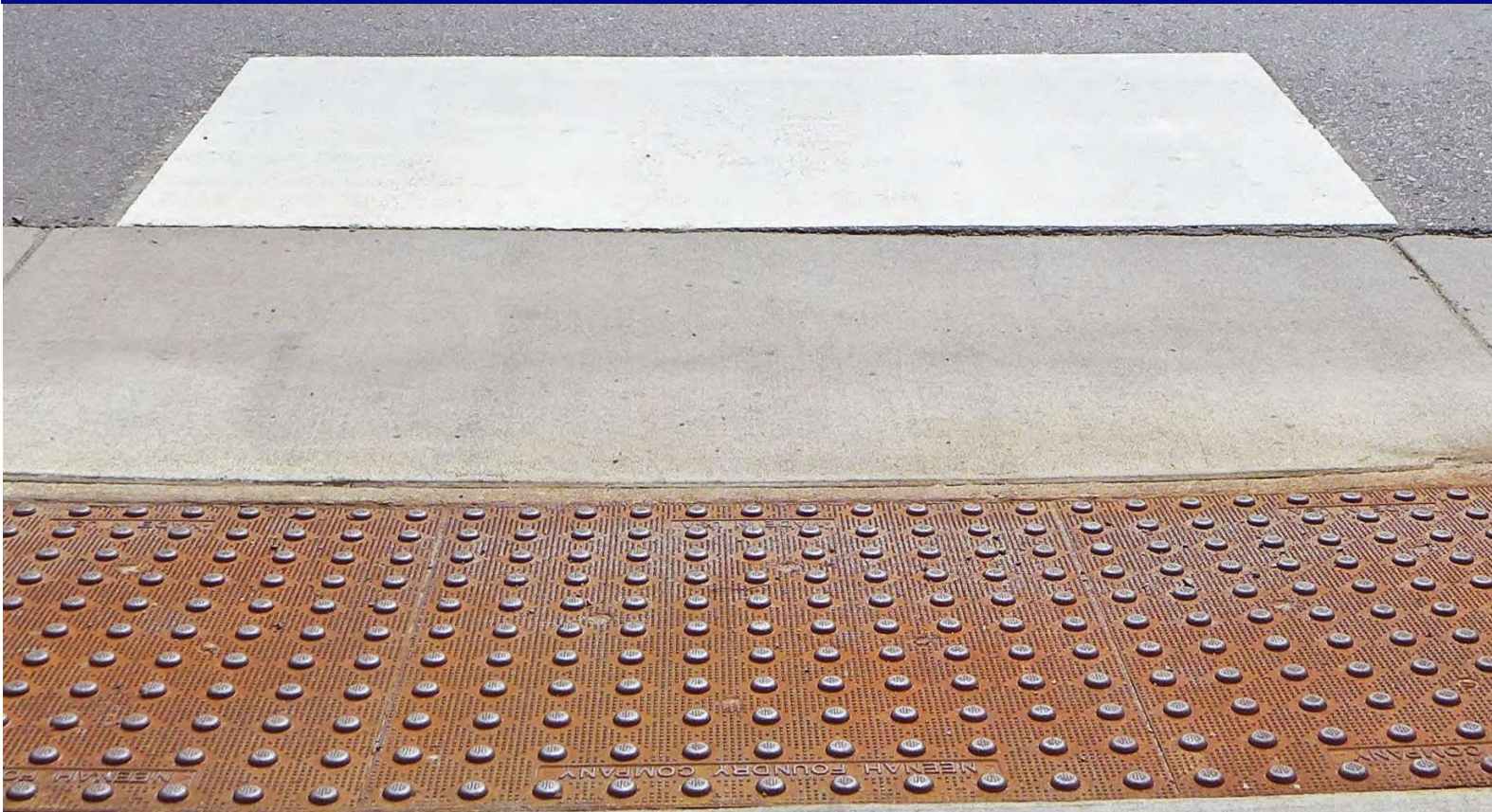




## City of Waseca ADA Transition Plan



Nov. 2020



# Table of Contents

INTRODUCTION .....	2
Transition Plan Need and Purpose.....	2
ADA and its Relationship to Other Laws .....	2
Agency Requirements .....	3
SELF-EVALUATION CONDITION ASSESSMENT.....	3
Overview .....	3
Summary .....	4
POLICIES AND PRACTICES.....	5
Previous Practices .....	5
Policy .....	5
ADA COORDINATOR.....	5
IMPROVEMENT SCHEDULE .....	6
Priority Areas .....	6
External Agency Coordination .....	6
Schedule.....	6
IMPLEMENTATION SCHEDULE .....	7
Methodology.....	7
PUBLIC OUTREACH.....	7
GRIEVANCE PROCEDURE.....	8
MONITOR THE PROGRESS.....	8

## Appendices

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

\* The clarity of this document depends on it being printed in color. If you require a reasonable accommodation to view this document, please contact the City of Waseca.



# 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. The 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

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 City of Waseca 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](#); [28 CFR. Sec. 35.130](#))

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

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

## The ADA and its Relationship to Other Laws

Title II of the 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 a 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 or not.

## Agency Requirements

Under Title II, the City of Waseca 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 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 that provide 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 City of Waseca 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 City implements these policies.

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

The self-evaluation also examines the condition of the City's Pedestrian Circulation Route/Pedestrian Access Route (PCR/PAR) and identifies the potential need for PCR/PAR infrastructure improvements. This includes consideration of the traffic signal systems, sidewalks, bicycle/pedestrian trails, and curb ramps that are located within the City rights-of-way.

## Summary

In 2018, the City of Waseca conducted an inventory of pedestrian facilities within its public right-of-way consisting of the evaluation of the following facilities:

- Pedestrian ramps at intersections and mid-block crossings that include trail or sidewalk facilities
- Sidewalks and trails adjacent to roadways
- Traffic control signal systems

Pedestrian ramps were assessed and categorized into three condition rating tiers:

- Tier 1: Largely or fully compliant
- Tier 2: Substantially compliant and working well
- Tier 3: Several elements are not compliant

Sidewalks adjacent to roadways were assessed and categorized into four condition rating tiers. The sidewalk segments were assigned a score based on the number and severity of deficiencies noted in the field inspection.

- Tier 1: Largely or fully compliant; score of less than 1
- Tier 2: Substantially compliant score; score of 1 or greater but less than 3.
- Tier 3: Several elements are non-compliant; score of 3 or greater.
- Tier 4: Tier 3 sidewalks out of the City's control (i.e. streets with steep topography).

Traffic control signal systems were assessed and categorized into three condition rating tiers by ramps at the intersection corners:

- Tier 1: All signal elements are largely or fully compliant
- Tier 2: Not more than two signal elements related to the ramps are non-compliant
- Tier 3: More than two signal elements related to the ramps are non-compliant

Additionally, Traffic Control Signal Systems were assessed and categorized into three condition rating tiers for the overall intersection.

- Tier 1: all quadrants of the signalized intersection are largely or fully compliant
- Tier 2: one quadrant of the signalized intersection is non-compliant
- Tier 3: two or more quadrants of the signalized intersection are non-compliant

A detailed evaluation on how these facilities relate to ADA standards; including maps showing how pedestrian ramp, sidewalk, and traffic control signal system facilities are categorized; can be found on the City's website. This information is further detailed in **Appendix B** and will be updated periodically on an as needed basis.

## POLICIES AND PRACTICES

### Previous Practices

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

### Policy

The City of Waseca will inspect, inventory, and plan for any required improvements to facilities located in the public right-of-way and ensure those improvements comply with the ADA. The City's goal is to continue to provide accessible pedestrian design features as part of City capital improvement projects. The City has established ADA design standards and procedures as detailed in **Appendix C**. These standards and procedures will be kept up to date with local, state, and national best management practices.

The City of Waseca will consider and respond to all public right-of-way accessibility improvement requests. Requests should be sent to the ADA Coordinator specified in **Appendix D**. All accessibility improvements that have been deemed reasonable will be scheduled in a manner consistent with other city-wide transportation priorities. The City will coordinate with external agencies as necessary to ensure that all new or altered pedestrian facilities within the City's jurisdiction are ADA compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public right-of-way will continue to follow the policies set forth by the City. The City will maintain and update the facility database to reflect improvements and measure progress.

## ADA COORDINATOR

In accordance with [28 CFR 35.107\(a\)](#), the City of Waseca has identified an ADA Title II Coordinator to oversee City policies and procedures within the public right-of-way. It is the responsibility of the ADA Coordinator to implement this policy. Contact information for this individual is available in **Appendix D**.

# IMPROVEMENT SCHEDULE

## Priority Areas

The City of Waseca has established a tiering system to prioritize ADA improvements based on the level of facility compliance. 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 the City of Waseca, including Waseca County and MNDOT. The City will coordinate with those, and any other public transit, agencies to assist in the elimination of accessibility barriers associated with their services.

## Schedule

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

### Pedestrian Ramps

- **Ramps with condition ratings in Tier 1:** These ramps are considered largely or fully compliant and work on these facilities is not necessary at this time.
- **Ramps with condition ratings in Tier 2:** These ramps are considered serviceable and are not in need of immediate action. Improvements for these facilities will be addressed in conjunction with adjacent capital improvement projects whenever feasible. Staff will use the capital improvement and long-range street improvement plans to coordinate these improvements.
- **Ramps with condition ratings in Tier 3:** Ramps identified as an existing hazard or compliance issue which staff believes needs to be addressed by a set date shall have a work order initiated or be incorporated into a capital improvement plan project.

### Sidewalks

- **Sidewalks with priority ratings in Tier 1:** These facilities have minor pavement deficiencies and work on these facilities is not necessary at this time.
- **Sidewalks with condition ratings in Tier 2:** These sidewalks are considered serviceable and are not in need of immediate action. Improvements for these facilities will be addressed in conjunction with adjacent capital improvement projects. Staff will use the capital improvement and long-range street improvement plans to coordinate these improvements.
- **Sidewalks with condition ratings in Tier 3:** Sidewalk locations identified as an existing hazard or compliance issue that staff believes needs to be addressed by a set date shall have a work order initiated or be incorporated into a capital improvement plan project.

- **Sidewalks with condition ratings in Tier 4:** These sidewalks are, due to factors outside the city's control, not feasible for ADA compliant improvements. These factors include hills and bridges that span from one ground level to another.

### **Traffic Control Signal Systems**

- **Traffic Signal Systems with Ramps with condition ratings in Tier 1:** These signal systems and ramps are considered largely or fully compliant and work on these facilities is not necessary at this time.
- **Traffic Signal Systems with Ramps with condition ratings in Tier 2:** These signal systems and ramps are considered serviceable and are not in need of immediate action. Improvements at these facilities will be addressed in conjunction with adjacent capital improvement projects. Staff will use the capital improvement and long-range street improvement plans to coordinate these improvements.
- **Traffic Signal Systems with Ramps with condition ratings in Tier 3:** Signal systems and ramps identified as an existing hazard or compliance issue that staff believes needs to be addressed by a set date shall have a work order initiated or be incorporated into a capital improvement plan project.

The long-term goal of the City of Waseca is for at least 80% of the City's pedestrian features to be ADA compliant within 30 years. The remaining 20% would generally consist of Tier 2 locations that have not yet had an adjacent road project within that 30-year period.

## **IMPLEMENTATION SCHEDULE**

### **Methodology**

The City of Waseca will utilize two methods for upgrading pedestrian facilities to current ADA standards. The 1<sup>st</sup>, and most comprehensive, of the two methods is scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards whenever feasible. The 2<sup>nd</sup> method includes standalone sidewalk and ADA accessibility improvement projects. These projects will be incorporated into the capital improvement plan (CIP) on a case-by-case basis or may be completed by internal City forces as recommended by City staff and ordered by the City Council. The City CIP would include a detailed schedule and budget for all improvements.

## **PUBLIC OUTREACH**

The City of Waseca recognizes that public participation is important to the development and maintenance of this plan. Material used for public outreach is included in **Appendix F**. As it pertained to the creation of this document, public outreach consisted of the following activities:

- Public Open House – July 11, 2019 at Waseca City Hall
- The City's ADA Title II Coordinator was, and will remain, available for questions and comments



## GRIEVANCE PROCEDURE

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

In accordance with [28 CFR 35.107\(b\)](#), the City has developed a grievance procedure for the purpose of prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances. This grievance procedure is outlined in **Appendix G**, with a Complaint Form included as **Appendix H**.

## MONITOR THE PROGRESS

This document and appendices will be updated as conditions within the City evolve. The City will maintain ADA Transition Plan information on its website at:

<https://www.ci.waseca.mn.us/engineering/pages/ada-transition-plan-1>

Reporting on facility accessibility improvements will be included in CIP updates and other presentations to the City Council.

## **APPENDICES**

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

## Appendix A – Glossary of Terms

**ABA:** See Architectural Barriers Act.

**ADA:** See Americans with Disabilities Act.

**ADA Transition Plan:** The City of Waseca's transportation system plan that identifies accessibility needs within the public right-of-way, the process to fully integrate accessibility improvements into the City Capital Improvement Plan (CIP), and ensures all transportation facilities, services, programs, and activities within the public right-of-way 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 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 a built environment.

**Capital Improvement Program (CIP):** The CIP includes an annual capital program and a five-year plan for funding new construction and reconstruction of the City'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 traveled ways.

**DOJ:** See the United States Department of Justice.

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

**FHWA:** See the 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.

**Tier Rating for Pedestrian Curb Ramps:**

Tier 1: Largely or fully compliant. Condition rating of 1 or 2 and all elements compliant.

Tier 2: Substantially compliant and working well. Condition rating of 1 or 2 and no more than two elements are non-compliant.

Tier 3: Several elements are not compliant.

**Tier Rating for Sidewalks:**

Score =  $[(\text{low severity} \times 1 + \text{medium severity} \times 5 + \text{high severity} \times 10) / \text{Length}] \times 100$

Tier 1: Largely or fully compliant; score of less than 1.

Tier 2: Substantially compliant score; score of 1 or greater, but less than 3.

Tier 3: Several elements are non-compliant; score of 3 or greater.

Tier 4: Non-compliant slope is inevitable due to natural topography or other factors outside of the City's control.



**Tier Rating for Traffic Control Signal System Elements by Ramps at Corner:**

Tier 1: All signal elements related to the ramps are largely or fully compliant.

Tier 2: Not more than two signal elements related to the ramps are non-compliant.

Tier 3: More than two signal elements related to the ramps are non-compliant.

**Tier Rating for Signalized Intersections:**

Tier 1: All quadrants of the signalized intersection are largely or fully compliant.

Tier 2: One quadrant of the signalized intersection is non-compliant.

Tier 3: Two or more quadrants of the signalized intersection are non-compliant.

**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 federal executive department responsible for the enforcement of the law and administration of justice.

## Appendix B – Self-Evaluation and Prioritization Summary

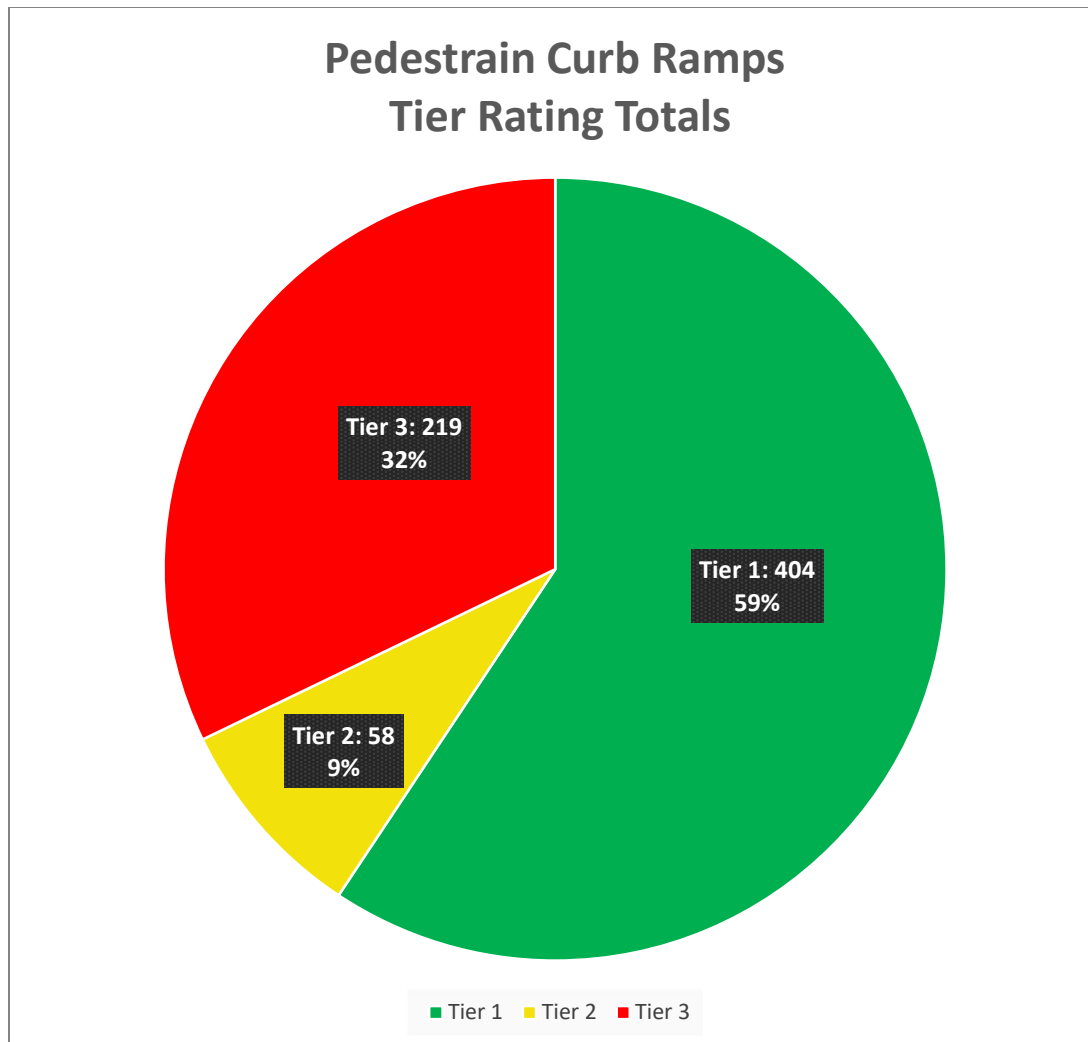
The City of Waseca is committed to making investments to improve accessibility within the public right-of-way. The City will use a systematic approach to providing accessibility by absorbing those costs into capital improvement projects and other programs for improvements to the public right-of-way.

The following is a summary displaying the results of the pedestrian curb ramps, sidewalks, and traffic signal systems evaluations. This information will also be available online at: <https://www.ci.waseca.mn.us/engineering/pages/ada-transition-plan-1>

### Pedestrian Curb Ramps

Condition Ratings for Pedestrian Ramps (681 total)

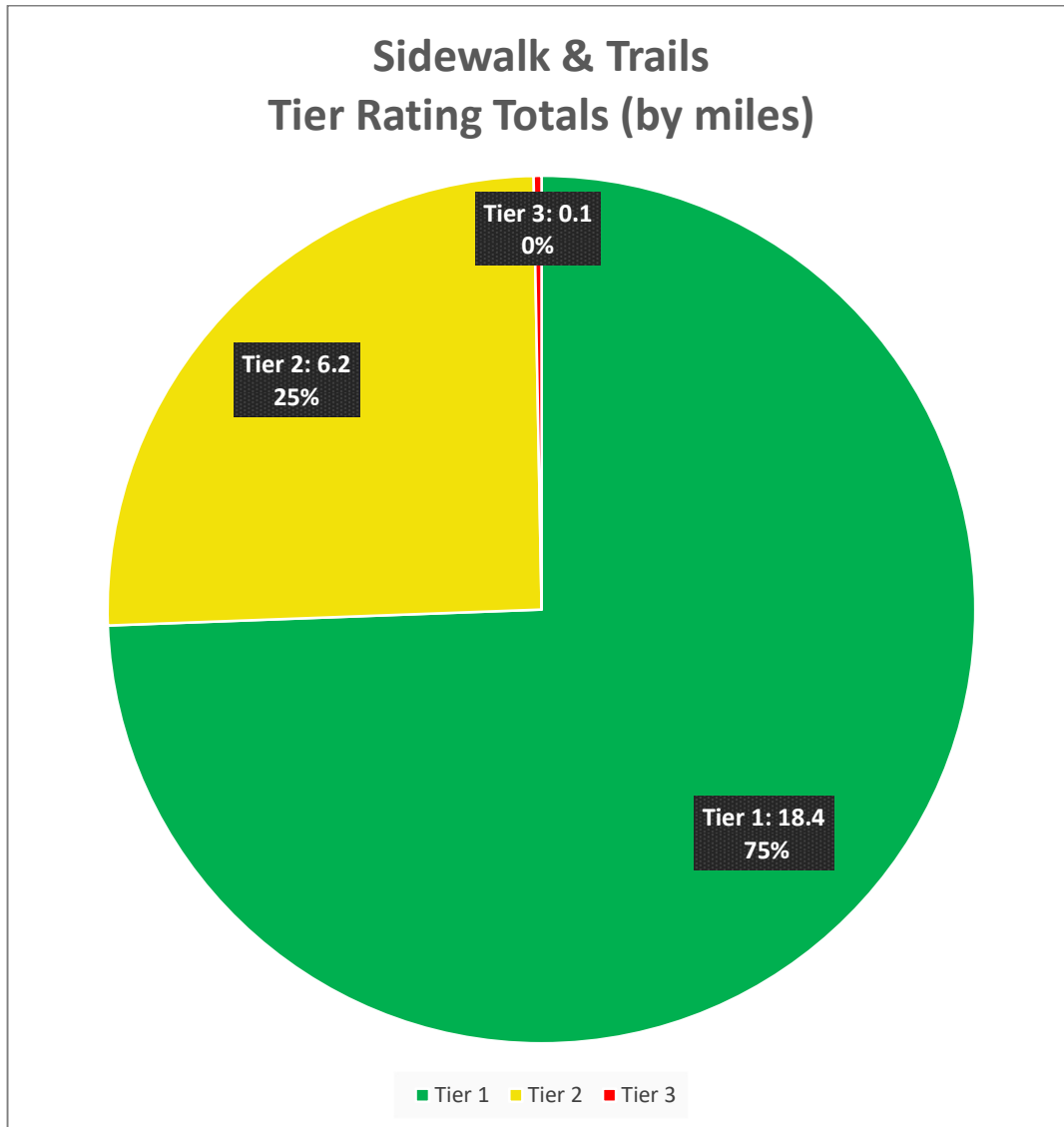
- Tier 1: Largely or fully compliant = 404
- Tier 2: Substantially compliant and working well = 58
- Tier 3: Several elements are not compliant = 219



## Sidewalks and Trails

Condition Ratings for Sidewalks and Trails (24.7 total miles)

- Tier 1: Largely or fully compliant (score less than 1) = 18.4 miles
- Tier 2: Substantially compliant score (score of 1 or greater but less than 3) = 6.2 miles
- Tier 3: Several elements are non-compliant (score of 3 or greater) = 0.1 miles
- Tier 4: Non-compliant slope inevitable due to topography or other factors = 0 miles

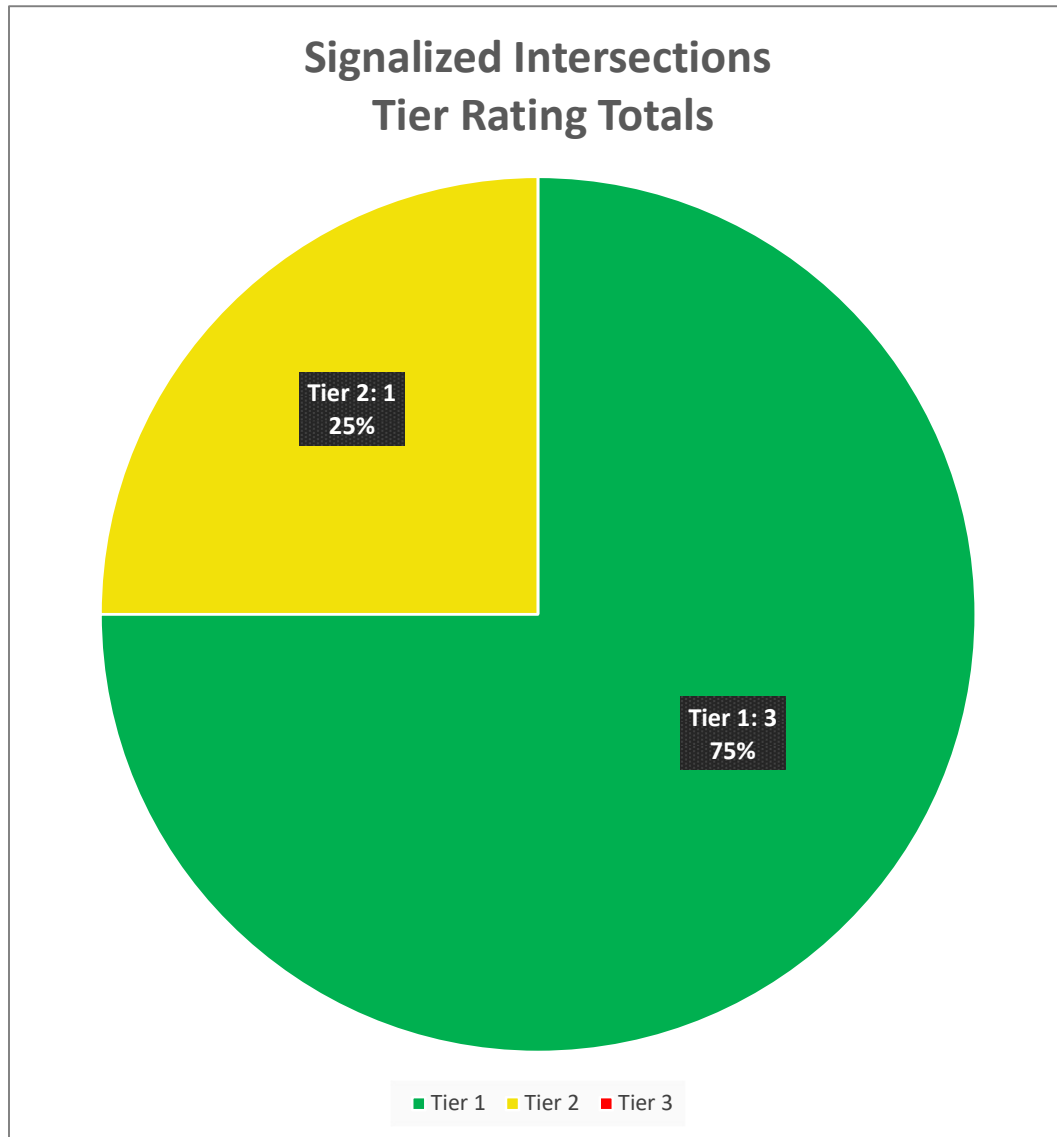


## Traffic Control Signal Systems

Four traffic signal systems within the City right-of-way were inventoried and assessed. Tier ratings have been assigned for the overall signal system and for the intersection corner ramps.

Condition Rating for Signalized Intersection (4 total)

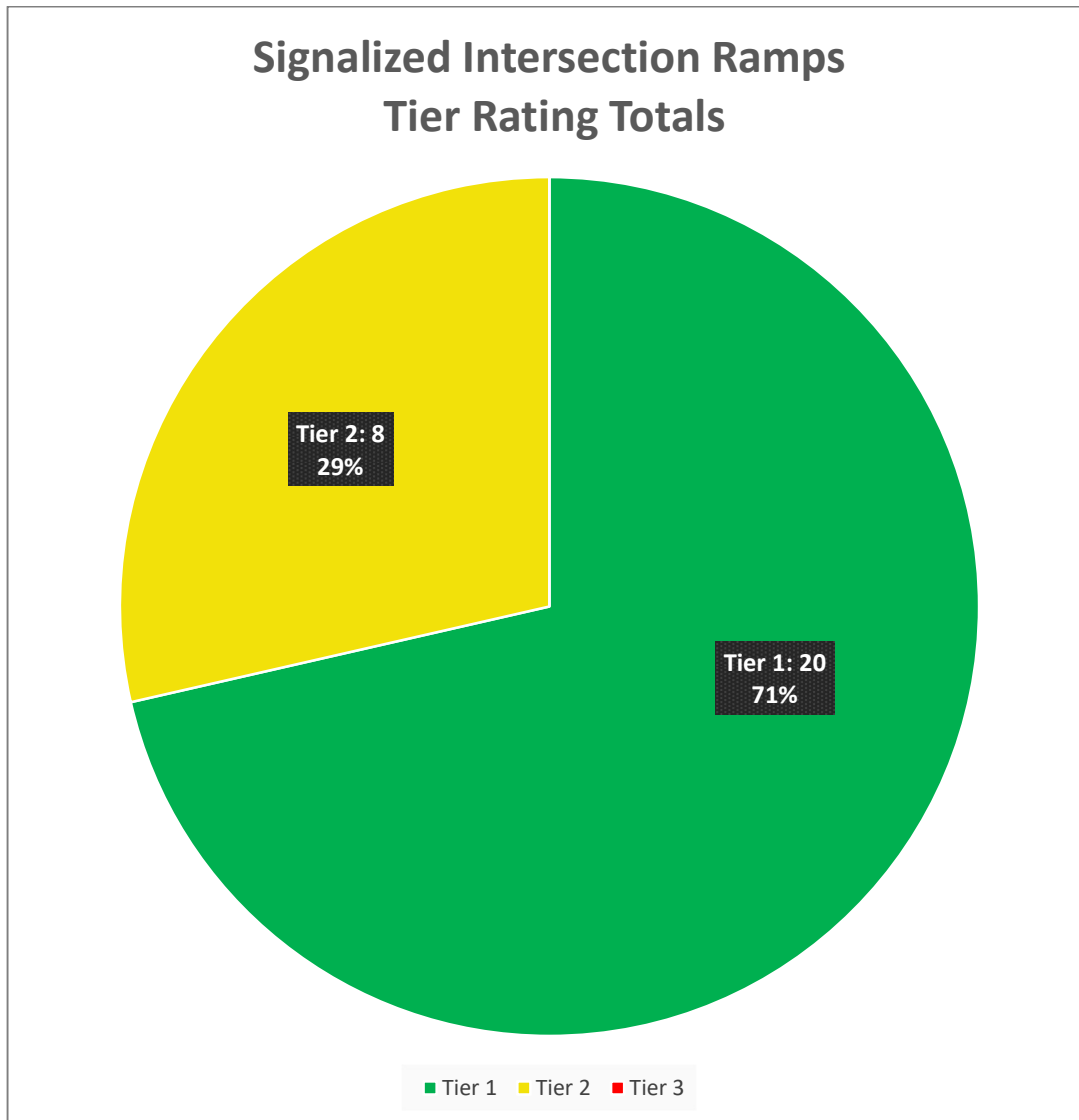
- Tier 1: All signal elements are largely or fully compliant = 3
- Tier 2: Not more than one signal element is non-compliant = 1
- Tier 3: Two or more signal elements are non-compliant = 0





Condition Ratings for Signalized Intersection Ramp Elements (push buttons, accessibility, and 10-foot separation) (28 total).

- Tier 1: All signal elements related to ramps are largely or fully compliant = 20
- Tier 2: Not more than two signal elements related to ramps are non-compliant = 8
- Tier 3: More than two signal elements related to ramps are non-compliant = 0



## **Appendix C – Agency ADA Design Standards and Procedures**

### **Intersection Corners**

The City of Waseca intends to construct or upgrade curb ramps to achieve compliance as part of its capital improvement program. 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 ADA compliant as deemed feasible by City staff.

### **Sidewalks / Trails**

The City of Waseca will construct or upgrade sidewalks and trails to achieve compliance as part of its capital improvement program. 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 ADA compliant as deemed feasible by City staff.

### **Bus Stops**

City of Waseca staff will coordinate with Waseca County and other public transit organizations upon requests for new bus stops and require that they 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 applicable ADA standards.

### **Design Standards**

The City of Waseca engineering department generally follows the guidelines identified in PROWAG when practical and feasible.

## **Appendix D – ADA Coordinator (Public Rights-of-Way)**

### ADA Title II Coordinator & Implementation Coordinator

Name: Nate Willey, P.E.  
(or current City Engineer)

Address: 508 South State Street  
Waseca, MN 56093

Phone: 507-835-9716  
Fax: 507-835-8871  
E-mail: [cityengineer@ci.waseca.mn.us](mailto:cityengineer@ci.waseca.mn.us)

## Appendix E – ADA Public Notice

Per the ADA, the City engineering department 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, the City of Waseca will not discriminate against qualified individuals with disabilities as it pertains to City services, programs, or activities.

**Employment:** The City 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 City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so that they can participate equally in the City's programs, services, and activities. This may include qualified sign language interpreters, documents in Braille, and other methods of communicating or providing information to those who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City will make all reasonable modifications to department policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcome within City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the City at 507-835-9700 as soon as possible but no later than 48 hours before the scheduled event.

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

The City will not place a surcharge on an individual or group with disabilities to cover the costs of providing auxiliary aids and services or reasonable modifications of policy.



## **Appendix F – Public Outreach Materials**

The following pages contain the City’s outreach materials.



# City of Waseca ADA Transition Plan – Open House

The City of Waseca is preparing a formal transition plan to meet its ADA obligations for program accessibility under the Department of Justice's Americans with Disabilities Act (ADA) Title II regulations (28 CFR Part 35.150) for **pedestrian facilities located within public right-of-way**. The City of Waseca must ensure that services, programs, and activities, when viewed in their entirety, are accessible to people with disabilities. While the City has made considerable progress in ensuring accessibility for pedestrian facilities within the public right-of-way since the inception of the ADA in 1990, the preparation of a formal transition plan will provide momentum for continued accessibility improvements.

An open house meeting is being held to provide an opportunity for the public to share insights on challenging situations experienced by handicapped individuals when using pedestrian facilities within the public right-of-way in the City of Waseca.

## Open House

Thursday, July 11<sup>th</sup> 2019\*

5:00 - 6:00 pm

Waseca City Hall

508 South State Street

Waseca, MN 56093

The draft ADA Transition Plan is  
available for review on the City website:

[www.ci.Waseca.mn.us](http://www.ci.Waseca.mn.us)

on the Engineering Department page

### Why should I participate?

- Your assistance in identifying any challenges, barriers, or obstacles you encounter in using pedestrian facilities in the public right-of-way will be helpful in prioritizing accessibility improvements.
- Your participation will contribute to a quality transition plan for pedestrian facilities within the public right-of-way and ultimately improve accessibility for persons with disabilities throughout the City of Waseca.

\* If you are unable to attend the Open House, comments may also be sent to the ADA Coordinator at [cityengineer@ci.waseca.mn.us](mailto:cityengineer@ci.waseca.mn.us).





# 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 based on disability.

As a provider of public transportation services and programs, the City of Waseca must comply with this Act, and has developed a Transition Plan detailing how the City will ensure that all transportation facilities are accessible to all individuals.

The City of Waseca must meet these general requirements for individuals with disabilities:

- Provide access to all public places and programs
- Modify policies that deny equal access
- Provide effective communication procedures
- Designate an employee as the City's ADA Coordinator
- Provide public notice of ADA requirements
- Provide a grievance procedure to resolve complaints

The City of Waseca's goal is to provide ADA accessible pedestrian design features as part of the City's capital improvement plan (CIP). Design standards and procedures will be kept up to date with local, state, and national best practices.





# ADA Improvement Plan

City of Waseca roadway system ADA improvements are based on projects identified in the City's Capital Improvement Plan and will be addressed using the following criteria:

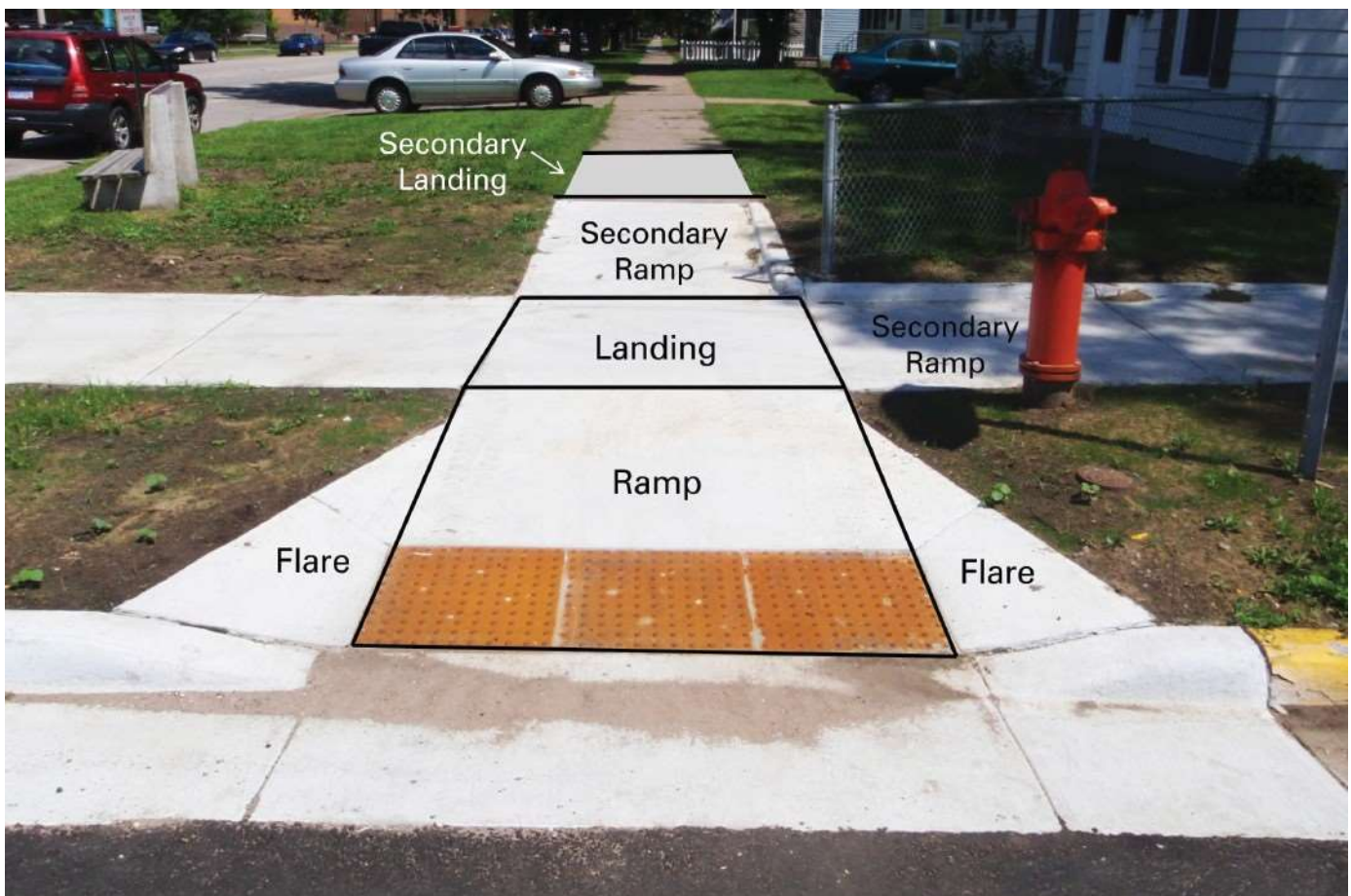
- All new construction projects and City reconstruction projects with pedestrian facilities will be designed and constructed to conform with the most current ADA design practices to the extent feasible.
- ADA improvements on city rehabilitation or resurfacing projects will be addressed on a case-by-case basis.
- ADA improvements requested by the public will be evaluated by City staff. Evaluation criteria will include pedestrian volumes, traffic volumes, the condition of existing infrastructure, public safety, and overall feasibility.

## **City of Waseca Goals:**

- ADA improvements identified in the City's capital improvement plan will be ADA compliant within 5 years.
- Within 30 years, 80% of accessibility features within the jurisdiction of the City will be ADA compliant.







## 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 sidewalks and to pass through center islands in streets. Without accessible ramps, these individuals are forced to travel on streets and roadways, which places them in greater danger, and/or are prevents them from reaching their destination.





## ADA Coordinator

The City of Waseca has identified an ADA Title II Coordinator to oversee policies and procedures:

**Nate Willey**

(or current City Engineer)  
508 South State Street  
Waseca, MN 56093

Phone: 507-835-9716

Fax: 507-835-8871

E-mail: [cityengineer@ci.waseca.mn.us](mailto:cityengineer@ci.waseca.mn.us)

More information is available on the City's website at:

[www.ci.waseca.mn.us](http://www.ci.waseca.mn.us)



## Appendix G – Grievance Procedure

Prior to filing a grievance, the public is strongly encouraged to contact the City's ADA Coordinator to discuss any concerns regarding City facilities located within the public right-of-way. The ADA Coordinator's role is to provide a point of contact for the public to address concerns. It is anticipated that most identified concerns will be able to be resolved by the ADA Coordinator. Contact information for the ADA Coordinator can be found in Appendix D of this document.

### City of Waseca – 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 by the City of Waseca on the basis of disability as it pertains to the provision of services, activities, programs, benefits, or public right-of-way accessibility. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination including the complainant's name, address, and phone number, along with the 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 upon request for persons with disabilities.

The complaint should be submitted to the ADA Coordinator by the grievant or their designee as soon as possible but no later than 60 calendar days after the alleged violation. The ADA Coordinator's contact information can be found in **Appendix D** of this document.

Within 15 working days after receipt of the complaint, the ADA Coordinator or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 working days of the meeting, the ADA Coordinator or their designee will respond in writing, or when necessary, in another format accessible to the complainant. The response will explain the City's evaluation and offer options for resolution of the complaint.

If the response by the ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant or their designee may appeal the decision to the City Manager or their designee within 30 calendar days after receipt of the response.

Within 30 calendar days after receipt of the appeal, the City Manager or their designee will meet with the complainant to discuss possible resolutions. Within 30 calendar days after that meeting, the City Manager or their designee will respond in writing, or when necessary, in a format accessible to the complainant, with a final resolution to the complaint.

All written complaints received by the ADA Coordinator or their designee, appeals to the City Manager or their designee, and responses from these two offices will be retained by the City in accordance with state and federal law.



## City of Waseca Public Rights-of-Way Grievance Procedure

Those wishing to file a formal written grievance with the City of Waseca may do so by one of the following methods:

- Internet  
Go to the City of Waseca ADA website at:  
<https://www.ci.waseca.mn.us/engineering/pages/ada-transition-plan-1>  
and click the link to the Discrimination Complaint Form. A copy of this form is included in this document as **Appendix H**.
- Telephone  
Contact the City's ADA Coordinator as specified in **Appendix D** to submit an oral grievance. The ADA Coordinator will prepare and submit the complaint form on behalf of the person filing the grievance.
- Paper Submittal  
Contact the City's 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 Discrimination Complaint Form will require 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 from 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), a federal or state civil rights agency, a court, or other organization, include the name of the agency or court where the complaint was filed and the filing date.

If the grievance filed does not concern a City of Waseca pedestrian facility within their public right-of-way, the City will work with the complainant to contact the agency that has jurisdiction.

City of Waseca staff will investigate the validity of the alleged violation. As part of the investigation, the staff person may conduct an engineering study to aid in the response. The staff person will utilize department resources, engineering judgment, relevant data, 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 City will document the resolution of each grievance filed and retain such documentation in the department's ADA grievance file in accordance with state and federal law.

The City will consider all specific grievances within its particular context or setting. Furthermore, the City will consider varying circumstances including, but not limited to: 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 the City of Waseca.

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

### **Grievance File Maintenance**

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

Complaints on Title II violations may also be filed with the Department of Justice (DOJ) within 180 days of the date of discrimination. In certain situations, cases may be referred to a mediation program sponsored by the DOJ. The DOJ may initiate 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](http://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 – Discrimination Complaint Form**

The following pages contain the discrimination complaint form.

## City of Waseca - Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form

Prior to filing a grievance, you are strongly encouraged to contact the City's ADA Coordinator to discuss any concerns regarding City pedestrian facilities within the public right-of-way. The ADA Coordinator's role is to provide a point of contact for the public to address concerns. It is anticipated that most identified concerns will be able to be resolved by the ADA Coordinator. Contact information for the ADA Coordinator can be found on the 2<sup>nd</sup> page of this form.

Instructions: Please complete this form in black ink or type. Answer all questions to the best of your knowledge, then sign and return to the ADA Coordinator. Attach additional sheets if necessary.

Complainant Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

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: \_\_\_\_\_ Email: \_\_\_\_\_

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, other Federal, State, or local civil rights agency, court, or other organization? Yes ☐ No ☐

If Yes, list the bureaus, agencies, courts, or organizations and the dates filed: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, and Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Do you intend to file with another agency, court, or organization? Yes ☐ No ☐

If yes, name the agency, court, or organization: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Complainant signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Return the completed form to:**

City of Waseca ADA Coordinator

508 South State Street

Waseca, MN 56093

Phone: 507-835-9716

Fax: 507-835-8871

Email: [cityengineer@ci.waseca.mn.us](mailto:cityengineer@ci.waseca.mn.us)

## **APPENDIX I – NOTICE OF RIGHTS**

In accordance with the Minnesota Government Data Practices Act, the City of Waseca is required to inform you of your rights as they pertain to private information collected from you. All 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 City staff and their 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:**

City of Waseca officials, staff, or their designee(s).

**Furnishing the above information is voluntary. However, City of Waseca staff may be unable to respond to, or evaluate, your grievance if you refuse to supply the requested information.**

[MINN. STAT. §13.04\(2\)](#)