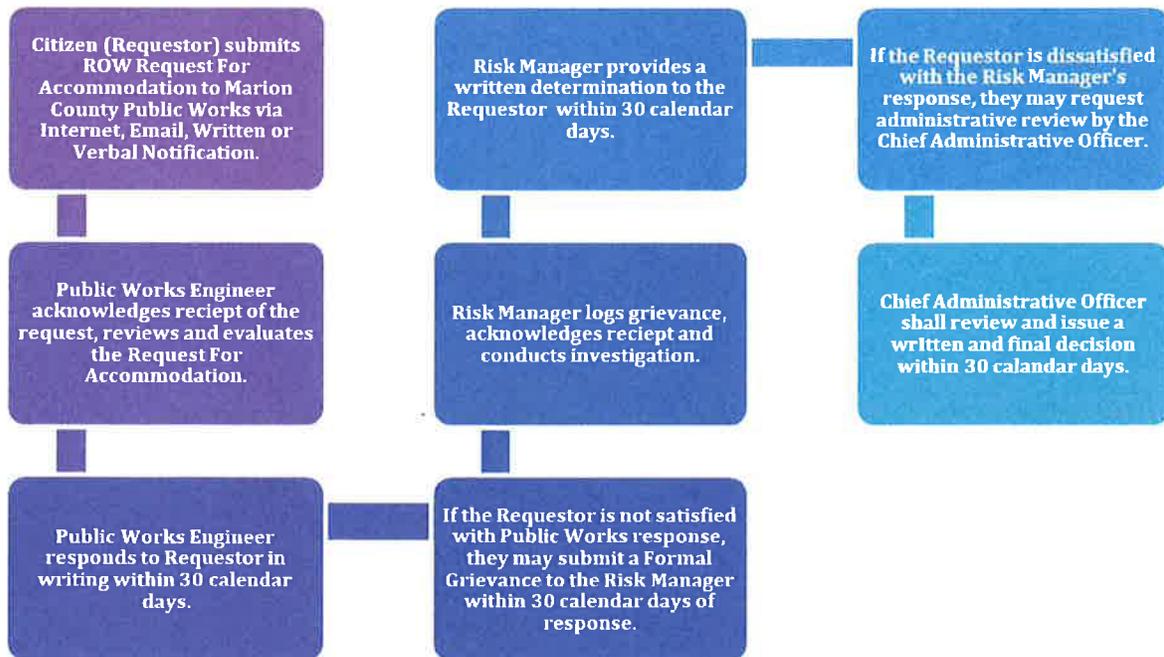
- 2.9. All decisions shall be sent by first class mail to the complainant. Phone notification shall also be made in cases involving visually impaired individuals.

- 2.10. In accordance with the Secretary of State’s record retention schedules, the risk manager shall maintain the files and records of the county relating to complaints filed.

- 2.11. Nothing in this grievance process is meant to be used for any personnel, EEO, or labor agreement grievance procedure for Marion County.

Adopted: 04/2022

ROW Accommodation Request and Grievance Procedure



Appendix C

ADA Focus Group Meeting Summaries



Marion County **OREGON**

PUBLIC WORKS

ADA Transition Plan Focus Group Meeting #1 Summary (County Project No. 104849)

Wednesday March 11, 2020
4:30 PM – 6:30 PM

Senator Hearing Room, 1st Floor
Courthouse Square Building 555 Court Street, Salem

Meeting Purpose: To engage the Focus Group in the ADA Transition Plan process and obtain input on opportunities and challenges related to accessibility within the County public right of way.

1. Introductions

The group did self-introductions. Attendees included:

Name	Representing
Carol Lohse	Salem Keizer School District
Rebecca Tock	Salem Keizer School District
Sally Cook	Marion County Health and Human Services
Jana Hart	Garten Services
Marja Byers	Blind Skills
Charles Richards	Senior Resource Center
Judi Richards	NW Senior & Disability Service
Chris French	SAMTD Cherriots
Gretchen Bennett	City of Salem
Lani Radtke	Marion County
Don Alexander	Marion County
Gabe Crop	Murraysmith
Karen Tatman	Murraysmith

2. Welcome – Lani Radtke, County Engineering Division Manager

Lani welcomed the group and said that the County is eager to help increase accessibility and reduce barriers. She thanked the group for giving up their time to help provide their feedback.

3. Marion County Volunteer Orientation Reminder – Don Alexander, County Project Manager

Don reminded those that haven't done so already to please register online within the next 15 days. Don will track hours for volunteers. Volunteer coordinator Sherri Lintner is available for any questions.

For the remainder of items, Karen used a PowerPoint presentation. A copy of the presentation was handed out and is attached. The group asked if handouts would be distributed electronically. The County said yes.

Action Item – Provide electronic copies of handouts to the group.

4. Transition Plan Overview

a. Requirement and Goal

Karen described the background and federal requirements for compliance with ADA. ADA Title II applies to all state and local governments. This plan is being prepared for the County Public Works facilities. Other County programs may be handling other aspects of County ADA compliance.

The County is required to appoint an ADA coordinator and that is Justine Flora, the County's Risk Manager.

The County is also required to develop a Grievance Procedure. This process is underway. The Grievance Procedure is only applicable *after* a request for accommodation has been submitted and a response provided. The Grievance Procedure will be reviewed by the Focus Group at a future meeting.

b. Process

The process was presented via the PowerPoint.

Self-evaluation is the first step. The County's inventory includes 2700+ curb ramps, mostly in the northeast area of Salem beyond the city limits. This inventory is being reviewed to identify which are compliant with ADA and which need to be improved.

A Transition Plan is required for public agencies with more than 50 employees. There is no identified specific timeline requirement for completing the plan or for achieving its goals. Lani noted that despite previous priorities, the County prioritizing having the plan in place. Lani also said that the best way to address accessibility is through new construction projects. This Transition Plan is to help with improving existing facilities. The County realizes that there needs to be some focus on existing facilities for the future.

The Transition plan will identify barriers in the existing public works system and facilities, ways to remove those barriers, and the County's prioritization of the work ahead. This group will be part of the process for developing the Transition Plan.

The group asked if there is any federal guidance for plan. Karen said that the guidance just states that a plan must be developed and it must provide for community review and feedback. Certain components must be addressed. But there are no requirements for how to establish priorities. The approach to removing barriers should be established by the agency with public input.

The County's GIS inventory has not been fully assessed. Data related to compliant and non-compliant facilities will be presented in next meeting. Don showed the County's GIS map information. Don described the separation of Salem and Marion County jurisdictions (bold boundary lines on the map). Sidewalk inventory is dated and needs work. The map shows sidewalks in red linework and curb ramps with the wheelchair icon. Don showed the data that has been gathered for each ramp. Photos are also attached for each.

Don showed basic types of ramps (parallel, perpendicular, combination).

Don said it is hoped that at some point in the future, the GIS application can be made available to the public through a portal viewer on the County website. It was suggested that the County also develop an app for public use. The group agreed that this is a good suggestion, but it is unclear how to make the GIS viewer accessible by phone.

No risk analysis of the data has been completed to date.

c. County facilities included

Described what is in (sidewalks, curb ramps, and pedestrian signals for example) and what is out (buildings, parks, Cherriots facilities, and facilities within City limits). The Transition Plan will focus on facilities within the County public right of way used for accessibility.

County Parks will be doing their own transition plan.

Marion County Facilities Department covers buildings.

Chris French of Cherriots commented that coordination with the County is needed, even though the intent is for their facilities to not be included in the transition plan. Cherriots does not typically own the right of way where their shelters are sitting. The sidewalk is within County (or City) right of way. Lani concurred that County / Cherriots coordination is needed.

d. Timeline

Karen reviewed the general schedule for completing the Transition Plan. The County is working to have an approved Transition Plan by January 2021.

5. Opportunities and Challenges

- a. What is working well?
- b. What are some of the opportunities?

Although the group didn't spend this time focused on brainstorming opportunities and challenges, several ideas were discussed.

Since the City of Salem has a portion of their boundaries in two counties, is the City planning to work with both Marion and Polk Counties to ensure consistent approaches? Lani noted that minimum ADA design standards are documented in the PROWAG (Public Right of Way Access Guidelines). While the PROWAG has not been formally adopted, it is still the nationally recognized document used by Public Works officials for accessibility standards. Some communities / agencies may have slightly stronger standards in response to their needs. For instance, ODOT has established more stringent design standards in order to help ensure that the constructed facility is within standard.

Lani noted that there has been a culture change at County. There is new Public Works Department leadership. The County is focusing on pedestrian improvements and are currently performing pedestrian studies on seven corridors, including State Street (Lancaster Drive to Cordon Road) and Auburn Road (Lancaster Drive to 45th Street). This effort is separate from the ADA Transition Plan. The County will use these studies to identify appropriate improvements. Lani is expecting that the County will construct one or more RRFBs (Rectangular Rapid Flashing Beacon) at some point. School electronic flashers are planned to be replaced to improve technology to correlate with usage. Increasing street lighting is being considered where possible as well. The County is working with PGE to look for more opportunities.

A question was asked about Safe Routes to Schools (SRTS) funding availability and whether it is being used by the County. Lani said the County submitted an application in the last round. They will plan to apply again. Silverton applied for one location. Stayton is applying for Shaff Road. Sally said that Auburn and Four Corners per Sally would be good options. Lani and Sally will be working together in the future on SRTS. Letters of intent are being developed.

6. Issues and Needs

- a. What are some of the biggest challenges?

Marja said that slippery surfaces are a big deal. Also, curb ramps that don't keep visually impaired people in line with the crossing are a real problem. She said it's very common in downtown Portland to be mis-directed. She advises caution and more careful design. Lani noted that there are numerous curb ramp designs that were standard when constructed, but the standards have evolved tremendously over the past 5-10 years.

Gretchen asked if there is representation on this Focus Group from outside of Salem. Their view will be different from east Salem. Sally mentioned SITS teams (Service Integration Team) that meet in the outlying communities that

could be engaged. Gretchen also noted that how information is presented will determine if they see it. Partnership is important. Salem is not Marion County. Don said that there was internal discussion about the make-up of the Focus Group. The County recognizes that their Public Works facilities (in relation to this study) are in east Salem. There are just a few sidewalks and curb ramps in other areas of the County. The County is interested in input on how to expand the public input but wanted to start with a group of 7-9 that could reasonably meet in Salem. This group size is about what is desirable for feedback. Lani also reminded the group that there will be an open house as well as a presentation to the Board that is open to the public after the Draft Transition Plan is available for public review and comment.

b. What are the biggest needs?

Other areas of county government are focusing on the concept of Connected Communities. Need a network in place to connect where citizens live and where they work.

Beyond children needing access to schools, post-K-12 citizens need access to businesses for jobs and shopping. Some people with a learning challenge have received focused assistance on how to be productive after high school and the transit system and other systems should be considering their ability to travel as well.

There are hidden challenges beyond physical challenges. Some individuals need additional processing time, especially when changes are made like moving a bus stop or changing the bus schedule. They rely on consistency in their daily patterns to remain productive. Things can be changed, but the group was urged to consider significant advance notice.

It was noted that there is a lack of crossing opportunities in some areas. Sometimes constructing one crossing can help many citizens, making a significant improvement.

Lastly, the County needs policies and practices to make information more available and proactive for citizens.

7. Prioritizing

a. Concepts for thought

Karen presented some of the ways other public agencies have approached prioritizing barrier removal in their Transition Plan. Karen said there is no right or wrong. There is no federal mandate on how to prioritize improvements. However, there is a requirement that when County roads are widened or altered, ADA facilities must be addressed.

One way to think about this concept of prioritizing is to consider where you think the County should spend their "next dollar" when Public Works identifies some funding that could be available for removing barriers.

The most typical methods for prioritizing improvements relate to improving the busiest corridors first, which is likely to concentrate improvements to east Salem, or considering ways to spread the improvements across the county, which might not address the most critical pedestrian routes.

Focus Group Meeting #2 will discuss how the County should prioritize these improvements. This topic was discussed to provide some context so that the group can think about it and bring ideas next time.

Several people endorsed prioritizing items Lani talked about above related to safety.

It was also suggested that the County needs to pair safety with business / community access. Look at paths to schools throughout community. But also look at how to get to the job centers (large industrial park). Job to house connections are important.

8. Next Steps

Karen reviewed the next steps for the Focus Group. Don also asked the group if this meeting time and location worked well or if other options should be considered.

Sally requested broadening the group a bit. Spanish speaking person could be good. Don said the County would be open to it. Please suggest anybody in mind. Chris said the Cherriots Citizens Advisory Committee (CAC) has some folks that might be able to fill that need. He will check with his CAC to see if anybody would be interested.

All attendees said that this meeting time and facility is good. The doodle poll worked very well for choosing the date.

Everybody said they are interested in looking at information between meetings.

Don asked everyone to consider finding an alternate person if they can't attend a future meeting. This will help us move forward.

There was a request for a Focus Group membership list and contact information. Everyone said it was ok to share email addresses. Don will send out the list.

Don to email the Focus Group membership list to all.

It was suggested that handouts be provided with a larger font at future meetings.

9. Questions



Marion County **OREGON**

PUBLIC WORKS

ADA Transition Plan Focus Group Meeting #2 Summary (County Project No. 104849)

Thursday August 27, 2020
1:00 PM – 3:00 PM

HR Training Room, 4th Floor
Courthouse Square Building 555 Court Street, Salem
And Web Meeting

Meeting Purpose: To obtain Focus Group input on the County's prioritization of accessibility improvements within the County public right of way.

1. Introductions

The group did self-introductions.

Attendees included:

Name	Representing	Email
	Attended in person	
	Attended via Teams Web Meeting	
Rebecca Tock	Salem Keizer School District	tock_rebecca@salkeiz.k12.or.us
Sally Cook	Marion County Health and Human Services	scook@co.marion.or.us
Marja Byers	Blind Skills	marja.byers@gmail.com
Nancy O'Loughlin	General Public	wheels4access@gmail.com
Charles Richards	Senior Resource Center	gm2625salem@outlook.com
Judi Richards	NW Senior & Disability Service	judithcrichards@gmail.com
Chris French	SAMTD Cherriots	chris.french@cherriots.org
Gretchen Bennett	City of Salem	gbennet@cityofsalem.net
Lani Radtke	Marion County	lrادتke@co.marion.or.us
Don Alexander	Marion County	dalexander@co.marion.or.us

Justine Flora	Marion County	jflora@co.marion.or.us
Gabe Crop	Murraysmith	gabe.crop@murraysmith.us
Karen Tatman	Murraysmith	karent@quincyeng.com

Karen used a powerpoint presentation that was provided to attendees. The group was notified that the Teams (web) meeting was recorded and an audio recorder was used in the room. These will be used for preparing a meeting summary.

2. Welcome

Lani welcomed the group and thanked them for their time.

Karen reviewed some ground rules for the mixed in-person / web meeting.

Karen reminded the group that the County is developing the ADA Transition Plan to comply with federal law.

3. Progress since Focus Group Meeting 1

The County is actively working to increase their GIS inventory. The inventory already contains approximately 2700 curb ramps. The County is working to inventory sidewalks and signalized intersections. Staff are doing a qualitative assessment of sidewalks

Murraysmith reviewed the County’s Engineering Design Standards that are used by County designers, consultants, and developers and offered suggestions.

The County’s ADA web page is now live.

The Grievance Procedure discussed at the first meeting has been further developed and is currently under review. This will be an online form.

Lani, Don, and Justine have all been keeping the County Commissioners informed about progress and responded to their questions.

4. Additional GIS Data Collection

As part of the County’s efforts to increase the data in their GIS system, the County wanted to first consider which facilities would be highest priority for barrier removal. The County determined that the facility priorities are:

1. Curb Ramps
2. Traffic Signal Pedestrian Push Buttons
3. Sidewalks
 - a. Missing sidewalks
 - b. Existing non-compliant sidewalks

Karen asked the group if they had any input on these priorities. Karen clarified that the intent of setting a priority for facilities is to help the County determine where to focus available funds when there are competing options. There is no

intent to complete all curb ramps before starting Traffic Signal Pedestrian Push Buttons and then complete all those prior to starting sidewalks. Rather, the intent is to understand and communicate that priority will be given to fixing curb ramps ahead of the pedestrian push buttons when a choice is to be made.

Karen also asked the group if they had comments on whether adding new sidewalk where sidewalk is missing is more important than improving existing non-compliant sidewalk. There was not group consensus on this. It was pointed out that the bigger issue is connectivity and usability rather than compliant or non-compliant. Existing sidewalk can be so non-compliant as to be essentially unusable. Missing sidewalk may seem like a barrier, but the user knows that it's missing and can make a choice about using the roadway shoulder or not traversing the area at all. It can be worse to start using a sidewalk that becomes unpassable as the user can become stranded with little opportunity to complete their trip.

Karen also noted that the County requires property owners to maintain sidewalks along their property frontage. That's another reason sidewalks are lower priority.

Revised Facility Priority is:

1. Curb Ramps
2. Traffic Signal Pedestrian Push Buttons
3. Sidewalks

Based on this discussion, the County has decided to approach data gathering to fill in the GIS gaps in coordination with the facility priorities.

a. Curb Ramps

There are already approximately 2700 curb ramps in GIS. Curb ramps will continue to be inventoried as they are constructed.

b. Pedestrian Push Buttons

Karen said that the County is using interns to gather information on existing pedestrian signals. There are approximately 20. Getting these into the GIS system is relatively simple.

c. Sidewalks

Don said that the interns inventorying the pedestrian push buttons are also inventorying the sidewalk 500' in all directions from the intersection.

Interns are noting obstructions, narrow widths, and tripping hazards as these are all related to sidewalk usability. Obstructions are most often things like utility poles, signs, street trees, and other utility boxes.

5. Prioritizing Barrier Removal

Karen reviewed with the group how agencies typically develop their priorities. Often, an agency will focus on the major street routes with higher traffic volumes first or possibly transit routes. Others focus on just curb ramps and sidewalks regardless of their location. In discussion with the County, it was agreed that to

focus only on one aspect is too restrictive. The County would like to develop a system with more flexibility.

Karen presented the concept of a Matrix approach that considers two factors and then considers aspects for each factor. From that, a matrix is prepared that reflects the highest priorities in the upper left all the way down to the lowest priority in the lower right. A sample colorized matrix was shown for an example.

Karen then presented the two factors to be considered: Location Served and Severity of the Barrier.

Location Served includes 3 categories:

- Access to Public Services (essential services, hospitals, government buildings)
- Access to Public Centers (shopping centers, business buildings, medical offices)
- Residential Connections (to / from residential areas)

Severity includes 5 categories ranging from Major Barrier down to No Barrier.

Karen provided a list of the types of facilities included in each Location Served category and some examples of what would constitute each of the 5 Severities.

The Prioritization Matrix was presented:

			LOCATION SERVED		
			A	B	C
			Access to Public Services	Access to Public Centers	Residential Connections
SEVERITY	1	Major Barrier	A1 HIGH PRIORITY	B1	C1
	2	Intermediate Barrier	A2	B2	C2
	3	Minor Barrier	A3	B3 MEDIUM PRIORITY	C3
	4	Slight Barrier	A4	B4	C4
	5	No Barrier	A5	B5	C5 LOW PRIORITY

Discussion about this matrix resulted in concurrence that the matrix approach is reasonable and a good technique. There were questions related to further clarifying the Locations Served and which category some facilities would fall into. For instance, is Public (Section 8) Housing within C Residential Connections or B Public Centers? What about Parks?

There was discussion about A Access to Public Services versus B Access to Public Centers. Lani said that Public Services are meant to be “Essential” services that the government is obligated to keep open while Public Centers are more related to locations where there is a lot of public activity (people going to work, shopping, and getting customer services). Access to Public Centers is important, but not essential. Parks are probably part of Residential Access, but larger parks could be in Category B. The County and Murraysmith will enhance / expand the Locations Served list to help provide more clarity. This list will be included in the Draft ADA Transition Plan.

County (with Murraysmith assistance) to expand list of Locations Served categories for additional clarity, especially between Category A and B.

Murraysmith to provide additional examples of Barrier Severity to further define what constitutes a Major Barrier (1) versus a Minor Barrier (3) and No Barrier (5).

The group was advised that the matrix is meant to be a guide and not a hard and fast commitment to resolving all the barriers in the red “High Priority” category and not solving the ones in the yellow “Low Priority” category. There are also considerations that would drive

Beyond the Matrix, Karen presented additional considerations that would be used alongside the matrix.

- a. Reasonable Requests for Accommodation – Requests that are submitted are usually from an impacted and concerned individual. Where those issues can be solved, progress can be gained, and a real barrier gets removed.
- b. High Impact Opportunities – These are opportunities where a small investment can provide big benefit. An example would be where a project is meant to provide roadway improvements, there might be an opportunity to include an adjacent curb ramp or sidewalk segment. Little additional cost could bring a beneficial improvement.
- c. Pedestrian Priority Routes – While there is no defined list of priority routes, the County intends to develop one at some point. Whether a barrier is on a defined priority route will be a factor.
- d. Coordination with Capital Projects – These are projects with federal funds. If the County can offer up additional funds to address a barrier, it is an opportunity to gain progress.

Each of these factors will be combined with the matrix categories when the County identifies funds that can be applied to barrier removal. The County is dedicated to making progress with removing barriers, but also wants to maintain flexibility in prioritizing the actual projects.

6. Next Steps

The next step is to prepare the Draft ADA Transition Plan. The prioritization matrix will be included. There will be one more Focus Group Meeting (meeting #3) where we will present the Draft Transition Plan and solicit comments. It is anticipated that the draft report will be sent to the Focus Group for review prior to the meeting so that the Focus Group can bring their comments and questions. From there, the ADA Transition Plan will be finalized and presented to the County Commission for their comments and then approval.

7. Questions

A question was asked about accessibility to the County's ADA web page. Is it available in many languages? Will public users find that navigating to and using the County's ADA web page is a barrier in itself? Is it buried in the County's Public Works page? Justine said that ADA is a broad subject matter for the County. Lani pointed out that there is an ADA link on the County's main web page. Justine clarified that the County's policies and procedures are varied and involve those related to:

- a. County employees and their ability to perform their job
- b. Public access to County programs and facilities (buildings and parks)
- c. (new) Public Works facilities being covered by the ADA Transition Plan (curb ramps, sidewalks, pedestrian signals used for pedestrian access within the County public right of way)



Marion County **OREGON**

PUBLIC WORKS

ADA Transition Plan Focus Group Meeting #3 Summary (County Project No. 104849)

Tuesday December 14, 2021
4:00 PM – 6:00 PM

HR Training Room, 4th Floor
Courthouse Square Building 555 Court Street, Salem
And Web Meeting

Meeting Purpose: To obtain Focus Group input on the County's Draft ADA Transition Plan.

1. Introductions (10 min)

The group did self-introductions.

Attendees included:

Name	Representing	Email
	Attended in person	
	Attended via WebEx virtual Meeting	
Judi Richards	NW Senior & Disability Service	judithcrichards@gmail.com
Gretchen Bennett	City of Salem	gbennet@cityofsalem.net
Lani Radtke	Marion County	lrادتke@co.marion.or.us
Don Alexander	Marion County	dalexander@co.marion.or.us
Carl Lund	Marion County	clund@co.marion.or.us
Justine Flora	Marion County	jflora@co.marion.or.us
Gabe Crop	Murraysmith	gabe.crop@murraysmith.us
Karen Tatman	Murraysmith	karent@quincyeng.com

Karen used a powerpoint presentation that was provided to attendees after the meeting. The group was notified that the WebEx meeting was recorded. These will be used for preparing a meeting summary

2. Welcome – Lani Radtke, Engineering Division Manager

Carl and Don welcomed the group and thanked them for their attendance.

Karen reminded the group that the County is developing the ADA Transition Plan to comply with federal law.

3. Progress since Focus Group Meeting 2 (August 2020) (10 min)
 - a. Additional inventory – County has inventoried all Traffic Signal Push Buttons and inventoried the sidewalk for 500’ in each direction of the signals. The sidewalk inventory did not include measurements. It was focused on a qualitative assessment including notations of barriers. The County has already inventoried 2700+ Curb Ramps. Additional curb ramp inventory is most likely to come from completed projects.
 - b. Policy and Practice Updates – County finalized and adopted their ADA Design policies and standards. Those are now available on the County Public Works website as tools for designer, design consultants, and developers. Those standards are rooted in State of Oregon DOT standards, tools, and checklists.

The Grievance Procedure has been completed and is ready for adoption, but it will wait to be adopted alongside the Final ADA Transition Plan in case additional changes are needed.

- c. Draft ADA Transition Plan – The Draft Plan was updated based upon feedback from the Focus Group Meeting #2 and from County staff review. The Draft Plan was distributed to the Focus Group via email as part of scheduling this meeting. The County and Murraysmith will review all Focus Group comments. Murraysmith will develop responses to each and update the Plan as needed. Don indicated that a couple of Focus Group members (Sally Cook, Marion County Health and Human Services, and Chris French, Cherriots) unable to attend this meeting have committed to providing comments. After the meeting, Don sent an email out to all Focus Group members with the Agenda, Presentation, and Draft Plan with a request for all comments no later than Friday 1/7/22.

Focus Group Members to provide Draft ADA Transition Plan all questions / comments / concerns to Don Alexander no later than January 7, 2022.

4. Barrier Removal Prioritization Review (15 min)

Karen reviewed the Barrier Prioritization Matrix that was presented at Meeting #2. Karen noted that the matrix was updated to incorporate comments from the Focus Group. Instead of identifying Public facilities (Category A) as the top priority over Private facilities (Category B), these categories were redefined as Essential Public and Private Services (Category A) and Non-Essential Public and Private Services (Category B). This approach focuses on the importance of the facility regardless of whether it is publicly or privately owned or operated.

Karen reviewed the Barrier Severity Categories and presented example photos from the County’s inventory for each category to help provide clarity on the

differences between a Major Barrier, an Intermediate Barrier, a Slight Barrier and a Minor Barrier.

The group was reminded that the Matrix is to help the County make decisions on where / how to spend available funds on barrier removals. The County will still consider additional factors like “Reasonable Requests for Accommodation”, other high “bang for the buck” opportunities that arise, and continuity along pedestrian routes.

Judi asked about how the Request for Accommodation form handles safety concerns noting that some requests are for comfort and ease while others are in response to safety concerns. The form was posted for the group to review. There is no specific location or box to indicate a safety concern. Gabe suggested adding a section for the requestor to identify any special safety concerns related to the request.

Carl to contact Judi to initiate a separate discussion about sidewalk route priorities.

Another comment on the Request for Accommodation form was use of the term “Right of Way” with a suggestion that it be changed to a more descriptive term like “Along Streets and Roads”.

Judi’s last comment was that the form should use 16-point font, which is a standard for visual impairment considerations.

There was much discussion about form availability and use. It will be a fillable pdf but can also be printed and filled out. Judi asked if printed forms could be printed and left at some key locations like in the Marion County Building lobby or at ADRC (Aging and Disability Resource Center), which is recognized as a centralized location for information distribution and assistance. The concern raised with this was the forms could get outdated or, worse, not submitted through the proper channels to be addressed. There was no firm decision made. Lani did state that if anyone needed a printed form, they should contact the County directly and a form would be mailed to them.

Lani and County staff to consider availability of hard copy Request for Accommodation Forms at community resource locations.

Judi to provide Don Alexander with a contact at ADRC to discuss availability of forms and information.

Gretchen asked whether the County’s ADA Coordinator needs to be named. In recent discussions, ODOT is suggesting using a name for the contact versus the title. The Group agreed that the plan should include a generic contact using the position title without the name. Staff transitions and leaves of absence make it too difficult to provide the most current name.

5. Focus Group Input on Draft Transition Plan (30 minutes)

Don said the comments received to date have been mostly County internal staff. There was one question about how funds are used, but not much of any significance.

Karen addressed one question that arose about identifying a schedule for barrier removal completion. There is no specific mandate. The Plan needs to address schedule and it addresses it by committing to an annual report rather than committing to a compliance date. The annual report will be provided to the Commission and can be used as a gage of progress being made on barrier removal and also for data on requests for accommodation and/or grievances processed.

There was one internal question about who will do the annual evaluation report. (Lani?)

Subsequent to the Meeting, one comment was received via email. The comment was from Sally Cook of Marion County and was a request to include areas of potential flooding and runoff to the Prioritization scheme.

6. GIS Data Accessibility Demonstration (15 min)

Don gave a demonstration of the County's GIS system, including a tool that will be publicly available that will show curb ramps in their current condition and identify if they are compliant (or not) and if they are traversable despite being noncompliant.

One issue that was revealed in the demonstration was that the link to view the curb ramp in Google Street View shows the latest Google photo, which would not reflect recently completed improvements. There was a suggestion to use recent inspection or construction photos for newer improvements.

Judi noted that Silverton Road is more commonly being raised as an issue for the disabled. Lani noted that a new project will construct a new traffic signal at the Hollywood Road intersection.

7. Next Steps (5 min)

This meeting was the final Focus Group Meeting. Murraysmith and the County will receive comments on the Draft Plan and the prepare a Final Draft ADA Transition Plan ready for Public Review and Comment.

The Final Draft ADA Transition Plan will be made publicly available for comment for 4 weeks. During that review period, the County will hold a Public Open House. The County hopes that Focus Group Members will attend the meeting.

Once public review is complete, the Plan will be presented to the Board of Commissioners for their final review and comment.

Following resolution of all public review and Commissioner review comments, the Final ADA Transition Plan will be prepared and presented to the Board of Commissioners for adoption. The Board of Commissioners will adopt the Grievance Procedure at the same time.

8. Questions (10 min)

Don to mail hard copies of the presentation to Judi.

Meeting was recorded

Appendix D
Summary of Public Outreach

Marion County Website Posting
Posted 4-7-2022
Posted to Facebook and NextDoor sites also.
Comments Due 4-22-2022

ADA Transition Plan

Americans with Disabilities Act (ADA) Transition Plan for Public Rights-Of-Way (ROW) Overview

In an effort to make Marion County's pedestrian facilities within the public Right-of-Way (ROW) accessible for all, the County is engaged in developing an Americans with Disabilities Act (ADA) Transition Plan for Public Rights-of-Way (ROW). The Plan will demonstrate Marion County's commitment to providing equal access to sidewalks, curb ramps, signalized intersections, and related services within the public ROW for citizens with disabilities. The plan will focus on the County's existing inventory and prioritize future ROW improvements to facilities accessible by the public.

ADA Transition Plan for Public Rights-of-Way

This plan is intended to:

- Evaluate ROW services, policies, and practices;
- Identify modifications needed to services, policies, and practices;
- Identify physical barriers that limit the accessibility of ROW facilities for individuals with disabilities;
- Describe the methods to be used to make the facilities accessible;
- Provide a prioritization for making modifications to improve access to ROW facilities;
- Identify the public officials responsible for implementation of the Transition Plan;
and
- Involve people with disabilities, individuals and groups that encounter barriers, and the public in the preparation of the Plan.

Marion County Public Works, with assistance from consulting firm Murraysmith and an ADA Focus Group composed of community stakeholders, has completed the Final DRAFT Americans with Disabilities Act Transition Plan for Accessibility in Public Rights-of-Way and associated Administrative Procedure 304-C Rights-of-Way, which address ADA accessibility to sidewalks, curb ramps, signalized intersections and related services within county road rights-of-way. The plan focuses on the county's existing inventory and establishes a methodology for prioritization of future rights-of-way

improvements to facilities accessible by the public.

The Final Draft ADA plan and 304-C procedure were presented to the Marion County Board of Commissioners at a Work Session on March 29, 2022.

We invited the public, individuals with disabilities, and organizations representing individuals with disabilities, to participate in the review of the transition plan by submitting comments no later than April 22, 2022.

The Americans with Disabilities Act also requires the development of a Request for Accommodation and Grievance procedure. Marion County Public Works, in conjunction with Marion County Business Services and Risk Management, have completed required revisions to existing County ADA Administrative Policy 304 and Procedures 304-A and -B as well as establishing a new 304-C Rights-of-Way Grievance Procedure. Copies of the new procedure and forms are included in the Draft Plan.

For more information about the Draft ADA Transition Plan or to submit comments, please contact Marion County Public Works, by email at pwada@co.marion.or.us (<mailto:pwada@co.marion.or.us?subject=DRAFT%20ADA%20Plan%20comments>) or by phone at 503-588-5036.

 [View the Draft Plan Here \(/PW/Engineering/Documents/ADA%20Transition%20Plan_Final%20Draft%20-04-01-22%20Public%20Review.pdf\)](#)

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ADA Transition Plan Public Comments and Responses

Date: 4/10/2022
From: A Scott
Comment: What agency is responsible for making the sidewalks within the Salem city limits ADA safe?
County Response: The city is responsible for ADA along the roads they maintain. I would try the Salem Public Works office at: publicworks@cityofsalem.net
Phone: 503-588-6211
Please let us know if we can help with anything else.

Date: 4/10/2022
From: D Goldstein
Comment: As someone with a balance disorder that is progressive and untreatable, I want to comment in general, not to anything or any place specifically.
1) Steep curb cuts anywhere are a bad idea, and sometimes downright dangerous. For me, all curb cuts are already dangerous and will get worse as my balance gets worse.
2) If you allow pedestrian friendly streets (i.e., no cars), you've denied access to those handicapped people who need to be able to park close to their destination because they haven't the ability to walk even 1/2 a city block and sometimes, to wheelchair users because the businesses put their merchandise or tables everywhere, not leaving enough space to get around them.
3) Maintenance is vital!! Crumbling concrete is dangerous to everyone, and to guide dogs for the blind. Unfilled chuckholes in the street may force wheelchair users to take long detours because there's not enough room to go around the hole. With my balance problems, even a patch over a hole, if done sloppily, can make walking dangerous or require a detour.
4) I'd like to see permanent handicapped placards that don't require renewal every X-many years. In my opinion, it's downright rude to tell someone who will need a wheelchair for the rest of their life because of illness or injury that they have to re-apply, with proof of disability, every X years. Are they supposed to miraculously get healed of their bilateral leg amputations, or "get over" being paralyzed? I'm 2 years from requiring another placard, and by that time I may be permanently in a wheelchair. Why should I need to prove every 8 or whatever years after that that I can't walk anymore?
County Response: Thank you for your comments. Regarding your 4), although I agree with you whole-heartedly, Marion County has no control over placards. They are controlled by the Oregon DMV.
Thanks again.

Appendix E

*Administrative Order to Adopt Marion County ADA Transition Plan for
Public Rights-of-Way*

BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

In the matter of adopting the Marion County)
Americans with Disabilities Act Transition)
Plan for Accessibility in Public Rights of Way.)

ORDER No. 22-064

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on Wednesday, May 25, 2022.

WHEREAS, Title II of the federal Americans with Disabilities Act ("ADA") requires all public entities with 50 or more employees to perform a self-evaluation of the entity's public rights of way and develop a transition plan to remove barriers to pedestrian access over time; and

WHEREAS, county staff, in conjunction with a consultant and an ADA focus group composed of community stakeholders, has developed the Marion County ADA Transition Plan for Accessibility in Public Rights of Way, which addresses ADA accessibility for sidewalks, curb ramps, signalized intersections and related services within county road right of way, and establishes a methodology for prioritization of future right of way improvements to facilities accessible to the public; and

WHEREAS, the board desires to adopt the Marion County ADA Transition Plan for Accessibility in Public Rights of Way; now, therefore,

IT IS HEREBY ORDERED that the board adopts the Marion County Americans with

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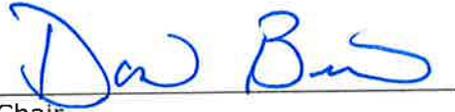
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Disabilities Act Transition Plan for Accessibility in Public Rights of Way attached hereto as Exhibit A.

DATED at Salem, Oregon, this 25th day of May 2022

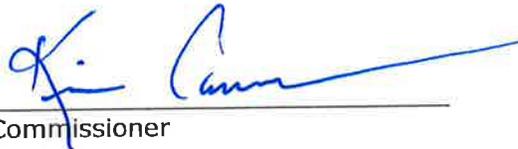
MARION COUNTY BOARD OF COMMISSIONERS



Chair

Not Present At Meeting

Commissioner



Commissioner