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DOJ closes ADA case against City of Bend

The City of Bend received a letter on July 23, 2014, stating that the U.S. Department of Justice has closed its files on the City's 2004 Project Civic Access Settlement Agreement for violations of the Americans with Disabilities Act (ADA).

The letter from the Department of Justice says, "The Department has monitored the City's compliance with the PCA Settlement Agreement since it became effective on September 14, 2004. Since that date, the City has submitted documentation, photographs, reports and other evidence, to demonstrate the City's progress. Relying upon the evidence submitted by the City, thus far, the Department is now satisfied that your City has acceptably progressed in compliance with the Settlement Agreement, and we are, therefore, closing our files on this review as of the date of this letter. However, the City's obligation to complete all remaining remedial actions within the agreed-upon time frame remains."

This letter signifies that the Department of Justice acknowledges the time and effort the City has invested in bringing this matter to a positive resolution.

However, the announcement from the Department of Justice does not change the City's plans for continuing to improve accessibility throughout the City by improving curb ramps and sidewalks, maintaining accessible features within City facilities, and working collaboratively with various disability committee community groups as well as various City departments.

"The City will continue to increase and improve accessibility infrastructure throughout the City of Bend," said Karin Morris, the City's accessibility manager. The City will periodically update its transition plan and continually look at areas across the city in need of accessibility improvements.

The 2004 settlement agreement was the result of a complaint filed to the DOJ claiming that the City had not taken steps to provide access to its programs and services. The initial complaint alleged that specific City facilities had various accessibility issues, and that various City parking lots violated accessibility design

standards. The DOJ expanded the scope of the investigation to include the City's compliance with the following Title II requirements:

- Self-evaluation requirements (**completed**);
- ADA notification requirements (**completed**);
- Designate an ADA coordinator (Accessibility Manager) (**completed**);
- Establish Grievance Procedure (**completed**)
- Ensure each program, service, or activity is readily accessible to and usable by individuals with disabilities, including: (**completed & on-going**);
 - Providing program accessibility via alternate ways, i.e. reassignment of services, assignment of aides, and other methods of compliance.
 - Nine facilities were reviewed for program accessibility.
 - All program accessibility changes deemed necessary by the department (DOJ) **have been addressed and signed off by the department (DOJ) as complete.**
- Ensure facilities that were constructed or altered after 1992 are readily accessible to and usable by people with disabilities.;
 - The Department (DOJ) reviewed 12 facilities that were constructed or altered after 1992.
 - All facility errors as determined by the DOJ have **been addressed and signed off by the department (DOJ) as complete.**
- Ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communication with others, including furnishing auxiliary aids and services when necessary (**completed & on-going**);
- Provide information for interested persons with disabilities concerning the existence and location of the City's accessible services, activities, and facilities (**completed & on-going**);
- Provide signage at all inaccessible entrances of each of its facilities, directing users to an accessible entrance or to information about accessible facilities (**completed & on-going**);
- Ensure website accessibility (**complete & on-going**);
- Create written process for soliciting and receiving input from persons with disabilities regarding the accessibility of sidewalks and requests to add curb ramps; (**completed & on-going**); and
- Provide curb ramps or other sloped areas at all intersections of the streets, roads, and highways that have curbs or other barriers to entry from a street level pedestrian walkway (**on-going**).

In the 2004 settlement agreement with the U.S. Department of Justice, the City agreed to provide curb ramps or other sloped areas at all intersections of the streets,

roads, and highways identified as having curbs or other barriers to entry from a street level pedestrian walkway. The settlement required the City to complete the work by March of 2015 (10yrs & 6 months). As further set forth in the [transition plan](#) , the City does not expect to meet that deadline particularly with respect to curb ramps within residential areas. However, as set forth in the plan, the City has ongoing funding for curb ramps in higher priority areas, has a robust barrier removal program, and a plan in place for meetings its obligations. The City has made considerable progress toward City and the community goals and is committed to ongoing improvements of public infrastructure to ensure compliance with the Americans with Disabilities Act.

The City also has created an accessibility advisory board that provides assistance and guidance to the City Manager on accessibility issues. In an effort to improve relationships with various disability advocacy groups, the City's Accessibility Manager periodically attends various meetings, including various support group meetings held at Abilitree (the local independent living center), a No/Low Vision support group, the Central Oregon Coalition for Access (COCA), etc.

"I greatly appreciate accessibility advocates for bringing these important issues to the forefront, and for pushing progress toward these goals," said City Manager Eric King. "Of course I'm pleased with the announcement from the Department of Justice but it doesn't change the path the City will continue to follow toward making Bend accessible for everyone."

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