



# Engineering Department

## American with Disabilities Act

### Pedestrian Facilities Transition Plan for St. Michael Highway Rights of Way



APRIL 2018

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## Introduction

### Transition Plan Need and Purpose

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

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

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the City of St. Michael must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, "...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#))

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

### ADA and its Relationship to Other Laws

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

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

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

## Agency Requirements

Under Title II, the City of St. Michael must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities ([28 C.F.R. Sec. 35.150](#)).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability ([28 C.F.R. Sec. 35.130 \(a\)](#)).
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result ([28 C.F.R. Sec. 35.130\(b\) \(7\)](#)).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective ([28 C.F.R. Sec. 35.130\(b\)\(iv\) & \(d\)](#)).
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others ([29 C.F.R. Sec. 35.160\(a\)](#)).
- Must designate at least one responsible employee to coordinate ADA compliance [[28 CFR Sec. 35.107\(a\)](#)]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [[28 CFR Sec. 35.107\(a\)](#)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [[28 CFR Sec. 35,106](#)]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [[28 CFR Sec. 104.8\(a\)](#)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 CFR Sec. 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

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

# Self-Evaluation

## Overview

The City of St. Michael is required, under Title II of the Americans with Disabilities Act (ADA) and 28CFR35.105, to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the City can implement improvements. 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 potential need for PCR/PAR infrastructure improvements. This will include the sidewalks, curb ramps, bicycle/pedestrian trails, and traffic control signals that are located within the City 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

Initially completed in May 2012 and reviewed each year, the City of St. Michael conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- Sidewalks/Trails
- Curb ramps
- City owned facilities (i.e. City Hall, Public Works Building)

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

## Policies and Practices

### Previous Practices

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

### Policy

St. Michael's goal is to continue to provide accessible pedestrian design features as part of the City's capital improvement projects. The City has established ADA design standards and procedures as listed in Appendix F. These standards and procedures will be kept up to date with nationwide and local best management practices.

The City will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The City will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the City's jurisdiction are designed and constructed in accordance with the most current ADA design practices to the extent feasible.

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

#### **New/Reconstruction Areas:**

All city new construction and reconstruction projects will be designed and constructed in accordance with the most current ADA design practices to the extent feasible.

#### **Pavement Management Projects (Excluding Seal Coating/Micro Surfacing/Crack Sealing):**

Accessible curb ramps will be reconstructed/added as needed to provide access to existing pedestrian facilities at intersections where they do not currently exist. Improvements to existing pedestrian ramps will be addressed on a case by case basis. High priority areas such as those in close proximity to specific land uses such as schools, government offices and medical facilities, will be given additional consideration. Improvements will be completed at the discretion of the City Engineer.

### **Public Request Projects:**

Accessibility improvements requested by the public will be evaluated by City staff. If deemed appropriate a brief engineering study will be performed. Evaluation criteria will include pedestrian volumes, traffic volumes, condition of existing infrastructure, impacts to future projects, and public safety.

Requests for accessibility improvements can be submitted to the City of St. Michael ADA Coordinator, contact information is located in Appendix E.

## **Improvement Schedule**

### **Priority Areas**

All city new construction and reconstruction projects will be designed and constructed in accordance with the most current ADA design practices to the extent feasible. Accessible curb ramps will be reconstructed/added as needed to provide access to existing pedestrian facilities at intersections where they do not currently exist. Improvements to existing pedestrian ramps will be addressed on a case by case basis. High priority areas such as those in close proximity to specific land uses such as schools, government offices and medical facilities, will be given additional consideration. Improvements will be completed at the discretion of the City Engineer.

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 St. Michael. The City will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes. These routes include, but are not limited to the following, MNDOT TH 241, Wright County roadways CSAH 18, CSAH 9, CSAH 22, CSAH 34, CSAH 35, CSAH 36, CR 119, CR 120, and CR 137.

### **Schedule**

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

Pedestrian facilities within new/reconstruction/pavement preservation projects will be constructed/upgraded to current ADA accessibility standards to the extent feasible.



Other accessibility improvements will be evaluated on a case by case basis as a priority need is identified and as funding allows.

## **ADA Coordinator**

In accordance with 28 CFR 35.107(a), the City of St. Michael has identified an ADA Title II Coordinator to oversee the City policies and procedures. Contact information for this individual is located in Appendix E.

## **Implementation Schedule**

### **Methodology**

The City of St. Michael will utilize two methods for upgrading pedestrian facilities to the current ADA standards. The first and most comprehensive of the two methods are the scheduled street reconstruction improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. The second method is the Public Request project. These projects will be reviewed and completed on a case by case basis as determined by the City of St. Michael staff.

## **Public Outreach**

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

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

- Newspaper, City newsletter, and website advertisement were placed, advertising the draft transition plan and requesting comments.
- A copy of the draft ADA Transition Plan was made available via the City of St. Michael website.
- No comments were received from the public.

Detailed information regarding the public outreach activities and handouts are located in Appendix C.

## **Grievance Procedure**

Requests for accessibility improvements can be submitted to the City of St. Michael ADA Coordinator. Under the Americans with Disabilities Act, each agency is required to publish its

responsibilities in regards to the ADA. A draft of this public notice is provided in Appendix D. If users of the City of St. Michael 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 the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances. This grievance procedure is outlined in Appendix D.

## **Monitor the Progress**

This document will continue to be updated as conditions within the City evolve. This document and the appendices are subject to periodic updates. With each main body update, a public comment period will be established to continue the public outreach.

## **Appendices**

**A. Self-Evaluation Results**

**B. Schedule / Budget Information**

**C. Public Outreach**

**D. Grievance Procedure**

**E. Contact Information**

**F. Agency ADA Design Standards and Procedures**

**G. Glossary of Terms**

## **Appendix A – Self-Evaluation Results**

Self-Evaluation, included in this appendix section, completed in 2012 and updated in December 2017 and will continue to be updated per the City’s Sidewalk and Trail Inspection and Maintenance Policy which is included in this appendix section.



**CITY OF ST. MICHAEL**  
**Self-Evaluation for Public Facilities and Public Right of Ways**

As required by the Americans with Disabilities Act (ADA), Title II, all public entities which employ fifty (50) individuals or more must complete a transition plan, which outlines the steps and schedule for making facilities accessible to disabled individuals. Based on Title II, a municipality may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are non-accessible. The municipal services, programs or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as “program accessibility”, applies to all existing facilities of a municipality.

FACILITY	ADDRESS	USES	ACCESSIBILITY ASSESSMENT	FUTURE PLANS
St. Michael Civic Building including City Hall and various meeting rooms	11800 Town Center Drive NE	City council meetings; various council appointed committee and commission group meetings; City of St. Michael work location for City Staff including general City customer service and public group meeting functions including Historical Society and other civic groups.	Fully ADA compliant.	Additional comments: City pamphlets located next to front counter must be reconfigured to not exceed the 48” reach capacity.
St. Michael-Albertville-Hanover Library	11800 Town Center Drive NE	Library use for Library Staff and general public	Fully ADA compliant.	
Crow River Senior Center	11800 Town Center Drive NE	General public meeting and event function use for senior center staff, seniors and general public	Fully ADA compliant.	

FACILITY	ADDRESS	USES	ACCESSIBILITY ASSESSMENT	FUTURE PLANS
St. Michael Public Works Building	3150 Lander Avenue NE	General City Public Works and Park Maintenance Staff and Functions	Building is ADA compliant with the exception of additional comments.	Additional comments: 1. Men's restroom towel dispenser obstructs forward approach for means of egress. 2. No handicap locker, companion seat or bench.
Fire Station Headquarters	216 Main Street S	Fire personnel; school field trips; public	Building is accessible, restrooms are ADA compliant.	Additional comments: 1. No accessible van parking. 2. Upper workout facility not accessible.
Fire Station-Frankfort	12239 42 <sup>nd</sup> Street NE	Fire personnel; public meetings area; FYCC staff	Building is accessible, unisex restroom ADA compliant.	Additional comments: 1. No accessible van parking. 2. Rear entrance is not wheelchair accessible.
BMX Track	3150 Lander Avenue NE	Public use (limited); special event	Handicap parking is provided. Wheelchair accessible.	Additional comments: 1. No accessible pedestrian ramp to trail.
Frankfort Park	Jaber Avenue NE/Co. Rd. 34	Recreational use for general public	Wheelchair accessible. Pedestrian ramp provided to trail from parking lot.	Additional comments: 1. Accessible route not provided to ball fields or courts. 2. No handicap portable restroom. 3. Van and handicap parking spaces need to be restriped. 4. No illumination for parking lot.

FACILITY	ADDRESS	USES	ACCESSIBILITY ASSESSMENT	FUTURE PLANS
Gutzwiller Park	Co. Rd. 119	Recreational use for general public	Wheelchair accessible.	Additional comments: <ol style="list-style-type: none"> <li>1. No accessible pedestrian ramp to trail from parking lot.</li> <li>2. No handicap portable restroom.</li> <li>3. No illumination for parking lot.</li> </ol>
Highwoods Park	Frankfort Pky/Mayfield Ave NE	Recreational use for general public	Wheelchair accessible. Pedestrian ramp provided from parking lot to trail system.	Additional comments: <ol style="list-style-type: none"> <li>1. Existing 5' van accessible parking space, current code requires 8' wide.</li> <li>2. No accessible route to ball fields, courts or soccer fields.</li> <li>3. Slope for trail system exceeds 1' rise in 20' run.</li> <li>4. No illumination for parking lot.</li> </ol>
Hirschbach Park	Langston Lane NE	Recreational use for general public	Wheelchair accessible.	
Lower Rec. Park	3150 Lander Avenue NE	Recreational use for general public, including restrooms, pavilion area, grand stands, and warming house (winter only).	Wheelchair accessible. Handicap restrooms provided. Ramp provided to bleachers, ramp provided to warming house.	Additional comments: <ol style="list-style-type: none"> <li>1. Handicap restroom floor entrance elevation exceeds maximum ½" height.</li> <li>2. Ramp to warming house needs guard and hand rails.</li> <li>3. Dugouts are not accessible.</li> <li>4. Existing 5' van accessible parking space, current code requires 8' wide.</li> </ol>

FACILITY	ADDRESS	USES	ACCESSIBILITY ASSESSMENT	FUTURE PLANS
Preserve Park	50 <sup>th</sup> St NE/Oakwood Pky NE	Recreational use for general public	Wheelchair accessible. Van and handicap parking spaces provided.	Additional comments: <ol style="list-style-type: none"> <li>1. Slope for trail system exceeds 1' rise to 20' run.</li> <li>2. No handicap portable restroom.</li> <li>3. No illumination for parking lot.</li> <li>4. No signage for handicap parking space.</li> <li>5. One additional handicap parking space required (one per 25 parking spaces).</li> </ol>
Swamp Lake Park	2 <sup>nd</sup> Street NW	Recreational use for general public	Wheelchair accessible. Handicap parking provided.	Additional comments: <ol style="list-style-type: none"> <li>1. No handicap portable restroom.</li> <li>2. Slope for trail system exceeds 1' rise to 20' run.</li> <li>3. No accessible route at east and west entrance. On street parking only.</li> <li>4. Bituminous trail has uneven patches.</li> <li>5. No illumination for parking lot.</li> </ol>



FACILITY	ADDRESS	USES	ACCESSIBILITY ASSESSMENT	FUTURE PLANS
Walnut Park	Walnut Ave SW/Poplar Ln SW	Recreational use for general public	Wheelchair accessible. Handicap parking provided.	Additional comments: 1. Van and handicap parking spaced need to be restriped. 2. No accessible route from southeast entrance. 3. No handicap portable restroom.
Welter Play Lot	Ivory Lane SW	Recreational use for general public	Wheelchair accessible.	
Zahler Fields (Upper Rec)	32 <sup>nd</sup> Street NE/Lincoln Dr	Recreational use for general public	Wheelchair accessible. Handicap parking provided. Pedestrian ramp provided to trail from parking lot.	Additional comments: 1. No handicap portable restroom. 2. No accessible pedestrian ramp from Lincoln Drive to trail. 3. No illumination for parking lot. 4. Existing 5' van accessible parking space, current code requires 8' wide.

FACILITY	ADDRESS	USES	ACCESSIBILITY ASSESSMENT	FUTURE PLANS
Wastewater Treatment Plant	3320 Lander Avenue NE	Work location for City wastewater staff; school field trips	Handicap parking provided. Unisex accessible restroom. Main level of building accessible.	Additional comments: <ol style="list-style-type: none"> <li>1. No van accessible parking space.</li> <li>2. No stripping of handicap parking spaces.</li> <li>3. Pedestrian ramp from parking lot to sidewalk exceeds allowed slope.</li> <li>4. Upper level and lab area not accessible.</li> <li>5. Men's and Women's locker room showers not accessible.</li> <li>6. Handicap signage required at all restrooms and locker rooms.</li> </ol>
Compost/Brush Drop Off	3150 Lander Avenue NE	Work location for compost/brush attendants and drop off use for general public	Open to the public.	Additional Comments: <ol style="list-style-type: none"> <li>1. No handicap parking.</li> <li>2. No accessible route to entrance building.</li> <li>3. Building door is less than minimum 32" clear opening.</li> <li>4. No lever hardware on door.</li> <li>5. Building entrance not wheelchair accessible.</li> <li>6. No handicap counter for transactions.</li> </ol>

FACILITY	ADDRESS	USES	ACCESSIBILITY ASSESSMENT	FUTURE PLANS
City Trail & Sidewalk System	City Wide	Use for the general public	Wheelchair accessible. Review trail and sidewalk for non-compliance per city sidewalk policy. Open to the public.	Additional Comment: 1. Update trail and sidewalk areas that are not compliant to current ADA requirements as reconstruction projects occur. 2. Annual trail/sidewalk inspection of 25% of City for trip hazards.
City Pedestrian Curb Ramps	City Wide	Use for the general public	Wheelchair accessible. Multiple pedestrian ramps have identified as non-compliant. Open to the public.	Additional Comment: 1. Update pedestrian ramps to current ADA requirements as reconstruction projects occur. 2. Review pedestrian ramps to identify non-compliant ramps. 3. Annual sidewalk inspection of 25% of City for trip hazards.

## **Appendix B – Schedule / Budget Information**

### **Schedule**

Pedestrian facilities along and within reconstruction projects will be upgraded to current ADA accessibility standards to the extent feasible.

A systematic approach to providing accessibility upgrades will be taken to absorb the cost into the City of St. Michael budget for improvements to the highway rights of way.

The majority of the ADA upgrades will occur as reconstruction projects are completed as part of the City's capital improvement plans.

### **Cost Information**

Construction costs for upgrading facilities can vary depending on each individual improvement and conditions of each site. Costs can also vary on the type and size of project the improvements are associated with. Listed below are representative 2017 costs for some typical accessibility improvements based on if the improvements are included as part of a retrofit type project, or as part of a larger comprehensive capital improvement project.

Intersection corner ADA improvement retrofit: +/- \$4,000 per corner

Intersection corner ADA improvement as part of adjacent capital project: +/- \$1,500 per corner

Sidewalk / Trail ADA improvement retrofit: +/- \$8.00 per SF

Sidewalk / Trail ADA improvement as part of adjacent capital project: +/- \$6.50 per SF

### **Entire Jurisdiction**

Based on the results of the self-evaluation, the estimated costs associated with providing ADA accessibility within the entire jurisdiction is \$1.5 Million. This amount signifies a significant investment that the City of St. Michael is committed to making in the upcoming years, within the scope of the improvements identified in the current capital improvement plans. A systematic approach to providing accessibility will be taken in order to absorb the cost into the City of St. Michael budget for improvements to the public right of way.

## **Appendix C – Public Outreach**

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

- Newspaper, City newsletter and website advertisement were placed, advertising the draft transition plan and requesting comments.
- A copy of the draft ADA Transition Plan was made available via the City of St. Michael website.
- No comments were received from the public.

# ST. MICHAEL ENGINEERING DEPARTMENT ADA TRANSITION PLAN



St. Michael Engineering Department has identified an ADA Title II Coordinator to oversee the City's policies and procedures:

**Steven G. Bot, P.E.**  
**Public Works Dir.-City Engineer**  
11800 Town Center Drive NE  
St. Michael, MN 55376

Phone: 763-416-7931  
[sbot@ci.st-michael.mn.us](mailto:sbot@ci.st-michael.mn.us)

City of St. Michael's web site:  
<http://www.ci.st-michael.mn.us>

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 (ADA), the St. Michael Engineering Department will not discriminate against individuals with disabilities on the basis of disability in its services, programs, or activities.

Modifications to Policies and Procedures: St. Michael Engineering Department will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a program, service, or activity of St. Michael Engineering Department, should contact the office of Steven Bot, St. Michael Engineer, as soon as possible but no later than 48 hours before the scheduled event.

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



## What is an ADA Transition Plan?

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

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

Complaints that a program, service, or activity of St. Michael Engineering Department is not accessible to persons with disabilities should be directed to Steven Bot, St. Michael Engineer.

# ST. MICHAEL ENGINEERING DEPARTMENT ADA TRANSITION PLAN

## Improvement Schedule

All scheduled City reconstruction projects with pedestrian accommodations will be designed and constructed to conform with the most current ADA design practices to the extent feasible. Accessible curb cuts and ramps will be added as needed to provide access to existing pedestrian facility (i.e. walks/trails) at intersections where they do not currently exist.

Improvements to existing pedestrian ramps will be addressed on a case by case basis. Areas such as those in close proximity to specific land uses (i.e. schools, government offices and medical facilities) will be given additional consideration. Improvements will be undertaken at the discretion of the City Engineer.

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, condition of existing infrastructure, and public safety.

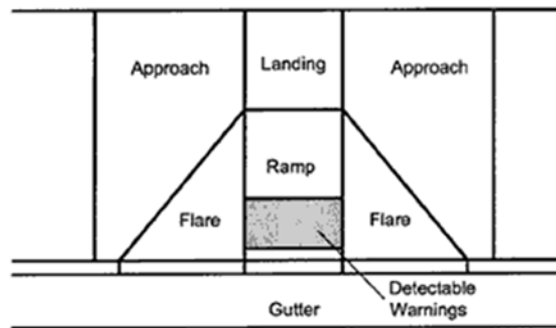
Many other agencies are responsible for pedestrian facilities within the jurisdiction of St. Michael Engineering Department. The City will coordinate with those agencies to

track and assist in the facilitation of the elimination of accessibility barriers along their routes.

## Ramp Elements

Curb ramps allow people with mobility impairments to gain access to the sidewalks and to pass through center islands in streets.

Otherwise, these individuals are forced to travel in streets and roadways and are put in danger or are prevented from reaching their destination.



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

## Examples

### Non-Compliant



### ADA Compliant Ramp



## Appendix D – Grievance Procedure

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

### Public Notice

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

**Employment:** The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

**Effective Communication:** The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City will make all reasonable modifications to 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 welcomed in City offices, even where pets are generally prohibited.

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

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

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.



**City of St. Michael**  
**Grievance Procedure under**  
**the Americans with Disabilities Act**

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

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

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

**Steven G. Bot, P.E. or current City Engineer**  
**City Engineer/Public Works Director/ADA Coordinator**  
**11800 Town Center Drive NE, Suite 300**  
**St. Michael, MN 55376**

**763-497-2041**  
**[sbot@ci.st-michael.mn.us](mailto:sbot@ci.st-michael.mn.us)**

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

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

Within 15 calendar days after receipt of the appeal, the City Council or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Council or their 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 his designee, appeals to the City Council or their designee, and responses from these two offices will be retained by the City of St. Michael for at least three years.

## City of St. Michael Grievance Procedure

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

### Internet

Visit the City of St. Michael website [www.ci.st-michael.mn.us](http://www.ci.st-michael.mn.us) and click the “ADA Transition Plan” link and go to the last page of Appendix D. Print out a copy of the form, fill it out, scan and e-mail, or mail it to the ADA Coordinator.

### Telephone

Contact the pertinent City of St. Michael staff person listed in the **Contact Information** section of Appendix E to submit an oral grievance. The staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

### Paper Submittal

Contact the pertinent City of St. Michael staff person listed in the **Contact Information** section of Appendix E to request a paper copy of the county’s grievance form, complete the form, and submit it to the ADA Coordinator. A staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

The ADA Grievance Form will ask for the following information:

The **name, address, telephone number, and email address** for the person filing the grievance

The **name, address, telephone number, and email address** for the person alleging an ADA violation (if different than the person filing the grievance)

A **description and location of the alleged violation and the nature of a remedy sought**, if known by the complainant.

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

The City of St. Michael will acknowledge receipt of the grievance to the complainant within 10 working days of its submittal. The City of St. Michael will also provide to the complainant within 10 working days of its submittal; 1) a response or resolution to the grievance or; 2) information on when the complainant can expect a response or resolution to the grievance.

If the grievance filed does not concern a City of St. Michael facility, the City will work with the complainant to contact the agency that has jurisdiction.

3. Within 60 calendar days of receipt, a City of St. Michael staff person will conduct an investigation necessary to determine the validity of the alleged violation. As a part of the investigation, the staff person would conduct an engineering study to help determine the City's response. The staff person will take advantage of department resources and use engineering judgment, data collected, and any information submitted by the resident 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 each resolution of a filed grievance and retain such documentation in the department's ADA Grievance File for a period of seven years.

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

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

#### File Maintenance

The City shall maintain ADA grievance files for a period of seven years.

Complaints of 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](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.

Grievance Form is on the next page.

## City of St. Michael ADA Grievance Form

Instructions: Please fill out this form completely and submit to:

St. Michael ADA Coordinator  
11800 Town Center Drive NE, Suite 300  
St. Michael, MN 55376

Or it can be e-mailed to: [sbot@ci.st-michael.mn.us](mailto:sbot@ci.st-michael.mn.us)

Complainant – person filing grievance:

Name: \_\_\_\_\_ Date \_\_\_\_\_

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

Home: \_\_\_\_\_ Cell: \_\_\_\_\_

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

Representing – person claiming an accessibility issue or alleging an ADA violation (if not the complainant):

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

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

Home: \_\_\_\_\_ Cell: \_\_\_\_\_

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

Description and location of the alleged violation and the nature of a remedy sought.

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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.**

Agency or Court: \_\_\_\_\_ Contact Person: \_\_\_\_\_

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

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

## **Appendix E – Contact Information**

### **ADA Title II Coordinator**

Name: Steven G. Bot, P.E. or current City Engineer  
St. Michael City Engineer/Public Works Director/ADA Coordinator  
Address: 11800 Town Center Drive NE, Suite 300  
St. Michael, MN 55376

Phone: 763-497-2041

Fax: 763-497-5306

E-mail: [sbot@ci.st-michael.mn.us](mailto:sbot@ci.st-michael.mn.us)

### **Public Right of Ways ADA Implementation Coordinator**

Name: Steven G. Bot, P.E. or current City Engineer  
St. Michael City Engineer/Public Works Director/ADA Coordinator  
Address: 11800 Town Center Drive NE, Suite 300  
St. Michael, MN 55376

Phone: 763-497-2041

Fax: 763-497-5306

E-mail: [sbot@ci.st-michael.mn.us](mailto:sbot@ci.st-michael.mn.us)

# Appendix F – Agency ADA Design Standards and Procedures

## Design Procedures

### Intersection Corners

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

### Sidewalks / Trails

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

### Traffic Control Signals

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

### Bus Stops

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



### **Other policies, practices and programs**

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

### **Design Standards**

The City of St. Michael will follow the Public Right of Way Accessibility Guidelines (PROWAG), as adopted by the Minnesota Department of Transportation (MnDOT), as its design standard.

## Appendix G – Glossary of Terms

**ABA:** See Architectural Barriers Act.

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

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

**ADAAG:** See Americans with Disabilities Act Accessibility Guidelines.

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

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

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

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

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

**APS:** See Accessible Pedestrian Signal.

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

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

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

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

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

**FHWA:** See Federal Highway Administration

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

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

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

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

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

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

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

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