

**City of Salem**

**Americans with  
Disabilities Act  
Transition Plan  
for the  
Public  
Right-of-Way**

—— **2023 Update** ——



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## Executive Summary

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute to protect persons with disabilities against discrimination in all areas of public life. This updated ADA Transition Plan for the Public Right-of-Way (ADA Transition Plan) considers the future development and management of curb ramps and audible pedestrian signals with the goal of accessibility for all within the public right-of-way.

The City of Salem prepared this ADA Transition Plan based upon self-evaluation findings, public outreach, and collaboration with citizens and stakeholders throughout the City. The Plan is organized by seven objectives designed to meet the City's goal to improve accessibility for all individuals within the City's public rights-of-way. These objectives and the contents of the Plan align with guidance provided by the Federal Highway Administration.

The ADA Transition Plan pulls from adopted City plans, including the Salem Transportation System Plan, the Capital Improvement Plan, City of Salem Design Standards, and the Salem Revised Code. Details of the self-evaluation findings and public outreach are provided in appendices to the Plan.

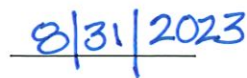
This ADA Transition Plan is meant to be a working document that remains flexible in terms of execution. Its implementation will be monitored by the ADA coordinator and documented in an annual review that will be shared publicly through the City's website.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brian D. Martin".

Brian D. Martin, PE

Public Works Director

A handwritten date in blue ink, "8/31/2023", with a horizontal line underneath.

## Acknowledgments

The access opportunities described in this plan are not possible without the support of the people of Salem, who generate the resources to make change possible.

Thank you, City leadership, for the resource and policy commitment to ensure accessibility for all Salemites:

Mayor Chris Hoy

Councilor Virginia Stapleton

Councilor Linda Nishioka

Councilor Trevor Phillips

Councilor Jackie Leung

Councilor Jose Gonzalez

Councilor Julie Hoy

Councilor Vanessa Nordyke

Councilor Micki Varney

City Manager Keith Stahley

### Special thanks to feedback providers, including:

Kevin Ehrenshaft, Oregon Commission for the Blind

Krista Gallagher, Oregon Deaf & Hard of Hearing Services Program

Lesley Johnson, Center 50+

Julie Luedtke, NW Senior and Disability Services

Penelope Moffat, Shangri-La Non-Profit Human Services Organization

Timothy Rocak, Garten Services

Ben Sawyer, Salem Keizer Transit

Julie Vranna, Willamette ESD

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## 1. Alternative Formats

This information is available in alternative formats upon request.

Please contact the ADA Coordinator at:

503-540-2371 (video relay calls welcome),

By email at:

[humanrights@cityofsalem.net](mailto:humanrights@cityofsalem.net)

Or by mail at:

ADA Coordinator, City of Salem, Mayor|City Manager's Office  
555 Liberty St. SE Room 220, Salem, OR 97301

## 2. Introduction

Salem is a growing city. The 2022 population of 179,642 is expected to grow to 218,000 in 2045. In Salem, the number of persons understood to have a disability represent 15.1% of the population, over two percent higher than the national average. Types of disabilities represented in this estimate include people who are deaf or hard of hearing, people with visual challenges, cognitive issues, and mobility disabilities. As infrastructure is improved to accommodate the existing and increasing population, the City's goal shall be to ensure that the transportation network is inclusive, safe, and accessible to all users.

### Goal Statement

This Title II Transition Plan for the Public Right-of-Way (Plan) aims to improve accessibility for all individuals within the City's public rights-of-way.

### Objectives

**Objective 1:** Identify official responsible for implementation of Plan.

**Objective 2:** Develop an ADA Policy Statement to be posted on the City website.

**Objective 3:** Implement a process to inform individuals and allow them to submit a request for accommodation or file a formal complaint.

**Objective 4:** Develop baseline inventory of curb ramps and audible pedestrian signals (APS) in City right-of-way.

**Objective 5:** Outline the methods that will be used to improve ADA facilities accessible to current standards.

**Objective 6:** Create realistic schedule for upgrading ADA elements identified in baseline inventory.

**Objective 7:** Describe a process to allow the public to readily access and submit comments for the Plan.

### 3. ADA Program Information

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#### Objective 1: Identify official responsible for implementation of plan.

This Plan is a Citywide effort, and the official responsible for implementation is:

Gretchen Bennett – ADA Coordinator

Liaison, Unsheltered Residents and Houselessness

Human Rights and Federal Compliance Manager

City of Salem | Mayor and City Manager’s Office

555 Liberty St SE, Suite 220, Salem OR 97301

[gbennett@cityofsalem.net](mailto:gbennett@cityofsalem.net) | 503-540-2371

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#### Objective 2: Develop an ADA Policy Statement to be posted on City website.

The City website currently has the following notice posted at <https://www.cityofsalem.net/government/equity-accessibility/notice-under-the-americans-with-disabilities-act-ada>:

“Notice Under the Americans with Disabilities Act (ADA)

*In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Salem will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.*

#### Employment

*The City of Salem does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.*

#### Effective communication

*The City of Salem will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Salem’s programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.*

## Modifications to policies and procedures

*The City of Salem will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City of Salem offices, even where pets are generally prohibited.*

*Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Salem, should contact the event, meeting, or program organizer as soon as possible but no later than 48 hours before the scheduled event.*

*Anyone who requires accommodation regarding City employment should contact the **Human Resources Department** at 503-588-6162 or [HR@cityofsalem.net](mailto:HR@cityofsalem.net).*

*The ADA does not require the City of Salem to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.*

*Complaints that a program, service, or activity of the City of Salem is not accessible to persons with disabilities should be directed to the **Title VI/Section 504 Coordinator** at 503-540-2371 or [humanrights@cityofsalem.net](mailto:humanrights@cityofsalem.net).*

*The City of Salem will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/ services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.”*

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### Objective 3: Implement a process to inform individuals and allow them to submit a request for accommodation or file a formal complaint.

The City receives ADA related complaints through the following point of contact:

ADA/Title VI/Section 504 Coordinator

555 Liberty St. SE RM 220

Salem, OR 97301

[humanrights@cityofsalem.net](mailto:humanrights@cityofsalem.net)

P: 503-540-2371

TTY/TDD: 503-588-6439

The City maintains a [page on the City website](#) dedicated to receiving ADA/Title VI/Section 504 concerns from anyone who believes they may have been subjected to unequal treatment or discrimination because of a disability. The web page explains the reporting process and provides a link to a Report Form that can be submitted to the ADA/Title VI/Section 504 Coordinator (Coordinator). Though the City will make every effort to resolve any concerns at the lowest level possible through an informal process, there is a three-step procedure for a formal investigation:

## Step 1: Department Response to Concerns

The department listed in the report has 15 days after being notified of a concern to provide a written response. The Coordinator then determines if further investigation is warranted.

If further investigation is warranted, the Coordinator conducts an investigation of the concern. The investigation may include, but is not limited to interviews with the complainant, departments, program recipients, or any other persons with information relevant to the complaint.

## Step 2: Written Report

Within 30 days of the receipt of the reported concern, the Coordinator prepares a written investigative report. The investigative report includes:

- A description of the incident
- Identification of people interviewed
- Investigation findings
- Recommendations for disposition

The written report is reviewed and finalized by the ADA Coordinator and sent to the City Manager to determine the appropriate action. Once the investigative report has been completed and appropriate action determined, the complainant and the department receive:

- A copy of the investigative report
- A statement of appropriate action
- Notification of appeal rights

## Step 3: Meeting

Within 15 days of the written report being sent to the complainant and the department, the Coordinator offers to meet with the complainant to discuss the determination of appropriate action along with the findings and conclusions in the investigative report. The complainant may ask for changes to the appropriate action statement if new facts that were not previously considered and could not have been reasonably discovered during the investigation become available.

## 4. Legal Requirements and Policies

### A) Americans with Disabilities Act

The Americans with Disabilities Act (ADA) was adopted as law in 1990. Title II regulations within the ADA protect individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities. It is the express policy of the City of Salem (City) that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity on the grounds of race, color, national origin, sex, age, disability, or income as defined in its Title VI Plan.

### B) Legal Requirements

#### 1) Federal

##### a) *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 (DOT). The DOT's current ADA standards became effective in 2006 and were updated in 2010 and 2014.

##### b) *Title II of the ADA [28 CFR Section 35.105]*

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 retain the self-evaluation for three years. The transition plan should contain, at a minimum, the basic components listed below:

- i) List of physical barriers in the right-of-way that limit accessibility of persons with disabilities;
- ii) Description of methods to be utilized to remove the barriers;
- iii) Schedule for taking the necessary steps to achieve compliance (requirement for curbramps specifically); and
- iv) Name of official responsible for transition plan implementation.

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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 DOJ 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.

- c) *Title VI of the Civil Right Act of 1964, [42 United States Code ( 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.

- d) *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 DOT routinely provides such assistance to state and local governments for the development of transportation networks.

- e) *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.

- f) *Access Board's Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (2011 NPRM<sup>1</sup>, 36 CFR Part 1190, Docket No. ATBCB 2011-04)*

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 29, 2011, and the comment period was reopened on December 5, 2011, per requests from the National Association of Counties, the National League of Cities, and the U.S. Conference of Mayors (to close February 2, 2012). When these guidelines

are adopted by the 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.

In the interim, the DOT's Federal Highway Administration (FHWA) has advised, in response to an inquiry from the City (April, 2012), that "...While the FHWA has not issued any guidance document on this issue, we are advising ... that either the 2005 Revised Draft Guidelines for Accessible Public Rights-of-Way (2005 PROWAG2) or the 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (2011 NPRM) should be considered best practices for new construction and alteration of facilities within the public rights-of-way in order to ensure ADA compliance."

It is specifically noted in the guidelines that the proposed guidelines do not address existing facilities unless they are included within the scope of an alteration undertaken by the agency. This standard has been typical of all previously adopted or proposed guidelines in that the guidance only applies to new or altered facilities.

- g) 23 *Code of Federal Regulations (CFR) Part 200* – Administrative regulations promulgated by the FHWA that specify the Title VI implementation requirements for state departments of transportation at state and local levels.
- h) 49 *CFR Part 21* – Administrative regulations promulgated by the DOT that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

## 2) State

- a) *Oregon Revised Statutes (ORS) Chapter 447 - Standards and Specifications for Access by Persons with Disabilities (sections 447.210 to 447.310)* ORS 477.310 Standards for Curbing: Provided for the construction of curb cuts or ramps 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.

3) City

- a) *Department of Public Works, Administrative Rules, Chapter 109, Division 006, Street Design Standards (January 2016)*

6.01.2 Americans with Disabilities Act

*“All pedestrian and transportation facilities shall comply with the Americans with Disabilities Act of 1990 (ADA) and the current standards enforced by the Department of Justice related to the ADA: The following are the current Federal Standards governing these facilities:*

*2010 ADA Standards for Accessible Design*

*Uniform Federal Accessibility Standards (USAF)*

*Additionally, the United States Access Board has issued Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way (PROWAG). At the time of the adoption of these Design Standards, PROWAG has not been adopted as an official Standard. The PROWAG can be considered as recommended best practices and can be used for areas not fully addressed by the current standards.”*

6.27(d) *Pedestrian Signals*

*Pedestrian signal heads shall be symbolic, single section type, mounted to independent pedestrian signal poles or traffic signal poles. Pedestrian signals shall be audible and conform to ADA Standards and the FHWA Manual on Uniform Traffic Control Devices.*

- b) *Salem Revised Code (SRC) Chapter 97 – Human Rights.*

*As applicable to this plan, SRC Chapter 97 prohibits discrimination based on mental or physical disability in the provision of public accommodations.*

## 5. Identification of Barriers

### Objective 4: Develop baseline inventory of curb ramps and APS in City ROW.

The City of Salem uses integrated evaluation methods to proactively identify barriers, obstacles and practices that limit or preclude full participation in its programs. These methods rely heavily on maintained inventory data that includes conditions based on inspections and public input.

### Critical ADA Routes

The [Salem Transportation System Plan \(TSP\)](#) identifies a Critical ADA Routes Network highlighting the need for upgraded facilities to accommodate mobility-impaired users. The Critical ADA Routes Network comprises approximately 150 miles of streets within the Salem Urban Growth Boundary, equating to about 300 miles of sidewalks. The Critical ADA Routes Network is based on extensive input provided by members of the disabled community, City staff, and pedestrian advocates. The goal of the Critical ADA Routes Network is to connect mobility-impaired users with major destinations.

City of Salem staff conducted a broad assessment of sidewalk conditions along the Critical ADA Routes Network:

- 60 percent of sidewalks along the Critical ADA Routes Network are in “excellent” or “good” condition, with little or no cracking or other adverse surface conditions.
- 10 percent of sidewalks along the Critical ADA Routes Network are in “fair” condition; having cracks or some other tripping hazards that make it hard for mobility-impaired pedestrians to get around.
- 30 percent of sidewalks along the Critical ADA Routes Network are in “poor” or “bad” condition; having cracks or other conditions that make it hard for mobility-impaired pedestrians to get around.

### Baseline Inventory of Curb Ramps

In 1992-93, City staff completed a comprehensive inventory of curb ramps at all street intersections within the city limits. Every intersection included multiple street corners and each street corner was evaluated. Data was collected to determine the physical conditions of existing improvements and to evaluate conditions based upon the standards current at that time.

The City then embarked on a multi-year campaign ending in 2006 which included over 16 improvement projects installing over 2,600 curb ramps at deficient intersections. This work concluded with curb ramps being constructed at all practicable locations. All other locations (approximately 300 ramps) were kept on a list for inclusion with future improvement projects that would make installation practicable.

Between 2008 and 2011, the City completed a sidewalk condition assessment which included general information about curb ramps. The assessment did not include slope measurements. It is summarized as follows:

Condition	Ramps
Good	2180
Fair	4884
Poor	4854
Missing	351
<b>Total</b>	<b>11,918</b>

In 2020, the City developed a mobile data collection app to begin updating the assessment database with field inspection reports in order to determine full compliance with current standards. To date 358 ramps (3% of total ramps) have been inspected:

Fully Compliant Ramps	157 (43.8% of Inspected Ramps)
Deficient Ramps	201 (56.2% of Inspected Ramps)

The City's methods for removing barriers are outlined below. The implementation of those methods has resulted in the following curb ramp installations over the past decade:

## IDENTIFICATION OF BARRIERS

Fiscal Year (FY)	Ramps Constructed
FY 11-12	46
FY 12-13	90
FY 13-14	32
FY 14-15	68
FY 15-16	19
FY 16-17	21
FY 17-18	55
FY 18-19	73
FY 19-20	111
FY 20-21	85

Source: Salem Public Works Operations Division

## Baseline Inventory of APS in ROW

The City owns and maintains pedestrian signals at 186 intersections within the Salem city limits. Of those 186 intersections, 100 are currently equipped with audible pedestrian signals. ODOT owns traffic signals at 51 locations within Salem City limits; 18 of these are equipped with audible pedestrian signals.

## Cyclomedia City Roadway Asset Mapping

In August 2022, the City entered into an agreement with Cyclomedia, a company that specializes in terrestrial LiDAR data collection. Cyclomedia's mission in Salem is to collect 360° imagery and terrestrial LiDAR along public roads with the City's Urban Growth Boundary. They will then extract/derive roadway assets including sidewalks and curb ramps.

Data deliveries from Cyclomedia are expected to continue through early 2023. The City will use this data to update its curb ramp inventory to the present date.

## 6. Methods to Remove Barriers

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### Objective 5: Outline the methods that will be used to improve ADA facilities accessible to current standards.

The City employs a range of methods to remove barriers within the right-of-way. Methods to remove barriers vary by type of facility and are listed below.

#### Resurfacing Projects

The City's standard on triggering ADA upgrades during roadway resurfacing projects is based in case law. Title II of ADA requires that state and local governments ensure that persons with disabilities have access to the pedestrian routes in the public right-of-way. In order to ensure this, it is required to provide curb ramps where pedestrian walkways cross curbs whenever streets, roadways, or highways are *altered*. An *alteration* is a change that affects or could affect the usability of all or part of a building or facility. Because resurfacing of streets constitutes an alteration under the ADA, it triggers the obligation to provide curb ramps where walkways intersect with resurfaced streets (see *Kinney v. Yerusalim*, 9 F 3d 1067 (3<sup>rd</sup> Cir. 1993)).

#### New Development & Redevelopment

All newly constructed improvements are required to follow the current City design standards, influenced extensively by the 2011 Public Right-of-Way Accessibility Guidelines, which are found within the Administrative Rule 109-001 to 109-007: Public Works Design Standards. The Design Standards, Standard Construction Specifications, and Standard Plans are all available on the City's website at the following location: <https://www.cityofsalem.net/standard-plans-and-specifications>

#### Criteria for Identifying Priority Sidewalk Repair Locations – Updated 2018

As long as program funds exist, the City of Salem will emphasize the systematic repair of curb ramps and sidewalks in how it assigns its dedicated sidewalk repair team and contractor resources, following the priorities as assigned by the ADA. Those priorities in order of response are:

- 1) A complaint from a person with disabilities;
- 2) Any facilities altered since 1992;
- 3) Critical ADA Routes as determined through a Title VI process;
- 4) State and Local Government offices and facilities;
- 5) Transportation corridors;
- 6) Places of public accommodation;
- 7) Local streets.

In order for a sidewalk repair request that is lower in priority as stated above to be addressed by City or contractor forces, it must be a location that is in such a state of disrepair as to be a significant hazard to pedestrians, as determined by Public Works staff; and must meet one or more of the following criteria:

- Repair location is located in an area having a high volume of pedestrians, such as a school, park, commercial district, church, community center, government center, library, university, major transit center/stop, or other similar activity center.
- Repair location is located in an area having a concentration of special needs pedestrians, such as a senior center, retirement home/facility, medical campus, physical rehabilitation/training center, or other similar activity center.
- Location has a history of reported trips and falls, has experienced a recent injury accident, has been recommended for repair by the City's Risk Manager, or is impassable to all pedestrians.

Public Works will continue to use its dedicated Sidewalk Rehabilitation Team and contractor-of-record to achieve a high-volume, cost-effective level of productivity in planned sidewalk repairs. The Sidewalk Response Team will perform repairs to sidewalk locations deemed to be impassable to pedestrians with emphasis on the above criteria, as well as the age of the report, and will mitigate prioritized locations neighborhood by neighborhood. The Utility Concrete Repair Team, its normal priority to repair utility trench cuts, will spend additional time performing priority sidewalk repair requests that meet the above criteria as scheduling and funding permit. Staff will continue to perform citywide sidewalk grind and patch repairs as resources are available.

## 7. Schedule for Implementation

**Objective 6: Create realistic schedule for upgrading ADA elements identified in baseline inventory.**

### Schedule for Curb Ramp and APS

The current status of the City's inventory of curb ramps and APS is outlined above. The City of Salem is committed to a reasonable schedule to upgrade those facilities as funding and opportunity allow. The majority of any upgrades taking place will occur through alterations that are planned as part of capital projects. The City's current [Capital Improvement Program \(CIP\) \(23-27\)](#) identifies over \$278 million allocated towards projects that will be subject to the ADA triggers described above. Private development and maintenance activities are also sources for ADA-related improvements. In addition, Salem voters approved a Community Infrastructure Bond in 2022 that will devote an additional \$157 million to transportation projects, many of which will trigger ADA improvements.

### Future Implementation Schedule

The City intends to review and evaluate this Plan and schedule on an annual basis. This review and evaluation process will:

- Maintain inventory data to keep up with improvements made as projects are completed;
- Determine progress and make recommendations to update schedules and documents accordingly;
- Review grievances and requests for service received and evaluate City responsiveness;
- Share review and evaluation findings publicly, including through City website

## 8. Public Outreach

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### **Objective 7: Describe a process to allow the public to readily access and submit comments for the Plan.**

Three strategies for community input informed the City of Salem ADA Transition Plan Update in 2022:

#### A) Infrastructure Bond

In November 2022 Salem voters approved an infrastructure bond measure that will provide up to \$300 million in projects. Street and sidewalk improvements are among the projects included in the infrastructure bond. Public input to inform the infrastructure bond was sought in the following ways:

- 1) Social media outreach and an e-newsletter were developed with assistance from civic and cultural organizations to publicize the opportunity to share ideas. More than 100 responses were received.
- 2) News coverage from local newspapers conveyed information and invited interested persons to engage in the infrastructure bond process.
- 3) City Staff visited each of Salem's Neighborhood Associations to generate conversation and collect input.

#### B) Project Advisory Committee

A Project Advisory Committee (PAC) was formed to help inform efforts and serve as a sounding board for City Staff throughout the course of Plan development. Three PAC meetings were held at key points of the planning process:

- 1) Meeting #1: May 23, 2022  
The following items were discussed during this first PAC meeting:
  - Plan goals and objectives
  - Emphasis on curb ramps and APS
  - History of ADA-related work in Salem
  - Roles and responsibilities of PAC members
    - Conduct outreach
    - Review draft Plan and provide feedback
    - Share Plan progress and thoughts with constituents
  - Planning process schedule

- 2) Meeting #2: August 2, 2022
  - Review and comment on draft Plan
  - Development and distribution of ADA Survey
  - PAC member and constituent feedback on existing barriers and concerns
- 3) Meeting #3: October 17, 2022
  - Review and discuss results of ADA Survey
  - PAC member and constituent feedback on existing barriers and concerns
  - Review and comment on draft Plan
  - Next steps

Project Advisory Committee	
Organization	Representative
Garten Services	Timothy Rocak, Chief Executive Officer
Shangri-La Non-Profit Human Services Organization	Penelope Moffatt, Manager
NW Senior and Disability Services	Julie Luedtke, ADRC Program Manager
Oregon Deaf & Hard of Hearing Services Program	Krista Gallagher, Operations & Policy Analyst 2 (Deaf Specialist)
Oregon Commission for the Blind	Kevin Ehrenshaft, COMS, Rehabilitation Instructor for the Blind
Willamette ESD	Julie Vranna, Vision Specialist
Center 50+	Lesley Johnson, Volunteer
Salem Keizer Transit	Ben Sawyer, Contract Services Manager

### C) ADA Survey

Staff developed an ADA survey designed to help guide the City in its prioritization of APS and curb ramps and their locations throughout Salem. An electronic version of the survey was posted on the City website and distributed by the PAC to its respective constituents. Paper surveys were made available at Center 50+, the City-operated senior center.

The survey asked responders to:

- Rank types of locations most in need of ADA infrastructure maintenance or construction
- Identify whether missing or outdated infrastructure was a bigger challenge
- Identify where most curb ramp and APS challenges existed
- Identify specific intersections of concern

The City received 69 total responses to the survey. The answers received were critical in helping to shape this Plan.

D) General Public Participation

This Plan will be a living document subject to continuous public scrutiny and comment. Throughout the Plan development process and after its acceptance, the City shall:

- a) Develop and maintain a City webpage to share Plan progress and invite comment
- b) Hold 30-day public comment period on draft Plan prior to final submission to ODOT; public comment period will be advertised on City website and social media platforms
- c) Share social media posts informing community members of Plan efforts and of the opportunity for participation
- d) Distribute the webpage and other Plan-related information to interested stakeholders, including area organizations who connect with people with varying abilities and the Human Rights Commission e-newsletter group

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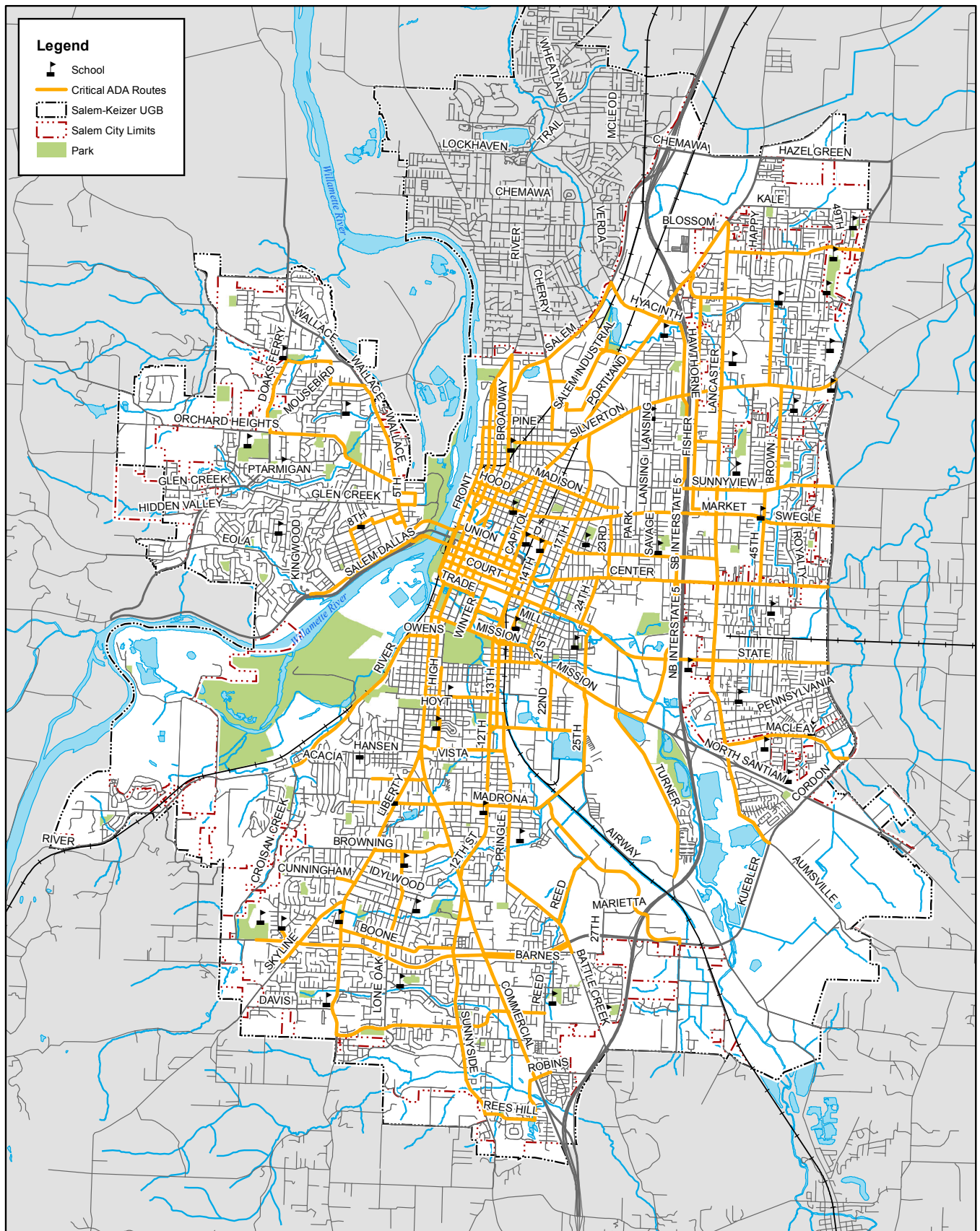
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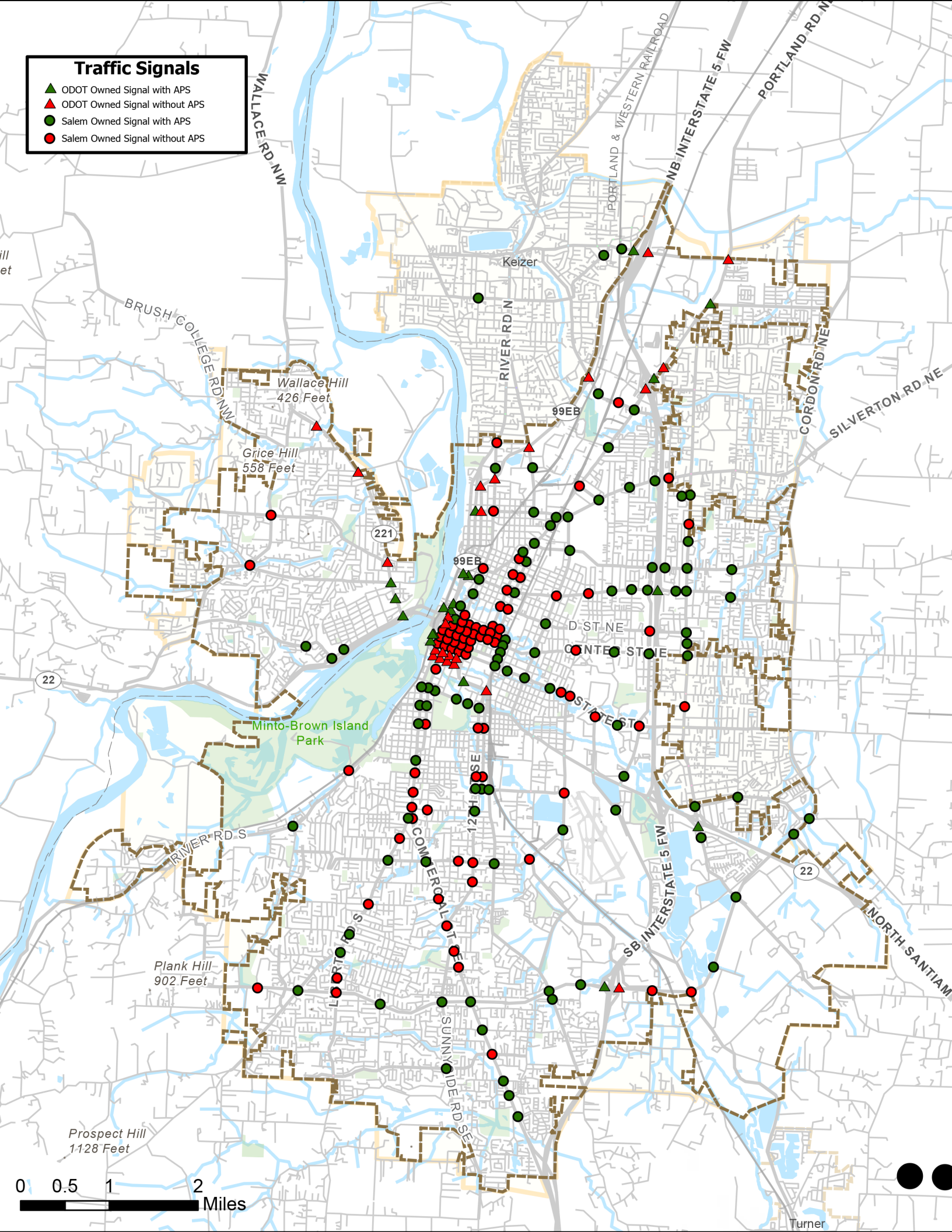
## **Appendix A - Critical ADA Routes**



## **Appendix B - Audible Pedestrian Signals In City Right-of-Way**

### Traffic Signals

- ▲ ODOT Owned Signal with APS
- ▲ ODOT Owned Signal without APS
- Salem Owned Signal with APS
- Salem Owned Signal without APS



## **Appendix C - Cyclomedia Posting On City Website**

## News

# Say Cheese! City of Salem to Start Collecting Visual Data of Salem Streets

**Post Date:** 08/30/2022 1:00 PM

Over the next 2 weeks, you may notice vehicles with sophisticated camera equipment driving the streets, alleyways, and right-of-ways of Salem.

Cyclomedia, a company specializing in large-scale mobile mapping systems, has been contracted to collect data on Salem's transportation infrastructure including;

- Curbs
- Sidewalks
- Street conditions
- Signage
- Striping

The 360-degree imagery and LiDAR (light detection and ranging), which is a pulsed laser that can accurately measure variable distances, will be used to create a broad picture of the condition of most public right-of-ways within the City. After the data is collected, the final products will be used by the Public Works department to track the condition of transportation infrastructure throughout the City.

The project will begin in downtown Salem. Cyclomedia vehicles are marked with their company logo and will not be accessing any private streets or property. Any license plates or public faces caught on the camera will be blurred to protect your privacy.

[Return to full list >>](#)

## **Appendix D - Sidewalk Repair Program**

**City of Salem Public Works Department  
Parks and Transportation Services Division  
Street Maintenance Section**

## **Sidewalk Repair Program**

### **Criteria for Identifying Priority Sidewalk Repair Locations**

July 2011

#### **Policy**

As long as program funds exist, the City of Salem will emphasize the systematic repair of curb ramps and sidewalks in how it assigns its dedicated sidewalk repair crew and contractor resources, following the priorities as assigned by the Americans with Disabilities Act. Those priorities in order of response are:

- 1) A complaint from a person with disabilities;
- 2) Any facilities altered during current construction/re-construction;
- 3) Critical ADA Routes as determined through a Title VI process;
- 4) Any facilities altered since 1992;
- 5) State and Local Government offices and facilities;
- 6) Transportation corridors;
- 7) Places of public accommodation;
- 8) Local streets.

In order for a sidewalk repair request that is lower in priority as stated above to be addressed by City or contractor forces, it must be a location that is in such a state of disrepair as to be a significant hazard to pedestrians, as determined by Public Works staff; and must meet one or more of the following criteria:

- Repair location is located in an area having a high volume of pedestrians, such as a school, park, commercial district, church, community center, government center, library, university, major transit center/stop, or other similar activity center.
- Repair location is located in an area having a concentration of special needs pedestrians, such as a senior center, retirement home/facility, medical campus, physical rehabilitation/training center, or other similar activity center.
- Location has a history of reported trips and falls, has experienced a recent injury accident, has been recommended for repair by the City's Risk Manager, or is impassable to all pedestrians.

#### **Practice**

Public Works will continue to use its dedicated Sidewalk Repair Team and contractor-of-record to achieve a high-volume, cost effective level of productivity in planned sidewalk repairs. The Utility Concrete Repair Team, its normal priority to repair utility trench cuts, will spend additional time performing priority sidewalk repair requests that meet the above criteria as scheduling and funding permit. Staff will continue to perform citywide grind and patch repairs during cold/wet weather months, as their schedule allows.

## **Appendix E - Curb Ramp Design Standards**

## Section 390—Curb Ramps

### Description

**390.00 Scope**—This work consists of furnishing, placing, and finishing commercial grade concrete curb ramps in close conformity to the lines, grades and dimensions shown or established.

### 390.01 Definitions

**Blended Transition**—A connection (with a grade of 5 percent or less) between the level of the pedestrian walkway and the level of the crosswalk.

**Cross Slope**—The grade that is perpendicular to the direction of accessible pedestrian travel. On a sidewalk, shoulder, or blended transition, it is measured perpendicular to the curb line or edge of the street; on a curb ramp, it is measured perpendicular to the running slope.

**Curb Ramp**—A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb.

**Detectable Warning**—A surface feature of truncated dome material built in or applied to the walking surface to advise pedestrians of an upcoming change from pedestrian way to vehicular way.

**Parallel Curb Ramp**—A curb ramp with a running slope that is in-line with the direction of sidewalk travel.

**Perpendicular Curb Ramp**—A curb ramp with a running slope that crosses the curb at right angles or meets the gutter grade break at right angles.

**Pedestrian Access Route**—A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

**Pedestrian Circulation Path**—A prepared exterior or interior way of passage provided for pedestrian travel.

**Running Slope**—The grade that is parallel to the direction of travel, expressed as a ratio of rise to run or as a percent.

### 390.02 Standards

(a) **Curb Ramps and Blended Transitions**—Standards for curb ramps and blended transitions are depicted on applicable Standard Plans.

(b) **Detectable Warning Surfaces**—Detectable Warning Surfaces shall comply with SCS 390.21 and the following:

- (1) **Surface**—The surface shall consist of truncated domes aligned in a square or radial grid pattern.

- (2) **Dome Size**—Truncated domes shall have a base diameter of not less than 0.9 inches or more than 1.4 inches, a top diameter of not less than 50 percent or more than 65 percent of the base diameter, and a height of 0.2 inches.
- (3) **Dome Spacing**—Truncated domes center-to-center spacing shall be not less than 1.6-inches or more than 2.4 inches, and a base-to-base spacing of not less than 0.65 inches, measured between the most adjacent domes.
- (4) **Contrast**—Detectable warning surfaces shall contrast visually with adjacent gutter, street, or walkway surfaces, either light-on-dark or dark-on-light.
- (5) **Size**—Detectable warning surfaces shall extend 24-inches minimum in the direction of travel and the full width of the curb ramp (exclusive of flares), the landing, or blended transition.

### **Required Submittals**

**390.10 Detectable Warning Surface**—Submit Product Data.

### **Materials**

**390.20 General**—All materials not specified in this section shall be in accordance with SCS 385.

**390.21 Detectable Warning Surfaces**—Furnish detectable warning surfaces meeting the following requirements:

#### **(a) Material**

- (1) **Wet Set**—Precast tiles of high strength, integrally colored concrete, polymer concrete, or polymer composite material designed to be wet-set into fresh concrete. Approved products are as follows:
  - Masons Supply Company (MASCO) CASTinTACT
  - ADA Solutions, Inc. Cast In Place Replaceable
- (2) **Surface Mount**—When allowed, surface mount detectable warning surfaces shall be as follows:
  - Flint Trading, Inc. TopMark Preformed Thermoplastic Detectable Warnings

(b) **Color**—Brick Red (Federal Color Standard #20109) is required whenever adjacent concrete is of normal gray color. Yellow detectable warning surfaces may be required if necessary to contrast visually with adjacent gutter, street, or walkway surfaces.

### **Construction**

**390.40 General**—Construct curb ramps in accordance with SCS 385 and this Subsection.

**390.41 Curb Ramps**—Plan and layout curb ramps in close coordination with Public Works Inspector. Do not place concrete without approval of concrete forms.

**390.42 Detectable Warning Surfaces**—Install detectable warning surfaces only in accordance with manufacturer's instructions. New curb ramps shall be constructed with Wet Set detectable warning surfaces. Surface Mount detectable warning surfaces are not permitted except by approval of the City Engineer.

### **Field Testing**

**390.60 General**—Any of the following items are evidence of unsatisfactory construction:

- (a) Curb ramps that do not conform to the accessibility standards set forth on applicable City of Salem Standard Plan.
- (b) Impounding of water on the surface.

### **Measurement**

**390.80 Measurement**—Except for Detectable Warning Surface, no measurement of quantities will be made for work performed under this Section. Curb Ramps and Blended Transitions will be measured according to SCS 385. Curbs will be measured according to SCS 380.

**390.81 Detectable Warning Surface**—Detectable Warning Surfaces will be measured on an area basis.

### **Payment**

**390.91 Detectable Warning Surface**—The accepted quantity of Detectable Warning Surface will be paid for at the Contract unit price as shown on the Schedule of Pay Items.

**— END OF SECTION —**

***NOTE:** The standard pay items and explanatory notations contained in this table are not a part of the Specifications and are provided for convenience only.*

<b>Section 390 Standard Pay Items</b>	<b>Unit of Measure</b>
Detectable Warning Surface	SF
Detectable Warning Surface – Surface Mount	SF

## **Appendix F - Criteria for Identifying Priority Sidewalk Repair Locations**

# **City of Salem Sidewalk Rehabilitation Program**

## **Criteria for Identifying Priority Sidewalk Repair Locations**

*March 2018*

### **Policy**

As long as program funds exist, the City of Salem will emphasize the systematic repair of curb ramps and sidewalks in how it assigns its dedicated sidewalk repair team and contractor resources, following the priorities as assigned by the Americans with Disabilities Act. Those priorities in order of response are:

- 1) A complaint from a person with disabilities;
- 2) Any facilities altered since 1992;
- 3) Critical ADA Routes as determined through a Title VI process;
- 4) State and Local Government offices and facilities;
- 5) Transportation corridors;
- 6) Places of public accommodation;
- 7) Local streets.

In order for a sidewalk repair request that is lower in priority as stated above to be addressed by City or contractor forces, it must be a location that is in such a state of disrepair as to be a significant hazard to pedestrians, as determined by Public Works staff; and must meet one or more of the following criteria:

- Repair location is located in an area having a high volume of pedestrians, such as a school, park, commercial district, church, community center, government center, library, university, major transit center/stop, or other similar activity center.
- Repair location is located in an area having a concentration of special needs pedestrians, such as a senior center, retirement home/facility, medical campus, physical rehabilitation/training center, or other similar activity center.
- Location has a history of reported trips and falls, has experienced a recent injury accident, has been recommended for repair by the City's Risk Manager, or is impassable to all pedestrians.

### **Practice**

Public Works will continue to use its dedicated Sidewalk Rehabilitation Team and contractor-of-record to achieve a high-volume, cost effective level of productivity in planned sidewalk repairs. The Sidewalk Response Team will perform repairs to sidewalk locations deemed to be impassable to pedestrians with emphasis on the above criteria, as well as the age of the report, and will mitigate prioritized locations neighborhood by neighborhood. The Utility Concrete Repair Team, its normal priority to repair utility trench cuts, will spend additional time performing priority sidewalk repair requests that meet the above criteria as scheduling and funding permit. Staff will continue to perform citywide sidewalk grind and patch repairs as resources are available.

## **Criteria for Repairs to Public Sidewalks**

**October 9, 2007**

### **What constitutes a defect?**

1. Any panel having a crack or cracks one-half inch or more in width.
2. Adjoining panels or portions thereof whose edges are offset vertically by more than one-half inch.
3. Panels that have holes one-half inch or more in diameter.
4. Panels that are cracked and broken so that pieces are missing or loose.
5. Panels having depressions, reverse cross slope (sloping away from the street), or below curb grade so as to impound mud or water, or to not be in compliance with Americans with Disabilities Act (ADA) slope requirements.
6. Panels in a condition as to cause an abrupt change in the longitudinal grade of the sidewalk.
7. Panels where a significant portion of the surface has spalled leaving it very rough with the coarse aggregate protruding.
8. Panels that are constructed less than four feet in width, where sufficient public street right-of-way exists to allow construction of sidewalk to City standards.
9. Structures such as utility valves, boxes, gratings, vault doors, and manholes that are not to proper grade shall constitute a defect that shall be the responsibility of the appropriate utility company and/or property owner.

### **Violations of SRC 78.220 that are abutting property owner responsibilities:**

1. Overhanging or encroaching trees, shrubs, grass, weeds, moss, and other vegetative matter originating from private property, or from the planting strip that are not City-controlled street trees.
2. Accumulation of leaves, dirt, grass clippings, and other debris on the sidewalk and corner curb ramps.
3. Accumulation of snow and ice that remains on the sidewalk beyond a reasonable amount of time after storm precipitation has ended.

## **Appendix G - Curb Ramp Case Law**

**9 F.3d 1067 (1993)**

**Elizabeth KINNEY; Glenn Niman; Daniel C. Sullivan; Diane Fatula; Cassie James; Erik Von Schmetterling; John Gladstone; Tom Levine; Charles Homiller; Rona Schnall; Mary Barnes; Ann McLaughlin; Disabled in Action of Pennsylvania, individually and on behalf of all others similarly situated.**

**v.**

**Howard YERUSALIM, individually, and in his official capacity as Secretary of the Pennsylvania Department of Transportation; Alexander Hoskins, individually, and in his official capacity as Commissioner of the Philadelphia Streets Department, Alexander Hoskins, Commissioner of the Philadelphia Streets Department, Appellant.**

[No. 93-1168.](#)

**United States Court of Appeals, Third Circuit.**

Argued September 22, 1993.

Decided November 23, 1993.

1068\*1068 1069\*1069 Judith E. Harris, City Sol., Michael F. Eichert (argued), Office of City Sol., Philadelphia, PA, for appellant.

George R. Specter, Deputy Sol., Gretchen G. Donaldson, Associate Sol., Terri J. Imbarlina, Asst. City Sol., City of Pittsburgh, Dept. of Law, Pittsburgh, PA, for amicus-appellant City of Pittsburgh.

Stephen F. Gold (argued), Robin Resnick, Philadelphia, PA, for appellees.

Thomas K. Gilhool, Frank J. Laski, Public Interest Law Center of Philadelphia, Philadelphia, PA, for amicus-appellees United Cerebral Palsy Associations, Inc.; Adapt; Eastern Paralyzed Veterans of America; Tash: The Ass'n for Persons with Severe Handicaps; Pennsylvania Center for Individual Living.

James P. Turner, Acting Asst. Atty. Gen., Jessica Dunsay Silver, Marie K. McElderry (argued), U.S. Dept. of Justice, Civil Rights Div., Washington, DC, for amicus-appellee U.S. of America.

Before: STAPLETON, ROTH and LEWIS, Circuit Judges.

## **OPINION OF THE COURT**

ROTH, Circuit Judge:

This appeal requires us to determine whether 28 C.F.R. 35.151(e)(1) (1992), issued by the Attorney General pursuant to Section 204 of the Americans with Disabilities Act (the "ADA"), 42 U.S.C. § 12134 (Supp.1991), requires the City of Philadelphia (the "City") to install curb ramps<sup>[1]</sup> at intersections when it resurfaces city streets. At issue is whether resurfacing constitutes an "alteration" within the scope of the regulation. The district court held that it does and ordered the City to install curb ramps on those portions of city streets for which resurfacing bids had been taken since January 26, 1992, the effective date of the ADA. On appeal, the City challenges the district court's reading of the term "alteration." Alternatively, it suggests that if resurfacing is, indeed, an alteration, it is entitled to raise an "undue burden" defense under 28 C.F.R. 35.150(a)(3) (1992).

We agree with the district court's interpretation of the regulation and, consequently, we will affirm. Moreover, we agree that the applicability of the "undue burden" defense has been carefully limited to existing facilities and programs. Thus, that defense is not available in the context of alterations.

## I.

Plaintiffs are Disabled in Action, a nonprofit organization, and twelve individuals with ambulatory disabilities who live and work in Philadelphia. In their complaint, plaintiffs sought injunctive relief under 42 U.S.C. § 1983 (1988) for alleged violations of the ADA. These allegations were based on the City's practice of installing curb cuts only when work on the city streets otherwise affected the curb or sidewalk or when a complete reconstruction of the street was required.

The lack of curb cuts is a primary obstacle to the smooth integration of those with disabilities into the commerce of daily life. Without curb cuts, people with ambulatory disabilities simply cannot navigate the city; activities that are commonplace to those who are fully ambulatory become frustrating and dangerous endeavors. At present, people using wheelchairs must often make the Hobson's choice between travelling in the streets — with cars and buses and trucks and bicycles — and travelling over uncut curbs which, even when possible, may result in the wheelchair becoming stuck or overturning, with injury to both passenger and chair.

1070\*1070 The City of Philadelphia has some 2,400 miles of streets, roads and highways. These streets typically consist of three components: a sub-base of stone, covered by a concrete base, finished with a layer of asphalt. For routine maintenance — patching, pothole repairs, and limited resurfacing — the City maintains a crew of roughly 300 people. For more extensive work, including most resurfacing, bids are solicited from outside contractors.

Resurfacing of the streets is done in a variety of ways, affecting different parts of the street structure. Resurfacing at its simplest is "paving," which consists of placing a new layer of asphalt over the old. In other instances, a more complicated process of "milling" is used to ensure proper drainage or contouring of the road. Milling requires the use of heavy machinery to remove the upper 2 to 3½ inches of asphalt. During an ordinary milling and resurfacing job, cracks in the concrete base may be discovered, and, if so, repaired. The

most extensive form of resurfacing is "reconstruction," which involves removal and replacement of both the asphalt and the concrete or stone layers.

Whatever the extent of work performed under a contract, the City has certain minimum requirements for resurfacing. Thus, by the City's own specifications, resurfacing requires laying at least 1½ inches of new asphalt, sealing open joints and cracks, and patching depressions of more than one inch. At issue in this appeal are those resurfacings which cover, at a minimum, an entire street from intersection to intersection. Thus, we are not called upon to decide whether minor repairs or maintenance trigger the obligations of accessibility for alterations under the ADA.

At present the City does not include the installation of curb cuts in its milling and resurfacing contracts unless the curb is independently intended to be altered by the scope of the contract. Thus, only those contracts calling for alterations to curbs include curb cuts; contracts for alterations limited to the street surface itself do not.

Plaintiffs brought this class action against Alexander Hoskins, the Commissioner of the Philadelphia Streets Department, and Howard Yerusalim, the Secretary of the Pennsylvania Department of Transportation ("Penn-DOT"), to compel the installation of curb cuts on all streets resurfaced since the effective date of the ADA.<sup>[2]</sup> After the parties filed cross-motions for summary judgment, the district court granted plaintiffs' motion, ordering the City to "install curb ramps or slopes on every City street, at any intersection having curbs or other barriers to access, where bids for resurfacing were let after January 26, 1992." [\*Kinney v. Yerusalim\*, 812 F.Supp. 547, 553 \(E.D.Pa.1993\)](#). The City brought a timely appeal.

## II.

The district court had jurisdiction over this action pursuant to 28 U.S.C. § 1331 (1988) and 28 U.S.C. §§ 1343(a)(3) & (4) (1988). Appellate jurisdiction from a final order of the district court is predicated upon 28 U.S.C. § 1291 (1988). The standard of review applicable to a grant of summary judgment is plenary. "On review the appellate court is required to apply the same test the district court should have utilized initially." [\*Goodman v. Mead Johnson & Co.\*, 534 F.2d 566, 573 \(3d Cir.1976\)](#), cert. denied, 429 U.S. 1038, 97 S.Ct. 732, 50 L.Ed.2d 748 (1977). This court must decide whether a genuine issue of material fact exists and, if not, whether the moving party is entitled to summary judgment as a matter of law. [\*Tigg Corp. v. Dow Corning Corp.\*, 822 F.2d 358, 361 \(3d Cir.1987\)](#).

## III.

Title II of the ADA prohibits discrimination in the provision of public services. Section 202 of the Act, 42 U.S.C. § 12132 (Supp. 1991), provides:

[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or 1071\*1071 activities of a public entity, or be subjected to discrimination by any such entity.

Congress' concern with physical barriers is apparent in both the history and the text of the legislation. For example, the findings section of the Act recounts:

.....

(2) historically, society has tended to isolate and segregate individuals with disabilities ...;

(3) discrimination against individuals with disabilities persists in such critical areas as ... transportation ... and access to public services;

.....

(5) individuals with disabilities continually encounter various forms of discrimination, including ... the discriminatory effects of architectural, transportation and communication barriers....

42 U.S.C. § 12101 (Supp.1991). These general concerns led to a particular emphasis on the installation of curb cuts. The House Report for the legislation noted that "[t]he employment, transportation, and public accommodation sections of this Act would be meaningless if people who use wheelchairs were not afforded the opportunity to travel on and between the streets." H.Rep. No. 485, 101st Cong., 2d Sess., pt. 2, at 84 (1990), *reprinted in* 1990 U.S.C.C.A.N. 267, 367. As such, "under this title, local and state governments are required to provide curb cuts on public streets." *Id.*

The Act itself does not set forth implementing standards, but rather directs the Attorney General to do so. 42 U.S.C. § 12134(a) (Supp.1991). As guidance, Congress directed that the regulations be consistent both with the ADA and with the coordination regulations issued by the Department of Health, Education, and Welfare under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (1988), concerning nondiscrimination by recipients of federal financial assistance. 42 U.S.C. § 12134(b) (1988 & Supp.1991). These regulations are now codified at 28 C.F.R. pt. 41 (1992). With regard to program accessibility in existing facilities and communications, Congress directed that the regulations be consistent with the Department of Justice's Section 504 regulations for federally conducted activities. See 28 C.F.R. pt. 39 (1992).

Following this mandate, the Department of Justice issued regulations maintaining the previously established distinction between existing facilities, which are covered by 28 C.F.R. 35.150 (1992), and new construction and alterations, which are covered by 28 C.F.R. 35.151 (1992). With limited exceptions, the regulations do not require public entities to retrofit existing facilities immediately and completely. Rather, a flexible concept of accessibility is employed, and entities are generally excused from making fundamental alterations to existing programs and bearing undue financial burdens. 28 C.F.R. 35.150(a) & (b) (1992). In contrast, the regulations concerning new construction and alterations are substantially more stringent. When a public entity independently decides to alter a facility, it "shall, to the maximum extent feasible, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities." 28 C.F.R. 35.151(b) (1992). This obligation of accessibility for alterations does not allow for non-compliance based upon undue burden.

Consistent with the emphasis on architectural barriers, the installation of curb cuts is specifically given priority in both the "existing facilities" and the "new constructions and alterations" sections of the regulations. Streets are considered existing facilities under the regulations,<sup>[3]</sup> and, as such, they are subject to the more lenient provisions of § 35.150. However, because of the importance attributed to curb cuts, the regulations direct public entities to fashion a transition plan for existing facilities, containing a "schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act." 28 C.F.R. 35.150(d)(2) (1992). These changes must be ~~1072~~<sup>1072</sup> completed by January 26, 1995. 28 C.F.R. 35.150(c) (1992).

The existence of a transition plan for the installation of curb cuts on existing streets does not, however, negate the City's obligations under § 35.151, governing alterations.<sup>[4]</sup> In addition to the general provision in subpart (b), § 35.151 has a second subpart addressed solely to the installation of curb ramps. This subpart provides that when a public entity undertakes to construct new streets or to alter existing ones, it shall take that opportunity to install curb ramps.

Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walk-way.

28 C.F.R. 35.151(e) (1992). The City does not dispute the literal requirement that the regulation mandates the installation of curb cuts when the City "alters" a street. The City does, however, protest the notion that the resurfacing of a street constitutes an "alteration."

Subpart (e) does not explicitly define "alteration," either in general or as applied in particular instances. Our focus here is the specific application of the general provision in subpart (b) (alterations to existing facilities) to one subject in subpart (e) (streets). We will look first to subpart (b) for guidance:

*Alteration.* Each facility or part of a facility *altered* by, on behalf of, or for the use of a public entity *in a manner that affects or could affect the usability* of the facility or part of the facility shall, to the maximum extent feasible, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

28 C.F.R. 35.151(b) (1992) (emphasis added). In addition, subpart (c) provides that alterations made in conformity with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (the "ADAAG") or with the Uniform Federal Accessibility Standards (the "UFAS") shall be deemed to comply with the requirements of this section. Both guidelines provide technical and engineering specifications. The ADAAG definition of "alteration" is substantially the same as that in the regulation: "a change to a building or facility ... that affects or could affect the usability of the building or facility or part thereof." 28 C.F.R. pt. 36, app. A. It continues: "[n]ormal maintenance ... [is] not [an] alteration[] *unless [it] affect[s] the usability of the building or facility.*" *Id.* (emphasis added).

These provisions lead one to the conclusion that an "alteration" within the meaning of the regulations is a change that affects the usability of the facility involved.<sup>[5]</sup> If we then read the

"affects usability" definition 1073\*1073 into subpart (e), the regulation serves the substantive purpose of requiring equal treatment: if an alteration renders a street more "usable" to those presently using it, such increased utility must also be made fully accessible to the disabled through the installation of curb ramps.

Subpart (e) effectively unifies a street and its curbs for treatment as interdependent facilities. If a street is to be altered to make it more usable for the general public, it must also be made more usable for those with ambulatory disabilities. At the time that the City determines that funds will be expended to alter the street, the City is also required to modify the curbs so that they are no longer a barrier to the usability of the streets by the disabled. This interpretation helps to implement the legislative vision, for Congress felt that it was discriminatory to the disabled to enhance or improve an existing facility without making it fully accessible to those previously excluded.

Although there is limited analysis of the "alterations" sections of Title II, the discussion of the parallel provision in Title III (addressing public accommodations) is helpful in our analysis here.<sup>[6]</sup> In the context of Title III, Congress' discussion of "affecting usability" focused on the "primary function" of a facility. "Areas containing primary functions refer to those portions of a place of public accommodations where significant goods, services, facilities, privileges, advantages or accommodations are provided." H.Rep. No. 485, 101st Cong., 2d Sess., pt. 2, at 112 (1990), *reprinted in* 1990 U.S.C.C.A.N. 445, 486. For example, "the path of travel[,] ... bathrooms, telephones, and drinking fountains [must be] ... readily accessible to and usable by individuals with disabilities." *Id.* at 394.

Thus, while Congress chose not to mandate full accessibility to existing facilities, it required that subsequent changes to a facility be undertaken in a non-discriminatory manner. The use of such changes must be made available to all. The emphasis on equal treatment is furthered, as well, by an expansive, remedial construction of the term "usability." "Usability should be broadly defined to include renovations which affect the use of a facility, and not simply changes which relate directly to access." H.Rep. No. 485, 101st Cong., 2d Sess., pt. 3, at 64 (1990), *reprinted in* 1990 U.S.C.C.A.N. 445, 487.

With this directive, we must now determine whether resurfacing a street affects its usability. Both physically and functionally, a street consists of its surface; from a utilitarian perspective, a street is a two-dimensional, one-plane facility. As intended, a street facilitates smooth, safe, and efficient travel of vehicles and pedestrians — in the language above, this is its "primary function."

As such, we can only agree with the district court that resurfacing a street affects it in ways integral to its purpose. As discussed above, "resurfacing" involves more than minor repairs or maintenance. At a minimum, it requires the laying of a new asphalt bed spanning the length and width of a city block.<sup>[7]</sup> The work is substantial, with substantial effect. As the district court described in its opinion granting plaintiffs' motion for summary judgment:

Resurfacing makes driving on and crossing streets easier and safer. It also helps to prevent damage to vehicles and injury to people, and generally promotes commerce and travel. The surface of a street is the 1074\*1074 part of the street that is "used" by both pedestrians and

vehicular traffic. When that surface is improved, the street becomes more usable in a fundamental way.

[Kinney, 812 F.Supp. 547, at 551.](#)

Finally, we must consider the City's suggestion that interpretation of the ADA is always subject to a requirement of reasonableness. It is true that reasonableness language appears in the text of § 35.151(b): "Each facility or part of a facility altered ... shall, *to the maximum extent feasible*, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities" (emphasis added). The City relies on a prior decision of this court, [Disabled in Action of Pennsylvania v. Sykes, 833 F.2d 1113 \(3d Cir.1987\)](#), interpreting a Department of Transportation regulation that is similar to 28 C.F.R. 35.151(b).<sup>[8]</sup> There we stated that the relevant questions were "to what extent any alterations to a facility provide an opportunity to make the facility more accessible to handicapped persons" and "what degree of accessibility ... becomes 'feasible' within the scope of alterations." [Sykes, 833 F.2d at 1120-21](#). Because the Sykes regulation referred to "accessibility" rather than "usability," with resulting limits on scope and effect, the district court found the case to be inapposite. We need not decide that issue. Were we considering alterations only covered by § 35.151(b), the relevance of Sykes would be at issue. However, in this case the Attorney General has already determined, in promulgating § 35.151(e), that the installation of curb cuts is feasible during the course of alterations to a street. Subpart (e) is a specific application of the general principle contained in subpart (b). Through its use of mandatory language, the Sykes questions have been answered.

## IV.

As a final argument, the City contends that, even if resurfacing is an "alteration" requiring the installation of curb cuts, it is entitled to assert an "undue burden" defense excusing compliance. There is no general undue burden defense in the ADA. Rather, following the Section 504 regulations for program access in existing facilities, as Congress intended, the ADA regulations provide for the defense only in limited circumstances. For example, § 35.150(a)(3), governing "existing facilities," excuses a public entity from taking "any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens."

As discussed above, there are logical reasons for the distinction between existing and new or altered facilities. Allowance of an undue burden defense for existing facilities serves as recognition that modification of such facilities may impose extraordinary costs. New construction and alterations, however, present an immediate opportunity to provide full accessibility. Congress recognized the competing social interests at stake: "While the integration of people with disabilities will sometimes involve substantial short-term burdens, both financial and administrative, the long-range effects of integration will benefit society as a whole." H.Rep. No. 485, 101st Cong., 2d Sess., pt. 3, at 50 (1990), *reprinted in* 1990 U.S.C.C.A.N. 445, 473. Balancing these interests, Congress acknowledged the existence of an undue burden defense for existing facilities but clearly warned, "[n]o other limitation should be implied in other areas." *Id.*

The City acknowledges that the defense is not available for alterations. Nonetheless, it makes a last-ditch attempt at characterizing a street and its curbs as separate facilities. As such, a curb would remain an existing facility susceptible to the "undue burden" defense even while the street that it abuts is being altered. As with our discussion of *Sykes* above, the express language of § 35.151(e) refutes this reasoning. That section 1075\*1075 requires the installation of curb ramps if a street is altered. When the City decides that funds are available for the alteration of the street, the City must now understand that such a determination is to be made with the awareness that subpart (e) also requires alteration of the curbs. Thus, once the City undertakes to resurface a street, the accompanying curbs are no longer to be considered as existing facilities, subject to the "undue burden" defense of § 35.150(a)(3). They are now, pursuant to the language of subpart (e), incorporated with a facility under alteration, pursuant to § 35.151, so that the "undue burden" defense is no longer available.

## V.

For the foregoing reasons, we find that resurfacing of the city streets is an alteration within the meaning of 28 C.F.R. 35.151(b) which must be accompanied by the installation of curb cuts under 28 C.F.R. 35.151(e). We will affirm the decision of the district court.

[1] The terms "curb ramps" and "curb cuts" are used interchangeably.

[2] Plaintiffs and defendant Yerusalim entered into a stipulation of settlement, requiring the installation of curb ramps at locations resurfaced by PennDOT since January 26, 1992. The district court approved the agreement. Defendant Yerusalim is not a party to this appeal.

[3] The regulations define "facility" to include "all or any portion of ... roads, walks, [or] passage-ways." 28 C.F.R. 35.104 (1992). See *also* 28 C.F.R. pt. 35, app. A (1992).

[4] Because a plan for the installation of certain curb cuts is required, the City characterizes this suit as a mere "dispute over timing." Appellant's Reply Brief at 3. The City contends that requiring curb cuts in the course of resurfacing would result in "random, unprioritized and immediate installation" of curb cuts. *Id.* The City would rely on its transition plan, suggesting that it excuses the City from other, independent obligations in the regulations: "in the interim only *serious* alterations of a street should trigger the curb cut requirement." *Id.* The City also contends that the ADA and the regulations must allow a local government to set its own priorities as to which streets will have curb cuts installed first.

The City may have a transition plan providing for, at a minimum, curb cuts at certain of its intersections. Nevertheless, we cannot rewrite the plain language of the regulations. The applicable section uses unmodified, mandatory language: "altered streets, roads and highways must contain curb cuts." 28 C.F.R. 35.151(e) (1992). Thus, if, as we find below, a resurfacing is an alteration, curb cuts must be installed no matter what other priorities the transition plan may call for. Furthermore, though the City phrases its compliance as a mutually-exclusive choice, there is no inconsistency between a requirement of a transition plan covering priority areas and a requirement that curb cuts be installed whenever a street is altered. The two provisions complement each other in achieving the ultimate ADA goal of full access for people with disabilities.

[5] In its emphasis upon functionality and utility, this definition is consistent with the goals of the ADA — the elimination of architectural barriers that presently preclude those with disabilities from full and equal participation in society.

[6] Like Title II, Title III bears the distinction between existing and new or altered facilities. Congress intended that the provisions of both titles be read consistently. The House Report states "The Committee intends ... that the forms of discrimination prohibited by [Title II] be identical to those set out in applicable provisions of Titles I and III of this

legislation." H.Rep. No. 485, 101st Cong., 2d Sess., pt. 2, at 84 (1990), *reprinted in* 1990 U.S.C.C.A.N. 267, 367. *See also* H.Rep. No. 485, 101st Cong., 2d Sess., pt. 3, at 51 (1990), *reprinted in* 1990 U.S.C.C.A.N. 445, 474 ("Title II should be read to incorporate provisions of Titles I and III which are not inconsistent with the regulations implementing Section 504 of the Rehabilitation Act of 1973....").

[7] The City suggests that disposition on summary judgment was inappropriate because the district court failed to distinguish among the various types of resurfacing (paving, milling, and reconstruction). There is no dispute that some resurfacing jobs are more extensive than others. However, the district court based its decision, as we do here, on that which is common to all, the elements required by the City for any resurfacing. *See supra* p. 3.

[8] The regulation was promulgated to comply with Section 504 of the Rehabilitation Act of 1973, also the predecessor to section 202 of the ADA. The regulation is as follows:

Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient [of Federal financial assistance] ... in a manner that affects or could affect the accessibility of the facility shall, to the maximum extent feasible, be altered in such a manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

49 C.F.R. 27.67(b) (1981).

## **Appendix H - Barrier Removal**

# ADA Barrier Removal

Excerpt from City of Salem Web Page (accessed August 2023)

<https://www.cityofsalem.net/business/building-in-salem/help/ada-barrier-removal>

**New construction** must comply with the accessibility requirements of the American Disabilities Act (ADA). In addition, all new work must comply with the accessibility standards for new construction complying with chapter 11 of the Oregon Structural Specialty Code, regardless of cost.

**Alterations to existing buildings** where companies provide goods and services to the public must improve access by removing barriers when it is readily achievable to do so. [Readily achievable](#) means easily accomplishable and able to be carried out without much difficulty or expense. Guidelines for determining barrier removal in existing buildings are provided below.

## Barrier Removal Improvement Plan

A **barrier removal improvement plan** is approved in statute as an alternate method to spending up to 25% of the alteration that affects the usability of the area of primary function. The building owner may use a barrier removal plan, when approved, to defer costs of barrier removal over the lifetime of the barrier removal and improvement plan.

The registered design professional shall be responsible for reviewing and coordinating the submittal documents to identify all existing architectural barriers at the site, and building. OSSC 107.3.4

The barrier removal improvement plan shall include:

- A letter of participation from the building owner;
- A building survey that identifies existing architectural barriers;
- An improvement plan and time schedule for removal of architectural barriers; and
- An implementation agreement.

The barrier removal improvement plan may be reviewed and accepted through the waiver process under [ORS 447.250](#). The plan shall be reviewed upon completion or every three years for compliance with the requirements of this section.

## GUIDELINES FOR BARRIER REMOVAL IN EXISTING BUILDINGS “25% RULE”

1. All **new work** or any element that is altered must comply with the accessibility standards for new construction, must comply with OSSC Chapter 11, regardless of their cost. OSSC 3403.4, IEBC 301.5
2. Every project for renovation, alteration or modification to **affected buildings** and **related facilities** that affects or could affect the usability of or access to an area containing a **primary function** shall be made to insure that, to the maximum extent feasible, the **paths of travel** to the altered area and elements serving the altered area are **readily accessible** to and usable by individuals with disabilities, unless such alterations are **disproportionate** to the overall alterations in terms of cost and scope. [BCD 14-01](#), OSSC 3403.4, [ORS 447.241\(1\)](#)
  - a. Alterations may not reduce the accessibility of a building.
  - b. Additional work to remove architectural barriers doesn't apply to covered multifamily dwellings.
  - c. **Additions projects** are defined as **alteration**. The addition itself must comply with all new construction provisions. Then, the statutory requirement for **path of travel** accessibility should be implemented.
3. The proposed **barrier removal improvement plan** shall be an equivalent or greater level of **barrier removal** than required by the State Codes, which may vary from the requirements set by the U.S. Department of Justice (DOJ), and its "Americans with Disabilities Act (ADA)" guidelines. However, the building official can't allow a project to create a lower level of access than the 2010 ADA Standards. [BCD 17-01](#), OSSC 3403.4, [OAR 918-008](#)
4. Alterations made to the **path of travel** to an altered area may be deemed **disproportionate** to the overall alteration when the cost exceeds 25% of the alteration to the **primary function** area. [ORS 447.241\(2\)](#)
5. If an area containing a **primary function** has been altered without providing an accessible **path of travel** to the area and subsequent alterations affecting the same path of travel are undertaken within three years of the original alteration, the total cost of the alterations to the primary function area on the path of travel during the preceding three-year period shall be considered in determining whether the cost of making the path of travel accessible is disproportionate. [ORS 447.241\(4\)](#)
6. To use the **safe harbor rule**, the barrier removal improvement plan must clearly identify on the plans those existing elements that are in compliance with the 1991 ADA Standards for Accessible Design. [ADA 35.151\(b\)\(4\)\(ii\)\(C\)](#)
7. In effect, the building owner may use a barrier removal plan, when approved, to defer costs of barrier removal over the lifetime of the barrier removal and improvement plan. [ORS 447.241\(6\)](#) & [\(7\)\(c\)](#)

## DEFINITIONS

**“Affected Buildings”** and **related facilities** includes any place of: [ORS 447.210\(1\)](#), [ORS 447.220](#)

- A. **Government buildings** that are subject to [Title II of the Americans with Disabilities Act](#).
- B. **Public accommodations**, a facility whose operations affect commerce and fall within at least one of the following categories: [ORS 447.210\(11\)](#)
  - 1. Places of lodging not including owner-occupied establishments renting fewer than six rooms;
  - 2. Establishments serving food or drink;
  - 3. Places of exhibition or entertainment;
  - 4. Places of public gathering; (e.g. auditoriums)
  - 5. Sales or rental establishments; (e.g. grocery)
  - 6. Service establishments; (e.g. laundromats, Bank)
  - 7. Public transportation terminals, depots or stations;
  - 8. Places of public display or collection; e.g. museum
  - 9. Places of recreation; (e.g. parks, zoos)
  - 10. Places of education; (e.g. nursery, K-12)
  - 11. Social service center establishments; and
  - 12. Places of exercise or recreation. (e.g. gymnasiums, health spas, bowling alleys, golf courses)
- C. **Public Commercial Facilities**, include nonresidential facilities, office buildings, factories and warehouses, whose operations affect commerce. [ORS 447.210\(4\)](#)
- D. **Private Entities**, privately owned offering examinations or courses related to applications, licensing, certification or credentials for secondary or post-secondary education, professional or trade purposes, private membership clubs and churches with: [ORS 447.210\(10\)](#)
  - o More than one floor level; and
  - o More than 4,000 square feet in ground area; or
  - o More than 20 feet in height, measured from the top surface of the lowest flooring to the highest interior overhead finish of the building.
- E. **Related Facilities** building site improvements including, but not limited to, parking lots, passageways, roads, clustered mailboxes located either on the site or in an adjacent public right of way or any other real or personal property located on the site. [ORS 447.210\(12\)](#)

**“Alterations Affecting an Area of Primary Function”** are those alterations that could affect the accessibility to an area of **primary function**, or the usability of an area of primary function. For example, these alterations could include changes to on-site parking, exterior walkways, building entries, changes of elevations within buildings and new or relocated interior walls in areas of primary function or in the path of travel to an area of primary function. These alterations usually would not include exterior façade or roof

improvements, seismic upgrades, or utilities, plumbing, electrical and mechanical work, except those items that are subject to an accessibility standard such as clearances, mounting heights and reach ranges for controls and plumbing fixtures, etc. the “**Alterations to primary function area**” the areas and elements being altered must comply with the accessibility standards for new construction. In addition, to the route and amenities that serve a primary function area. [BCD 14-01](#), IEBC 305.7, [ADA 28 CFR 35.151\(c\)](#)

“**Architectural Barriers**” are physical design features that restrict the full use of **affected buildings** and their **related facilities** by persons with disabilities. [ORS 447.210\(3\)](#)

“**Barrier Removal Improvement Plan**” is approved in statute as an alternate method to spending up to 25% of the alteration that affects usability of the area of primary function. The plan shall provide an equivalent or greater level of barrier removal than required by [ORS 447.241](#). [ORS 447.241\(7\)\(a\)](#)

“**Disproportionate**” when the cost exceeds 25% of the alteration to the area of primary function. The determination is explained in the ADA [Title II](#) and [Title III](#) Technical Assistance Manuals. [ORS 447.241\(2\)](#)

“**Path of Travel**” It is a continuous route connecting the altered area to the parking area or sidewalk. It includes the building entrance, lobbies, corridors, rooms, elevators, phones, restrooms, drinking fountains and other amenities that are provided in the facility which serving the altered area. [ADA Title III-6.2000](#)

“**Primary Function**” is a major activity for which the facility is intended. It is any area where a major activity takes place. It includes both the customer services areas and work areas in places of public accommodation. Hallways, entrances restrooms, mechanical rooms, boiler rooms, supply storage rooms, employee lounges, janitorial closets or locker rooms are not primary function areas. [ORS 447.241\(8\)](#), [ADA Title III-6.2000](#)

“**Readily Achievable**” The determinations as to which barriers can be removed without much difficulty or expense must be made on a case-by-case basis. Elements shall be provided in the following order: [ORS 447.241\(4\)](#)

A recommended list of readily achievable modifications examples: [ADA Title III-4.4200](#)

1. Installing ramps;

2. Making curb cuts in sidewalks and entrances;
3. Repositioning shelves;
4. Rearranging tables, chairs, vending machines, display racks, and other furniture;
5. Repositioning telephones;
6. Adding raised markings on elevator buttons;
7. Installing flashing alarm lights;
8. Widening doors;
9. Installing offset hinges to widen doorways;
10. Providing an alternative accessible path;
11. Installing accessible door hardware;
12. Installing grab bars in toilet stalls;
13. Rearranging toilet partitions maneuvering space;
14. Insulating lavatory pipes under sinks;
15. Installing a raised toilet seat;
16. Installing a full-length bathroom mirror;
17. Repositioning the paper towel dispenser;
18. Creating designated accessible parking spaces;
19. Installing an accessible paper cup dispenser at an existing inaccessible water fountain;
20. Removing high pile, low density carpeting; or
21. Installing vehicle hand controls.

Factors that impose undue hardship of significant difficulty or expense: [ADA Title III-4.3600](#)

**“Safe Harbor Rule”, Element-by-Element.** The elements in covered facilities were built or altered before March 15, 2012 in compliance with the 1991 Standards, and would not be required to be brought into compliance with the 2010’s until the elements were subject to a planned alteration. A similar safe harbor applies to "path of travel" elements. The US Department of Justice and the federal courts are the only entities with authority to determine if an existing condition falls under the safe harbor rule. [ADA 35.151\(b\)\(4\)\(ii\)\(C\)](#)

## ADDITIONAL RESOURCES

- [Common Questions about Barrier Removal](#)
- [Oregon Building Codes Guidance on 25% rule](#)
- [Oregon sample accessibility checklist](#)
- [United States Department of Justices sample accessibility checklist](#)

## **Appendix I - Infrastructure Bond**

## CONTACT

### City Manager's Office

555 Liberty St. SE

Room 220

Salem, OR 97301

503-588-6255

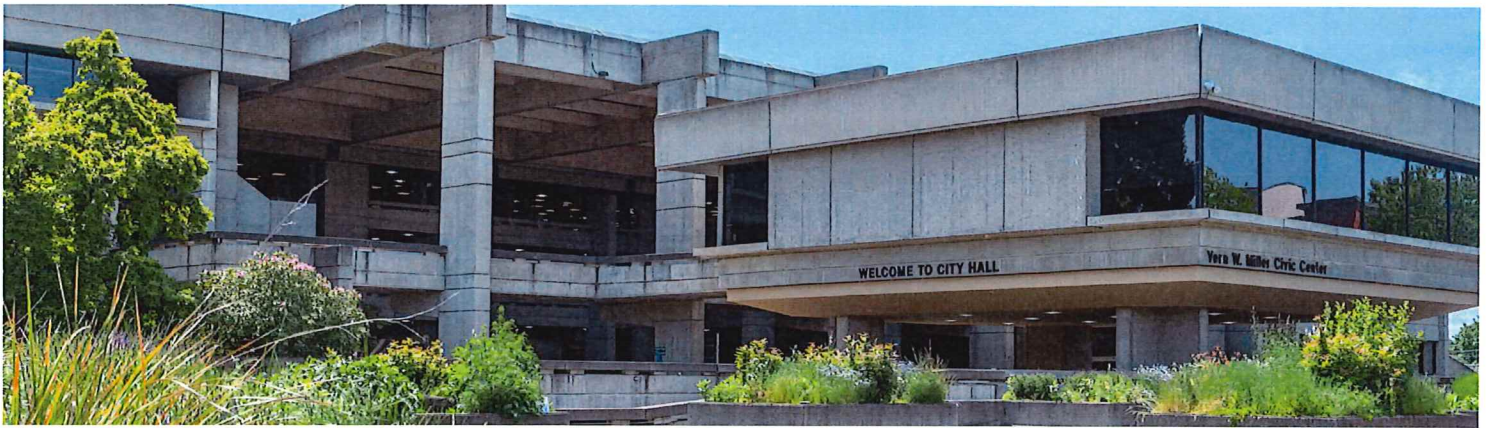
[bond2022@cityofsalem.net](mailto:bond2022@cityofsalem.net)

## HOURS

### Monday - Friday

8:00 a.m. - 5:00 p.m.

## Community Infrastructure Bond



## Thank you Salem Residents!

By approving the \$300 million community improvement bond measure in November of 2022, residents in Salem have allowed the City to fund a ten-year plan to increase funding for street upgrades, sidewalk construction and repair, construction of bicycle facilities, replacement of old fire engines and equipment, updating information technology and cybersecurity tools, acquiring property for future affordable housing developments, fire stations, and two branch libraries; and complete earthquake safety upgrades to the Civic Center.

The bond will be paid off over 30 years, and would maintain the City of Salem bonded tax rates at the current levels.

## How Projects Were Selected

Projects are citywide, and include projects to improve existing and build new streets, sidewalks, bike facilities, and parks; acquire fire engines and equipment; establish an affordable housing fund; acquire sites for and construct two new fire stations; acquire sites for affordable housing, with funds to establish two branch libraries; construct earthquake safety renovations to the Civic Center; and upgrade information technology to provide cybersecurity for City infrastructure.

Project ideas came from community outreach through Neighborhood Associations, City boards and commissions, other organizations, and City residents. Some ideas came from public testimony during the Bond Steering Committee meetings, others from earlier community outreach in planning park areas or planning of travel corridors for bicycles or vehicles. In building the proposal, the Bond Steering Committee members considered equity and climate.

The projects do not address all the streets and parks in Salem. The voter approved uses for this bond measure are:

### STREETS AND SIDEWALKS

#### Streets and Sidewalks: \$157 million

As funding generated from Salem's 2008 voter-passed Streets and Bridges bond measure is expended, ongoing costs for planned transportation projects exceed available funding. Included in the bond are projects to: provide pedestrian crossings and install sidewalks and bicycle routes; construct new streets and replace or add signals for traffic flow; and repair bridges. Davis Road SE, Fisher Rd NE, and McGilchrist St SE are some roadways included in the approved bond proposal. The bond also includes funding to complete the Union Street bikeway project.

#### Streets and Sidewalks - Proposed Projects

##### Bicycle / Pedestrian Access

- State Street: 13th St NE to 17th St NE Bike Lanes and Pavement; Pavement repair and striping reconfiguration to one travel lane in each direction with a center turn lane and bike lanes. This would include a pedestrian crossing at 15th Street and associated streetscaping such as lighting, curbs, sidewalks and landscaping, and a new traffic signal at the 17th Street intersection.
- Pringle Creek Path - Civic Center to Riverfront Park (half bond funding, grant funding is anticipated for the other half); construct a pedestrian bridge crossing of Pringle Creek under the Commercial Street bridge, and a new path along Pringle Creek from Commercial Street under the existing railroad bridge to the Riverfront Park. This would include creek overlooks and art wall.

This would complete a pedestrian corridor from Willamette University and downtown, along Pringle Creek to Riverfront Park and Minto Island Park across the Peter Courtney Bridge.

- Union Street Bikeway. The bond includes funding to extend bicycle facilities on Union Street NE between Summer Street NE and the 12th Street Pedestrian Promenade, which would complete the “Union Street Family Friendly Bikeway”. The Commercial Street NE to Summer Street NE portion of the work is currently funded in the City’s Capital Improvement Program.

## Sidewalks

- Pedestrian Crossings projects would include median islands, lighting, rapid flashing beacons in some areas, and new curb ramps and sidewalks consistent with the ADA. Specific locations would be determined at a later date. If the bond is passed, community outreach would be conducted and Council would approve the projects.
- Sidewalk infill or construction of new sidewalks for pedestrian connectivity. Locations would be determined at a later date. Community outreach would be conducted and Council would approve the projects.
- Replacement of sidewalk sections/panels. Locations would be determined at a later date. Community outreach would be conducted and Council would approve the projects.

## Pavement Repair

Bond funds would be used for roadway projects, and include curb ramps consistent with the ADA at the following locations:

- Commercial Street SE: Fabry Rd SE to Interstate 5 interchange and 12th St Cutoff to Boone Rd SE; Center Street NE
- Center Street NE: 17th St NE to 24th St NE
- 12th Street SE: Mill St SE to Hoyt St SE
- Silverton Road NE: 17th St NE to Williams Ave NE and Beacon St NE to Fisher Rd NE
- Doaks Ferry Rd NW: Brush College Dr NW to Emerald Dr NW
- Portland Road NE: Beach Ave NE to Northgate Ave NE
- Liberty Street SE: Mill St SE to Trade St SE
- Madrona Avenue SE: Peck Ave SE to Commercial St SE

## Upgrade to Urban Street Standard

Bond funds would be used to upgrade existing streets to urban street standard and include new curbs, sidewalks, multi-use path or bike lanes, stormwater treatment, and streetlights with pedestrian crossings at the following locations:

- McGilchrist Street SE: 12th St SE to 25th St SE (would include realignment and a new traffic signal at 22nd Street, upgrades to two creek crossings, and installation or expansion of rail crossing warnings or barriers)
- Fisher Road NE: Silverton Rd NE / East-West Curve (includes a traffic signal replacement at Sunnyview Road and pedestrian crossings at Beverly Avenue and Devonshire Avenue)

- Pringle Road SE: McGilchrist St SE to Georgia St SE (includes four pedestrian crossings near transit stops)
- Davis Road S: Skyline Rd S to Liberty Rd S (includes a new traffic signal at Davis Road and Liberty Road)

### New Street: Marine Drive NW

- This first part of this proposed project for Marine Drive would run from Harritt Drive to Taybin Road and include a new multi-use pedestrian path connected to Wallace Marine Park. There would be a new road at a 'collector street standard' with two travel lanes, including a new curb, a sidewalk on the westerly side, a 12' multi-use path on the easterly side, stormwater treatment, and streetlights. This would include connector streets at Harritt Drive, Beckett Street, and 5th Avenue. This proposed project would cost approximately \$23 million of the \$157 million estimated for transportation in the bond measure.

### Bridge Reconstruction - Proposed Projects

Strengthen existing bridge to remove load restrictions to allow for safe crossing at:

- Liberty Street NE Bridge over Mill Creek
- 17th Street NE Bridge over Mill Creek
- Mission Street SE Bridge over Pringle Creek
- 15th Street NE Bridge over Mill Creek

**FIRE ENGINES AND EQUIPMENT** +

**PROPERTY FOR FUTURE DEVELOPMENT** +

**PARK UPGRADES**

+

**AFFORDABLE HOUSING**

+

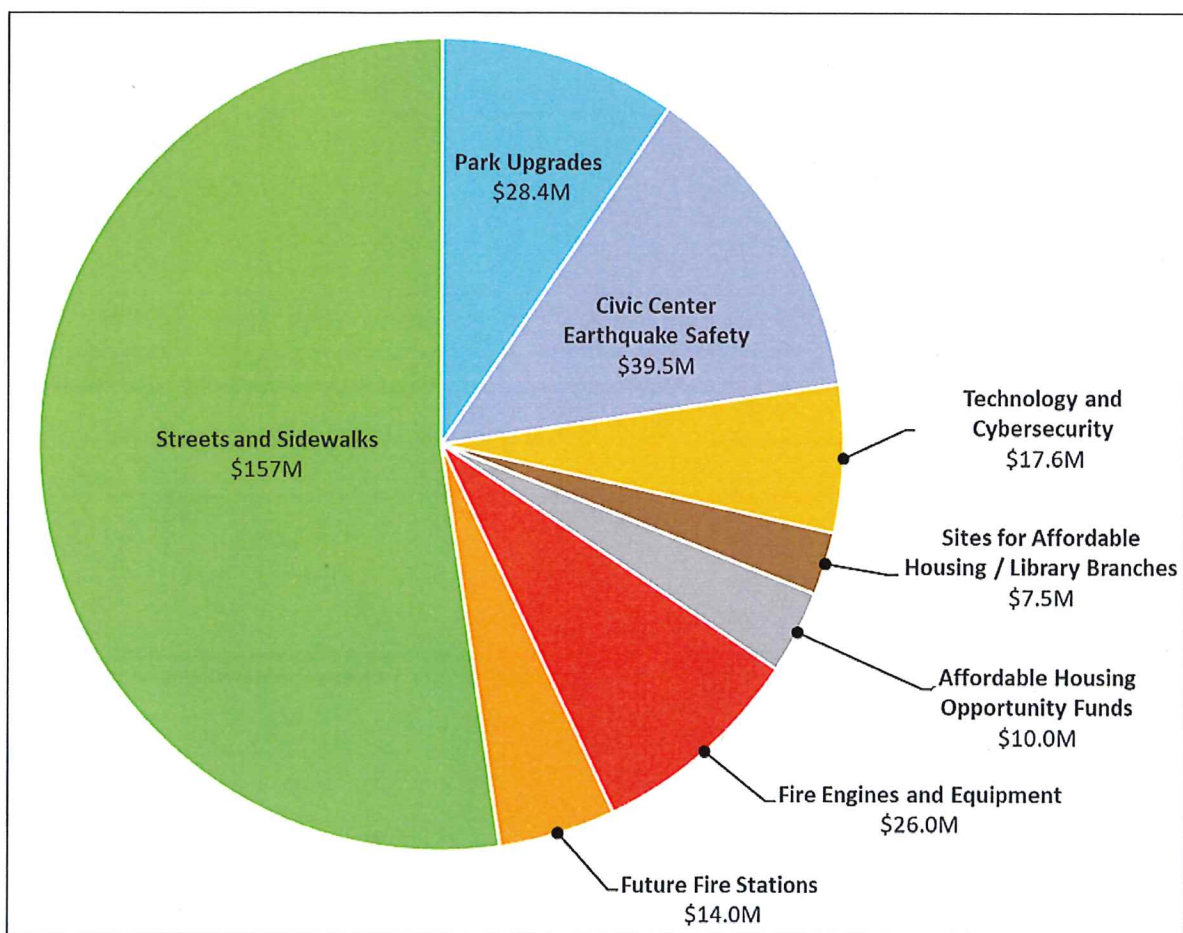
**TECHNOLOGY AND CYBERSECURITY**

+

**CIVIC CENTER SEISMIC UPGRADES**

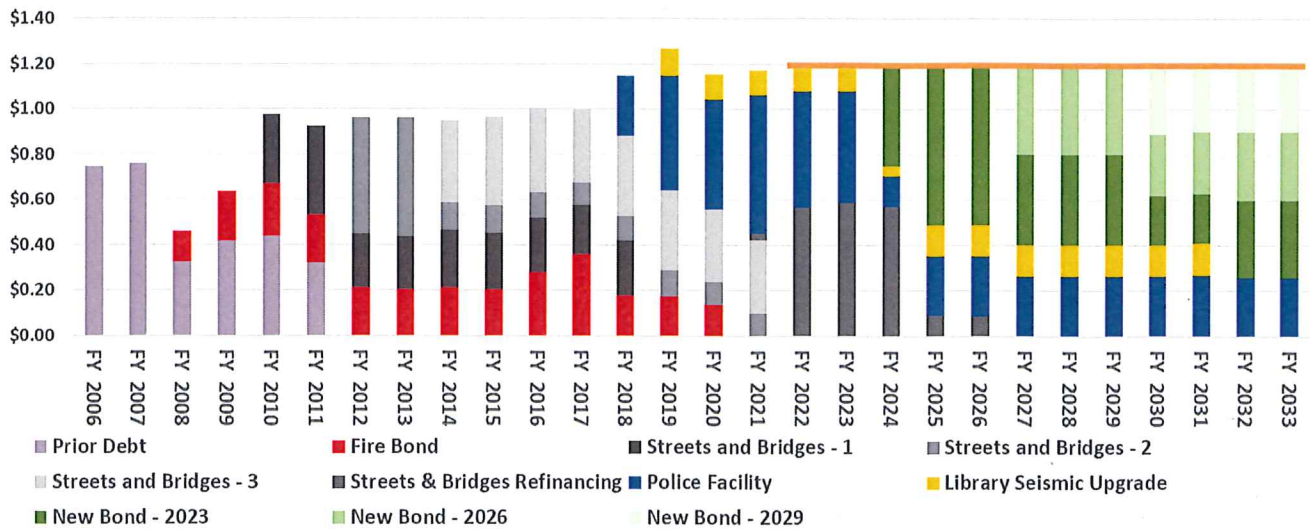
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## Bond Distribution



## How it affects your taxes?

The bond measure provides up to \$300 million over 10 years, while maintaining a consistent tax levy rate of \$1.20 per \$1,000 of assessed property value.



## 10-Year Plan

Previous City bond measures will be paid off and removed from the tax rolls over the next decade, refinancing of debt at lower rates, and the increase in the assessed value of Salem properties, would provide up to \$300 million for the current proposed infrastructure bond – while maintaining current tax rates. The Salem bond rate would remain at \$1.20 per \$1,000 of assessed value. The average estimated tax rate over the life of the proposed bond is \$0.67 per \$1,000 of assessed value or \$134 annually / \$11.17 monthly for an average house (assessed value of \$200,000) in Salem.

The bond funded projects would provide for or repair existing infrastructure, reduce funds currently spent on repairs and maintenance of facilities and aging equipment, and provide energy efficiency.

## **Appendix J - Project Advisory Committee**

# **City of Salem ADA Transition Plan for the Public Right-of-Way Charter for Project Advisory Committee**

## ***What is the ADA Transition Plan for the Public Right-of-Way?***

The American with Disabilities Act (ADA) of 1990 is a civil rights statute to protect persons with disabilities against discrimination in all areas of public life. The City of Salem ADA Transition Plan for the Public Right-of-Way (ADA Transition Plan) will provide a framework for continuous improvement of pedestrian facilities within the City ROW to ensure accessibility for all. The first phase of the City of Salem ADA Transition Plan will focus on strategies to overcome barriers created by curb ramps and inaudible pedestrian push buttons. Future phases will incorporate other pedestrian facilities, including sidewalks and walkways.

## ***What is the role of the Project Advisory Committee?***

A Project Advisory Committee is being formed to provide insights throughout all phases of developing the ADA Transition Plan. Primary roles of this ad hoc advisory committee are:

- Inform stakeholders about the City's plan and processes regarding removal of barriers to accessibility within City ROW, and
- Identify gaps in the proposed ADA Transition Plan.

## ***How often with the Project Advisory Committee meet?***

The Project Advisory Committee is expected to meet three times over the course of developing the ADA Transition Plan.

- Front-end steering guidance: Spring 2022
- Mid-point check-in: July – August 2022
- End-of-year draft check-in: October – November 2022

## ***Project Advisory Committee Structure***

City staff will solicit members for the Project Advisory Committee from organizations that advocate for or serve disabled populations, including people who experience disabilities. The Project Advisory Committee is an ad hoc committee that will conclude upon completion of the ADA Transition Plan. The City may choose to solicit feedback from committee members as part of future periodic updates. The committee meetings will provide a space for members to understand and suggest improvements to the proposed content of the ADA Transition Plan. Committee meetings may be held virtually or in-person. Accommodations will be provided to ensure meaningful participation by all committee members. Meeting notes will be prepared following each meeting and made available to the public.

## ***Relationship to Other Plans***

The City of Salem ADA Transition Plan for the Public Right-of-Way will pull from adopted City plans, including the *Salem Transportation System Plan*, the *Capital Improvement Plan*, *City of Salem Design Standards*, and the *Salem Revised Code*. The ADA Transition Plan will also inform future changes to these plans and regulations.

## ADA Transition Plan Advisory Committee

### City of Salem Public Works

The American with Disabilities Act (ADA) of 1990 is a civil rights statute to protect persons with disabilities against discrimination in all areas of public life. The City of Salem ADA Transition Plan for the Public Right-of-Way (ADA Transition Plan) will provide a framework for continuous improvement of pedestrian facilities within the city to ensure accessibility for all. The first phase of the City of Salem ADA Transition Plan will focus on strategies to overcome barriers created by curb ramps and inaudible pedestrian push buttons in Salem.

The ADA Transition Plan will pull from adopted City plans, including the *Salem Transportation System Plan*, the *Capital Improvement Plan*, *City of Salem Design Standards*, and the *Salem Revised Code*. The ADA Transition Plan Advisory Committee will also inform future changes to these plans and regulations.

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#### Advisory Committee Members

Timothy Rocak – Garten Services  
Penelope Moffatt – Shangri-La  
Julie Luedtke – NW Senior and Disability Services  
Krista Gallagher – Oregon Deaf & Hard of Hearing Services Program  
Julie Vrana – Willamette ESD  
Kevin Ehrenshaft – Oregon Commission for the Blind  
Ben Sawyer – Cherriots  
Lesley Johnson – Center 50+

#### City Staff

Anthony Gamallo, Trevor Smith, Rick Barnes, Julie Warnke - Public Works  
Gretchen Bennett - City Manager's Office

#### Next Meeting: May 23, 2022

1:30 p.m. – 3:00 p.m.

#### Attend Via Zoom

<https://us02web.zoom.us/j/81071104811>

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, and source of income, as provided by Salem Revised Code 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities.

#### Agenda: Meeting Virtually

Monday, May 23, 2022, at 1:30 – 3:30 p.m.

1. Welcome and Introductions
2. Purpose of Transition Plan
3. Previous ADA-Related Efforts in Salem
4. Advisory Committee Role
  - a. Outreach
  - b. Guidance
5. Schedule
6. Feedback & Discussion

Submit comments via email at [agamallo@cityofsalem.net](mailto:agamallo@cityofsalem.net)

## ADA Transition Plan Advisory Committee Meeting Summary

May 23, 2022

Committee Members	Present/Absent	Guests
Kevin Ehrenshaft	P	ASL interpretation team
Krista Gallagher	P	
Lesley Johnson	A	
Julie Luedtke	A	
Penelope Moffatt	A	
Timothy Rocak	P	
Ben Sawyer	P	
Julie Vrana	A	
<b>Staff</b>		
Rick Barnes	P	
Gretchen Bennett	P	
Anthony Gamallo	P	
Trevor Smith	P	

### 1. Call to Order, Welcome and Review of Agenda

Trevor Smith welcomed the group and reviewed the agenda. Introductions were shared.

### 2. Purpose of Transition Plan

Anthony Gamallo discussed the purpose of the plan, the mission statement draft and discussed an overview of categories of information included in the document. The focus this year is on curb ramps and audible pedestrian signals. An objective is to refine data to understand what we have and what condition it is in.

### 3. Previous Efforts

Rick Barnes spoke to the history in Salem, noting previous work completed. He spoke of initial work and project investments, and current improvements. Guideline development and clarity is not in place at all times in our history and this affects how design elements are included.

### 4. Advisory Committee Role

Anthony spoke of the request of committee members. Help is needed with outreach: the City is interested to learn what is on the minds of committee members and their constituent communities as it relates to this work. Feel free to share draft information and direct people with comments our way. Further, the City seeks general guidance from the committee at these meetings as well as with a rough draft of the plan. A copy of the draft plan will be sent via email to committee members. The next two meetings will be devoted to hearing thoughts and feedback from committee members.

## **5. Schedule**

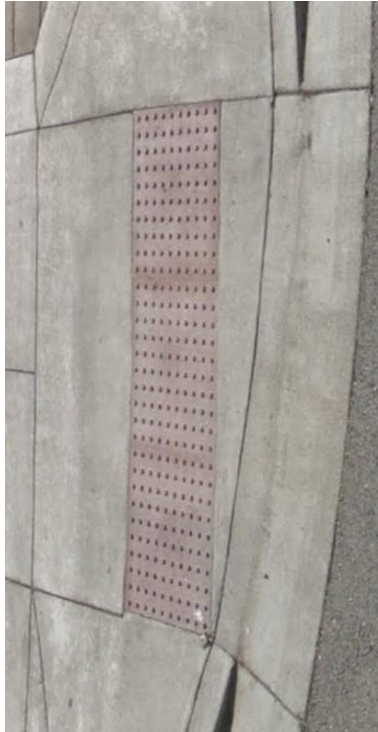
Anthony shared the project plan timeline.

## **6. Feedback and Discussion**

Tim inquired about electronic materials to assist with sharing.

Next meeting will be held in July or August, 2022.

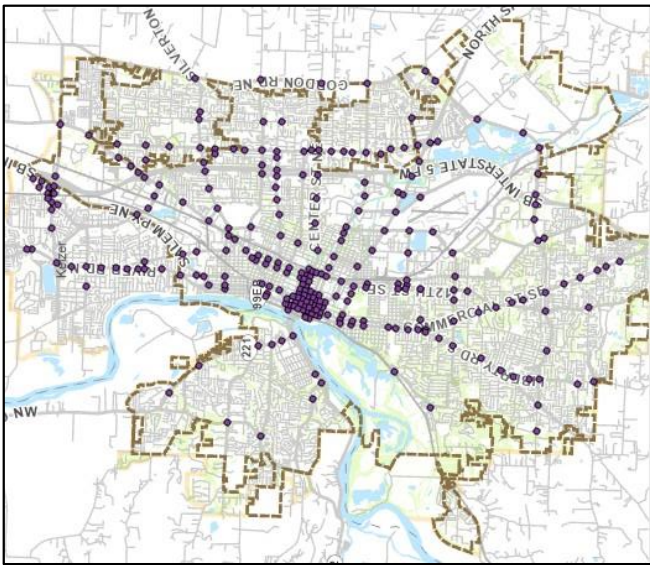
Curb Ramps



Audible Pedestrian Signals (APS)



City owns and maintains pedestrian signals at 186 intersections. 100 are currently equipped with APS.



Condition	Ramps	Fiscal Year (FY)	Ramps Constructed
Good	2180	FY 11-12	46
Fair	4884	FY 12-13	90
Poor	4854	FY 13-14	32
Missing	351	FY 14-15	68
Total	11,918	FY 15-16	19
2011 Data		FY 16-17	21
		FY 17-18	55
		FY 18-19	73
		FY 19-20	111
		FY 20-21	85

Fully Compliant Ramps	157 (43.8% of Inspected Ramps)
Deficient Ramps	201 (56.2% of Inspected Ramps)
2020 Data	



## City of Salem ADA Transition Plan Advisory Committee

August 2, 2022

2:30-3:30 p.m.

Attend via Zoom:

<https://us02web.zoom.us/j/81071104811>

Submit comments via email at

[agamallo@cityofsalem.net](mailto:agamallo@cityofsalem.net) or contact by telephone at 503-588-6211

### PARTICIPANTS

#### Advisory Committee Members

Timothy Rocak, Penelope Moffatt, Julie Luedtke, Krista Gallagher, Julie Vrana, Kevin Ehrenshaft, Ben Sawyer, Lesley Johnson

#### Staff

Gretchen Bennett, City Managers Office, Anthony Gamallo, Julie Warncke, Rick Barnes, Public Works

**Please declare potential or actual conflicts of interest prior to each item on the agenda.**

### AGENDA

1. Welcome
2. Survey Results
3. Draft Plan Review
4. Feedback & Discussion
5. Schedule

### Next Meeting: Fall of 2022

This meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Please submit written comments on agenda items, or pre-register to provide Public Comment on items not on the agenda, by 5 p.m. or earlier one day prior to the day of the meeting at [agamallo@cityofsalem.net](mailto:agamallo@cityofsalem.net)

Special accommodations are available, upon request, for persons with disabilities or those needing sign language interpretation, or languages other than English. To request accommodations or services, please call 503-588-6255 (TTD/TTY 503-588-6439) at least two business days in advance.

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, and source of income, as provided by Salem Revised Code 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities.

## ADA Transition Plan Advisory Committee Meeting Summary

August 2, 2022

Committee Members	Present/Absent	Guests
Kevin Ehrenshaft	P	ASL interpretation team
Krista Gallagher	A	
Lesley Johnson	P	
Julie Luedtke	P	
Penelope Moffatt	A	
Timothy Rocak	P	
Ben Sawyer	P	
Julie Vrana	P	
<b>Staff</b>		
Rick Barnes	P	
Gretchen Bennett	P	
Anthony Gamallo	P	
Trevor Smith	P	

### 1. Call to Order, Welcome and Review of Agenda

Trevor Smith welcomed the group and reviewed the agenda.

### 2. Draft Plan Review

Anthony Gamallo summarized the current draft plan and status. He noted that the current draft will be wrapped up by the end of this year; it is a living document. The goal is to provide accessibility for people in the public right-of-way. This portion focuses upon curb ramps and audible pedestrian signals. It is also guided by the Oregon Department of Transportation and federal agencies.

### 3. Survey Results

City staff shared the survey is part of a broader effort to invite feedback, to help ensure the plan works for the people of Salem. The survey instrument and distribution were discussed.

### 4. Feedback & Discussion

Comments from members included:

- Lesley noted all is important and there are needs across the city;
- Kevin noted there are pockets throughout the city in need of attention; he encouraged focus on arterial routes but not exclusively;
- Kevin prefers parallel, not diagonal;
- Near bus stops is ideal location for audible signals to help people with visual impairments;

- Ben agreed with the suggestion to focus on bus stop, and encouraged leaning more heavily into heavily used routes and transfer points;
- Julie noted health service locations, government offices are where people gather. Think about all weather and shade; remember all mammals such as service animals;
- Kevin asked if there is a way to slow down timing of crosswalks;
- Lesley noted some are not comfortable with the half-way spot at Front/State near Riverfront Park. Could more audio help?
- Tim indicated he will rely on the survey to hear from people; he shared examples from Korea: signals broadcast on the curb not up in the air; light projects from the curb could be more friendly for some;
- Tim noted solar power on benches with USB ports is another feature overseas;
- Kevin noted in Italy, like a truncated dome, a slightly raised yellow line that people with visual issues can follow. Roseburg, Oregon also has some directional alignment approaches;

Anthony discussed refinement of the plan based upon feedback. Trevor asked if there are groups we can visit or other people who may wish to fill out the survey. The group discussed options for distribution of paper copies. Julie noted there are people who don't use computers; one suggestion is to connect with the Center 50+ and the Meals on Wheels programs. Trevor will follow up. Julie is happy to place some in the lobby. Lesley noted that if specifics are needed, don't hesitate to ask. Tim suggested exploring placement of the survey information in utility bills. Lesley indicated we could note we are particularly interested in feedback from specific communities, and name them, as that can help if people see themselves in the list.

## **5. Schedule**

Anthony plans next to revise the plan. The next meeting of the group will likely be October.



## City of Salem ADA Transition Plan Advisory Committee

October 17, 2022

11:00 a.m.-12:00 p.m.

Attend via Zoom:

<https://us02web.zoom.us/j/81722193976>

Submit comments via email at

[agamallo@cityofsalem.net](mailto:agamallo@cityofsalem.net) or contact by telephone at 503-588-6211

### PARTICIPANTS

#### Advisory Committee Members

Timothy Rocak, Penelope Moffatt, Julie Luedtke, Krista Gallagher, Julie Vrana, Kevin Ehrenshaft, Ben Sawyer, Lesley Johnson

#### Staff

Gretchen Bennett, City Manager's Office, Anthony Gamallo, Julie Warncke, Rick Barnes, Trevor Smith, Public Works

**Please declare potential or actual conflicts of interest prior to each item on the agenda.**

### AGENDA

1. Welcome
2. Survey Results
3. Draft Plan Review
4. Feedback & Discussion
5. Next Steps for the Plan

**Updated information concerning this project can be found at <http://www.CityofSalem.net/ADA>.**

This meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Please submit written comments on agenda items, or pre-register to provide Public Comment on items not on the agenda, by 5 p.m. or earlier one day prior to the day of the meeting at [agamallo@cityofsalem.net](mailto:agamallo@cityofsalem.net)

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## ADA Transition Plan Advisory Committee Meeting Summary

October 17, 2022

Committee Members	Present/Absent	Guests
Kevin Ehrenshaft	A	ASL interpretation team
Krista Gallagher	P	Alan Scott
Lesley Johnson	P	
Julie Luedtke	A	
Penelope Moffatt	A	
Timothy Rocak	P	
Ben Sawyer	A	
Julie Vrana	A	
<b>Staff</b>		
Rick Barnes	P	
Gretchen Bennett	P	
Anthony Gamallo	P	
Trevor Smith	P	

### 1. Call to Order, Welcome and Review of Agenda

Trevor Smith welcomed the group and reviewed the agenda.

### 2. Survey Results

Fifty-three responses were received from the survey. Paper copies were distributed, as recommended at the last meeting. The committee reviewed a summary of replies.

### 3. Draft Plan

Anthony Gamallo discussed the draft document and how the survey results influenced the plan. There are seven key objectives in line with best practices and with what ODOT requested of the City. The City is installing about 90 curb ramps/year.

Three strategies are involved in public engagement. The infrastructure bond communications, the Advisory Committee, and public participation were each a part of the process to date.

Gretchen Bennett discussed the complaint process. The team is in receipt of a complaint. Community member Alan Scott shared sidewalk issues in NE Salem. Rick Barnes discussed sidewalk improvement processes. One crew is replacing sections throughout the city based upon a set of criteria of need and the other crew works in more of a planned approach.

The City plans to continue to finalize the transition plan based upon feedback. This draft will be finalized by the end of 2022 and then it will post to the web page for comment.

This will be the last meeting of this group; everyone is invited to share the draft plan with others and to provide further comment.

Krista Gallagher is on an ODOT ADA workgroup and asked how the City and ODOT work together. She noted that people who are deaf and/or with low vision can't see the light change or can't hear the audible. Is a flashing light an option? Larger streets need brighter lights. Rick discussed the feedback, noting the button vibrates and arrow points in direction. Flashing lights can impact other persons sometimes.

Krista shared she has contacts with the deaf blind community. She discussed the intersection at 12<sup>th</sup> and State St. She asked if there are plans to improve, noting the speed. Rick discussed the number of improvements at that intersection. He spoke of working with the ODOT Rail Group and recognizing the challenge, yet not finding the ideal solution yet.

Alan Scott inquired about a Disability Commission. Gretchen spoke of the Human Rights Commission.

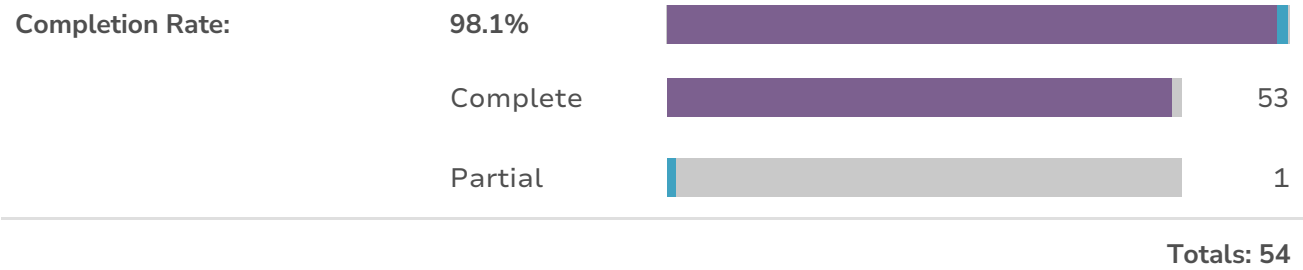
Tim Rocak asked about funds to help businesses become more accessible.

Anthony reminded the groups of next steps. Trevor thanked the committee for their time.


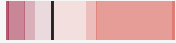

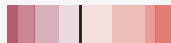

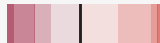


## **Appendix K - ADA Public Survey**


# Report for 2022 ADA Transition Plan Survey

## Response Counts



1. Please rank where maintenance or construction of ADA infrastructure in the City of Salem should be prioritized.

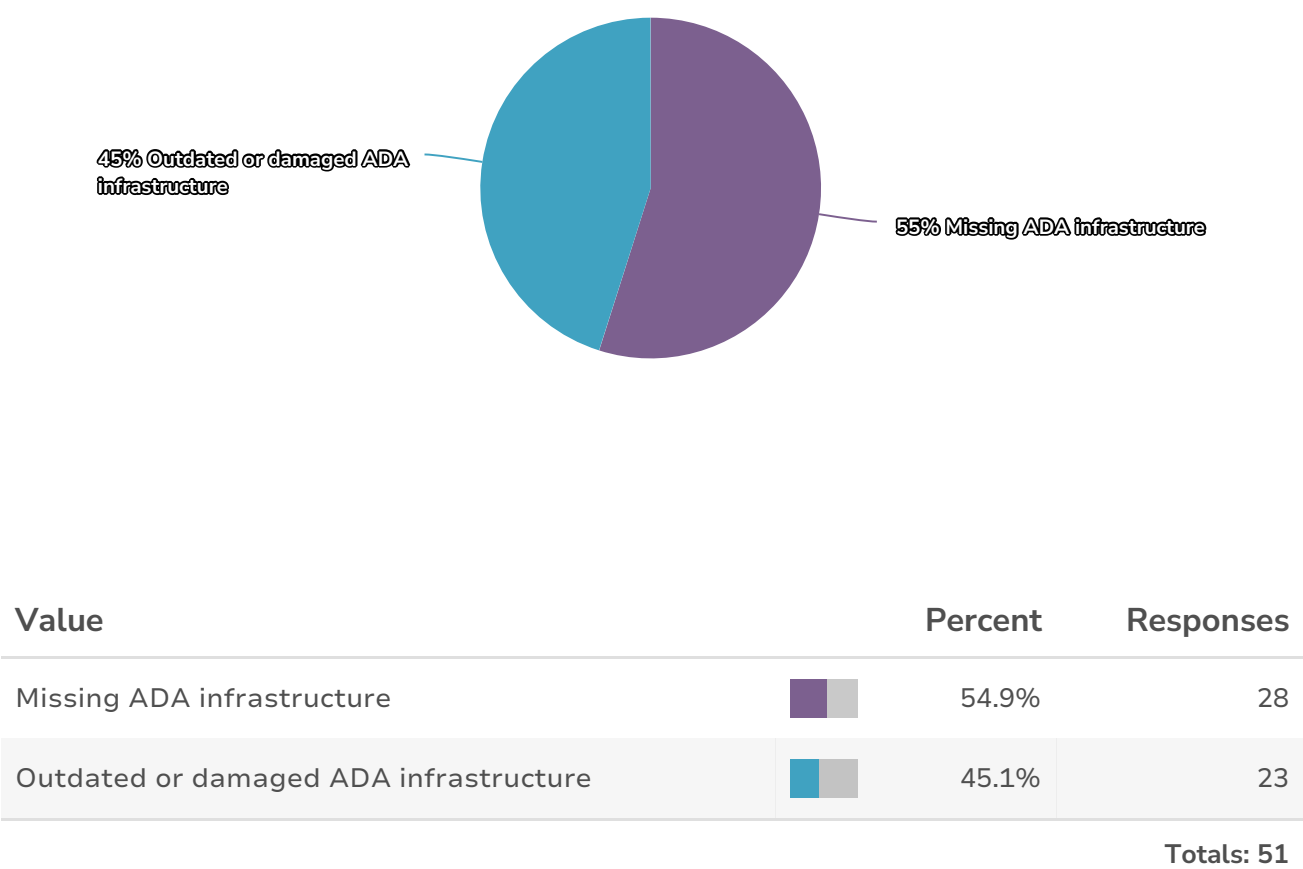
Item	Overall Rank	Rank Distribution	Score	No. of Rankings
Hospital and medical offices	1		287	46
Schools	2		251	47
Neighborhood Streets	3		229	47
Downtown	4		213	46
Parks and Recreation Spaces	5		203	46
Commercial Centers	6		195	44
Government Buildings	7		154	45
Major Roads	8		150	45



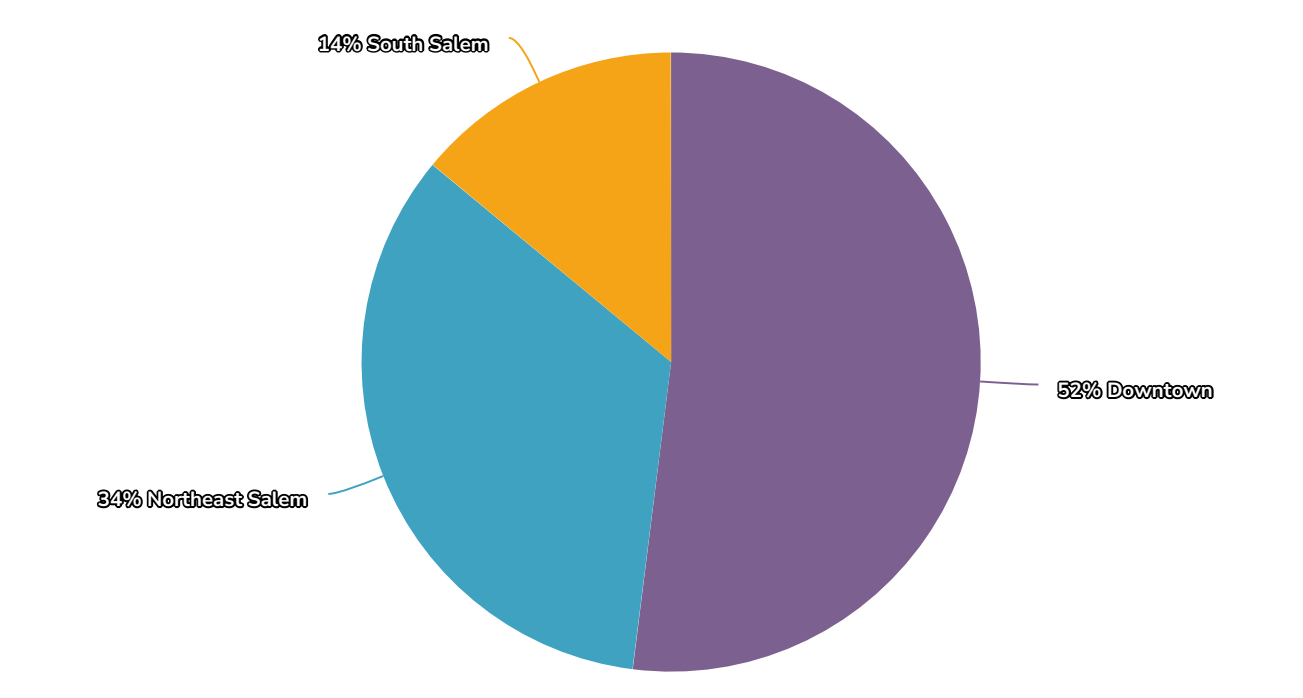
Lowest Rank

Highest Rank

2. What is a bigger obstacle?



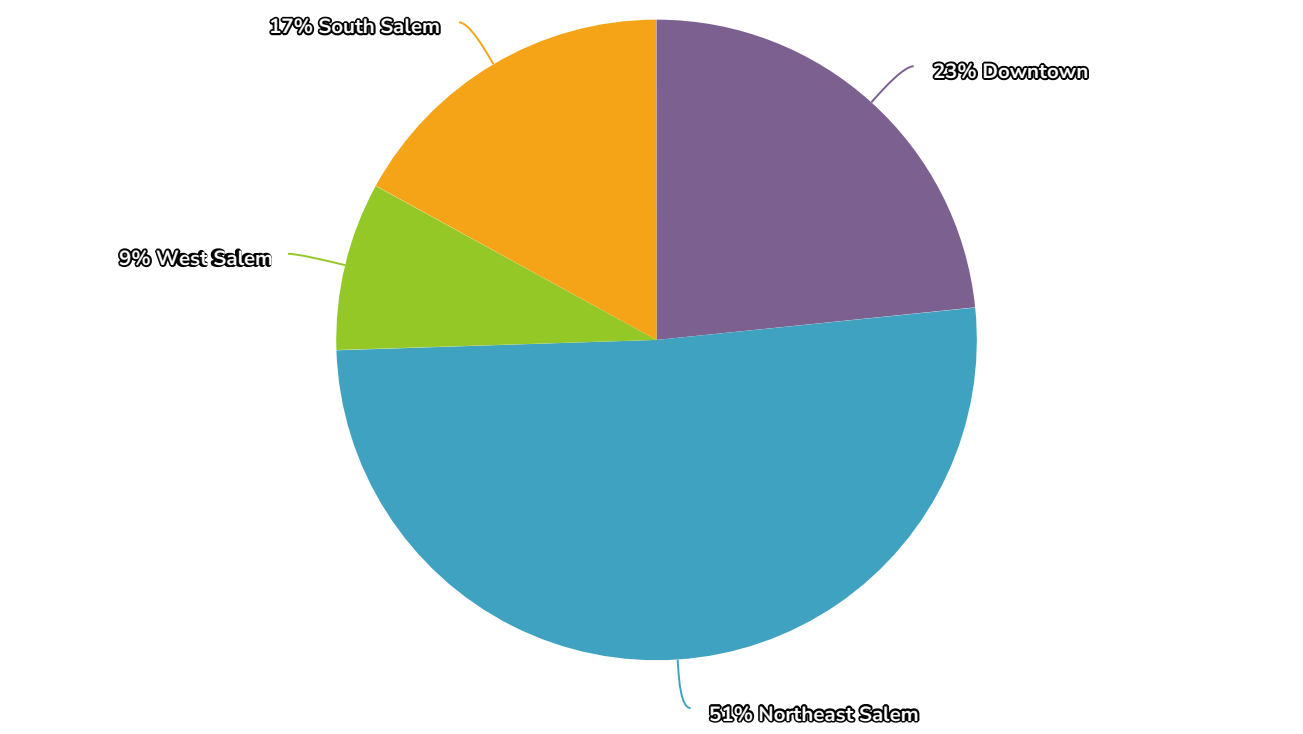
3. Where have you noticed the greatest need for audible pedestrian signals?



Value		Percent	Responses
Downtown	<div><div></div><div></div></div>	52.0%	26
Northeast Salem	<div><div></div><div></div></div>	34.0%	17
South Salem	<div><div></div><div></div></div>	14.0%	7

Totals: 50

4. Where have you experienced the most challenges concerning curb ramps?



Value		Percent	Responses
Downtown	<div><div></div></div>	23.4%	11
Northeast Salem	<div><div></div></div>	51.1%	24
West Salem	<div><div></div></div>	8.5%	4
South Salem	<div><div></div></div>	17.0%	8

Totals: 47

## 5. Is there a specific intersection of concern to you?

ResponseID	Response
1	Too many to list just one
3	48th Av NE and Somerset Dr NE
4	48th Av NE and Somerset Dr NE
10	Cherry Avenue & Salem Parkway
11	Bush Park Neighborhood
12	cctruth.org
13	makingsenseofcovid.com Covid is a plandemic
14	Pine & McDonald to Garten
18	Liberty and Ferry needs audible crosswalks. Terrifying intersection. Keep the cars stopped while pedestrians walk too.
20	No
21	Fisher Road from Sunnyview to Ward Dr. lacks sidewalks in most places.
24	Where Skyline Rd S intersects with Croisan Scenic Way and Summercrest Drive. There needs to be a crosswalk with flashing beacons there.
31	Stop building so many flared ramps; returned curbs are allowed. <a href="https://www.ada.gov/pcatoolkit/chap6toolkit.htm">https://www.ada.gov/pcatoolkit/chap6toolkit.htm</a> [§ 4.7.5; Fig. 12(b)]
33	I actually don't really know where the greatest need is. Sorry
36	I am also concerned about the sidewalks in general, they are in such disrepair in the older neighborhoods, such as NE Salem
41	I do not spend time in South or West Salem.
44	Mission at Airport Way/Turner Road

# THANK YOU FOR TAKING THE SURVEY

Below are a series of questions that will help guide City staff in prioritizing audible pedestrian signals, curb ramps, and their locations throughout Salem.

Curb ramps refer to the concrete path that provides for an accessible transition from the roadway to a sidewalk and back again safely.

Audible Pedestrian Signals refer to a button-operated signal that provides a recorded voice message or tone to assist in crossing traffic safely. Audible Pedestrian Signals can be installed at any intersection with a traffic signal and access to electrical services; these intersections are often on major roadways.

All questions are optional.

---

**Please rank where maintenance or construction of ADA infrastructure in the City should be prioritized? (1 for most important, 7 for least important)**

- |                                       |                   |                               |
|---------------------------------------|-------------------|-------------------------------|
| <u>1</u> Hospital and Medical Offices | <u>2</u> Schools  | <u>5</u> Neighborhood Streets |
| <u>4</u> Parks and Recreation         | <u>3</u> Downtown | <u>7</u> Major Roads          |
| <u>6</u> Commercial Centers           |                   |                               |

**What is a bigger obstacle? (check one)**

- ☐ Missing ADA Infrastructure
- ☒ Outdated or damaged ADA Infrastructure

**Where have you noticed the most challenges concerning curb ramps? (check one)**

- |  |                                      |
|--|--------------------------------------|
| <input checked="" type="checkbox"/> Downtown | <input type="checkbox"/> West Salem  |
| <input type="checkbox"/> Northeast Salem     | <input type="checkbox"/> South Salem |

**Where have you noticed the greatest need for Audible Pedestrian Signals? (check one)**

- |  |                                      |
|--|--------------------------------------|
| <input checked="" type="checkbox"/> Downtown | <input type="checkbox"/> West Salem  |
| <input type="checkbox"/> Northeast Salem     | <input type="checkbox"/> South Salem |

**Is there a specific intersection of concern to you? (List below)**

---

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- |   |                                      |
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- |  |                                      |
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- |                                       |                   |                               |
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| <u>4</u> Commercial Centers           |                   |                               |

**What is a bigger obstacle? (check one)**

☐ Missing ADA Infrastructure

☒ Outdated or damaged ADA Infrastructure

**Where have you noticed the most challenges concerning curb ramps? (check one)**

- |   |  |
|---|--|
| <input type="checkbox"/> Downtown                   | <input checked="" type="checkbox"/> West Salem |
| <input checked="" type="checkbox"/> Northeast Salem | <input type="checkbox"/> South Salem           |

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- |   |                                      |
|---|--------------------------------------|
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- ☐ Missing ADA Infrastructure
- ☒ Outdated or damaged ADA Infrastructure

**Where have you noticed the most challenges concerning curb ramps? (check one)**

- |   |                                      |
|---|--------------------------------------|
| <input type="checkbox"/> Downtown                   | <input type="checkbox"/> West Salem  |
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|---|--------------------------------------|
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All questions are optional.

**Please rank where maintenance or construction of ADA infrastructure in the City should be prioritized? (1 for most important, 7 for least important)**

<u>7</u> Hospital and Medical Offices	<u>X</u> Schools	<u>1</u> Neighborhood Streets
<u>3</u> Parks and Recreation	<u>1</u> Downtown	<u>2</u> Major Roads
<u>2</u> Commercial Centers		

**What is a bigger obstacle? (check one)**

☐ Missing ADA Infrastructure  
☒ Outdated or damaged ADA Infrastructure

**Where have you noticed the most challenges concerning curb ramps? (check one)**

☒ Downtown ☐ West Salem  
☐ Northeast Salem ☐ South Salem

**Where have you noticed the greatest need for Audible Pedestrian Signals? (check one)**

☒ Downtown ☐ West Salem  
☒ Northeast Salem ☐ South Salem

**Is there a specific intersection of concern to you? (List below)**

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All questions are optional.

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## **Please rank where maintenance or construction of ADA infrastructure in the City should be prioritized? (1 for most important, 7 for least important)**

<u>5</u> Hospital and Medical Offices	<u>7</u> Schools	<u>2</u> Neighborhood Streets
<u>3</u> Parks and Recreation	<u>1</u> Downtown	<u>6</u> Major Roads
<u>4</u> Commercial Centers		

## **What is a bigger obstacle? (check one)**

☐ Missing ADA Infrastructure  
☒ Outdated or damaged ADA Infrastructure

## **Where have you noticed the most challenges concerning curb ramps? (check one)**

<input checked="" type="checkbox"/> Downtown	<input type="checkbox"/> West Salem
<input type="checkbox"/> Northeast Salem	<input type="checkbox"/> South Salem

## **Where have you noticed the greatest need for Audible Pedestrian Signals? (check one)**

<input checked="" type="checkbox"/> Downtown	<input type="checkbox"/> West Salem
<input checked="" type="checkbox"/> Northeast Salem	<input type="checkbox"/> South Salem

**Is there a specific intersection of concern to you? (List below)**

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| <u>6</u> Parks and Recreation         | <u>4</u> Downtown | <u>7</u> Major Roads          |
| <u>5</u> Commercial Centers           |                   |                               |

**What is a bigger obstacle? (check one)**

- ☒ Missing ADA Infrastructure  
☐ Outdated or damaged ADA Infrastructure

**Where have you noticed the most challenges concerning curb ramps? (check one)**

- |   |                                      |                          |
|---|--------------------------------------|--------------------------|
| <input type="checkbox"/> Downtown                   | <input type="checkbox"/> West Salem  | } do not spend time here |
| <input checked="" type="checkbox"/> Northeast Salem | <input type="checkbox"/> South Salem |                          |

**Where have you noticed the greatest need for Audible Pedestrian Signals? (check one)**

- |  |                                      |                          |
|--|--------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> Downtown | <input type="checkbox"/> West Salem  | } do not spend time here |
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**What is a bigger obstacle? (check one)**

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**Where have you noticed the most challenges concerning curb ramps? (check one)**

- |   |                                      |
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Audible Pedestrian Signals refer to a button-operated signal that provides a recorded voice message or tone to assist in crossing traffic safely. Audible Pedestrian Signals can be installed at any intersection with a traffic signal and access to electrical services; these intersections are often on major roadways.

All questions are optional.

---

**Please rank where maintenance or construction of ADA infrastructure in the City should be prioritized? (1 for most important, 7 for least important)**

- |                                       |                   |                               |
|---------------------------------------|-------------------|-------------------------------|
| <u>1</u> Hospital and Medical Offices | <u>2</u> Schools  | <u>5</u> Neighborhood Streets |
| <u>3</u> Parks and Recreation         | <u>4</u> Downtown | <u>6</u> Major Roads          |
| <u>7</u> Commercial Centers           |                   |                               |

**What is a bigger obstacle? (check one)**

- ☒ Missing ADA Infrastructure  
☐ Outdated or damaged ADA Infrastructure

**Where have you noticed the most challenges concerning curb ramps? (check one)**

- |   |                                      |
|---|--------------------------------------|
| <input type="checkbox"/> Downtown                   | <input type="checkbox"/> West Salem  |
| <input checked="" type="checkbox"/> Northeast Salem | <input type="checkbox"/> South Salem |

**Where have you noticed the greatest need for Audible Pedestrian Signals? (check one)**

- |  |                                      |
|--|--------------------------------------|
| <input checked="" type="checkbox"/> Downtown | <input type="checkbox"/> West Salem  |
| <input type="checkbox"/> Northeast Salem     | <input type="checkbox"/> South Salem |

**Is there a specific intersection of concern to you? (List below)**

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**DIGITAL VERSION OF THE SURVEY CAN BE  
FOUND AT [WWW.CITYOFSALEM.NET/ADA](http://WWW.CITYOFSALEM.NET/ADA)**

# THANK YOU FOR TAKING THE SURVEY

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## Please rank where maintenance or construction of ADA infrastructure in the City should be prioritized? (1 for most important, 7 for least important)

- |                                       |                   |                               |
|---------------------------------------|-------------------|-------------------------------|
| <u>1</u> Hospital and Medical Offices | <u>2</u> Schools  | <u>6</u> Neighborhood Streets |
| <u>4</u> Parks and Recreation         | <u>3</u> Downtown | <u>5</u> Major Roads          |
| <u>7</u> Commercial Centers           |                   |                               |

## What is a bigger obstacle? (check one)

- ☐ Missing ADA Infrastructure
- ☒ Outdated or damaged ADA Infrastructure

## Where have you noticed the most challenges concerning curb ramps? (check one)

- |   |                                      |
|---|--------------------------------------|
| <input type="checkbox"/> Downtown                   | <input type="checkbox"/> West Salem  |
| <input checked="" type="checkbox"/> Northeast Salem | <input type="checkbox"/> South Salem |

## Where have you noticed the greatest need for Audible Pedestrian Signals? (check one)

- |  |   |
|--|---|
| <input type="checkbox"/> Downtown        | <input type="checkbox"/> West Salem             |
| <input type="checkbox"/> Northeast Salem | <input checked="" type="checkbox"/> South Salem |

## Is there a specific intersection of concern to you? (List below)

*Mission & Airport Way Turner Rd*

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- |                                       |                   |                               |
|---------------------------------------|-------------------|-------------------------------|
| <u>1</u> Hospital and Medical Offices | <u>2</u> Schools  | <u>3</u> Neighborhood Streets |
| <u>6</u> Parks and Recreation         | <u>4</u> Downtown | <u>7</u> Major Roads          |
| <u>5</u> Commercial Centers           |                   |                               |

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- |   |                                      |
|---|--------------------------------------|
| <input type="checkbox"/> Downtown                   | <input type="checkbox"/> West Salem  |
| <input checked="" type="checkbox"/> Northeast Salem | <input type="checkbox"/> South Salem |

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- |  |                                      |
|--|--------------------------------------|
| <input checked="" type="checkbox"/> Downtown | <input type="checkbox"/> West Salem  |
| <input type="checkbox"/> Northeast Salem     | <input type="checkbox"/> South Salem |

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- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Hospital and Medical Offices | <input checked="" type="checkbox"/> Schools | <input type="checkbox"/> Neighborhood Streets |
| <input checked="" type="checkbox"/> Parks and Recreation         | <input type="checkbox"/> Downtown           | <input type="checkbox"/> Major Roads          |
| <input type="checkbox"/> Commercial Centers                      |   |   |

## **What is a bigger obstacle? (check one)**

- ☐ Missing ADA Infrastructure
- ☒ Outdated or damaged ADA Infrastructure

## **Where have you noticed the most challenges concerning curb ramps? (check one)**

- |  |   |
|--|---|
| <input type="checkbox"/> Downtown        | <input type="checkbox"/> West Salem             |
| <input type="checkbox"/> Northeast Salem | <input checked="" type="checkbox"/> South Salem |

## **Where have you noticed the greatest need for Audible Pedestrian Signals? (check one)**

- |  |   |
|--|---|
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All questions are optional.

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**Please rank where maintenance or construction of ADA infrastructure in the City should be prioritized? (1 for most important, 7 for least important)**

<u>3</u> Hospital and Medical Offices	<u>4</u> Schools	<u>1</u> Neighborhood Streets
<u>2</u> Parks and Recreation	<u>5</u> Downtown	<u>7</u> Major Roads
<u>6</u> Commercial Centers		

**What is a bigger obstacle? (check one)**

☐ Missing ADA Infrastructure  
☒ Outdated or damaged ADA Infrastructure

**Where have you noticed the most challenges concerning curb ramps? (check one)**

<input type="checkbox"/> Downtown	<input type="checkbox"/> West Salem
<input checked="" type="checkbox"/> Northeast Salem	<input type="checkbox"/> South Salem

**Where have you noticed the greatest need for Audible Pedestrian Signals? (check one)**

<input checked="" type="checkbox"/> Downtown	<input type="checkbox"/> West Salem
<input type="checkbox"/> Northeast Salem	<input type="checkbox"/> South Salem

**Is there a specific intersection of concern to you? (List below)**

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| <u>4</u> Parks and Recreation         | <u>3</u> Downtown | <u>5</u> Major Roads          |
| <u>7</u> Commercial Centers           |                   |                               |

**What is a bigger obstacle? (check one)**

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**Where have you noticed the most challenges concerning curb ramps? (check one)**

- |   |                                      |
|---|--------------------------------------|
| <input type="checkbox"/> Downtown                   | <input type="checkbox"/> West Salem  |
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**Where have you noticed the greatest need for Audible Pedestrian Signals? (check one)**

- |  |   |
|--|---|
| <input type="checkbox"/> Downtown        | <input type="checkbox"/> West Salem             |
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**Is there a specific intersection of concern to you? (List below)**

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All questions are optional.

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**Please rank where maintenance or construction of ADA infrastructure in the City should be prioritized? (1 for most important, 7 for least important)**

- |                                       |                   |                               |
|---------------------------------------|-------------------|-------------------------------|
| <u>3</u> Hospital and Medical Offices | <u>4</u> Schools  | <u>1</u> Neighborhood Streets |
| <u>2</u> Parks and Recreation         | <u>5</u> Downtown | <u>7</u> Major Roads          |
| <u>6</u> Commercial Centers           |                   |                               |

**What is a bigger obstacle? (check one)**

- ☐ Missing ADA Infrastructure
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**Where have you noticed the most challenges concerning curb ramps? (check one)**

- |   |                                      |
|---|--------------------------------------|
| <input type="checkbox"/> Downtown                   | <input type="checkbox"/> West Salem  |
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- |  |                                      |
|--|--------------------------------------|
| <input checked="" type="checkbox"/> Downtown | <input type="checkbox"/> West Salem  |
| <input type="checkbox"/> Northeast Salem     | <input type="checkbox"/> South Salem |

**Is there a specific intersection of concern to you? (List below)**

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## **Appendix L - Notice Under the Americans with Disabilities Act**

## CONTACT

### **Title VI / Section 504 Coordinator**

555 Liberty St. SE

Room 220

Salem, OR 97301

503-540-2371

503-588-6439 (TTY/TDD)

[humanrights@cityofsalem.net](mailto:humanrights@cityofsalem.net)

## Notice Under the Americans with Disabilities Act (ADA)

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Salem will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

### Employment

The City of Salem does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.



### Effective Communication

The City of Salem will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Salem's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

### Modifications to Policies and Procedures

The City of Salem will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City of Salem offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Salem, should contact the event, meeting, or program organizer as soon as possible but no later than 48 hours before the scheduled event.

Anyone who requires accommodation regarding City employment should contact the **Human Resources Department** at 503-588-6162 or [HR@cityofsalem.net](mailto:HR@cityofsalem.net).

The ADA does not require the City of Salem to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the City of Salem is not accessible to persons with disabilities should be directed to the **Title VI/Section 504 Coordinator** at 503-540-2371 or [humanrights@cityofsalem.net](mailto:humanrights@cityofsalem.net).

The City of Salem will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

## **Appendix M - Report ADA Concern**

## Report an ADA Concern

### CONTACT

#### Title VI / Section 504 Coordinator

555 Liberty St. SE

Room 220

Salem, OR 97301

503-540-2371

503-588-6439 (TTY/TDD)

[humanrights@cityofsalem.net](mailto:humanrights@cityofsalem.net)

## Report an ADA / Section 504 Concern

If you believe you or any program beneficiary has been subjected to unequal treatment or discrimination in the receipt of benefits or services from the City because of a disability, you may file a report of concern with the Title VI / Section 504 Coordinator.

### Report Process

The report form must be filed within 180 days of the alleged discriminatory act or occurrence. To file a concern:

1. Report ADA Concerns by completing this form or download and complete a PDF version of the report form.
2. Submit the form to the Coordinator.

Your concern will be acknowledged within five business days and you will be notified of the steps that will be taken to address your concern.

### Informal Resolution

Every effort will be made to resolve your concerns at the lowest level possible. You may be asked to participate in an informal meeting between the Coordinator, City staff, or other affected persons. If informal resolution is not successful or you wish to proceed with a formal investigation, then you may appeal the matter to the Coordinator



who shall proceed with a formal investigation.

## Formal Investigation

The following process will be followed for a formal investigation:

### Step 1: Department Response to Concerns

The department listed in the report will have 15 days after being notified of a concern to provide a written response. The Coordinator will then determine if further investigation is warranted.

If further investigation is warranted, the Coordinator conducts an investigation of the concern. The investigation may include, but is not limited to interviews with the complainant, departments, program recipients, or any other persons with information relevant to the complaint.

### Step 2: Written Report

Within 30 days of the receipt of the reported concern, the Coordinator will prepare a written investigative report. The investigative report shall include:

- A description of the incident
- Identification of people interviewed
- Investigation findings
- Recommendations for disposition

The written report shall be reviewed and finalized by the ADA Coordinator and sent to the City Manager to determine the appropriate action.

Once the investigative report has been completed and appropriate action determined, you and the department shall receive:

- A copy of the investigative report
- A statement of appropriate action
- Notification of appeal rights

### Step 3: Meeting

Within 15 days of the written report being sent to you and the department, the Coordinator will offer to meet with you to discuss the determination of appropriate action along with the findings and conclusions in the investigative report. You may ask for changes to the appropriate action statement if you have new facts that were not previously considered and could not have been reasonably discovered during the investigation.

## Other Report Options

If you are not satisfied with the results of the investigation or the disposition of the complaint, you may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency. Use of the City's procedure is not a prerequisite to the pursuit of other remedies.

## Disclaimer

The resolution of any specific complaint requires consideration and balancing of circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the City. Accordingly, the resolution by the City of any one complaint does not constitute a precedent upon which the City is bound, or upon which other complaining parties may rely.