

**DATE:** March 03, 2021

**TO:** Oregon Transportation Commission



**FROM:** Kristopher W. Strickler  
Director

**SUBJECT:** **Agenda G** – *Update the Commission on the cost reduction efforts underway with the ADA Program*

**Requested Action:**

Receive an informational update on the Oregon Department of Transportation (ODOT) Americans with Disabilities Act (ADA) program curb ramp remediation progress, schedule, and current cost reduction efforts.

**Background:**

The primary purpose of the ADA program and ODOT's participation, is to ensure that ODOT programs are accessible and that pedestrians with disabilities have an equal opportunity to use the transportation system in an accessible and safe manner.

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. The agreement will lead to major improvements to pedestrian accessibility along the highway system including installing missing curb ramps to connect parts of communities that have been difficult or unsafe to access because of an incomplete system and upgrade substandard existing curb ramps to improve mobility and safety along the highways for all users.

This presentation provides an ongoing update on our progress in meeting the expectations of the March 2017 ADA Accessibility settlement agreement, including program timeline, funding needs, and ongoing efforts to reduce costs and find program efficiencies. The requirements of the agreement established a total count of 27,327 curb ramps on ODOT's transportation system, of which, 25,899 of these were determined to be non-compliant. Milestone targets for the next 15 years are 7,770 ramps updated by 2022 (30%) and 19,424 ramps by 2027 (75%) and 25,899 (100%) by 2032. The program is at a critical point in replacing the almost 8,000 ramps required by next year; and is on track to meet the milestones specified in the settlement agreement.

**Cost Reduction Actions**

Since 2017 the ADA program has been working on meeting the requirements in the settlement agreement by setting up the program, ensuring construction compliance and developing projects to meet the 2022 milestone. ODOT is aware of the importance in reducing the overall cost of the

program and recognizes the impacts to other programs. ODOT has implemented and continues to do training for ODOT and contractors in design and construction to reduce the risk of reconstruction of the ramps that don't meet compliance. About 400 ramps a year are included in projects already in the STIP and are being replaced as part of the program. ODOT has identified three main areas of focus:

Ramp Design Changes: ODOT has made major changes to design and construction practices to ensure compliance with current ADA standards, and requirements of the settlement agreement. One of the cost increases in the program has been related to an increase in additional right of way. Initially the estimate of right of way was made at approximately 15%-20% of the ramps. This estimate was based on construction of pilot projects in 2018-2019 which demonstrated constructing ramps generally in existing right of way. However the group of projects in 2020-2021 had more unique challenges at individual ramp locations in design and temporary pedestrian access, which required additional right of way. Currently, approximately 50% of the ramps require some form of additional right of way, either permanent or temporary. This results in a substantial increase in dollars and time. The main focus of this effort is to reduce the overall footprint and minimize the need for additional right of way to construct the ramp. Currently ODOT is evaluating design practices and looking for opportunities to maintain compliance, while constructing ramps within our existing right of way. ODOT is engaging with internal staff and consultant partners (ACEC) to help identify process improvements and minimize scope creep in designs. Design guidance is being developed and will be distributed and available this April for projects in 2021-2022.

Reducing Construction Costs: As we reviewed the construction costs over the last year, it was apparent the contractors are adding in significant risk to their bid prices. In December of 2020 we engaged our contractors with a survey and followed up in January 2021, with individual workshops, with a select group of contractors. The purpose of the outreach was to identify areas of improvement, efficiencies and risk to help ODOT reduce our overall construction costs. Currently we are reviewing this data and developing an action plan for implementation of these contract changes. Many of these changes will be implemented on the majority of the 2021-2022 projects.

Contracting Efficiencies: Current efforts to meet the settlement agreement requirements of building and/or updating 7,770 curb ramps by the end of 2022 are utilizing existing STIP projects that trigger the ramp work and standalone ADA ramp projects. Some of the challenges with starting up the program were related to training and the learning curve required to produce compliant ramps with a high rate of success. This learning curve, along with a segmented funding stream have required high numbers of ramps to be constructed in 2020-2022. This compression of schedule has limited ODOT's ability to deviate from traditional contracting methods, due to the risk of production. The additional funding that was approved by the OTC last January provides funding certainty and the ability to look beyond the 2022 deadline. ODOT will be aggressively looking for opportunities to leverage existing STIP and local agency projects, starting in 2022 and 2023. The ADA program has only had opportunity to leverage a small number of local agency projects thus far, but feels there is potential for great savings to the program and will be moving forward with this strategy. ODOT is also developing the use of Design Build contracts for projects starting 2023 and will have the use of Indefinite Delivery/Indefinite Quantity (ID/IQ) contracts starting in 2022. Both of these contracting methods should help bring innovation and efficiencies to this program by allowing design engineers and

contractors the ability to work more closely together to construct compliant and cost effective curb ramps. ODOT continues to provide opportunities for the use of small businesses by allowing for smaller project sizes, some of these projects are managed through our Maintenance District offices and the use of the Emerging Small Business program.

The next step will be to develop an action plan for cost reduction items in all three focus areas with an implementation schedule. Some of the items are already underway and as mentioned above will be implemented on the 2021 and 2022 projects. Additionally the ADA program is currently working with ODOT's Internal Audits Unit to evaluate the program and identify process improvement areas to enable the program to be more efficient and aid in the management of risk in the program. The ADA program will also continue collaborating with our accessibility consultant who is a national expert on ADA compliance and has been assisting ODOT in the development of the program. Lastly, ODOT is recommending engaging with the Continuous Improvement Advisory Committee (CIAC), to provide updates on program progress and cost reduction efforts.

### ***Program Funding***

In January the OTC allocated \$147 million to the ADA program, these funds will be used to complete the right of way acquisition and construction for projects in 2021-2022. These funds will also be used for the design and right of way acquisition for projects being constructed in 2023, responding to citizen inquiries, and developing a strategy to upgrade our pedestrian signals. An additional \$90 million will be recommended to be added to the ADA program at today's meeting as part of Agenda Item H. These funds will be used for the construction of the ADA projects in 2023 and the design, right of way acquisition, and construction for ADA projects in 2024. This additional funding assumes a cost reduction within the anticipated 30%-40% range and provides the remaining funding necessary to complete the ADA projects and other program requirements for the 2021-2024 STIP. The \$90 million is being proposed to come from COVID-19 relief funding (\$32,189,314) and borrowing against the Fix-It funding in the 2024-2027 STIP (\$57,810,687). The proposed 2024-2027 STIP has the ADA program budgeted for \$170 million which has been reduced by the anticipated cost reduction of over 30%. ODOT is currently implementing cost reduction measures into existing projects and plans to incorporate additional measures developed in the action plan as they become available over the next couple of months.

### **Attachments:**

- Attachment 1 – *ADA Settlement Agreement*
- Attachment 2 – *2019 ODOT Annual Report*
- Attachment 3 – *2019 Accessibility Consultant Annual Report*