



ADA Transition Plan

Olmsted County Public Works

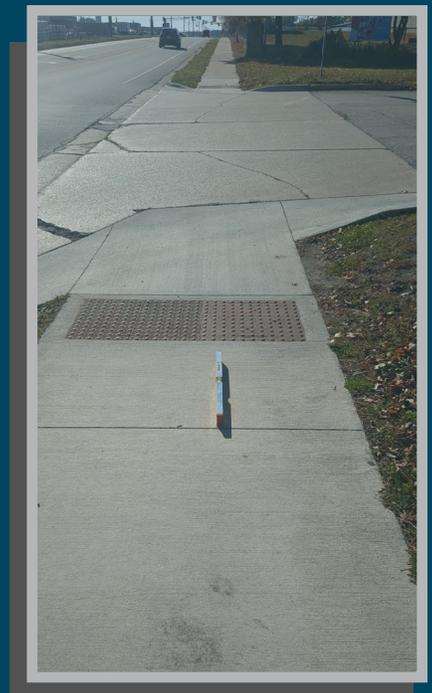
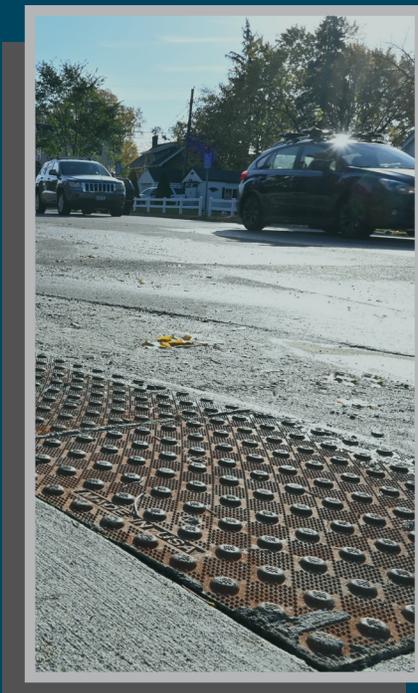


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INTRODUCTION

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 based on 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 the 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 the 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](#))

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 OCPWD programs, practices, or building facilities not related to public rights of way.

ADA and its Relationship with 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 the ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding.

Agency Requirements

Under Title II, Olmsted County must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, they 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 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 separate or other 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 prompt and equitable resolution of complaints [[28 CFR Sec. 35.107\(b\)](#)]. This requirement resolves all problems or conflicts related to ADA compliance before they escalate to litigation and the federal complaint process.

SELF-EVALUATION CONDITION ASSESSMENT

Overview

Under Title II of the Americans with Disabilities Act (ADA) and [28 CFR 35.105](#), the Olmsted County Public Works Department (OCPWD) is required to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify which 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 highway 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 signal 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 2025, the OCPWD conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities. This data is accurate as of 2025. This Plan includes:

- Pedestrian Ramps at street crossings that include trail or sidewalk facilities. Sidewalks are maintained by the City in which they are located.
- Traffic Control Signal Systems

Pedestrian Ramps:

All pedestrian ramps were inventoried and evaluated for compliance. Data collected for each pedestrian ramp includes condition, dome type, landing size, ramp type, slope, detectable warning system, and other required compliance information. Maintenance issues include unlevel ground surfaces, gaps, steep cross slope, cracking, standing water, vegetation, spalling, and others.

Ramps received one of the following condition ratings based on the above criteria:

- Uniform slopes, no noticeable cracks, no vertical discontinuities, no spalling, joints intact
- Uniform slopes, some cracks, vertical discontinuities less than 1/4", no spalling, joints intact
- Gutter slope beyond flare flows back towards pedestrian ramp at < 1.5%, some large cracks and minor spalling, noticeable vertical discontinuities, joints beginning to deteriorate
- Gutter slope beyond flare flows back towards pedestrian ramp at > 1.5%, many cracks, multidirectional, excessive spalling, excessive vertical discontinuities, joints badly deteriorated, > 1/2" vertical discontinuities

To achieve ADA-compliance, a pedestrian ramp must exhibit the following:

- Running slope is less than or equal to 8.33%
- Cross slope is less than or equal to 2%

- Presence of a landing area greater than or equal to 4-feet by 4-feet and less than or equal to 2% cross slopes in all directions.
- An ADA-compliant detectable warning is present (i.e., truncated domes)

Pedestrian ramps that do not exhibit the above criteria are not compliant with the ADA and are candidates for future reconstruction projects. The timeline for modifying each of these pedestrian ramps will depend on its priority ranking, correlation to planned projects, reasonable accommodation requests, and available funding. Compliant and non-compliant pedestrian ramp locations are identified in the appendix.

Traffic Signals:

Available pedestrian signals were inventoried for Accessible Pedestrian Signal (APS) availability, walk signal availability or countdown timers, and push button location. Traffic signals were categorized as APS and Non-APS locations. Signals without APS were determined to be non-compliant.

The data collection template was built in an Esri ArcGIS geodatabase format to allow for the flexibility needed to use various software solutions, including Collector for ArcGIS.

A detailed evaluation of how these facilities relate to ADA standards can be found in **Appendix B**, which will be updated periodically.

POLICIES AND PRACTICES

Previous Practices

Since adopting the ADA, Olmsted County has striven to provide accessible pedestrian features for highway improvement projects. As additional information was made available regarding providing accessible pedestrian features, the County has updated its 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 County's ability to understand available options and to explore the feasibility of implementing accessibility improvements. This information also assists in guiding the development of transition plans.

Policy

The County will inspect, inventory, and plan 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 Capital Improvement Plan (CIP) projects. The County has established ADA design standards and procedures, as detailed in **Appendix C**. These standards and procedures will be updated with nationwide and local best management practices.

The County 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 deemed reasonable

will be scheduled consistent with transportation priorities. The County will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the jurisdiction are ADA-compliant to the maximum extent feasible.

Maintenance and Snow Removal

Maintenance of pedestrian facilities within the public right of way will continue to follow the policies set forth by the County. The cities are responsible for maintenance and snow removal operations for pedestrian facilities on County highways within each municipality.

Olmsted County will maintain and update the facility database to reflect improvements to inventoried facilities.

ADA COORDINATOR

By [28 CFR 35.107\(a\)](#), the County has identified an ADA Title II Coordinator to oversee its policies and procedures and implement this policy. The 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 includes 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.olmstedcounty.gov/government/county-departments/public-works>

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 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 (**SEMCA**C). The OCPWD will coordinate with

those agencies to assist in facilitating the elimination of accessibility barriers along their routes and associated with their services.

Schedule Goals

The County 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 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:

- Website
- [After Public Engagement Window, Summarize public comments here]
- 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 must publish its responsibilities regarding the ADA. This public notice is provided in **Appendix F** and is available at [Olmsted ADA](#) Legal Notice. If users of Olmsted County facilities and services believe the County has not provided reasonable accommodation, they have the right to file a grievance.

Per [28 CFR 35.107\(b\)](#), the County 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 a Complaint Form in **Appendix H**. The complaint form can also be found on the [County's 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 Highway Department facilities.

A facilities review was conducted in 2025. Infrastructure updated after this time may not be reflected in this Plan update.

APPENDICES

- A. Glossary of Terms**
- B. Self-Evaluation Results**
- 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.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: Olmsted County Public Works transportation system plan identifies accessibility needs, outlines the process for fully integrating accessibility improvements into the Highway Improvement Plan, and ensures that 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 communicating 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 reducing 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 is 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.

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

OCPWD: Olmsted County Public Works Department

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 passage provided for pedestrian travel.

PROWAG: An acronym for the *Guidelines for Accessible Public Rights-of-Way* initially 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 prohibits discrimination by any program or activity conducted by the federal government.

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.

Uniform Accessibility Standards (UFAS): Accessibility standards that all federal agencies are required to meet that 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.

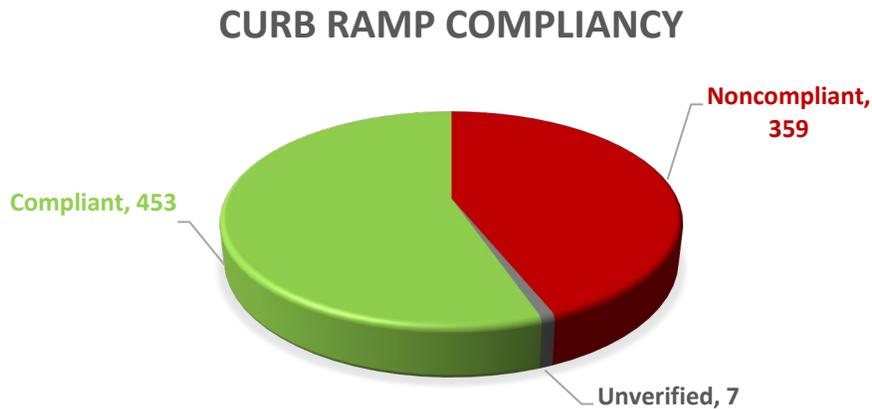
United States Department of Justice (DOJ): The United States Department of Justice (often referred to as the Justice Department or DOJ) is the United States federal executive department responsible for enforcing the law and administering justice.

Appendix B – Self-Evaluation

A summary of the condition assessment of the traffic signals and pedestrian facilities adjacent to roadway corridors are included on the following pages.

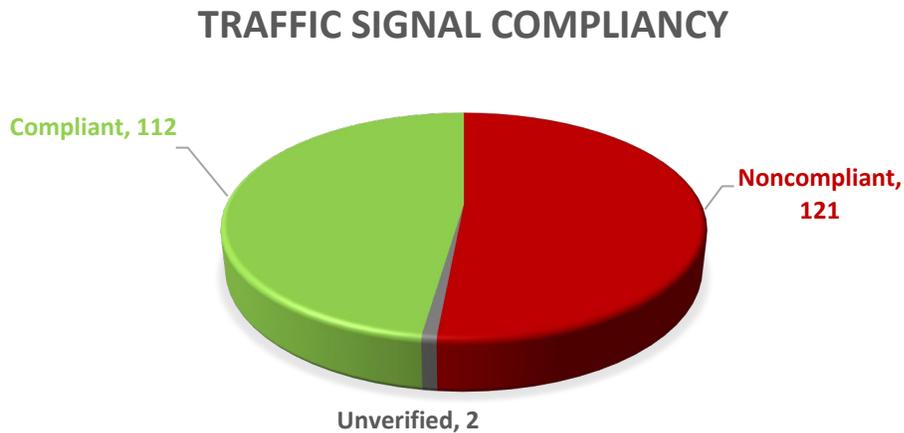
Pedestrian Ramps

A total of 819 pedestrian ramps were inventoried and classified as follows.

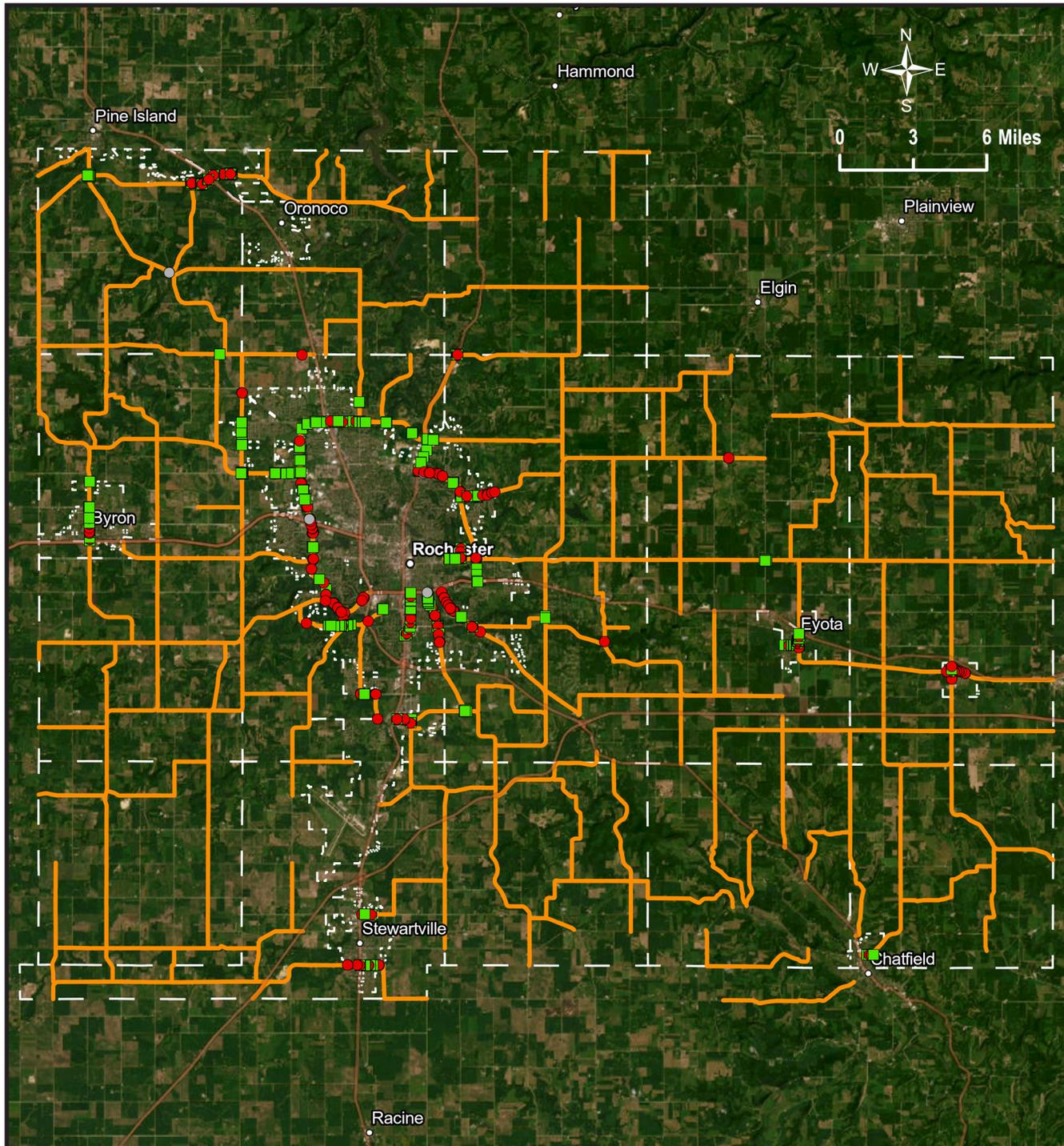


Traffic Signal Systems

A total of 235 traffic signal systems were inventoried and classified as follows.



Olmsted County ADA Transition Plan Curb Ramp Compliance

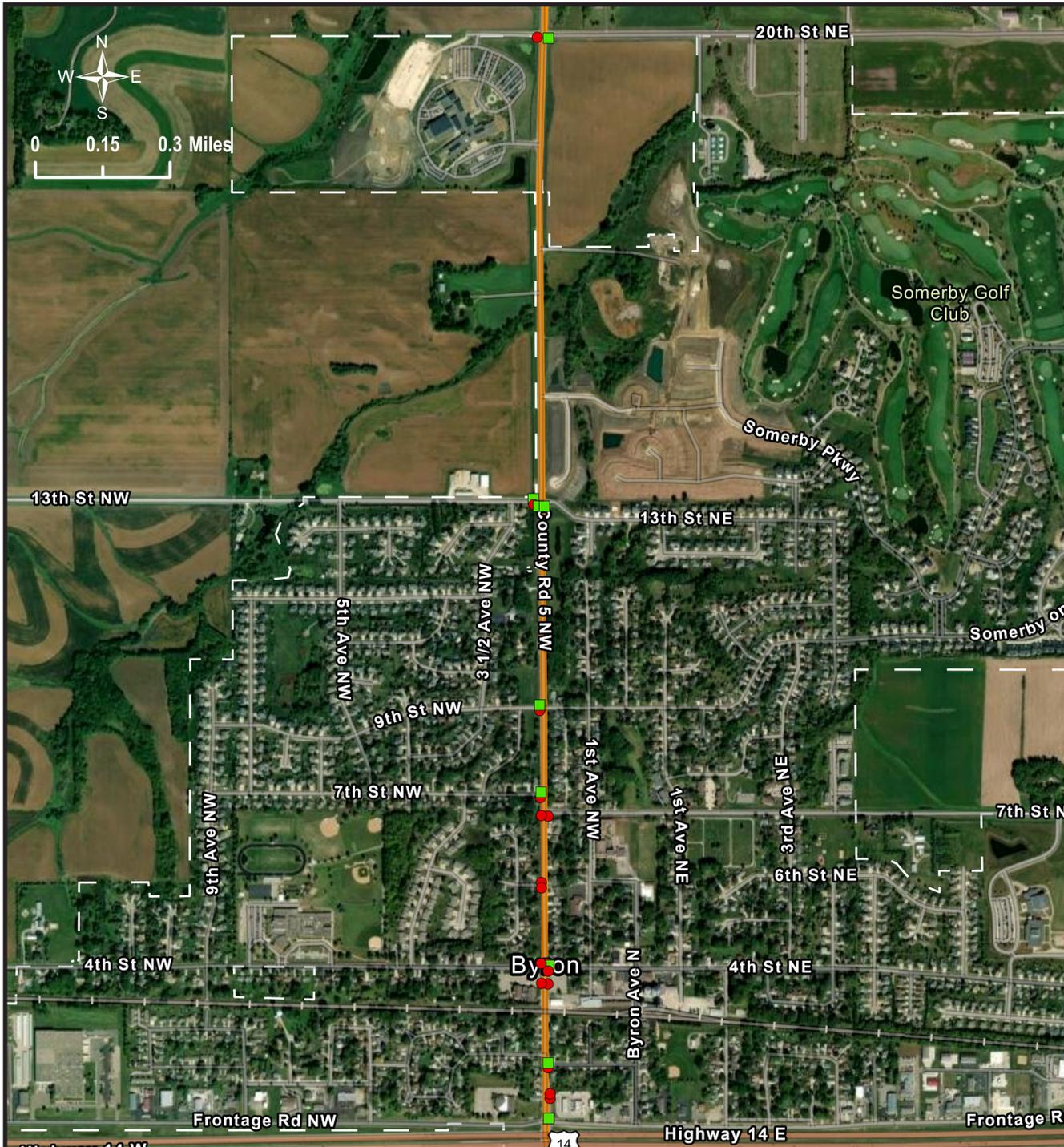


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- County Roads
- ┌┐ City/Township Boundary
- Curb Ramps Compliance
 - No
 - Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance City of Byron

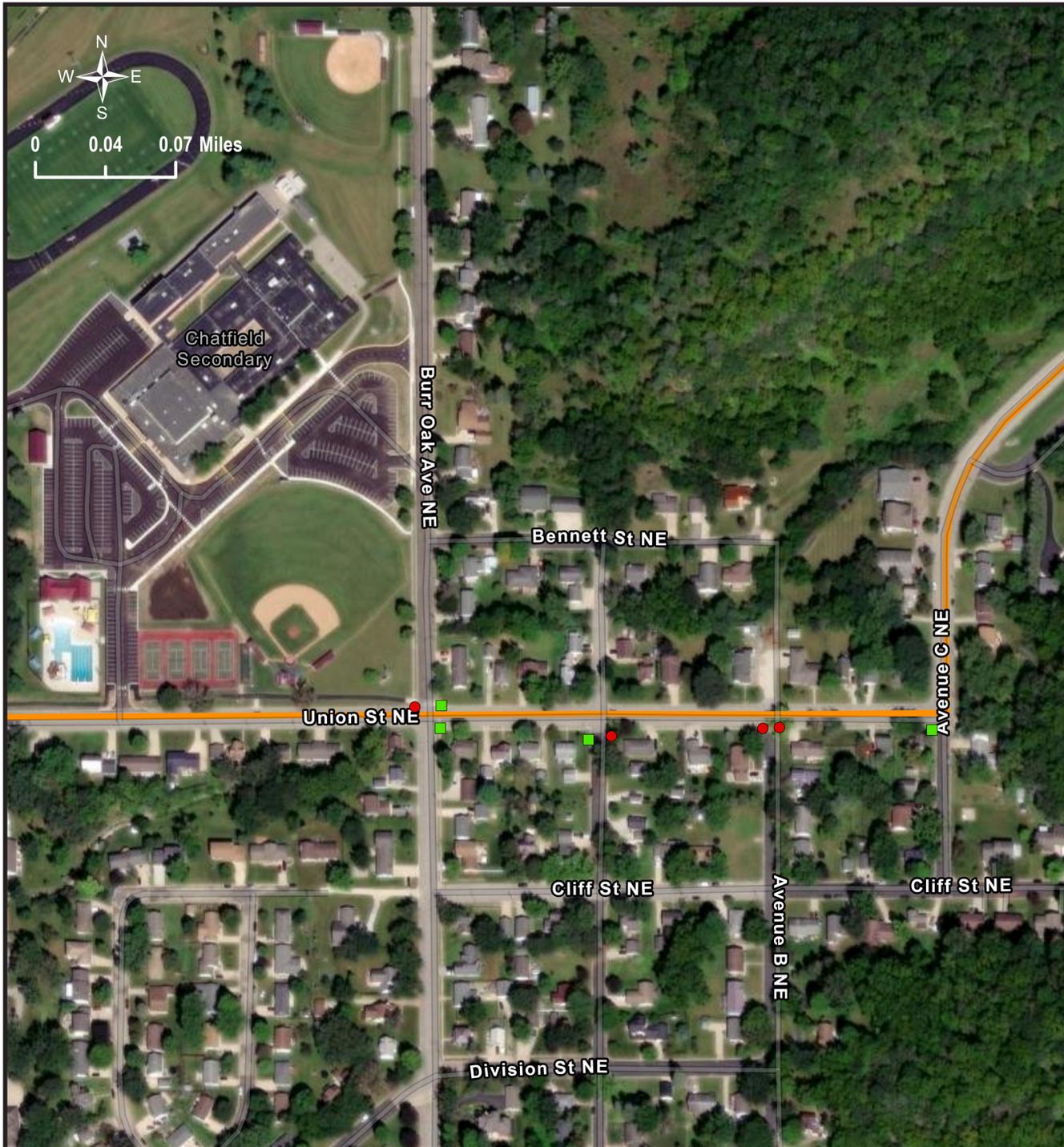


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-  City/Township Boundary
- Curb Ramps Compliance
-  No
-  Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance City of Chatfield

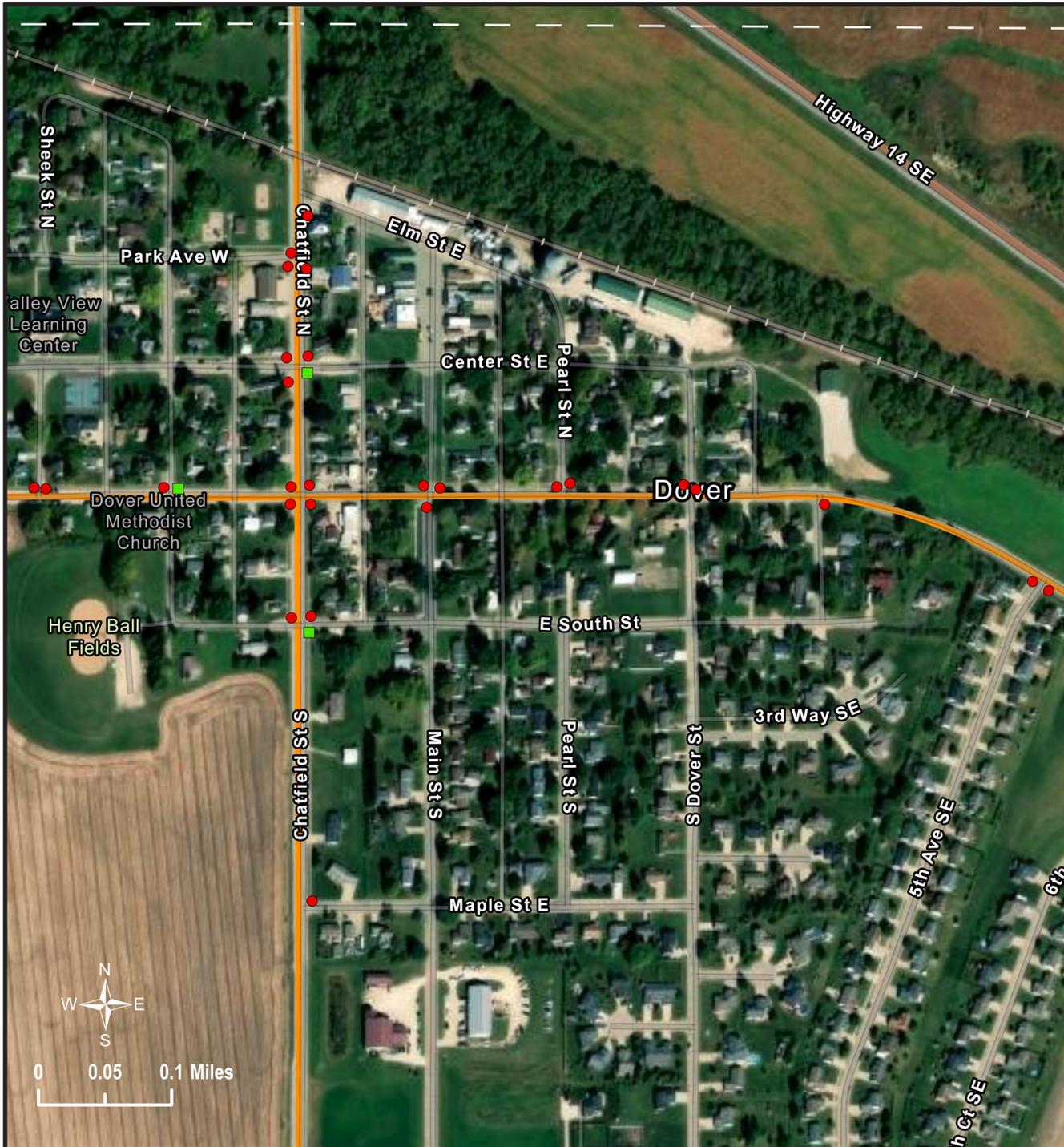


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-  City/Township Boundary
- Curb Ramps Compliance
-  No
-  Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance City of Dover



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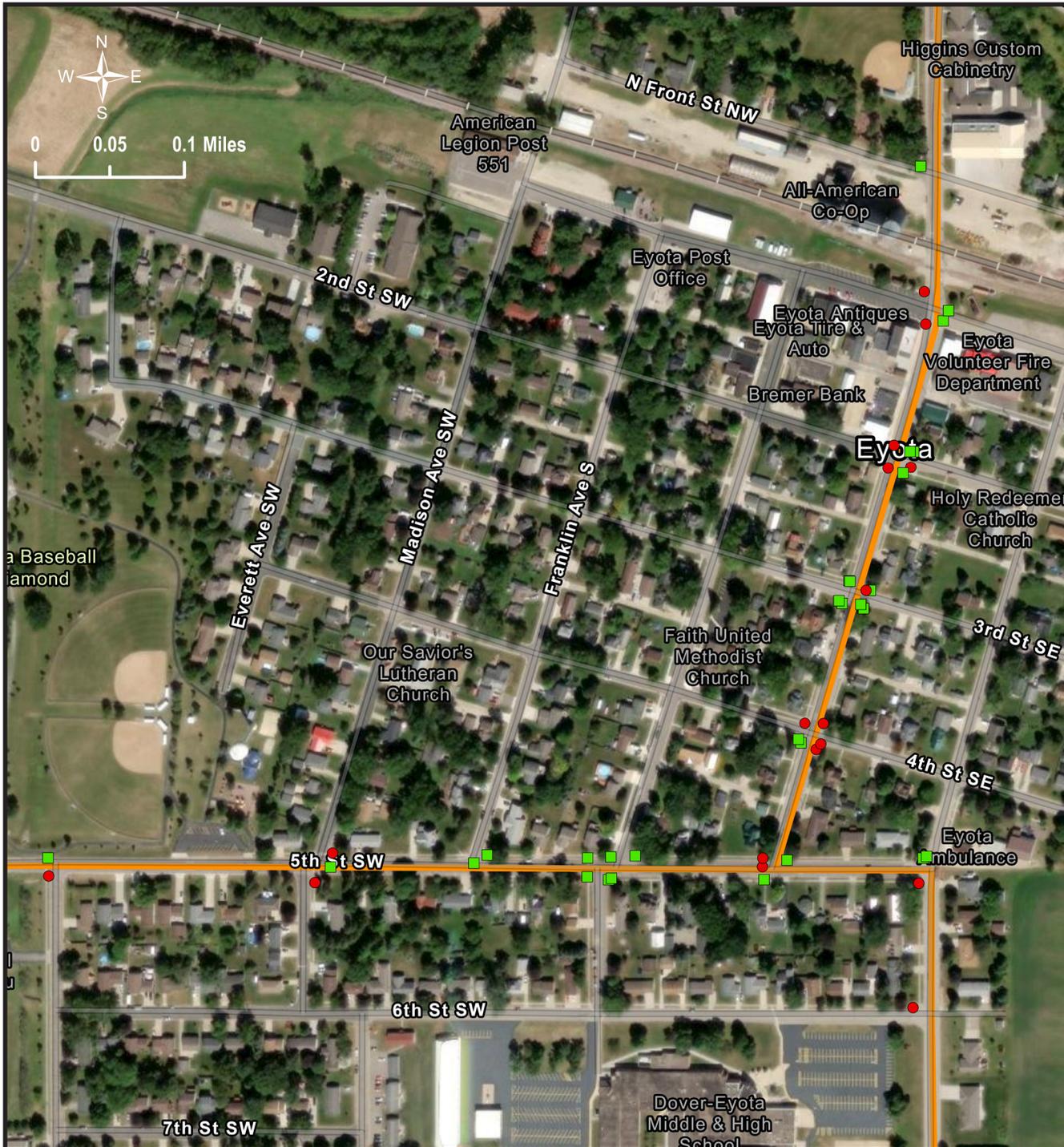
-  County Roads
-  City/Township Boundary

Curb Ramps Compliance

-  No
-  Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance City of Eyota



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-  County Roads
-  City/Township Boundary
- Curb Ramps Compliance
-  No
-  Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance City of Pine Island



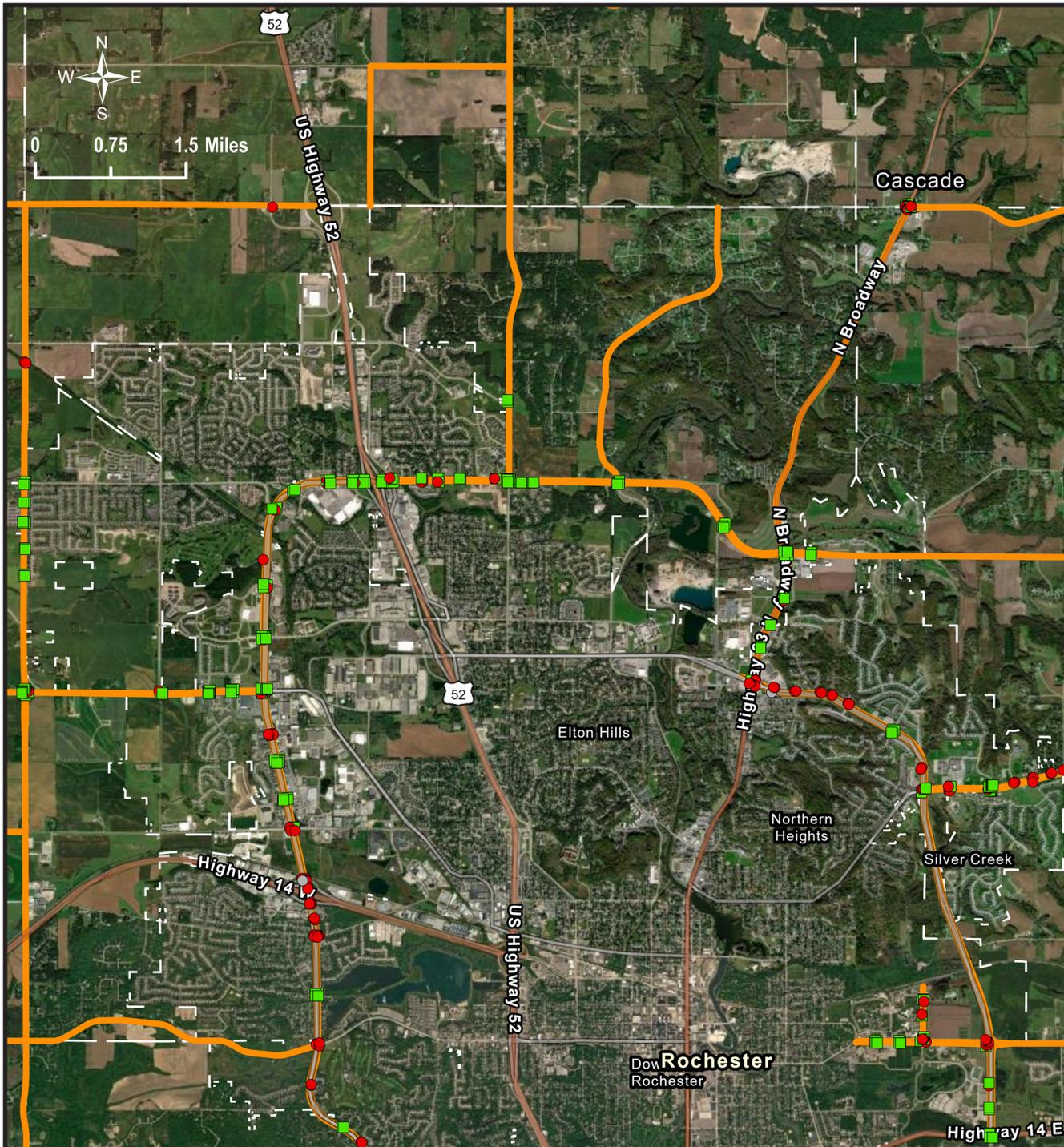
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- City/Township Boundary
- Curb Ramps Compliance
 - No
 - Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance

City of Rochester - North and Cascade Township



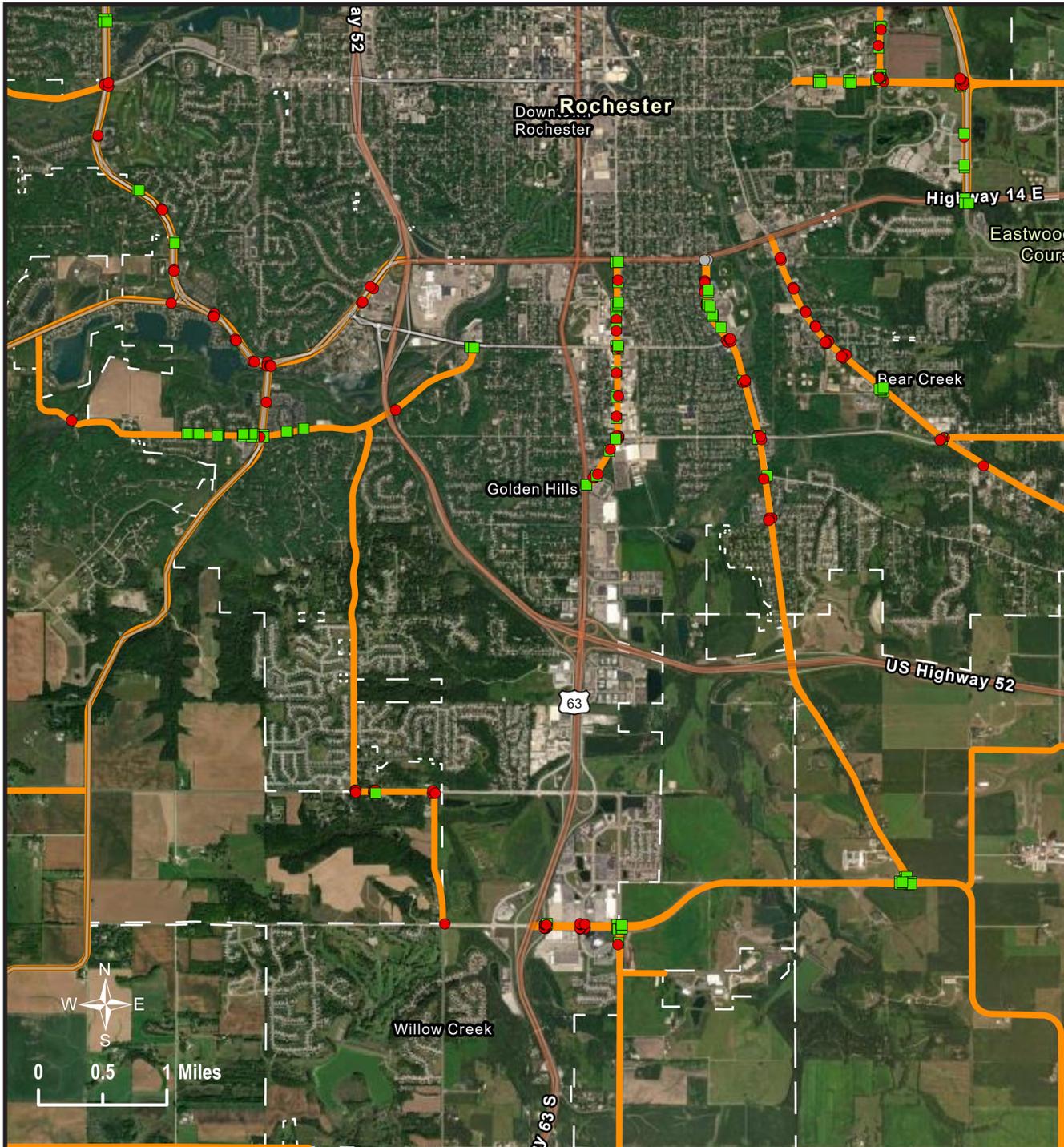
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- County Roads
- City/Township Boundary
- Curb Ramps Compliance
 - No
 - Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance

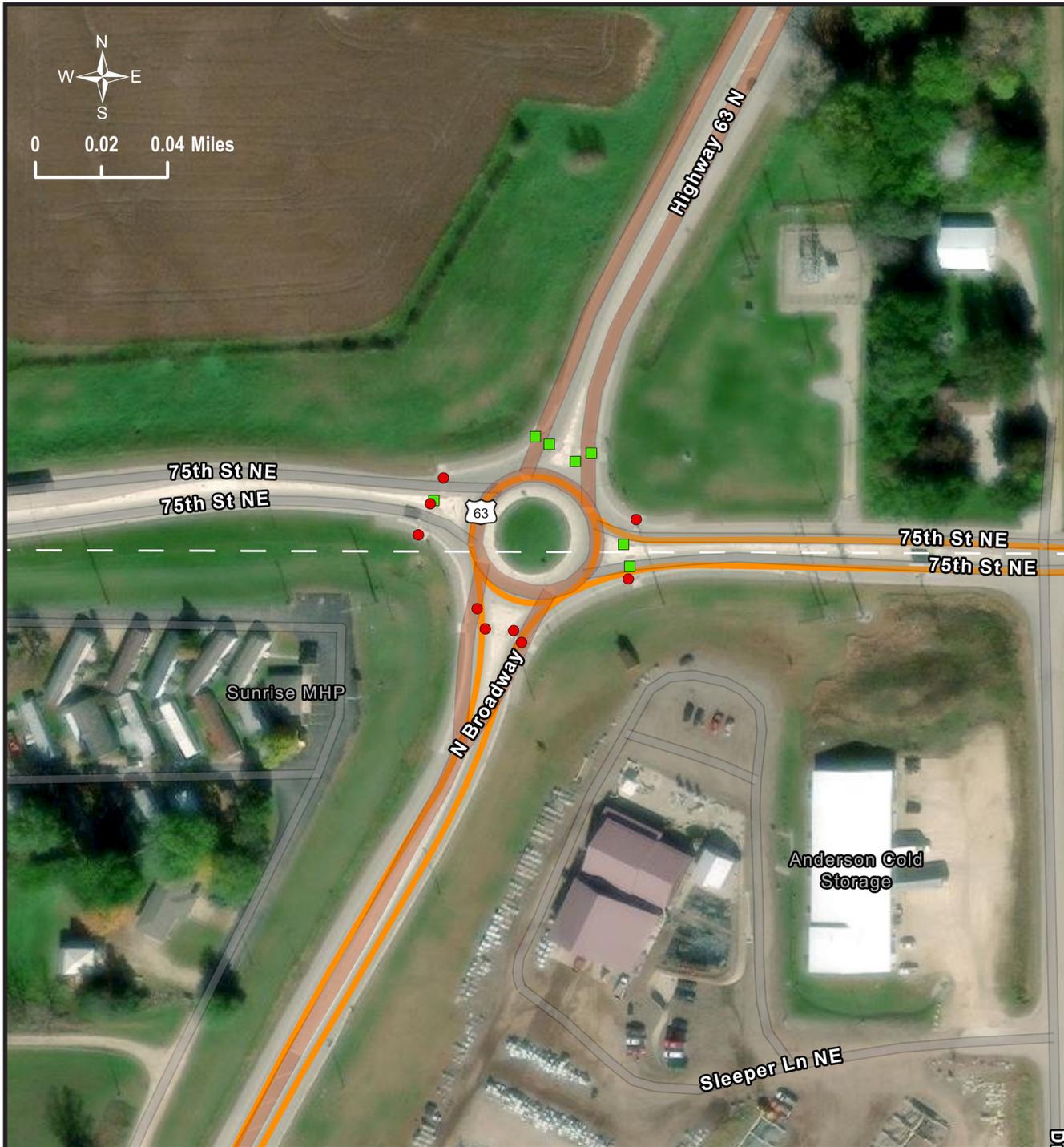
City of Rochester - South and Rochester Township



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-  City/Township Boundary
- Curb Ramps Compliance
 -  No
 -  Yes
 -  Unverified





Olmsted County ADA Transition Plan Curb Ramp Compliance

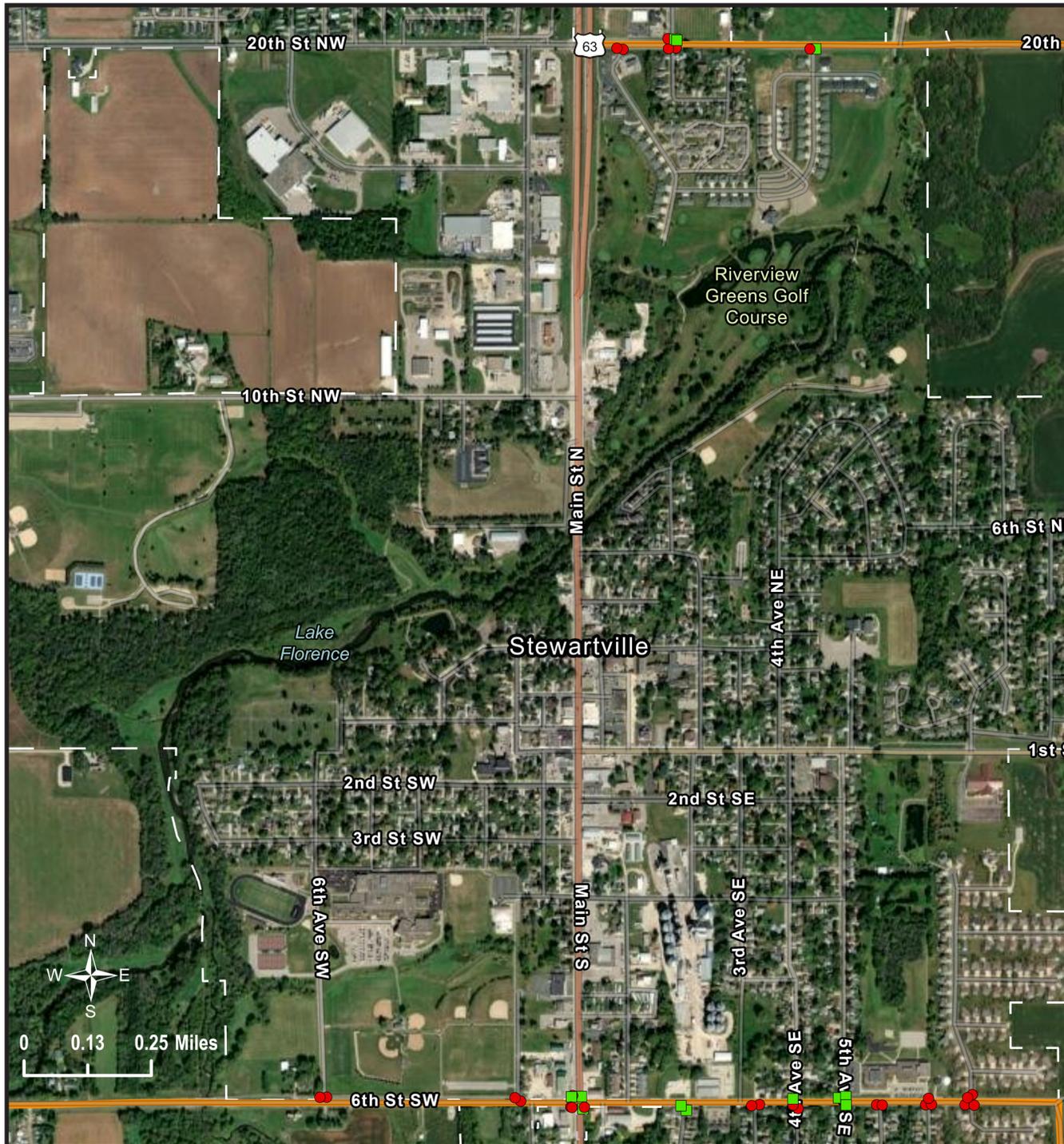
Townships of Farmington and Haverhill

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-  City/Township Boundary
- Curb Ramps Compliance
-  No
-  Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance City of Stewartville

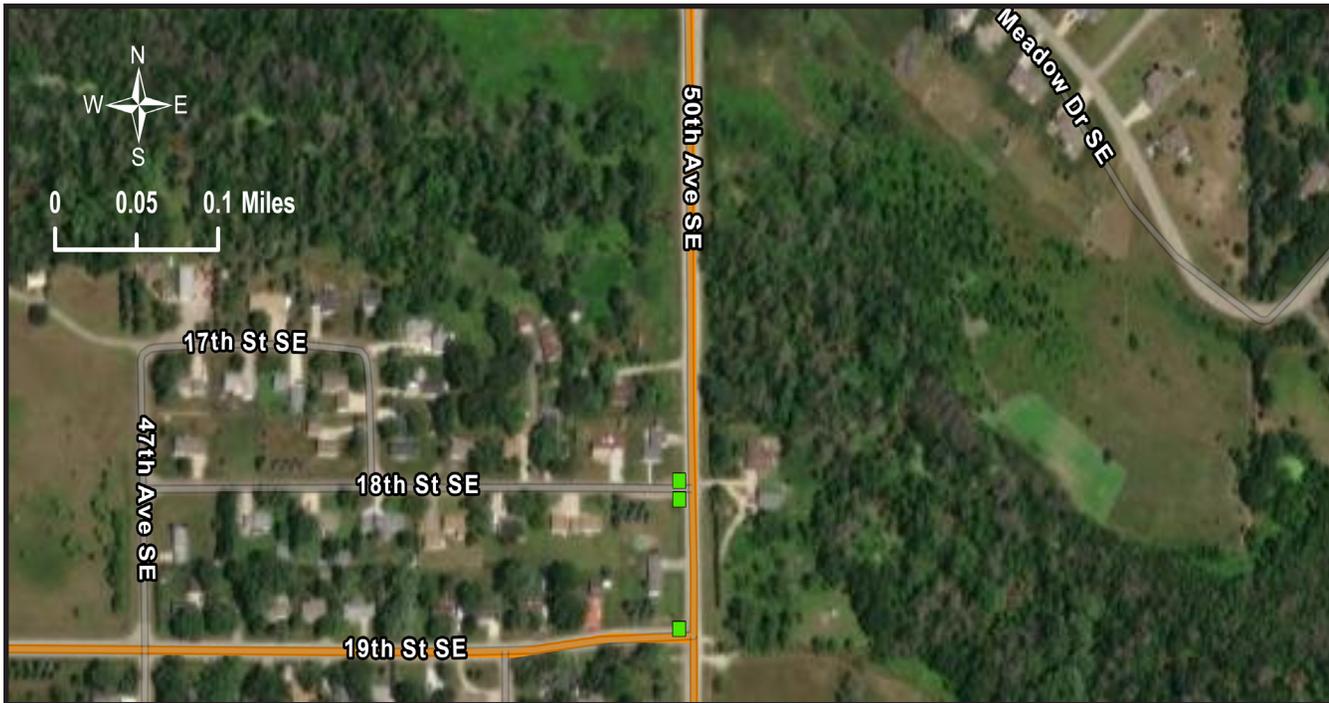


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-  County Roads
-  City/Township Boundary
- Curb Ramps Compliance
-  No
-  Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance Township of Marion



Legend

-  County Roads
-  City/Township Boundary
- Curb Ramps Compliance
 -  No
 -  Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance

Township of Newhaven



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— County Roads

▭ City/Township Boundary

Curb Ramps Compliance

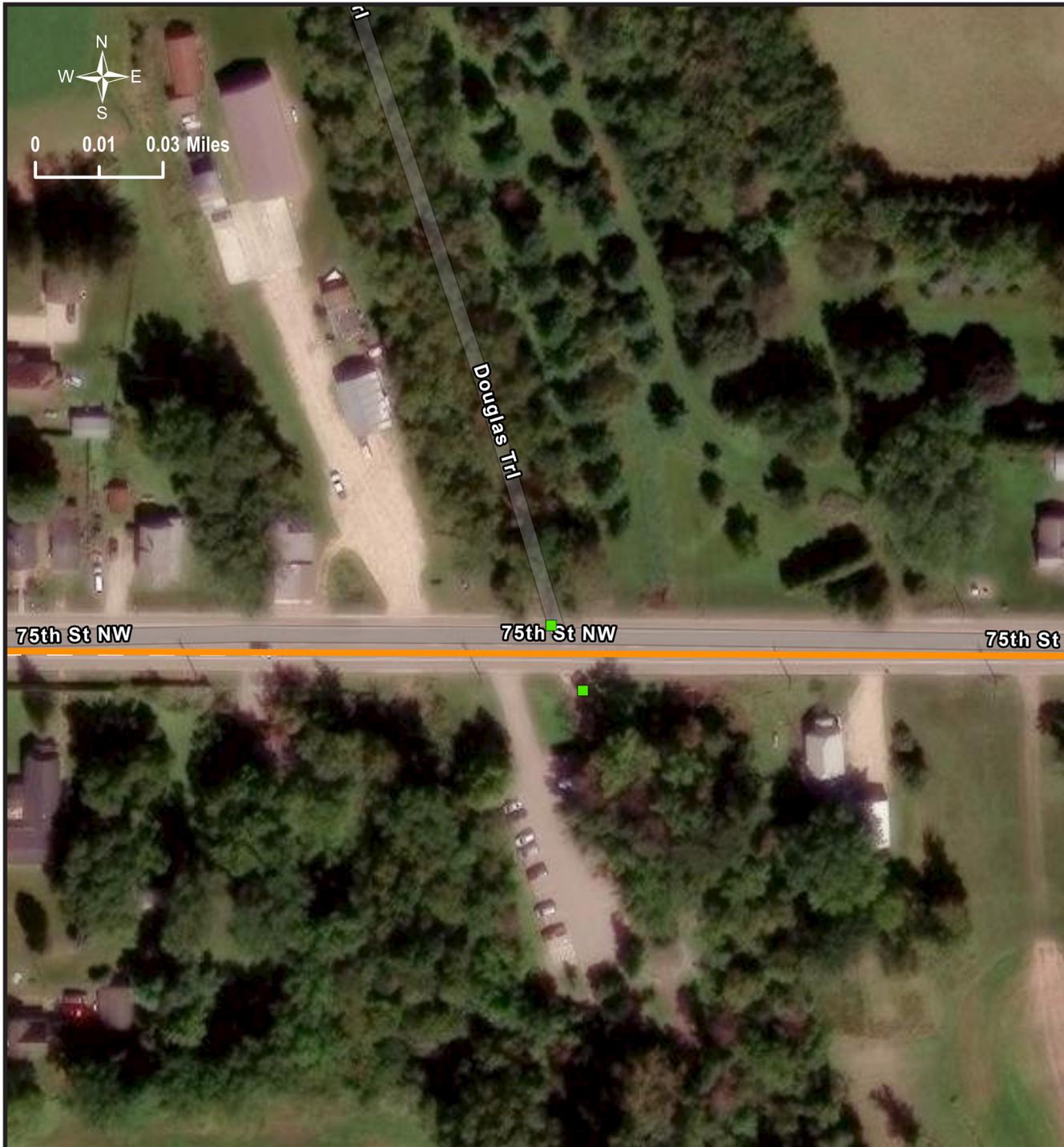
● No

■ Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance

Townships of Kalmar and Newhaven

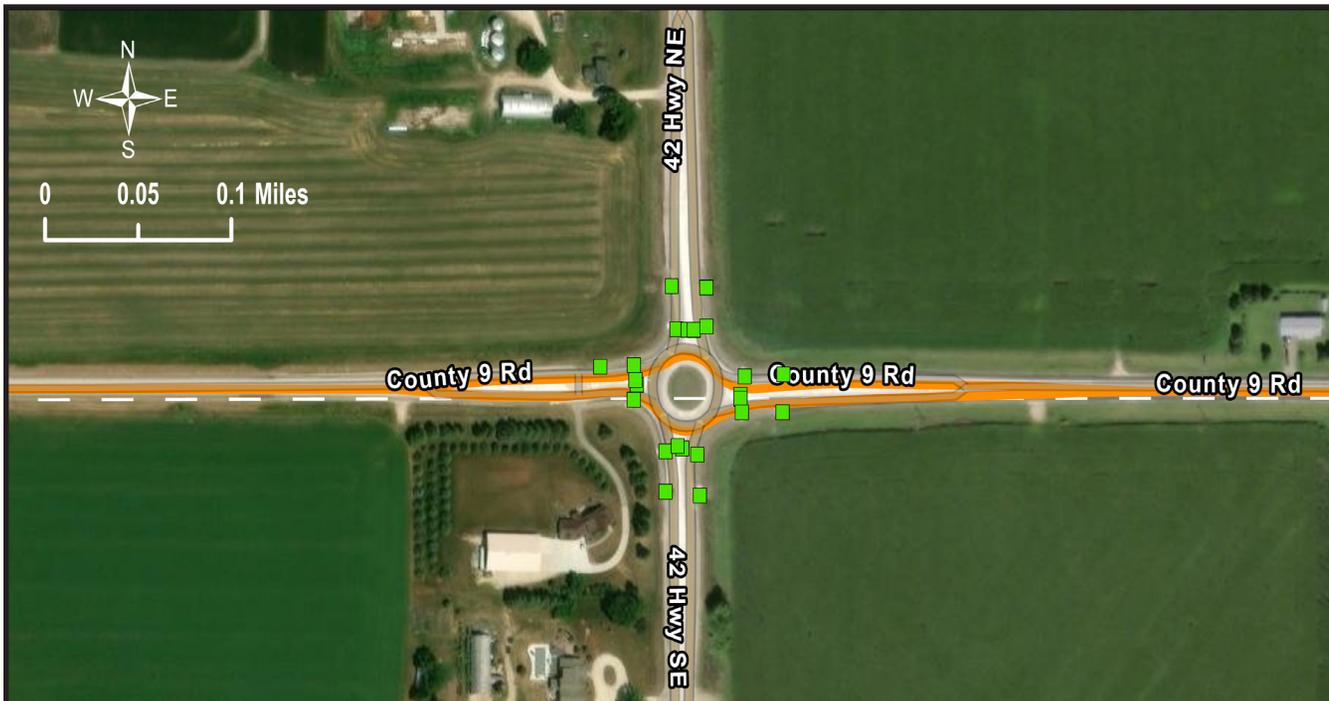


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-  County Roads
-  City/Township Boundary
- Curb Ramps Compliance
 -  No
 -  Yes



Olmsted County ADA Transition Plan Curb Ramp Compliance Viola Township

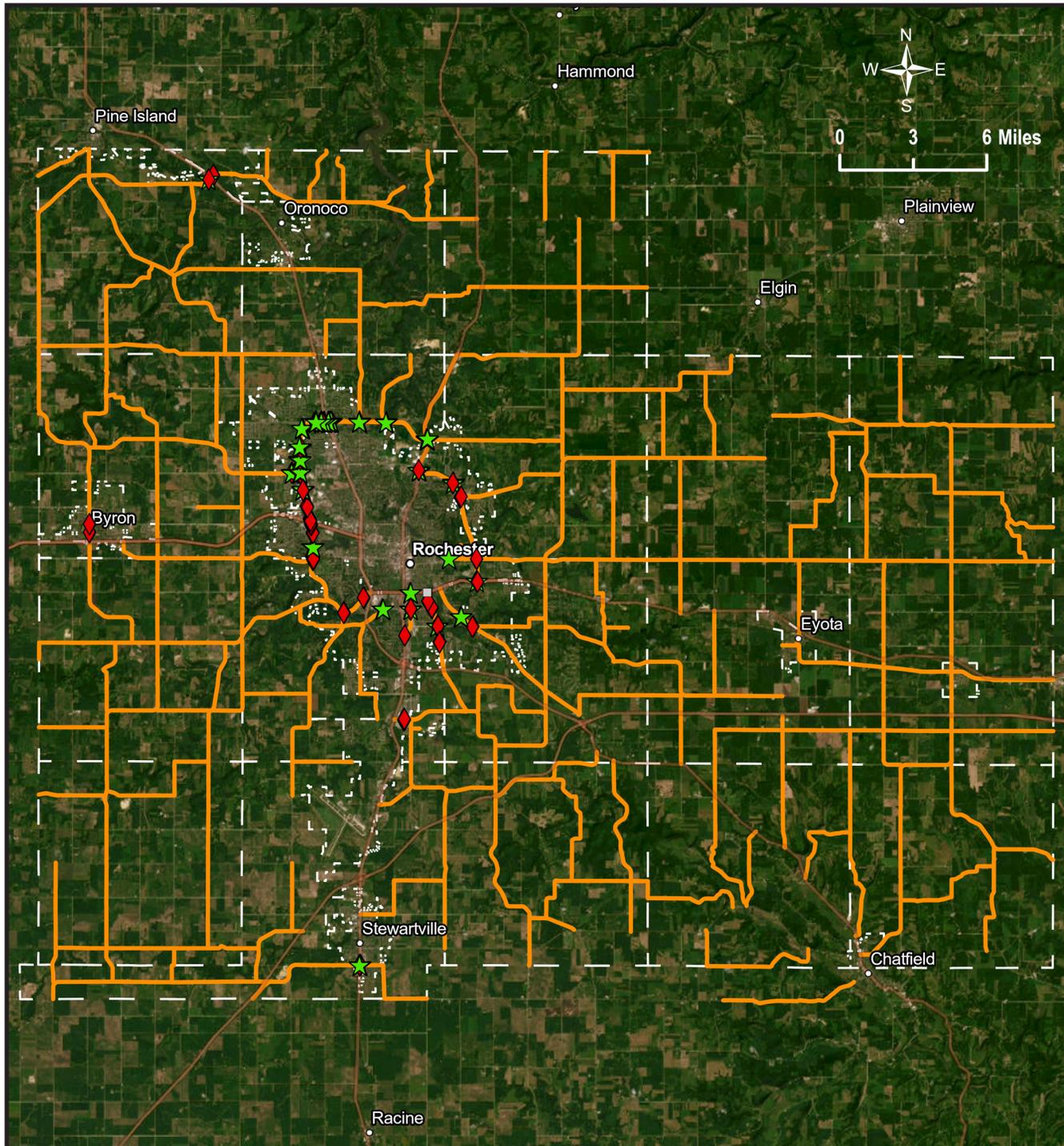


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-  County Roads
-  City/Township Boundary
- Curb Ramps Compliance
-  No
-  Yes



Olmsted County ADA Transition Plan APS Compliance



Legend

-  County Roads
-  City/Township Boundary
- APS Compliance
 -  No
 -  Yes
 -  Unverified



Olmsted County ADA Transition Plan APS Compliance City of Byron



Legend

-  County Roads
-  City/Township Boundary
- APS Compliance
 -  No
 -  Yes



Olmsted County ADA Transition Plan APS Compliance

City of Pine Island and Newhaven Township



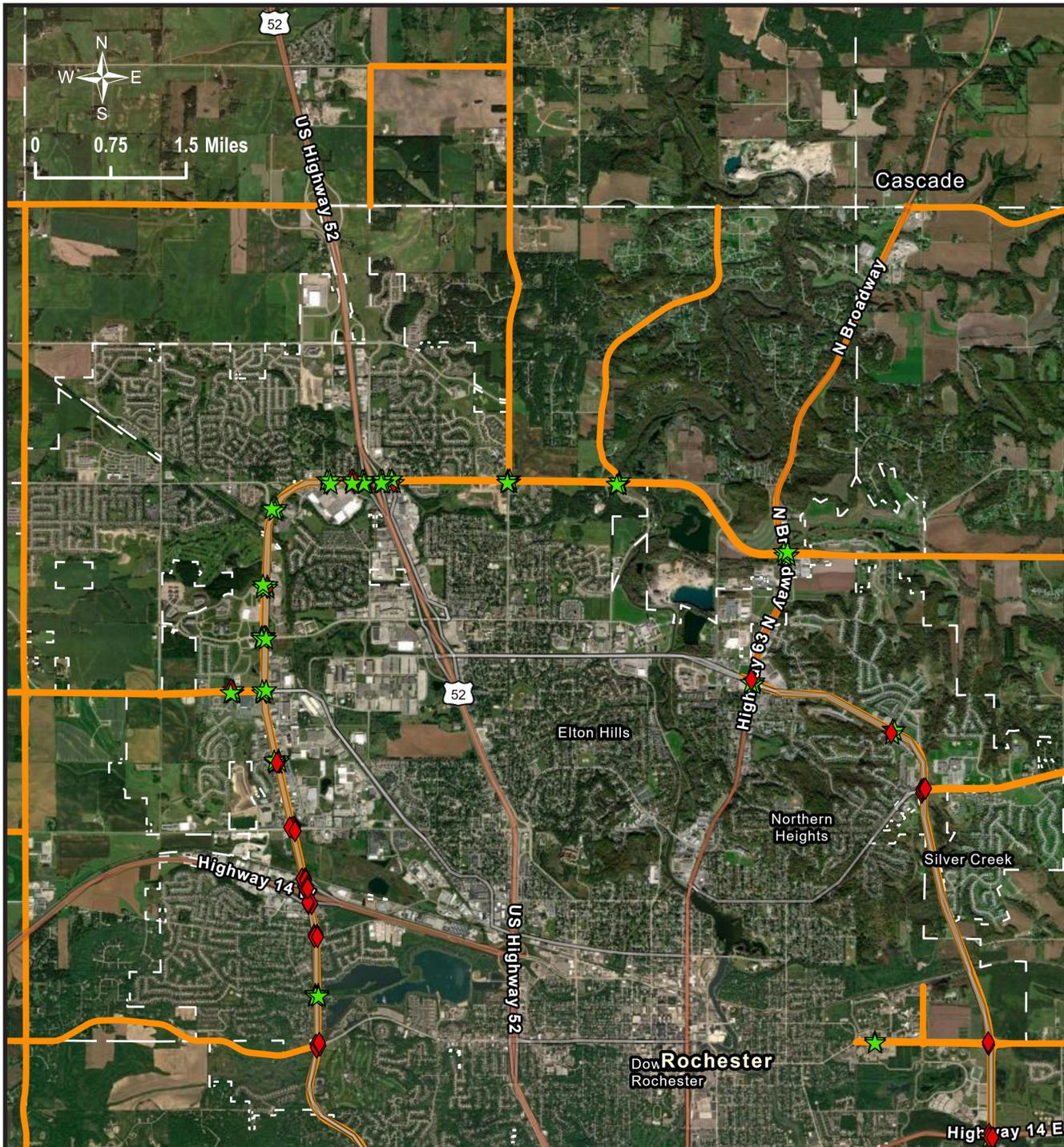
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-  County Roads
-  City/Township Boundary
- APS Compliance
 -  No
 -  Yes



Olmsted County ADA Transition Plan APS Compliance

City of Rochester - North and Cascade Township



Legend

- County Roads
- City/Township Boundary
- APS Compliance
 - No
 - Yes



Olmsted County ADA Transition Plan APS Compliance City of Stewartville



Legend

-  County Roads
-  City/Township Boundary
- APS Compliance
-  No
-  Yes



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 Signals

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 *Guidelines for Accessible Public Rights-of-Way (PROWAG)* most recent version, when practical and feasible.

<https://www.access-board.gov/prowag/>

Appendix D – Contact Information

Olmsted County Public Works Department

ADA Title II Coordinator & Implementation Coordinator

Name: Benjamin Johnson, P.E.
or current DPW/County Engineer

Address: Olmsted County Public Works Department
1188 50th Street SE
Rochester, MN 55904-4744

Phone: 507.328.7054

Fax: 507.328.7189

E-mail: benjamin.johnson@olmstedcounty.gov

Appendix E – Public Outreach Material

The following pages include poster boards, maps, and other materials on the County website.

Appendix F – Public Notice

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

Public Notice

By the requirements of Title II of the Americans with Disabilities Act of 1990, Olmsted County will not discriminate against qualified individuals with disabilities based on disability in County services, programs, or activities.

Employment: The County does not discriminate based on 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.

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 charge a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable policy modifications, 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

Before filing a grievance, the public should contact the Olmsted County ADA Coordinator to discuss concerns about County facilities. The ADA Coordinator's role is designed to provide a point of contact for the public to address problems. It is anticipated that the ADA coordinator will be able to resolve most concerns identified. Contact information for the 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. Within 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 the Olmsted County Public Works Department may

do so by one of the following methods:

- Internet
 - Visit the OCPWD ADA website at [Olmsted ADA](#) and click the link to the ADA Complaint Form. **Appendix I** includes a copy of The ADA Complaint Form with this document.
- 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 for 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 it, 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 of the person filing the grievance
- The name, address, telephone number, and email address of 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 County facility, the OCPWD will work with the complainant to contact the agency that has jurisdiction.

An OCPWD staff person will conduct the necessary investigation to determine the validity of the alleged violation. As a part of the investigation, the staff 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. The OCPWD will document each resolution of a filed grievance and retain such documentation in the department's ADA Grievance file by state and federal law.

The County 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 undue hardship to Olmsted County.

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

File Maintenance

The County shall maintain ADA grievance files by 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. Before going to court, it is unnecessary to file a complaint with the DOJ or any other Federal agency or to receive a "right-to-sue" letter.

Appendix H – Complaint Form

See the following three pages for the complaint form.

Olmsted County Public Rights of Way - Title II of the Americans with Disabilities Act and - Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form

Instructions: Please fill 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, 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) of the individuals contacted, where possible. (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:

Name:

Date:

Return to:

ADA Coordinator as specified in **Appendix D** of the Transition Plan.

NOTICE OF RIGHTS

By the Minnesota Government Data Practices Act, Olmsted County is required to inform you of your rights as they pertain to the private information collected from you. The personal information we collect from you is confidential. Unless you or a court approves its release, this information is available only to you, the agency managing it, and other statutorily authorized agencies.

The Minnesota Government Data Practices Act requires that you be informed that the following information 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 in evaluating and responding 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\(2\)](#)