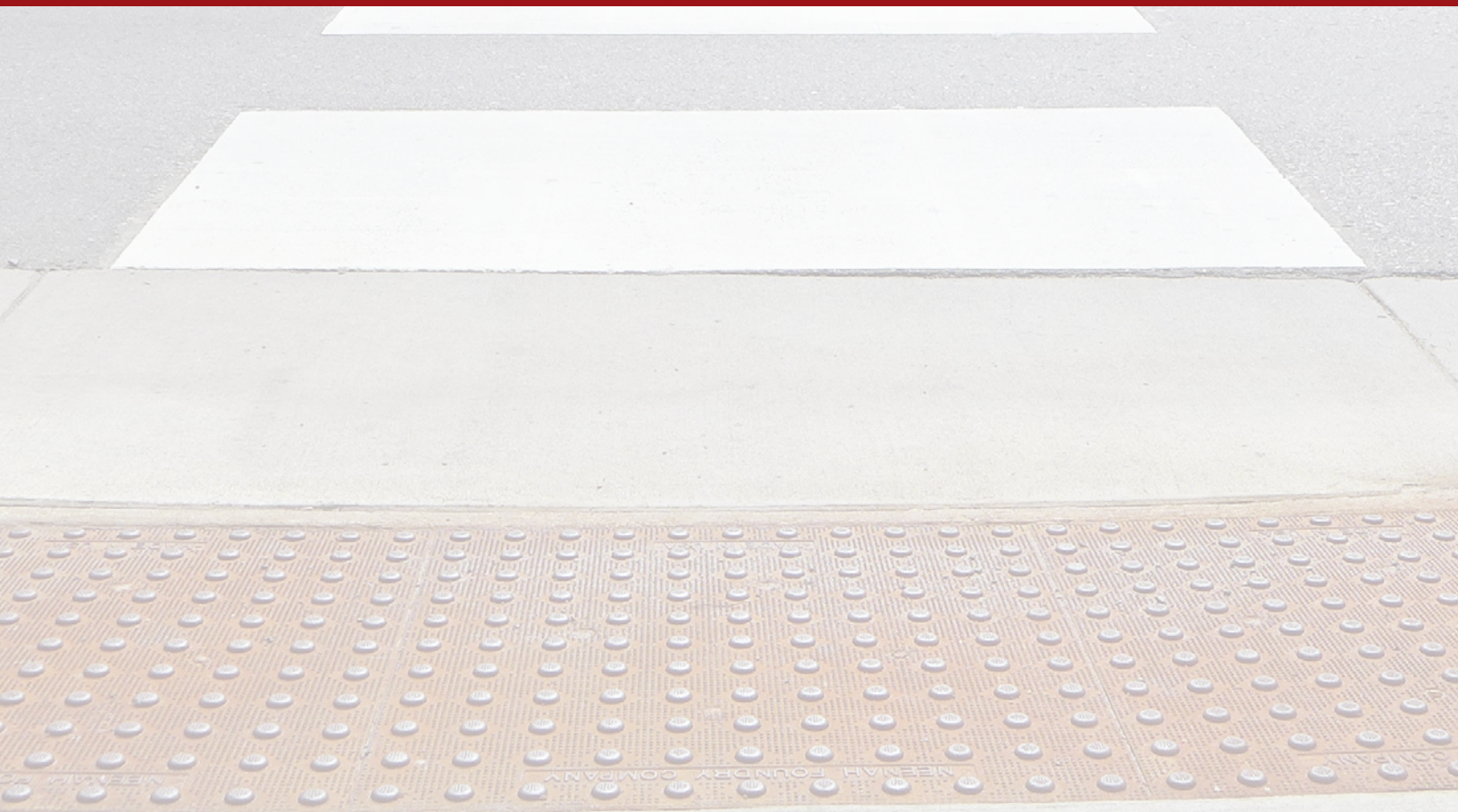




Olmsted County Public Works Department ADA Transition Plan



December 2018



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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:

- I. Employment
- II. State and local government services
- III. Public accommodations
- IV. Telecommunications
- V. Miscellaneous Provisions

Appendix A of this document includes a glossary of ADA terms that may be used in this document. Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the Olmsted County Public Works Department (OCPWD) must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, “...no 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 activities of a public entity, or be subjected to discrimination by any such entity.” ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#))

As required by Title II of [ADA, 28 CFR. Part 35 Sec. 35.105](#) and [Sec. 35.150](#), the OCPWD has conducted a self-evaluation of its facilities within public rights of way and has developed this Transition Plan for public rights of way detailing how the organization will ensure that all of those facilities are accessible to all individuals. This document has been created to specifically cover accessibility within the public rights of way and does not include information on other County programs, practices, or building facilities not related to public rights of way.

ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the [Architectural Barriers Acts of 1968](#) and [Section 504 of the Rehabilitation Act](#) of 1973.

The Architectural Barriers Act of 1968 is a 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.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

Agency Requirements

Under Title II, Olmsted County 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 CFR 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 CFR Sec. 35.130 \(a\)](#)).
- Must make reasonable modifications in policies, practices and procedures that may deny equal access to individuals with disabilities unless a fundamental alteration in the program would result ([28 CFR 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 CFR 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 ([28 CFR 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](#)].
- 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.

SELF-EVALUATION CONDITION ASSESSMENT

Overview

The Olmsted County Public Works Department (OCPWD) is required, under Title II of the Americans with Disabilities Act (ADA) and [28 CFR 35.105](#), 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 County implements these policies.

The goal of the self-evaluation is to verify that, in implementing the County's policies and practices, the County's public works department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The self-evaluation includes consideration of the curb ramps and traffic signals systems that are located within the County 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

In 2018, the OCPWD conducted an inventory of pedestrian facilities within its public right of way consisting of an inventory of the following facilities:

- Pedestrian Ramps at street crossings that include trail or sidewalk facilities

A total of 541 pedestrian ramps were inventoried within the County right of way using aerial imaging.

- Traffic Signal Systems

A total of 32 traffic signal systems were inventoried within County right of way using aerial photography.

Maps showing the locations of the pedestrian ramps and traffic signal systems can be found on the [County's website](#) and in Appendix B and will be updated periodically.

POLICIES AND PRACTICES

Previous Practices

Since the adoption of the ADA, the OCPWD has striven to provide accessible pedestrian features as part of its highway improvement projects. As additional information was made available as to the methods of providing accessible pedestrian features, the OCPWD has updated their procedures to accommodate these methods. Recently, more standardized design and construction methods have evolved. This has resulted in the ability of local agencies to receive additional exposure and training on accessible features. This has improved the OCPWD's ability to understand available options and to explore the feasibility of implementing accessibility improvements. This information also assists in providing guidance for developing transition plans.

Policy

The OCPWD will inspect, inventory and plan for any required improvements to facilities located in the public right-of-way, to ensure compliance with the ADA. The County's goal is to continue to provide accessible pedestrian design features as part of the County Public Works Transportation Capital Improvement Plan projects. The OCPWD has established ADA design standards and procedures as detailed in Appendix C. These standards and procedures will be kept up to date with nationwide and local best management practices.

The OCPWD will consider and respond to all accessibility improvement requests. Requests should be sent to the ADA Coordinator as specified in Appendix D. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The OCPWD will coordinate with external agencies as necessary to ensure that all new or altered pedestrian facilities within the OCPWD right of way 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 County. In general, the cities are responsible for snow removal operations for pedestrian facilities along county highways within each city.

The OCPWD will maintain and update the pedestrian facility database to reflect improvements to inventoried facilities.

ADA COORDINATOR

In accordance with [28 CFR 35.107\(a\)](#), the OCPWD has identified an ADA Title II Coordinator to oversee the OCPWD policies and procedures. It is the responsibility of the ADA Coordinator to implement this policy. Contact information for this individual is listed in Appendix D.

IMPROVEMENT SCHEDULE

Priority Areas

Olmsted County is committed to making investments to improve accessibility in the County. A systematic approach to providing accessibility will be taken to absorb the cost into County's budget for improvements to the public right of way. Olmsted County reviews its priorities for the long-range transportation Capital Improvement Plan (CIP) which include pedestrian facilities on an annual basis. Specific ADA accessibility improvements will be considered in context of the CIP, the condition of pedestrian facilities and their proximity to specific higher pedestrian volume generating land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments.

The current CIP is available at the following link:

<https://www.co.olmsted.mn.us/pw/Documents/Olmsted%20County%20Capital%20Improvement%20Plan%202017-2021.pdf#search=capital%20improvement%20program>

Additional priority will be given to any location where an improvement project or alteration 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 Olmsted County, including the Minnesota Department of Transportation (MNDOT), multiple cities and townships, and transit providers such as Rochester Public Transit and Rolling Hills Transit (SEMCAC). The OCPWD will coordinate with those agencies to assist in the facilitation of the elimination of accessibility barriers within the county highway right of way along their routes and/or associated with their services.

Schedule Goals

The OCPWD has set the following schedule goals for improving the accessibility of its pedestrian facilities within the County jurisdiction:

- Any pedestrian facility that has been identified as out of compliance or in need of maintenance shall be addressed by OCPWD staff as they deem appropriate in a timely fashion.
- Any of pedestrian facilities identified as an existing hazard or compliance issue that OCPWD staff believes needs to be addressed shall be incorporated into a project in the CIP.

IMPLEMENTATION SCHEDULE

Methodology

The OCPWD 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 Transportation CIP projects. Pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. Traffic signal system upgrades will be considered in the development of the Transportation CIP and will be included in appropriate roadway reconstruction projects if deemed prudent and necessary on a case by case basis. The second method includes standalone sidewalk and ADA accessibility improvement projects. These projects will be incorporated into the Transportation CIP on a case by case basis as determined by OCPWD staff or may be completed by internal County forces or cities who maintain the facilities. The Transportation CIP includes a schedule and budget for specific improvements.

PUBLIC OUTREACH

The OCPWD recognizes that public participation is an important component in the development of this plan. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of Olmsted County. Materials from public outreach activities are included in Appendix E.

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

- ADA Transition Plan Open House July 24, 2018
- Website
- No formal comments were submitted via the website or at the public open house.

- The County's ADA Title II Coordinator will continue to be available for questions or discussion.

GRIEVANCE PROCEDURE

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regard to the ADA. This public notice is provided in Appendix F and is available at [Olmsted County Legal Notice](#). If users of OCPWD facilities and services believe the County has not provided reasonable accommodation, they have the right to file a grievance.

In accordance with [28 CFR 35.107\(b\)](#), the OCPWD has developed a grievance procedure for the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances. This grievance procedure is outlined in **Appendix G**, with the Complaint Form in **Appendix H**. The complaint form can also be found on the [County's Public Works Department website](#).

MONITOR THE PROGRESS

This document, including the Appendices, will be updated as conditions within the County evolve. For plan updates, a public comment period will be established to continue the public outreach regarding the ADA accessibility of public works department facilities.

APPENDICES

- A. Glossary of Terms
- B. Self-Evaluation
- C. Agency ADA Design Standards and Procedures
- D. ADA Coordinator
- E. Public Outreach Materials
- F. ADA Public Notice
- G. Grievance Procedure
- H. Complaint Form

Appendix A – Glossary of Terms

ABA: See Architectural Barriers Act.

OCPWD: Olmsted County Public Works Department

ADA: See Americans with Disabilities Act.

ADA Transition Plan: OCPWD's transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the County Transportation Capital Improvement Plan, 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 vibro-tactile 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, effective July 1992, and as later amended. 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.

Transportation Capital Improvement Plan (CIP): The Transportation section of the Olmsted County Capital Improvement Plan that includes the annual capital budget and five-year plan for funding construction 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 *Public Rights-of-Way Accessible Guidelines* 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.

Appendix B – Self-Evaluation

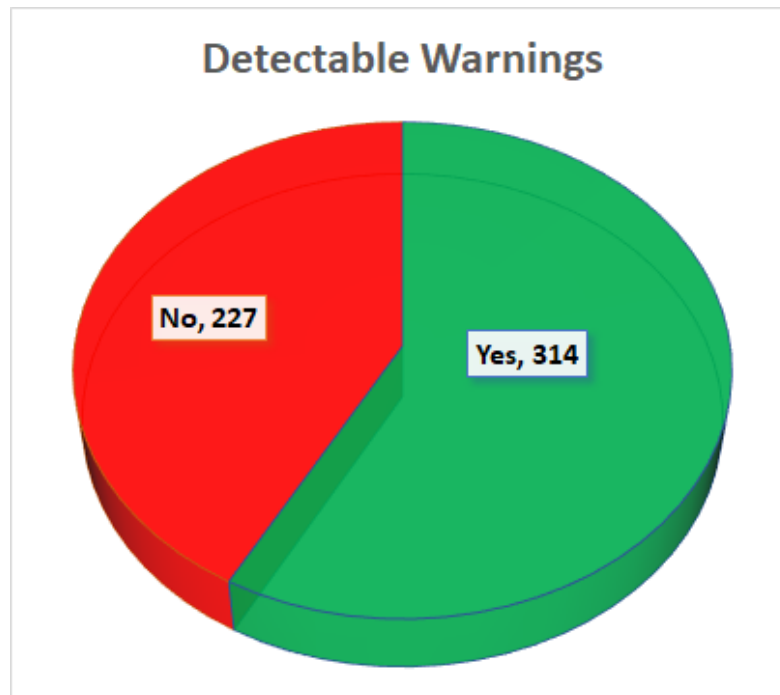
Details of the inventory of pedestrian ramp facilities and traffic control signal systems adjacent to roadway corridors and a current inventory can be found at the County's ADA Transition Plan webpage:

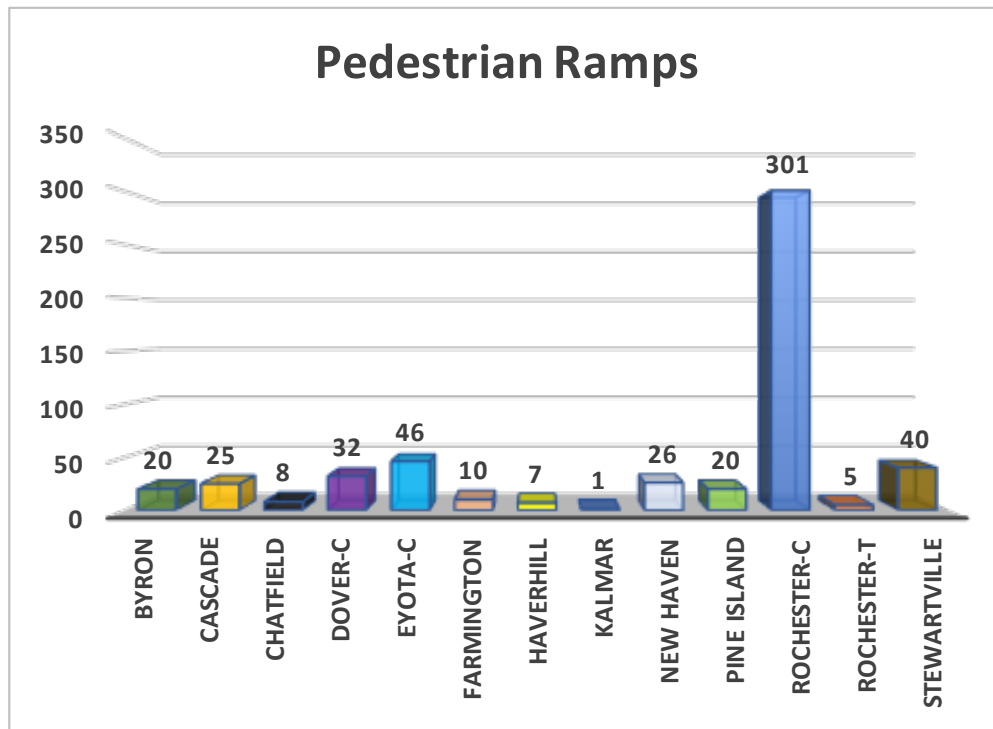
<https://www.co.olmsted.mn.us/pw/roadtransportation/ADATransitionPlan/Pages/default.aspx>

Maps showing the locations and a summary of the inventory is included on the following pages.

Pedestrian Ramps

A total of five hundred and forty-one pedestrian ramps were inventoried using available aerial imaging. Three hundred and fourteen had detectable warnings (truncated domes) with the remaining two hundred and twenty-seven without detectable warnings.

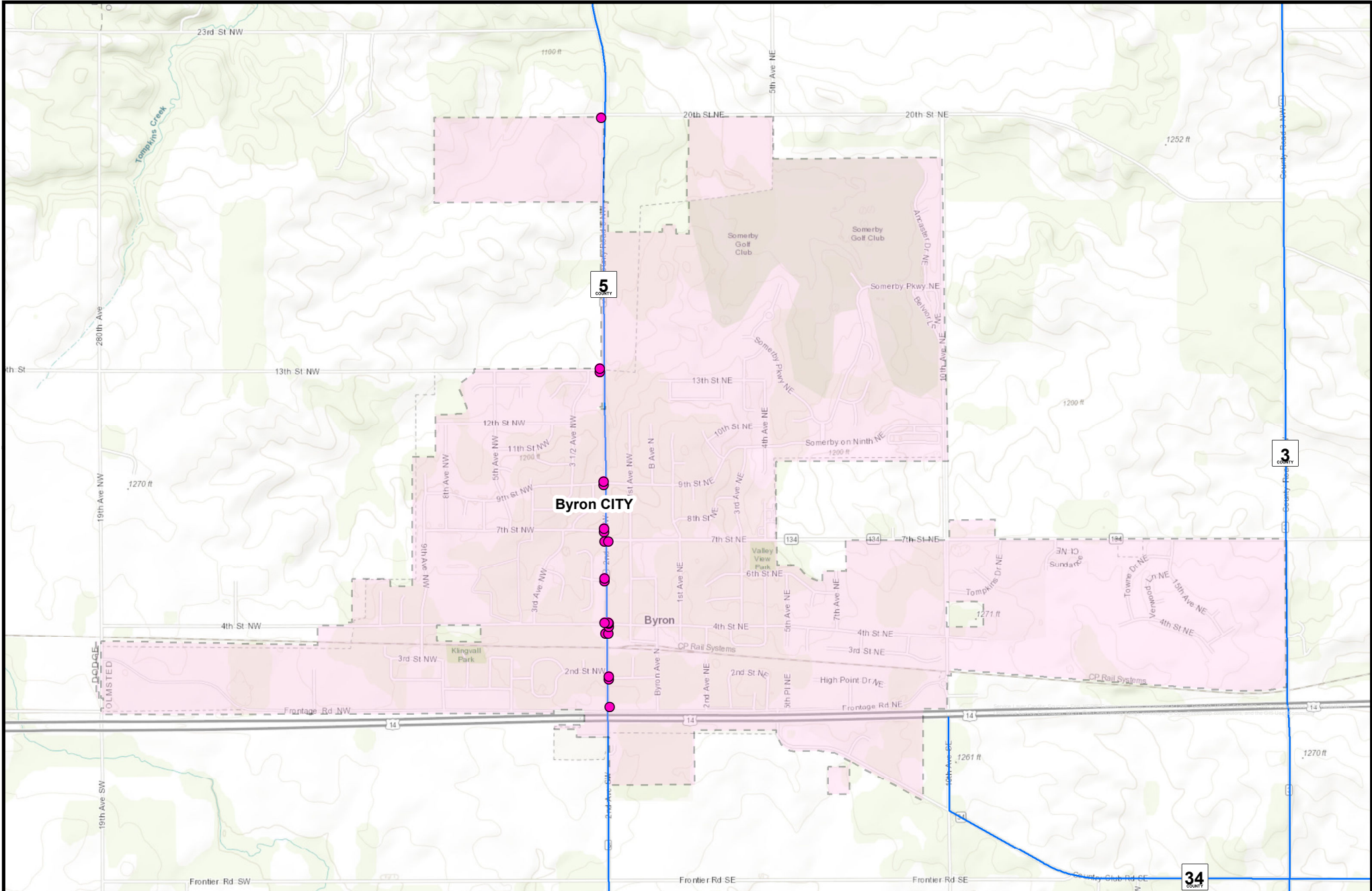




Traffic Control Signal Systems

Thirty-two traffic control signal systems were inventoried.

One signal system is in Stewartville, two in Cascade Township/NW Rochester and the remaining twenty-nine systems are located within Rochester.



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0 1,000 2,000 Feet

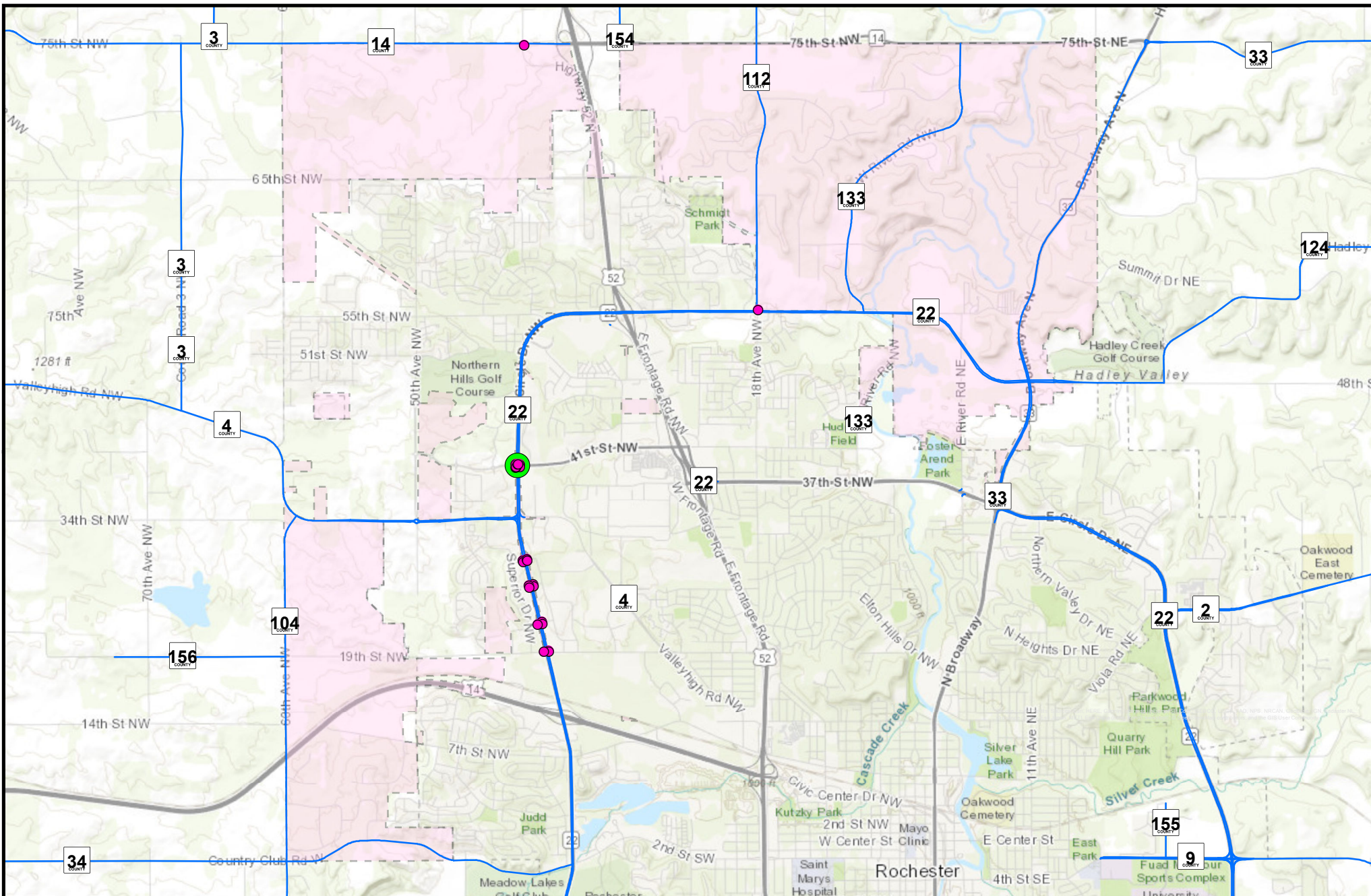
Legend

- Pedestrian Ramps (20)
- County Roads
- City Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

City of Byron
Pedestrian Ramps
Figure 01
July, 2018



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0 2,500 5,000 Feet

Legend

● Pedestrian Ramps (25)

● Signalized Intersection (1)

— County Roads

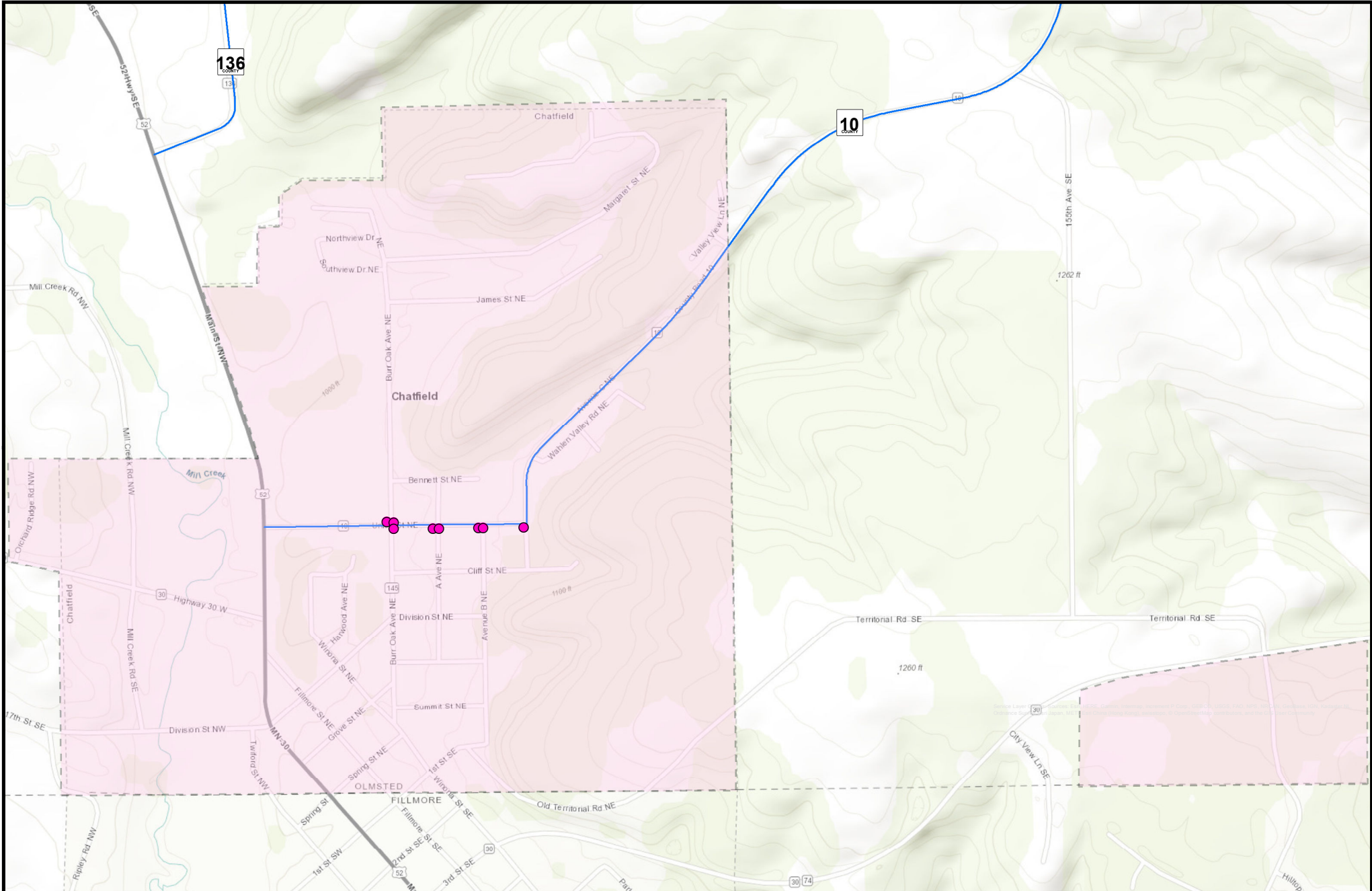
- - - Township Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

Cascade Township
Pedestrian Ramps

Figure 02
July, 2018






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0 500 1,000 Feet

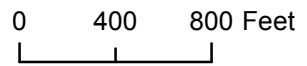
Legend

-  Pedestrian Ramps (8)
-  County Roads
-  City Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

City of Chatfield
Pedestrian Ramps
Figure 03
July, 2018



Legend

- Pedestrian Ramps (32)
- County Roads
- City Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

City of Dover
Pedestrian Ramps
Figure 04
July, 2018



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0 750 1,500 Feet

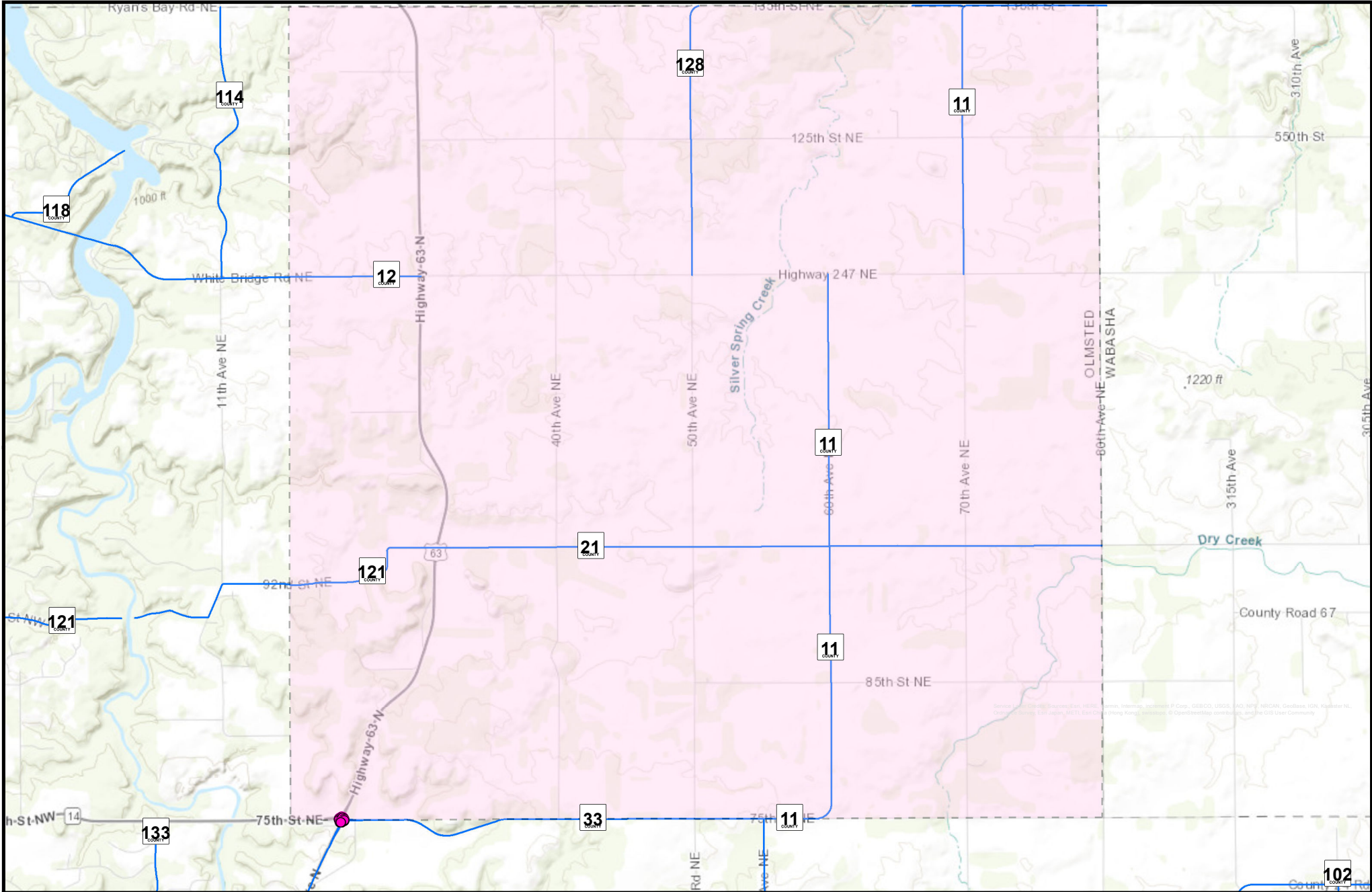
Legend

- Pedestrian Ramps (46)
- County Roads
- City Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

City of Eyota
Pedestrian Ramps
Figure 05
July, 2018



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0 2,500 5,000 Feet

Legend

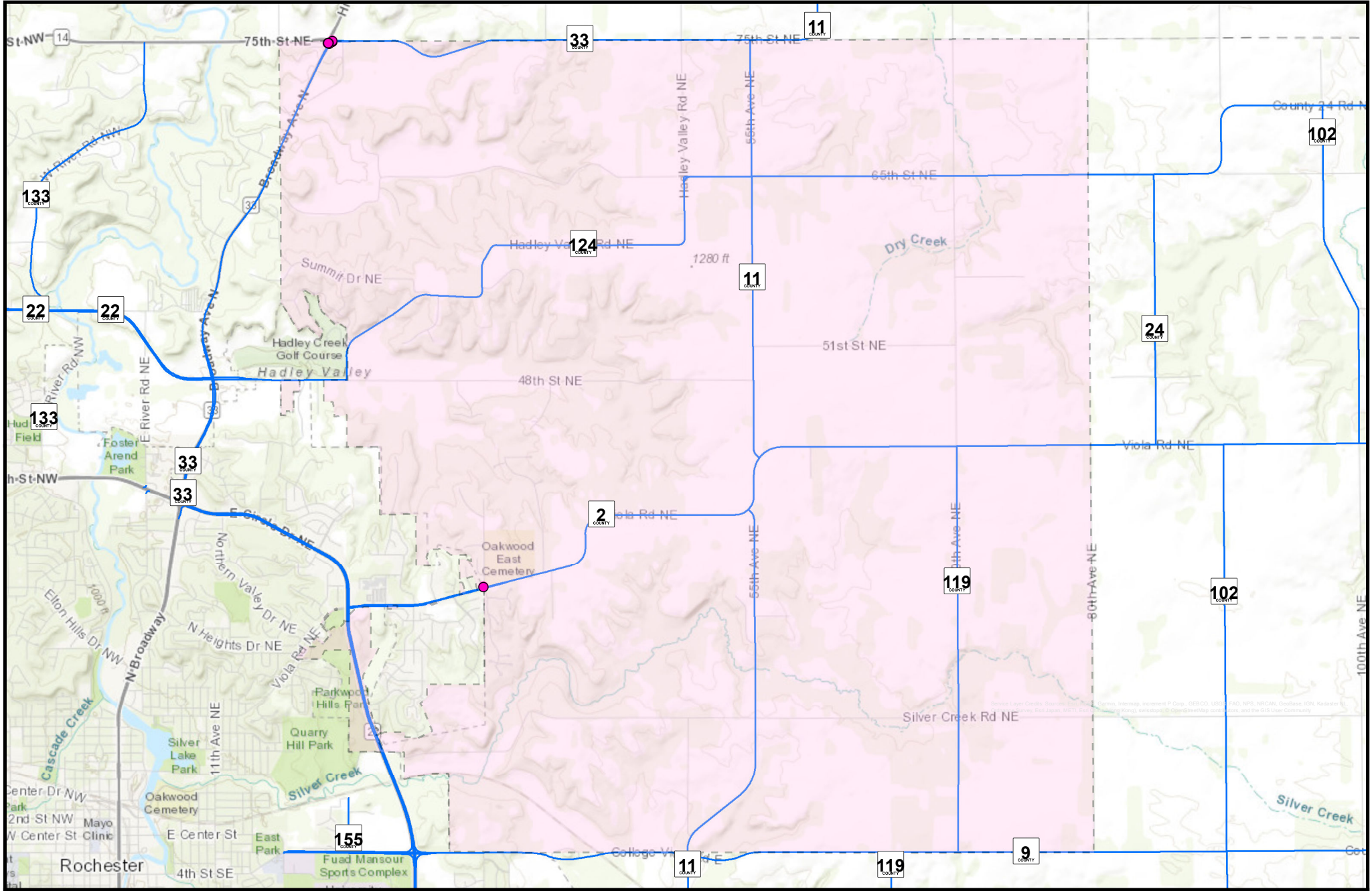
- Pedestrian Ramps (10)
- County Roads
- Township Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

Farmington Township Pedestrian Ramps

Figure 06
July, 2018



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0 2,500 5,000 Feet

Legend

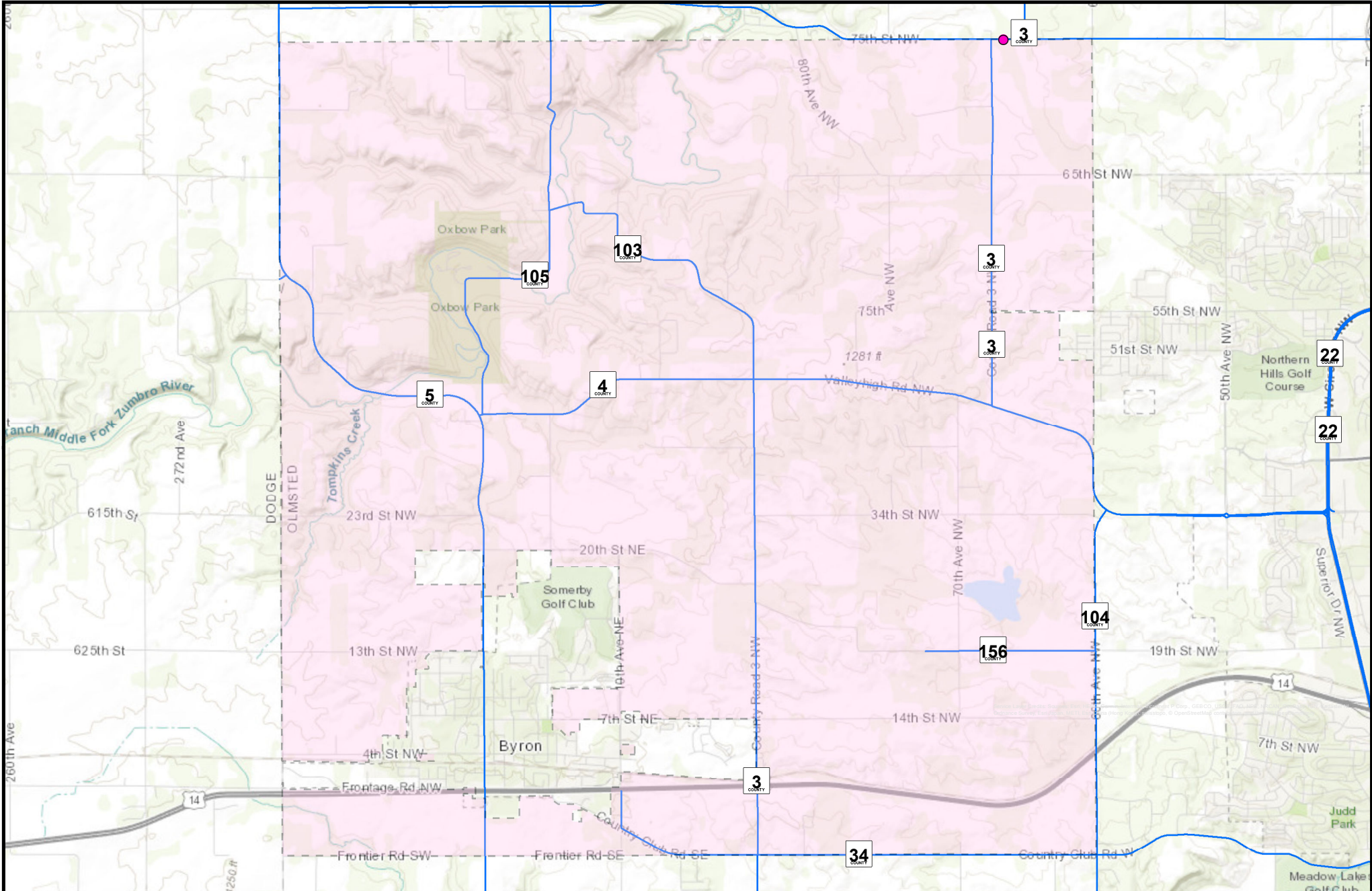
- Pedestrian Ramps (7)
- County Roads
- Township Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

Haverhill Township Pedestrian Ramps

Figure 07
July, 2018



0 2,500 5,000 Feet

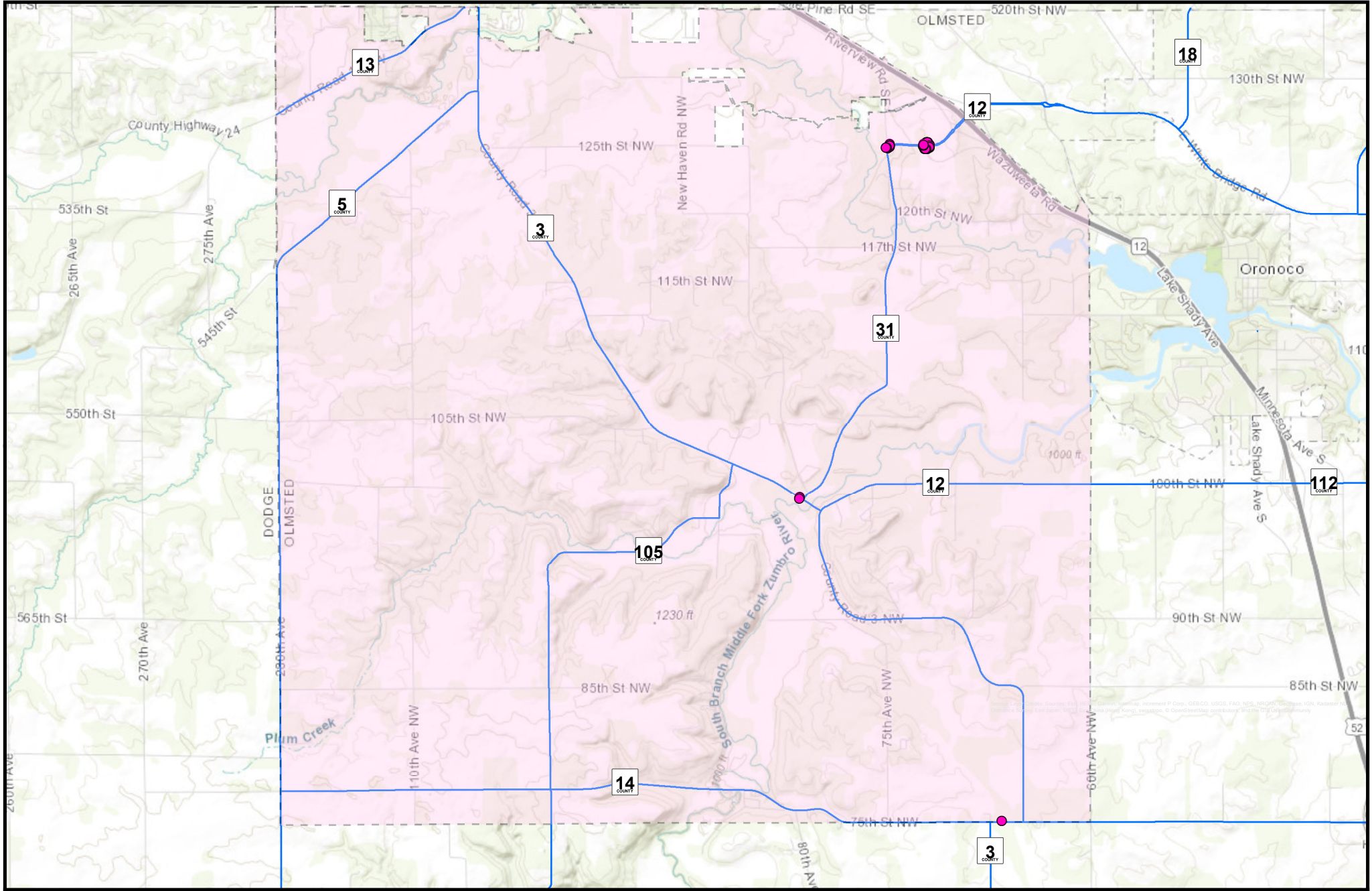
Legend

- Pedestrian Ramps (1)
- County Roads
- Township Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

Kalmar Township
Pedestrian Ramps
Figure 08
July, 2018



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0 2,500 5,000 Feet

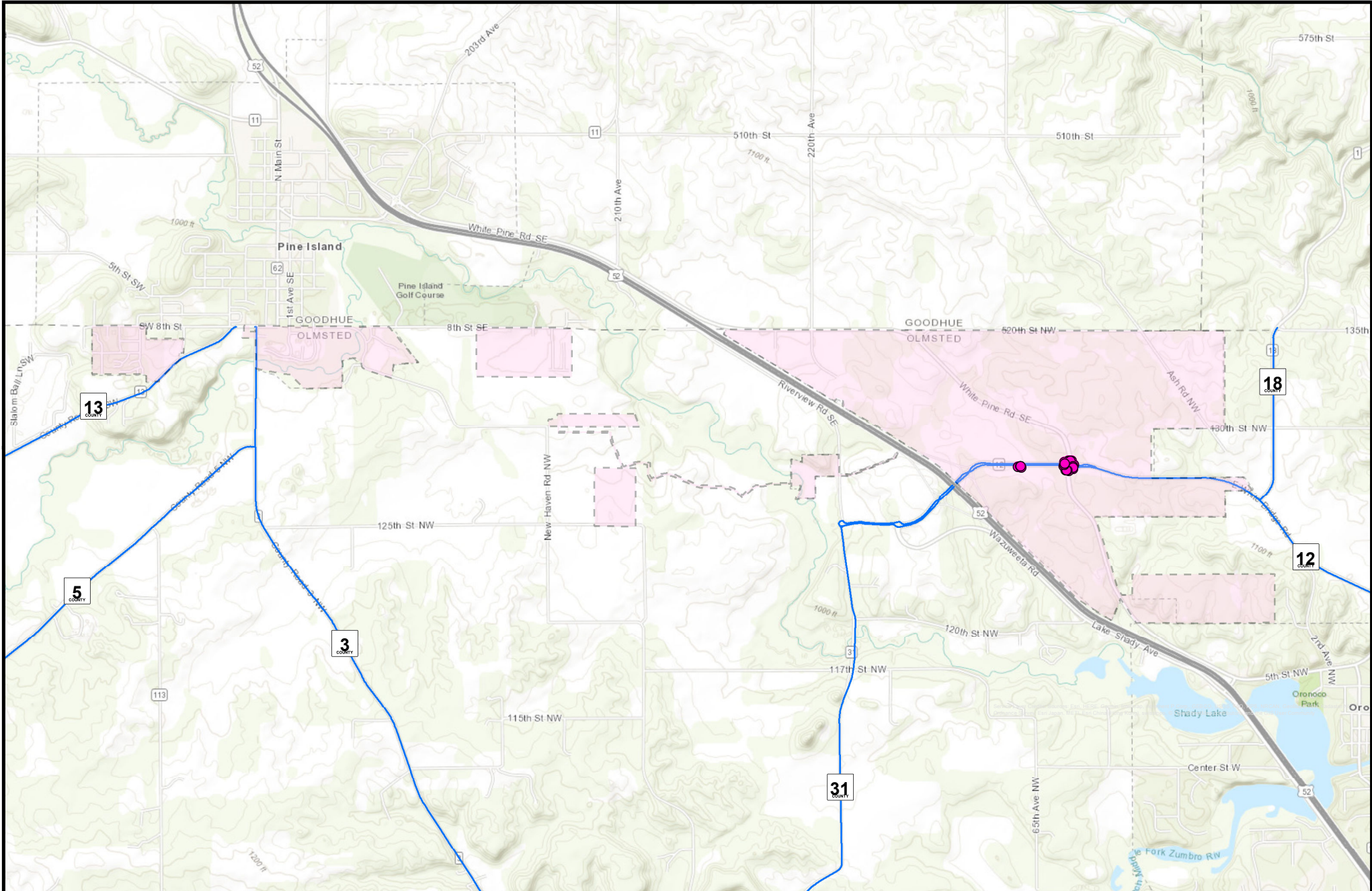
Legend

- Pedestrian Ramps (26)
- County Roads
- Township Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

New Haven Township
Pedestrian Ramps
Figure 09
July, 2018



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COUNTY OF
Olmsted

0 1,750 3,500 Feet

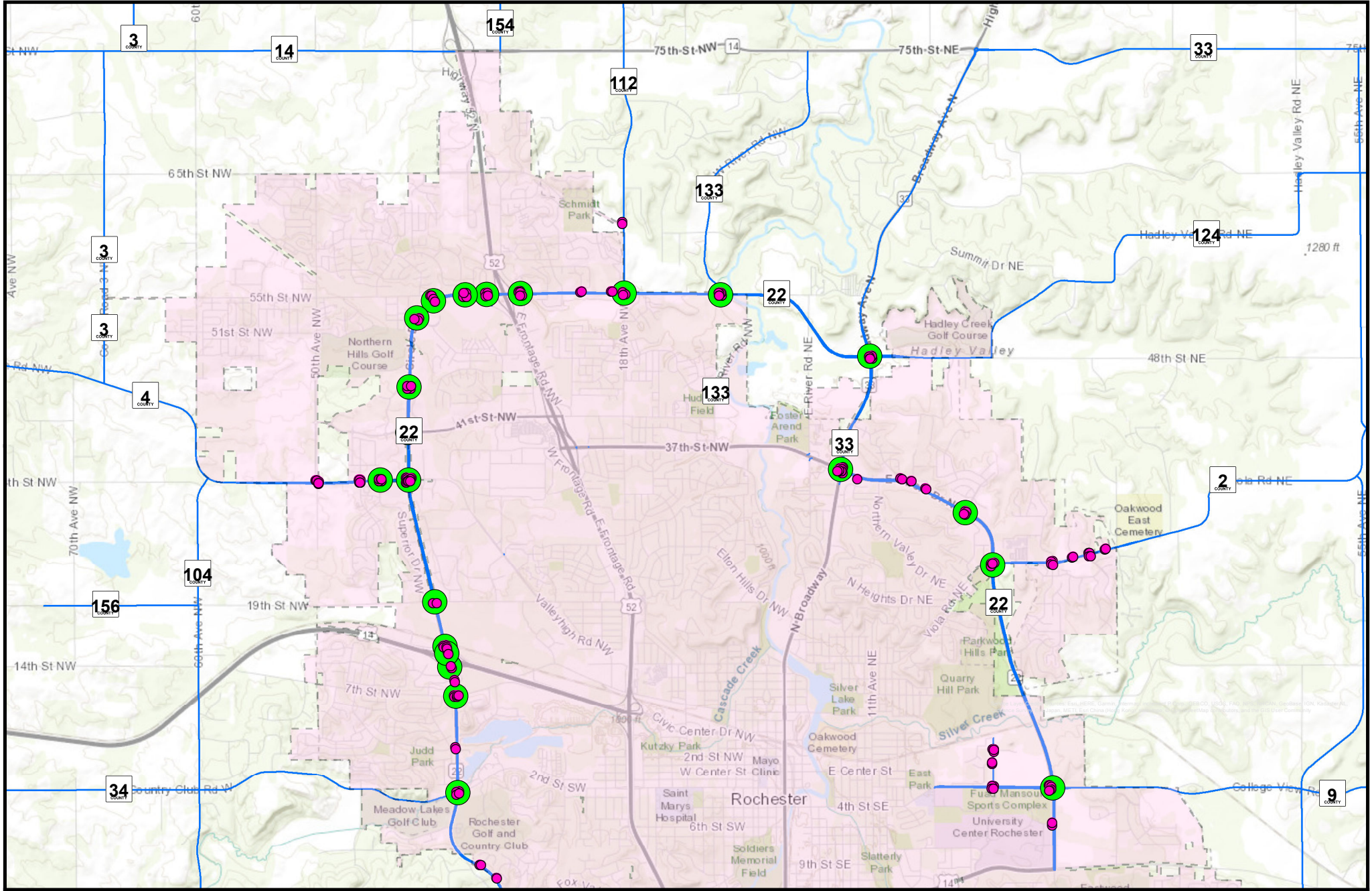
Legend

- Pedestrian Ramps (20)
- County Roads
- City Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

City of Pine Island
Pedestrian Ramps
Figure 10
July, 2018



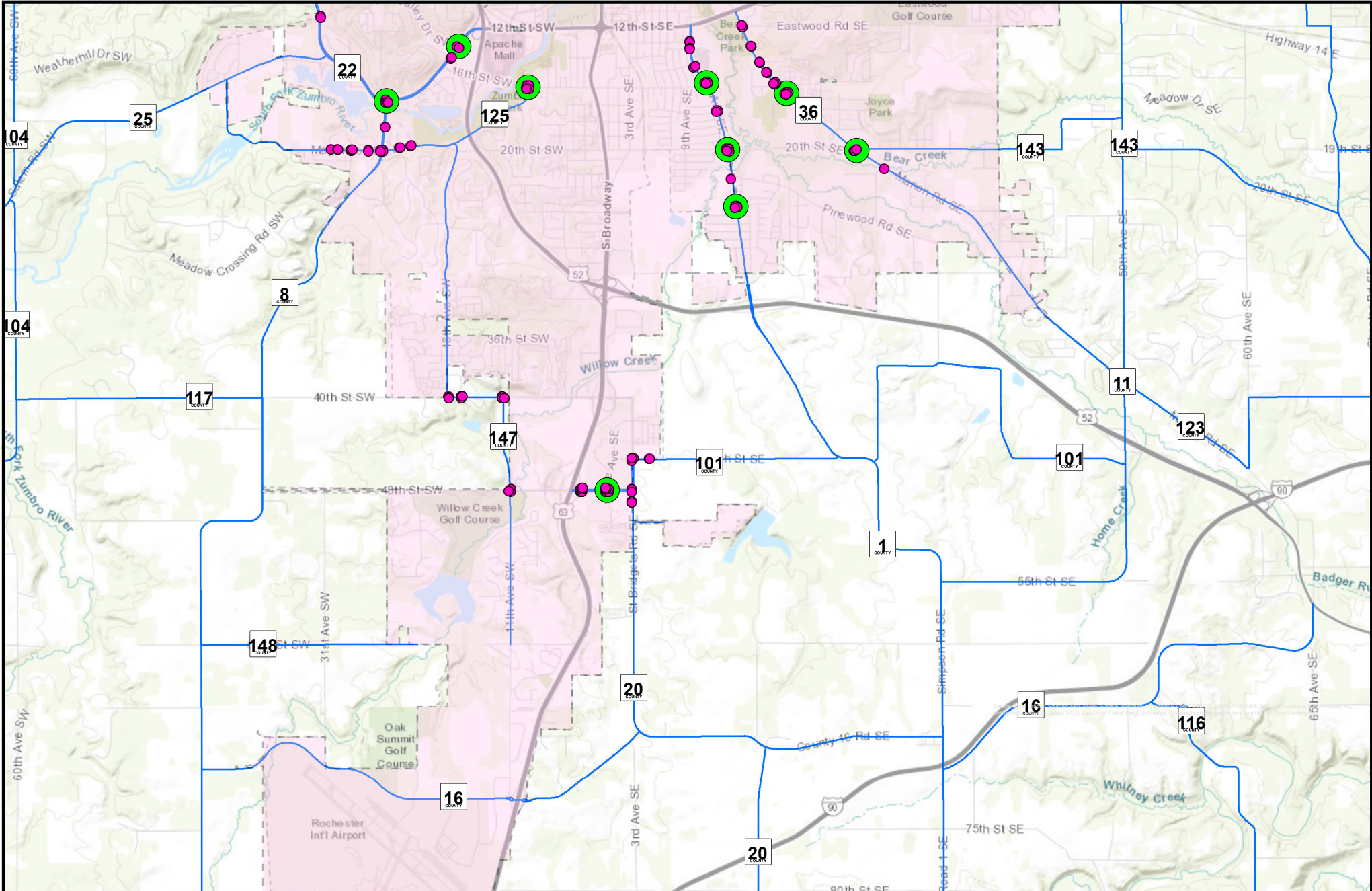
0 2,750 5,500 Feet

Legend

- Pedestrian Ramps (180)
- Signalized Intersection (21)
- County Roads
- City Boundary

Source: Olmsted County, MnDOT, ESRI

**Olmsted County
ADA Transition Plan**
City of Rochester
Pedestrian Ramps
(North)
Figure 11
July, 2018



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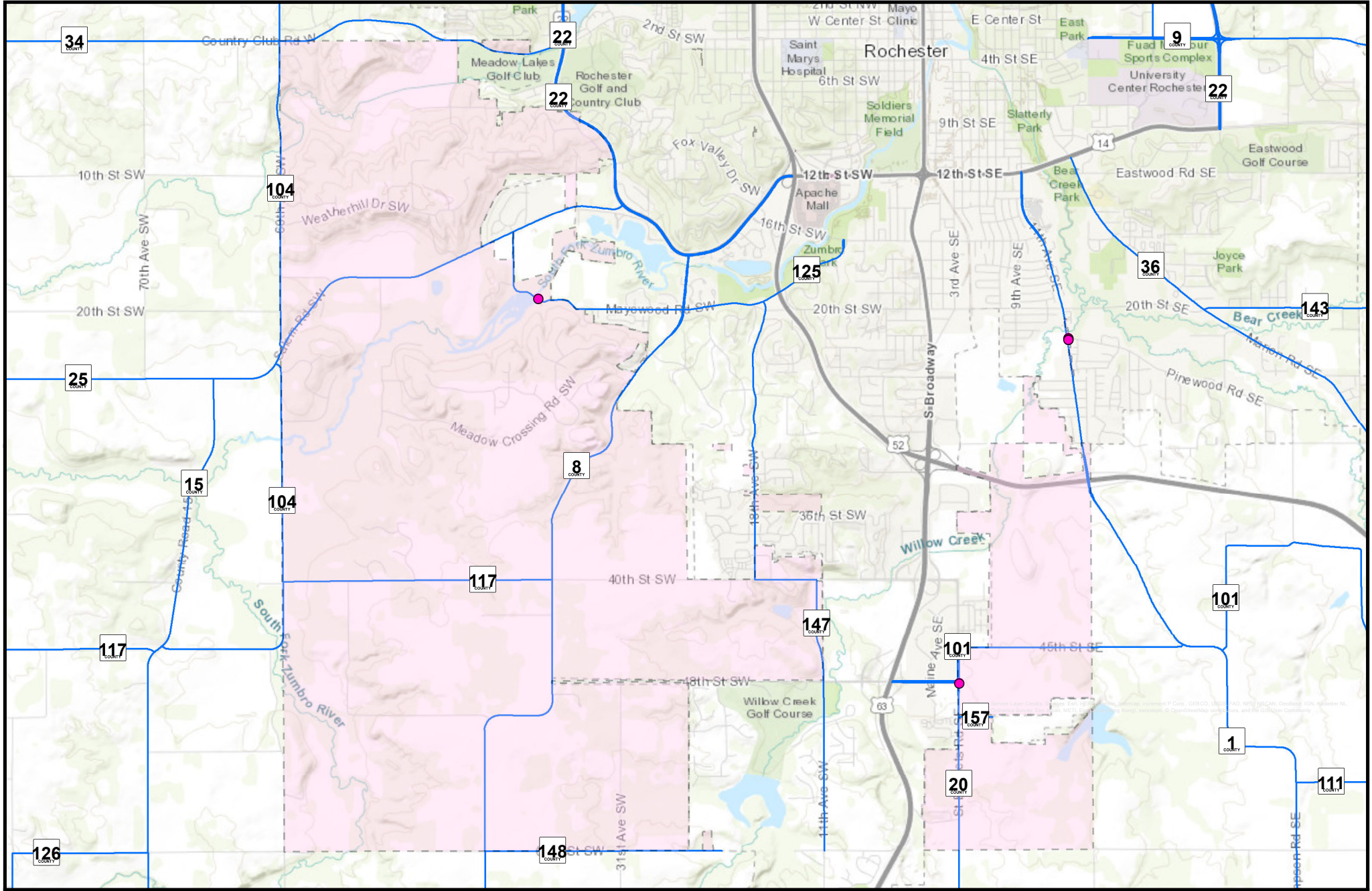
0 2,750 5,500 Feet

Legend

- Pedestrian Ramps (121)
- Signalized Intersection (9)
- County Roads
- City Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County
ADA Transition Plan
City of Rochester
Pedestrian Ramps
(South)
Figure 12
July, 2018



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COUNTY OF
Olmsted

0 2,500 5,000 Feet

Legend

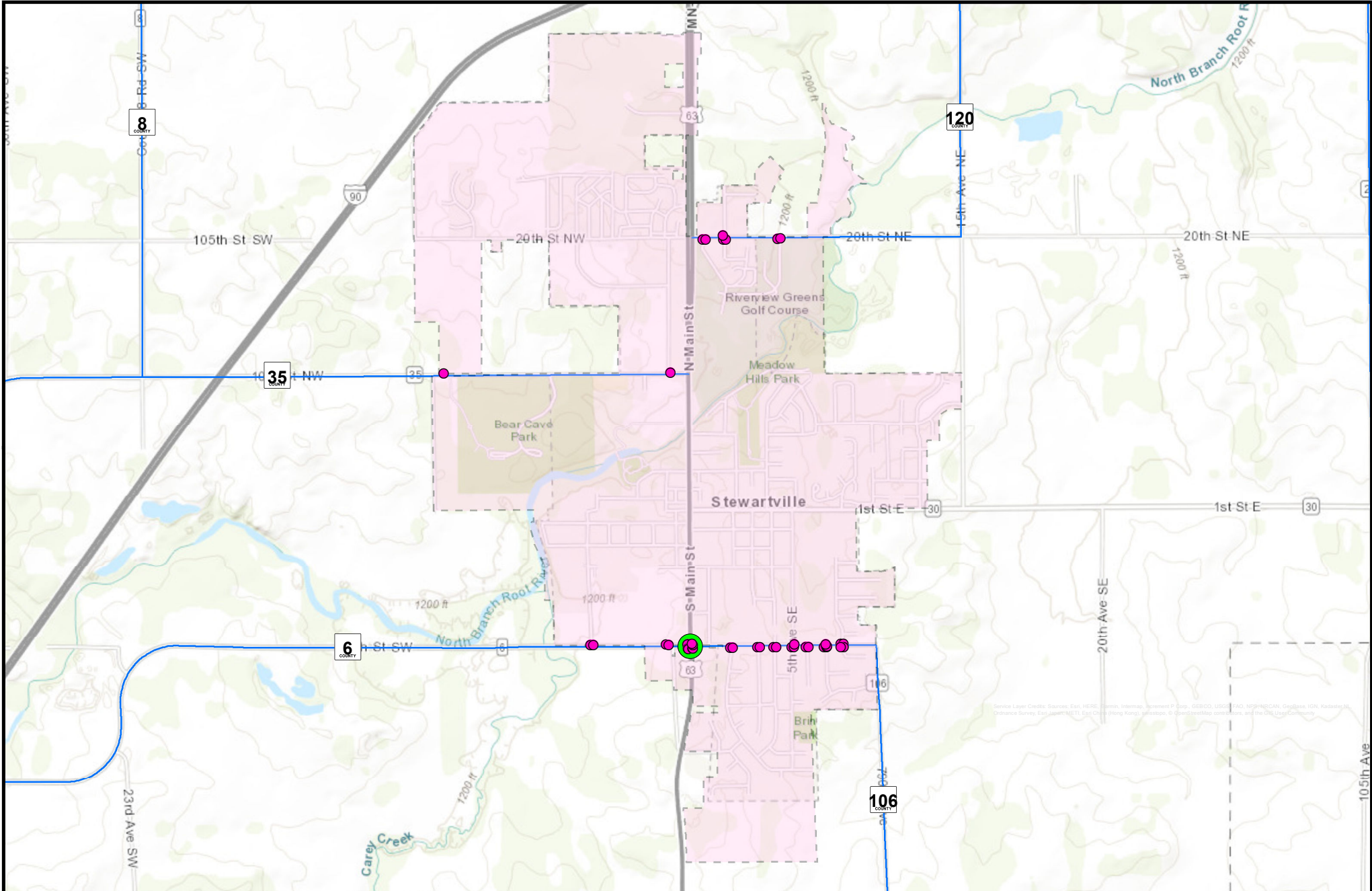
- Pedestrian Ramps (5)
- County Roads
- Township Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

Rochester Township Pedestrian Ramps

Figure 13
July, 2018



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0 1,250 2,500 Feet

Legend

- Pedestrian Ramps (40)
- Signalized Intersection (1)
- County Roads
- City Boundary

Source: Olmsted County, MnDOT, ESRI

Olmsted County ADA Transition Plan

City of Stewartville
Pedestrian Ramps

Figure 14
July, 2018

Appendix C – Agency ADA Design Standards and Procedures

Design Procedures

Intersection Corners

The OCPWD intends to construct or upgrade curb ramps to achieve compliance as part of its transportation CIP 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 of whether full compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgment of County staff.

Sidewalks / Trails

The OCPWD will coordinate with cities; who are generally responsible for sidewalks and trails located within county right of way, to evaluate and attempt to construct or upgrade sidewalks and trails to achieve compliance as part of the Transportation CIP 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 of whether full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of County staff.

Traffic Control Signal Systems

The OCPWD will construct ADA compliant traffic control signal systems as part of the Transportation CIP 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 of whether 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 County staff.

Bus Stops

All bus stops are owned and operated by the local municipalities and are generally their responsibility for maintenance of accessibility. OCPWD staff coordinate with the appropriate municipality upon request for new or rehabilitated bus stops that will be made ADA compliant to the extent practical and feasible.

Other policies, practices and programs

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

Design Standards

The OCPWD generally follows the guidelines identified in the *Public Rights of Way Accessible Guidelines (PROWAG)* most recent version, when practical and feasible.

<https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines/>

Appendix D – Contact Information

Olmsted County Public Works Department

ADA Title II Coordinator & Implementation Coordinator

Name: Kaye Bieniek, P.E.
Or current DPW/County Engineer

Address: Olmsted County Public Works Department
2122 Campus Drive SE. Ste 200
Rochester, MN 55904-4744

Phone: 507.328.7060
Fax: 507.328.7189
E-mail: pwservice@co.olmsted.mn.us

Appendix E – Public Outreach Material

The following pages include poster boards, maps, and other materials that were used at public meetings or as part of other outreach activities.



What is an ADA Transition Plan?

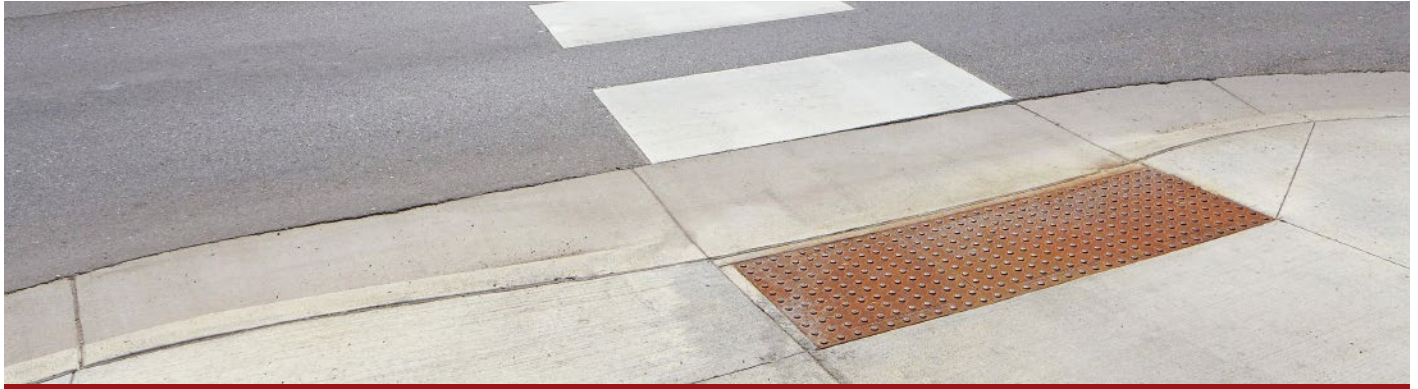
The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability.

As a provider of public transportation services and programs, the Olmsted County Public Works Department must comply with this Act, and is developing a Transition Plan detailing how the County will ensure that all facilities are accessible to all individuals.

The Olmsted County Public Works Department must meet these general requirements for individuals with disabilities:

- Access to all public programs and places
- Modification of policies that deny equal access
- Effective communication procedures
- An ADA Coordinator that coordinates ADA compliance
- Public notice of ADA requirements
- Grievance procedure for resolution of complaints

The Olmsted County Public Works Department's goal is to provide ADA-accessible pedestrian design features as part of the County's long term transportation capital improvement projects (CIP). These standards and procedures will be kept up to date with nationwide and local best management practices for pedestrian facilities.

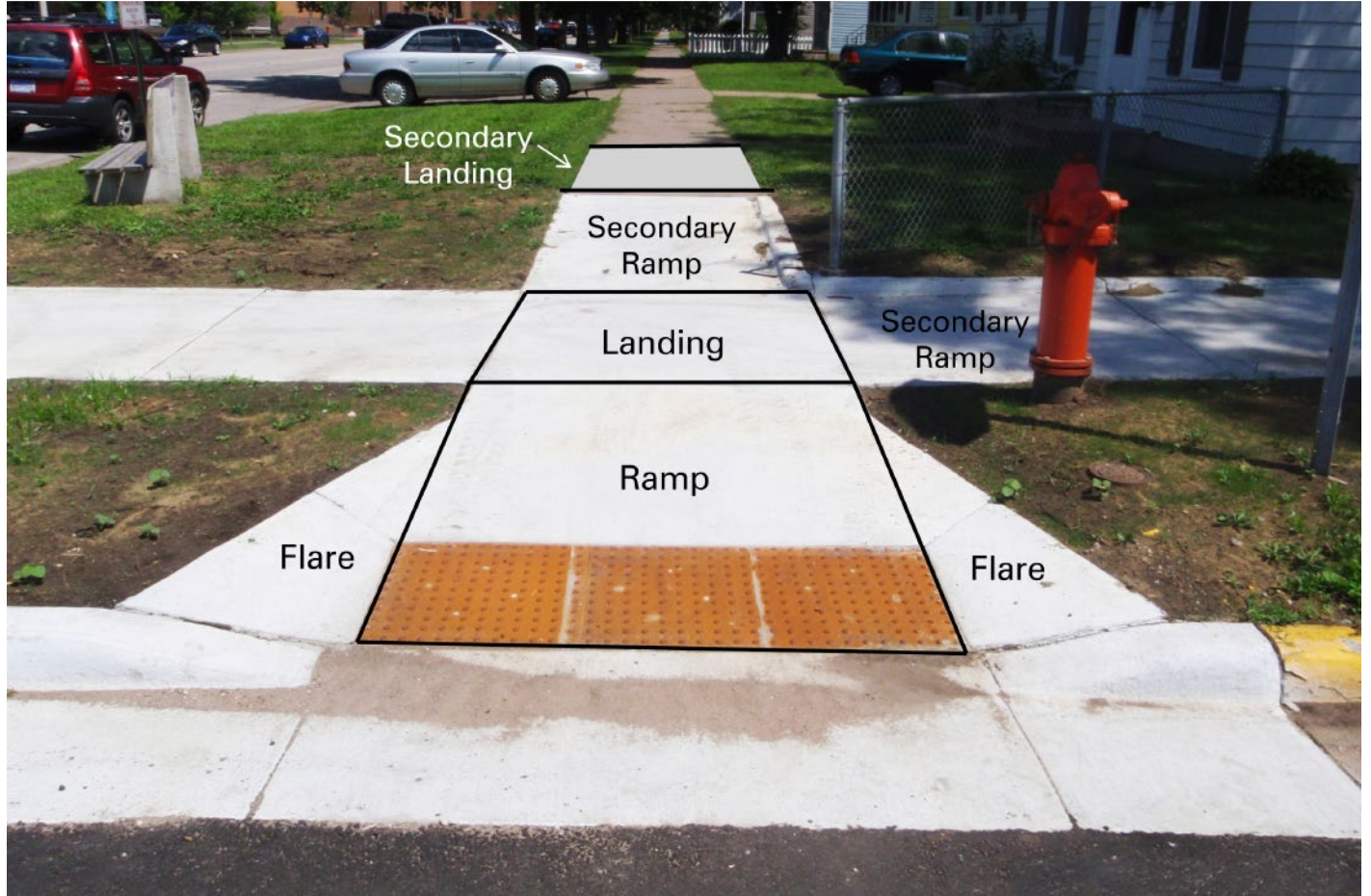


ADA Improvement Plan

Olmsted County is committed to making investments to improve accessibility in the County using a systematic approach to absorb the cost into the County's budget for improvements to the public right of way.

- Olmsted County reviews its priorities for the long-range transportation capital improvement plan (CIP) which include pedestrian facilities on an annual basis.
- ADA accessibility improvements will be considered in context of the CIP, the condition of pedestrian facilities and their proximity to specific higher pedestrian volume generating land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments.
- Any pedestrian facility that has been identified as out of compliance or in need of maintenance shall be addressed by OCPWD staff as they deem appropriate in a timely fashion.
- Any of pedestrian facilities identified as an existing hazard or compliance issue that OCPWD staff believes needs to be addressed by a set date shall be incorporated into a project in the CIP.

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



Curb Ramp Elements

Without these basic ramp elements, sidewalk travel can be dangerous, difficult, and in some cases impossible for people who use wheelchairs, scooters and other mobility aids.

Curb ramps allow people with mobility impairments to gain access to the sidewalks and to pass through center islands in streets. Without accessible ramps, these individuals are forced to travel in streets and roadways, are put in danger, and/or are prevented from reaching their destination.



ADA Coordinator

Olmsted County has identified an ADA Title II Coordinator to oversee County Public Works Department policies and procedures:

Kaye Bieniek, PE

Olmsted County Public Works Department
2122 Campus Drive SE. Ste 200
Rochester, MN 55904-4744

Phone: 507.328.7060

Fax: 507.328.7189

E-mail: pwservice@co.olmsted.mn.us

More information is available at:

<https://www.co.olmsted.mn.us/pw/roadtransportation/ADATransitionPlan/Pages/default.aspx>





NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Olmsted County Public Works Department (OCPWD) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Effective Communication: the OCPWD 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 OCPWD'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 OCPWD 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 OCPWD offices, even where pets are generally prohibited, consistent with Olmsted County Policy on service animals.

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 OCPWD, should contact the office of Kaye Bieniek, Olmsted County Public Works Department, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the OCPWD 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 OCPWD is not accessible to persons with disabilities should be directed to Kaye Bieniek, Olmsted County Public Works Department.

The OCPWD 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 F – Public Notice

As part of the ADA requirements the County 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, Olmsted County will not discriminate against qualified individuals with disabilities on the basis of disability in County services, programs, or activities.

Employment: The County 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 County 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 County'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 County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all County programs, services, and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited, consistent with Olmsted County Policy on service animals.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the office of the ADA Coordinator (see Appendix D) as soon as possible but no later than 48 hours before the scheduled event.

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

The County 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 G – Grievance Procedure

Prior to filing a grievance, the public is strongly encouraged to contact the OCPWD ADA Coordinator to discuss any concerns regarding County Public Works Department facilities. The OCPWD ADA Coordinator role is designed to provide a point of contact for the public to address concerns. It is anticipated that most concerns identified will be able to be resolved by the ADA coordinator. Contact information for the OCPWD ADA coordinator can be found in Appendix D of this document.

Olmsted County Public Rights of Way

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 OCPWD. County rules and regulations govern 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 their designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA Coordinator. Contact information can be found in Appendix D of this document.

Within fifteen working days after receipt of the complaint, the ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within fifteen working days of the meeting, the ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, or audio tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 30 calendar days after receipt of the response to the Deputy County Administrator for Physical Development or his/her designee.

Within thirty calendar days after receipt of the appeal, the Deputy County Administrator for Physical Development or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. With thirty calendar days after the meeting, the Deputy County Administrator for Physical Development 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 ADA Coordinator or their designee, appeals to the Deputy County Administrator for Physical Development or his/her designee, and responses from these two offices will be retained by the County in accordance with state and federal law.

Olmsted County Public Rights of Way Grievance Procedure

Those wishing to file a formal written grievance with Olmsted County Public Works Department may do so by one of the following methods:

- **Internet**
Visit the OCPWD ADA website at <https://www.co.olmsted.mn.us/pw/roadtransportation/ADATransitionPlan/Pages/default.aspx> and click the link to the ADA Complaint Form. A copy of The ADA Complaint Form is included with this document in Appendix H.
- **Telephone**
Contact the ADA Coordinator as specified in Appendix D to submit an oral complaint. The ADA Coordinator will prepare and submit the complaint form on behalf of the person filing the grievance.
- **Paper Submittal**
Contact the ADA Coordinator as specified in Appendix D to request a paper copy of the complaint form, complete the form, and submit it to the ADA Coordinator.

The ADA Complaint Form will ask for the following information:

- The name, address, telephone number, and email address for the person filing the grievance
- The name, address, telephone number, and email address for the person alleging an ADA violation (if different than the person filing the grievance)
- A description and location of the alleged violation and the nature of a remedy sought, if known by the complainant.

- If the complainant has filed the same complaint or grievance with the United States Department of Justice (DOJ), another federal or state civil rights agency, a court, or others, the name of the agency or court where the complainant filed it and the filing date.

If the grievance filed does not concern an OCPWD facility, the OCPWD will work with the complainant to contact the agency that has jurisdiction.

An OCPWD staff person will investigate to determine the validity of the alleged violation. As a part of the investigation, the staff person may conduct an engineering study to help determine the response. The staff person will take advantage of department resources and use engineering judgment, data collected, and any information submitted by the complainant to develop a conclusion. A staff person will be available to meet with the complainant to discuss the matter as a part of the investigation and resolution of the matter. The OCPWD will document each resolution of a filed grievance and retain such documentation in the department's ADA Grievance file in accordance with state and federal law.

The OCPWD will consider all specific grievances within its particular context or setting. Furthermore, the County will consider many varying circumstances including: 1) the nature of the access to services, programs, or facilities at issue; 2) the specific nature of the disability; 3) the essential eligibility requirements for participation; 4) the health and safety of others; and 5) the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to Olmsted County.

Accordingly, the resolution by the OCPWD of any one grievance does not constitute a precedent upon which the County is bound or upon which other complaining parties may rely.

File Maintenance

The OCPWD shall maintain ADA grievance files in accordance with state and federal law.

Complaints on Title II violations may also be filed with the DOJ within 180 days of the date of discrimination. In certain situations, cases may be referred to a mediation program sponsored by the Department of Justice (DOJ). The DOJ may bring a lawsuit where it has investigated a matter and has been unable to resolve violations.

For more information, contact: U.S. Department of Justice Civil Rights Division
950 Pennsylvania Avenue, N.W. Disability Rights Section - NYAV
Washington, D.C. 20530 www.ada.gov
(800) 514-0301 (voice – toll free)
(800) 514-0383 (TTY)

Title II may also be enforced through private lawsuits in Federal court. It is not necessary to file a complaint with the DOJ or any other Federal agency, or to receive a "right-to-sue" letter, before going to court.

Appendix H – Complaint Form

See the following four pages for complaint form.

Olmsted County Public Right of Way

Title II of the Americans with Disabilities Act and

Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form

The public is strongly encouraged to contact the ADA Coordinator to discuss any concerns regarding County transportation facilities prior to starting the grievance process. It is anticipated most accessibility issues, once identified, will be satisfactorily resolved by the ADA Coordinator without the need for completion of the formal complaint form.

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the ADA Coordinator as specified in Appendix D. Attach additional sheets if necessary.

Complainant Name:

Street Address:

City, State and Zip Code:

Telephone (Home):

Telephone (Business):

Person Discriminated Against: (if other than the complainant)

Address:

City, State, and Zip Code:

Telephone (Home/Business or Both):

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

Name:

Street Address:

City:

County:

State and Zip Code:

Telephone Number:

When was the issue discovered/when did the problem occur? (Date):

Describe the issue in detail, providing the name(s) where possible of the individuals who have been contacted. (Add additional pages if necessary):

Have prior efforts been made to resolve this complaint through the grievance procedure?

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:

Street Address:

City, State, and Zip Code:

Telephone Number:

Date Filed:

Do you intend to file with another agency or court?

Yes ☐ No ☐

If Yes: Agency or Court:

Address:

Telephone Number:

Signature: -----

Date:-----

Return to:

ADA Coordinator as specified in Appendix D.

NOTICE OF RIGHTS

In accordance with the Minnesota Government Data Practices Act, the OCPWD is required to inform you of your rights as they pertain to the private information collected from you. Your personal information we collect from you is private. Access to this information is available only to you and the agency collecting the information and other statutorily authorized agencies, unless you or a court authorizes its release.

The Minnesota Government Data Practices Act requires that you be informed that the following information, which you are asked to provide, is considered private.

The purpose and intended use of the requested information is:

To assist Olmsted County staff and designees to evaluate and respond to accessibility concerns within the public right of way.

Authorized persons or agencies with whom this information may be shared include:

Olmsted County officials, staff or designee(s)

Furnishing the above information is voluntary, but refusal to supply the requested information will mean:

Olmsted County staff may be unable to respond to or evaluate your request.

MINN. STAT. §13.04(2)