

City of Little Falls ADA Transition Plan

June 2020



Adopted by City Council xx/xx/2020

Council President _____

City Administrator _____

Introduction

Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA consists of five titles outlining protections in the following areas:

1. Employment
2. State and local government services
3. Public accommodations
4. Telecommunications
5. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, City of Little Falls must comply with this section of the Act as it specifically applies to public service agencies.

As required by Title II of [ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150](#), City of Little Falls has conducted a self-evaluation of its facilities within public rights of way and has developed this Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals.

Agency Requirements

Under Title II, City of Little Falls must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities ([28 C.F.R. Sec. 35.150](#)).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability ([28 C.F.R. Sec. 35.130 \(a\)](#)).
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result ([28 C.F.R. Sec. 35.130\(b\) \(7\)](#)).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective ([28 C.F.R. Sec. 35.130\(b\)\(iv\) & \(d\)](#)).
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others ([29 C.F.R. Sec. 35.160\(a\)](#)).
- Must designate at least one responsible employee to coordinate ADA compliance [[28 CFR Sec. 35.107\(a\)](#)]. This person is often referred to as the "ADA Coordinator." The

public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [[28 CFR Sec. 35.107\(a\)](#)].

- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [[28 CFR Sec. 35.106](#)]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [[28 CFR Sec. 104.8\(a\)](#)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 CFR Sec. 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

This document has been created to specifically cover accessibility within the public rights of way and does not include information on City programs, practices, or building facilities not related to public rights of way.

Self-Evaluation

Overview

The City of Little Falls is required, under Title II of the Americans with Disabilities Act (ADA) and 28CFR35.105, to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the City implements these policies. The goal of the self-evaluation is to verify that, in implementing City policies and practices, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The self-evaluation also examines the condition of the City's Pedestrian Circulation Route/Pedestrian Access Route) (PCR/PAR) and identifies potential need for PCR/PAR infrastructure improvements. This will include the sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals, that are located within the City's rights of way. Any barriers to accessibility identified in the self-evaluation and the remedy to the identified barrier are set out in this transition plan.

Summary

City staff conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- 25.4 miles of sidewalks
- 552 + curb ramps
- ½ mile of City trails, 1 mile of DNR and 1 mile of Morrison County trails.
- 8 traffic control signals (Owned by MNDOT)

A detailed evaluation on how these facilities relate to ADA standards is found in Appendix A and will be updated periodically.

Policies and Practices

Previous Practices

Since the adoption of the ADA, the City has striven to provide accessible pedestrian features as part of the City's capital improvement projects. As additional information was made available as to the methods of providing accessible pedestrian features, the City, with the help of MNDOT, has updated their procedures to accommodate these methods. Projects that incorporated ADA improvements that meet current standards include:

- Camp Ripley Veterans State Trail along Lindbergh Drive South
- Trunk Highway 27 Improvements from Thirteenth Street West to 9th Street East
- Third Street NE from First Avenue NE to 6th Avenue NE
- Third Avenue NE from Third Street to Fourth Street NE
- Seventh Street SE from Trunk Highway 27 to Fifth Avenue SE
- Eight Street SE from Trunk Highway 27 to Fifth Avenue SE
- City Hall Improvements

Policy

City of Little Falls goal is to continue to provide accessible pedestrian design features as part of the City's capital improvement projects. The City will follow established ADA design standards and procedures. These standards and procedures will be kept up to date with best management practices.

The City of Little Falls will consider all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The City will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the City's jurisdiction are ADA compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public right of way will continue to follow the policies set forth by the City.

Requests for accessibility improvements can be submitted to the City Engineer.

Improvement Schedule

Priority Areas

City of Little Falls has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their proximity to specific land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments. The priority areas as identified in the self-evaluation are as follows:

- Area 1: Right-of-way near government buildings open to the public, hospitals, senior assisted living facilities, schools, and churches
- Area 2: Right-of-way near downtown and City Parks. Locations with a higher concentration of pedestrian usage will have a higher priority.

Additional priority will be given to any location where an improvement project was constructed after January 26, 1991, and accessibility features were omitted.

External Agency Coordination

Many other agencies are responsible for pedestrian facilities within the jurisdiction of the City. The City will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes.

Schedule

City of Little Falls has set the following schedule goals for improving the accessibility of its pedestrian facilities within the City of Little Falls jurisdiction: as per the 5 year street improvement plan.

ADA Coordinator

In accordance with 28 CFR 35.107(a), the City has identified an ADA Title II Coordinator to oversee City policies and procedures.

Implementation Schedule

Methodology

The City will utilize two methods for upgrading pedestrian facilities to the current ADA standards. The first and most comprehensive of the two methods are the scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be

upgraded to current ADA accessibility standards. The second method is the stand alone sidewalk inspection project. (Maintenance and repair program) These projects will be incorporated into the Capital Improvement Program (CIP) on a case by case basis as determined by City staff.

Public Outreach

The City recognizes that public participation is an important component in the development of this document. Input from the community has been gathered and used to help define priority areas for improvements within the City.

Public outreach for the creation of this document consisted of the following activities:

Public input gathered at the Planning Commission on February 10, 2020.

This document was also available for public comment. A summary of comments received and detailed information regarding the public outreach activities are located in Appendix C.

Grievance Procedure

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regards to the ADA. A draft of this public notice is provided in Appendix D. If users of City facilities and services believe the City has not provided reasonable accommodation, they have the right to file a grievance.

The City understands that members of the public may desire to contact department staff and discuss ADA issues without filing a formal grievance. Members of the public wishing to do this may contact staff using the contact information in Appendix B. Contacting department staff to informally discuss ADA issues is welcomed by staff and does not limit a person's ability or right to file a formal grievance later.

Monitor the Progress

This document will continue to be updated as conditions within the City evolve.

The appendices in this document will be updated periodically, while the main body of the document will be updated within 5 years with a future update schedule to be developed at that time. With each main body update, a public comment period will be established to continue the public outreach.

Appendices

A. Self-Evaluation Results

B. Schedule / Budget Information

C. Public Outreach

D. Grievance Procedure

E. Contact Information

F. Agency ADA Design Standards and Procedures

G. Glossary of Terms

Appendix A – Self-Evaluation Results

Any facilities installed prior to 2014 do not meet current ADA standards as the information below shows.

This initial self-evaluation of pedestrian facilities yielded the following results:

- 8.76% of sidewalks met accessibility criteria
- 20.5% of curb ramps met accessibility criteria
- 10% intersections did not have any curb ramps
- 40% of trails met accessibility criteria
- 90% of traffic control signals had APS
- 37.5% of traffic control signals have push buttons that are accessible.

More detailed evaluation of pedestrian facilities will be undertaken by City staff as project areas are designated for construction or reconstruction.

Appendix B – Schedule / Budget Information

Cost Information

Unit Prices

Construction costs for upgrading facilities can vary depending on each individual improvement and conditions of each site. Costs can also vary on the type and size of project the improvements are associated with. Listed below are representative 2019 costs for some typical accessibility improvements based on if the improvements are included as part of a retrofit type project, or as part of a larger comprehensive capital improvement project.

Intersection corner ADA improvement retrofit: +/- \$12,000 per corner

Intersection corner ADA improvement as part of adjacent capital project: +/- \$10,000 per corner

Traffic control signal APS upgrade retrofit: +/- \$ 100,000

Traffic control signal APS upgrade as part of full traffic control signal installation: +/- \$300,000

Sidewalk / Trail ADA improvement retrofit: +/- \$4200/ ramp

Priority Areas

Based on the results of the self-evaluation, the estimate costs associated with eliminating accessibility barriers within the targeted priority areas is as follows:

- Area 1- \$3,000,000
- Area 2- \$1,100,000

Entire Jurisdiction

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility within the entire jurisdiction is over \$10,000,000. This amount signifies a significant investment that the City is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken in order to absorb the cost into the City's budget for improvements to the public right of way.

2021-3rd Street SE from 1st Ave SE to 3rd Ave SE; 6th Avenue SE, Hawthorne, 7th Avenue SE from Highland to 1st Street SE; 3rd Avenue SE from 3rd Street to 4th Street

2022-3rd Street SE from 3rd Avenue to 8th Avenue SE

2023-4th Street SE from TH 27 to US 10

2024-18th Street SE Extension

2025-

2026-4th Street NE from TH 27 to 6th Avenue NE

Special ADA improvements

2021- 9th Street NE & Pine Avenue SRTS Improvements

Annual sidewalk inspection/rehabilitation

Appendix C – Public Outreach

A public input meeting was held on February 10th, 2020 during the planning commission meeting. Notice was published in the local paper for two weeks prior to the meeting. One person in attendance provided the following comments regarding ADA challenges within the public right-of-way:

- The pedestrian ramp at 4th Street SE and 7th Ave is a full height curb
- Handicap spots are full of snow in the parking lots
- Consider bathrooms at all of the parks
- Maintain handicap spots during street closings
- Consider doing an ADA plan for city buildings as well

Insert Outreach agenda's and sign in info, as well as notification and invite strategy.

Appendix D – Grievance Procedure

As part of the ADA requirements the City has posted the following notice outlining its ADA requirements:

Public Notice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, City of Little Falls will not discriminate against qualified individuals with disabilities on the basis of disability in City services, programs, or activities.

Employment: The City of Little Falls 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 Americans with Disabilities Act (ADA).

Effective Communication: The City of Little Falls 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'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 Little Falls will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City's programs, services, and activities. For example, individuals with service animals are welcomed in City 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 City program, service, or activity, should contact the City as soon as possible but no later than 48 hours before the scheduled event.

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

The City 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.

City of Little Falls

Grievance Procedure under

The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Little Falls. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Office of the City Administrator
100 7th Avenue NE
Little Falls, MN 56345

Within 15 calendar days after receipt of the complaint, the City Administrator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the City Administrator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Little Falls and offer options for substantive resolution of the complaint.

If the response by the City Administrator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Administrator or his/her designee.

Within 15 calendar days after receipt of the appeal, the City Administrator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Administrator or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Office of the City Administrator or his/her designee, appeals to the City Administrator or his/her designee, and responses from these two offices will be retained by the City of Little Falls for at least three years.



**Title II of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Discrimination Complaint Form**

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant: _____

Address: _____

City, State and Zip Code: _____

Telephone: _____

Home: _____

Business: _____

Person Discriminated Against (if other than the complainant): _____

Address: _____

City, State, and Zip Code: _____

Telephone: Home: _____ Business: _____

Government, or organization, or institution which you believe has discriminated:

Name: _____

Address: _____

County: _____

City, State and Zip Code: _____

Telephone Number: _____

When did the discrimination occur? _____ Date: _____

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use space on page 3 if necessary):

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

Yes _____ No _____

If yes: what is the status of the grievance?

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes _____ No _____

If yes:

Agency or Court: _____

Contact Person: _____

Address: _____

City, State, and Zip Code: _____

Telephone Number: _____

Date Filed: _____

Do you intend to file with another agency or court?

Yes_____ No_____

Agency or Court:_____

Address: _____

City, State and Zip Code: _____

Telephone Number: _____

Additional space for answers:

Signature: _____

Date: _____

Return to: City of Little Falls
100 7th Ave NE
P O Box 244
Little Falls MN 56345

Appendix E – Contact Information

ADA Title II Coordinator

Name: City Administrator, Jon Radermacher

Address: PO Box 244

Little Falls MN 56345

Phone: 320-616-5500

Fax: 320-616-5505

E-mail: Jonr@cityoflittelfalls.com

Public Right of Ways ADA Implementation Coordinator

Name: Greg Kimman

Address: PO Box 244

Little Falls MN 56345

Phone: 320-616-5500

Fax: 320-616-5505

E-mail: gkimman@cityoflittelfalls.com

Appendix F – Agency ADA Design Standards and Procedures

Design Procedures

Intersection Corners

Curb ramps or blended transitions will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of any project. Those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgment of City staff.

Sidewalks / Trails

Sidewalks and trails will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of any project. Those limitations will be noted and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City staff.

Traffic Control Signals

Traffic control signals will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of any project. Those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of City staff.

Other policies, practices and programs

Policies, practices and programs not identified in this document will follow the applicable ADA standards.

Design Standards

City of Little Falls will use PROWAG, as adopted by the Minnesota Department of Transportation (MnDOT), as its design standard.

Appendix G – Glossary of Terms

ABA: See Architectural Barriers Act.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: Mn/DOT's transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the Statewide Transportation Improvement Program (STIP), and ensures all transportation facilities, services, programs, and activities are accessible to all individuals.

ADAAG: See Americans with Disabilities Act Accessibility Guidelines.

Accessible: A facility that provides access to people with disabilities using the design requirements of the ADA.

Accessible Pedestrian Signal (APS): A device that communicates information about the WALK phase in audible and vibrotactile formats.

Alteration: A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

Americans with Disabilities Act (ADA): The Americans with Disabilities Act; Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

APS: See Accessible Pedestrian Signal.

Architectural Barriers Act (ABA): Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Capital Improvement Program (CIP): The CIP for the Transportation Department includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the county's transportation system.

Detectable Warning: A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

DOJ: See United States Department of Justice

Federal Highway Administration (FHWA): A branch of the US Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

FHWA: See Federal Highway Administration

Pedestrian Access Route (PAR): A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

Pedestrian Circulation Route (PCR): A prepared exterior or interior way of passage provided for pedestrian travel.

PROWAG: An acronym for the *Guidelines for Accessible Public Rights-of-Way* issued in 2005 by the U. S. Access Board. This guidance addresses roadway design practices, slope, and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.

Right of Way: A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks, and trails creating public pedestrian access within a public entity's jurisdictional limits.

Section 504: The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

Uniform Accessibility Standards (UFAS): Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

United States Access Board: An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally funded facilities.

United States Department of Justice (DOJ): The United States Department of Justice (often referred to as the Justice Department or DOJ), is the United States federal executive department responsible for the enforcement of the law and administration of justice.