

Steele County

Americans with Disabilities Act

Transition Plan for Public Right of Way

December 2020

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Introduction

Purpose and Need

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 services and programs, the Steele County (County) must comply with this section of the ADA Act as it specifically applies to public service agencies. Title II of ADA Act 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.”¹

Subject to Title II of ADA, Steele County must conduct a self-evaluation of its facilities and develop a transition plan to outline strategies to achieve compliance. The ADA Transition Plan (Plan) outlines policies and procedures for both the County to maintain compliance, and for community members to have a dialogue about accessibility issues. The County’s Plan provides a better understanding of the assets within Steele County and will help guide the County’s prioritization of ADA investment.

Additionally, progress on the Plan will ensure that the County maintains eligibility for State and Federal funding to support transportation projects.

Self-Evaluation

A key activity in developing the Plan is the self-evaluation. The self-evaluation inventories barriers in programs and activities that prevent persons with disabilities from reasonable access. The County completed its evaluation of County curb ramps, sidewalks, and traffic controls signals within the cities of Owatonna, Blooming Prairie, Medford, Ellendale, and unincorporated Hope (Somerset Township) in July 2020. This plan document pertains to public rights-of-way. Other infrastructure elements will be incorporated into stand-alone documents. The County’s ADA consultants, SRF Consulting Group, worked with County staff to provide professional services in

¹ ([42 USC, Sec. 12132](#); [28 CFR, Sec. 35.130](#))

completing the self-evaluation process. This consists of a field review of public right-of-way infrastructure alongside a review of policies and programs as shown in Figure 1.

Figure 1. Self-Evaluation Components



The self-evaluation provides an inventory of ADA compliance gaps and allows the County to catalog and prioritize future improvements. Public right-of-way are inventoried in an interactive, dynamic geographic database that will be delivered to the County for continuous monitoring and updates.

Plan Elements

The plan document is developed based on the outcome of the self-evaluation. In addition to the compliance assessment and progress report that the self-evaluation provides, several core elements will be incorporated into the Plan for public right-of-way.

Designating an ADA Coordinator

The County has identified a coordinator to oversee ADA policies and procedures and serve as the primary point of contact for ADA related issues. (Contact information is located in Appendix A).

Grievance Procedure

Under ADA, each agency is required to publish its responsibilities. A public notice will be documented in the plan. If users of County facilities and services believe the County has not provided reasonable accommodation, they have the right to file a grievance. A procedure for the prompt and equitable resolution of citizen complaints, concerns, comments, and other grievances is included in the Plan.

Public Outreach

The County recognizes that public participation is an important component in the development of this Plan. Input from the community will be gathered and used to help define priority areas for improvements within the jurisdiction of the County. Outreach for the ADA Transition Plan will be ongoing through public forums, council meetings, the County's website, and periodic newsletter mailings.

Monitoring

This Plan is designed to be continuously updated as warranted by conditions within Steele County. For example, updates will account for improvements and completed projects within the County as right-of-way is brought into compliance. Typically, these updates will be made to appendices and datasets included herein. Project prioritization and local policies may be updated based on community input and grievances. With each major update (as deemed necessary by the County staff), a summary of overall compliance will be included in the 5-year Capital Improvement Plan and a public comment period will be established to continue public outreach and provide input on local priorities and a dialog with community members.

Design Standards

All applicable design standards related to ADA are included in the Plan appendices.

Schedule and Budget

A projected schedule with defined milestones to achieve reasonable compliance is included in the Plan. Additionally, the County's Highway Capital Improvement Plan (CIP) is updated annually and will include budgetary estimates for anticipated projects, which may include ADA-related projects.

External Agency Coordination

Several other agencies are responsible for pedestrian facilities, such as bus stops, traffic signals, pedestrian curb ramps, and sidewalks within the jurisdiction of the County. The County will coordinate with those agencies to track and assist in the elimination of accessibility barriers along their routes. ADA contacts and interagency agreements will be provided for City, State, and regional authorities that are responsible for right-of-way in the County.

Project Timeline

To complete the Transition Plan document, data collection is required. This includes the following:

- Evaluation of existing curb ramps.
- Evaluation of existing sidewalks.
- Evaluation of existing pedestrian pushbuttons.
- Establishment of a Geographic Information System (GIS) database and reporting protocol.
- Notification and public comment on the Draft Plan.
- Final establishment of a working ADA Transition Plan Document.

This project will be completed throughout calendar year 2020. An outline of project processes and schedule is shown in Figure 2.

Figure 2. ADA Transition Plan Process



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, Steele County must meet these general requirements:

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

- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 CFR Sec. 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

This document has been created to specifically cover accessibility within the public rights of way and does not include information on Steele County's programs and practices not related to public rights of way.

Transition Plan for Public Rights-of-Way

Public rights-of-way (ROW) in the County include roadways and their adjacent facilities that serve a transportation purpose. This includes sidewalks, curb ramps, driveways, and pedestrian pushbuttons located within the cities of Owatonna, Blooming Prairie, Medford, Ellendale, and unincorporated Hope (Somerset Township). Public rights-of-way do not include buildings, publicly accessible technology, recreational trails and facilities, and private property.

Self-Evaluation

Overview

The public ROW self-evaluation examines the condition of the County's Pedestrian Access Route/Pedestrian Circulation Route (PAR/PCR) and identifies potential need for PAR/PCR infrastructure improvements. This includes sidewalks, curb ramps, and pedestrian pushbuttons that are located within the County ROW. Any barriers to accessibility in the PAR/PCR identified during the self-evaluation are included in this Plan.

Summary

The County's Consultants completed the PAR/PCR inventory in July 2020. The complete PAR/PCR inventory includes all facilities within the county's jurisdiction organized by City in Figure 3.

Figure 3. County's ROW Inventory by City

Blooming Prairie	Ellendale	Hope (Somerset Township)	Medford	Owatonna
○122 curb ramps. ○Approximately, 2 miles of sidewalks.	○2 curb ramps. ○Approximately, .25 mile of sidewalks.	○12 curb ramps. ○Approximately, .10 mile of sidewalks.	○51 curb ramps. ○Approximately, 1.5 miles of sidewalks.	○636 curb ramps. ○Approximately, 8 miles of sidewalks. ○54 pedestrian pushbuttons (14 total intersections)

The inventory considers the limitations of the physical terrain where existing physical or site constraint prohibits modification or addition of accessible features that comply fully with the ADA Standards. Therefore, areas where the slope of the terrain may not be modified to satisfy ADA requirements, especially along steep hills, the County will comply with the provisions of the ADA standards to the maximum extent feasible. Feasibility per the National Association of City Transportation Officials means, "Capable of being accomplished with a reasonable amount of effort, cost, or other hardship. With regard to ADA compliance, feasibility is determined on a case-by-case basis."

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

The PAR/PCR inventory also includes 54 pedestrian pushbuttons (14 total intersections) located within the County. See Appendix H for the County's signal evaluation reports, which were issued in 2020. The data obtained during the ADA self-evaluation of traffic signals will supplement the 2020 County signal evaluation report. Data obtained through the ADA self-evaluation provides more detailed and focused information related to the accessibility of the crossing signals, in addition to the more detailed information on the accessibility of the curb ramps at each intersection.

The cattle pass culvert under County State Aid Highway (CSAH) 28 at Beaver Lake Park, shown in Figure 4, was not a part of the PAR/PCR inventory collected in July 2020. However, the County has identified that it is not ADA compliant due to the slope of the trail leading to the entrance/exit of the culvert. The County is considering improvements within the next five years.

Figure 4. Cattle Pass Culvert



Field Manual for Data Collection

A field manual was developed to serve as a tool for the County's ROW data collection process. The Right-of-Way Field Review Inventory Manual includes all the materials used to conduct the field review of facilities and public ROW for the County's future reference. In Addition, SRF Consulting Group developed GIS data points and information to aid the County in prioritization of the ADA Transition Plan projects to coincide with Highway CIP projects and focus on establishing accessible corridors in high pedestrian traffic areas. The GIS database is an online cloud-based mapping application. The purpose of the GIS database is to house the inventory of all existing ADA locations within the County with the capability to update, add, and share information, as necessary. The database will serve as a management tool for the County. The field manual is included in Appendix C.

Policies and Practices

Previous Practices

The County has strived to provide accessible pedestrian features as part of the County's Highway CIP and new development projects. The County will continue to improve procedures to accommodate required methods of providing accessible pedestrian features.

Policy

The County's objective is to continue incorporating accessible pedestrian design features with development and Highway CIP projects. The County has adopted ADA design standards and procedures as listed in Appendix C. These standards and procedures will be updated periodically in accordance with ADA best management practices.

The County will respond to all accessibility inquiries and improvement requests appropriately. These requests and inquiries will be evaluated internally, and an appropriate response will be communicated to the requestor. This may include comment and/or consideration for implementation with related Highway CIP projects. The County will coordinate with external agencies to ensure that all new or altered pedestrian facilities within County jurisdiction are ADA compliant to the maximum extent feasible.

Requests for accessibility improvements can be submitted to the County's ADA Coordinator. Contact information for ADA Coordinator is located in Appendix A.

Maintenance and Alteration Projects Policy

Maintenance and alternation of pedestrian facilities within the public ROW will continue to follow the policies set forth by the County. The County's maintenance and alteration projects concerning pedestrian facilities along the public ROW are described in the Highway CIP's

definitions and will be adopted through the adoption of this Transition Plan. The policy can be found in Appendix C.

Snow and Ice Removal

According to the County's Snow and Ice Removal Policy, the County is not responsible for clearing winter maintenance of public sidewalks, trails, public parking areas, or other privately owned/operated areas where written contractual arrangements exist. These responsibilities fall to the local agencies through various interagency agreements. See External Agency Coordination for more information or contact the cities directly.

Improvement Schedule

Types of Improvements

The following are typical improvements to public ROW that can be made to correct deficiencies in accessibility:

- Intersection corner ADA improvement retrofits (stand-alone ADA improvement projects).
- Intersection corner ADA improvement as part of an adjacent capital project.
- Sidewalk ADA improvement retrofit (to include at grade crossings and sidewalk ramps).
- Sidewalk ADA improvement as part of an adjacent capital project (to include at grade crossings and sidewalk ramps).

Cost estimates of these improvements are included in Appendix D.

Priority Areas

The County will work with the public during the public comment period to determine priority areas for ADA improvements. These areas will be selected due to their proximity to specific land uses such as schools, commercial areas, public buildings, and from the receipt of public comments. Factors that determine this include, but are not limited to: severity of non-compliance, barriers to access a public program or service, feasibility of remedies, safety concerns, and whether a location receives high public use. Priority will also be given to locations that would most likely not be updated by other County programs. Further, priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991 (marking the formalization of ADA requirements), and accessibility features were omitted. Resident requests and location are also considerations for prioritizing improvements. To best use public resources, the priority areas for planned improvements projects were identified in the completion of this plan. A preliminary list of priority areas identified during the inventory process within the County can be found in Appendix D.

Schedule

The County has set the following schedule goals for improving the deficiencies in accessibility of its pedestrian facilities within the County's ROW effective at the adoption of this plan:

- Baseline of the County's total existing PAR/PCR condition: 33% compliant
- After 10 years, 50% of PAR/PCR that were constructed after January 26, 1991, would be reasonably ADA compliant (100% compliance is not feasible given Minnesota's annual freeze-thaw cycles and pavement deterioration).
- After 10 years, 50% of PAR/PCR within the priority areas identified by the County staff would be reasonably ADA compliant.
- After 20 years, 75% of PAR/PCR within the jurisdiction of the County would be reasonably ADA compliant.
- After 30 years, 90% of PAR/PCR within the jurisdiction of the County (as identified in this plan) would be reasonably ADA compliant and fall within with County's monitoring program.

The 30-year time frame to achieve 90 percent accessibility and the required commitment of funding is framed as a policy goal. The availability of funding and future development trends in Steele County may affect how these projects are prioritized, and the timing of public ROW improvements may affect progress toward the compliance goal.

Methodology

ADA compliance will be achieved utilizing the following two methods:

1) Scheduled improvements to utilities and ROW

This type of project would include scheduled road reconstructions and/or new development projects.

2) ADA-Specific Improvement Projects.

This type of project would include standalone ADA improvement projects such as reconstruction of a pedestrian curb ramp and/or replacement of the APS system at a signalized intersection, separate from a road construction project.

These projects will be determined by the County's Highway CIP, or on a case by case basis determined by the ADA Coordinator and the County's grievance procedure. The County's 5-year Highway CIP is updated annually and available upon request at the Highway Department or available online on the [County's website](https://www.co.steele.mn.us), <https://www.co.steele.mn.us> under the Highway Department.

External Agency Coordination

External agencies with current ADA Transition Plans for ROW pedestrian facilities within the jurisdiction of the County include MnDOT and the City of Owatonna. The County will coordinate with those agencies to track and assist in the facilitation of eliminating accessibility barriers within the County. Additionally, this Plan supports the goals of other adopted documents that affect public ROW within the County, which includes specific cooperative agreements with MnDOT, and the Cities of Owatonna (including ride-systems available), Medford, Blooming Prairie, Ellendale, and unincorporated Hope (Somerset Township).

External Agency Plans may be found at the following links or made available by the County's ADA Coordinator:

MnDOT ADA Transition Plan, 2015

[http://www.dot.state.mn.us/ada/pdf/2014 TransitionPlanFinal.docx](http://www.dot.state.mn.us/ada/pdf/2014%20TransitionPlanFinal.docx)

City of Owatonna ADA Transition Plan

<https://www.ci.owatonna.mn.us/493/ADA-Transition-Plan>

ADA Coordinator

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

Public Outreach

The County recognizes that public participation is an important component developing this document. Input from the community will be gathered and used to help define priority areas for improvements within the jurisdiction of the County.

Public outreach for the creation of this document will consist of the following activities:

The ADA Transition Plan for Public ROW will be posted on the County's website and made available in a hard copy for public comment for approximately fourteen days prior to its recommendation for adoption. The draft version of the Plan will be distributed to key stakeholders including school administrators, local senior centers, businesses and service centers that have been identified as high priority areas for ROW improvements. The County will incorporate ADA into future Comprehensive Planning efforts. The County will make a reasonable effort to incorporate public comments into the final version of the report and will incorporate the Plan into parallel outreach efforts. A printed hard copy of the draft document is also available for review at Steele County Highway Department, 3000 Hoffman Dr NW, Owatonna, MN 55060.

Further information on the Public Outreach initiatives and a summary of the comments received can be found within Appendix E.

Grievance Procedure

Under the ADA, each agency is required to publish its responsibilities regarding the ADA. A draft of this public notice will be provided in Appendix F. If users of County facilities and services believe the County has not provided reasonable accommodation, they have the right to file a grievance.

To monitor the progress of compliance, the County, in accordance with 28 CFR 35.107(b), has established a grievance procedure for the prompt and equitable resolution of comments, concerns, or questions from the citizens of the County. The ADA grievance form is available online and at the Highway Department and can be returned to the ADA Coordinator. It may be used by anyone wishing to file a complaint, comment, or concern regarding discrimination based on disability. A sample of the Grievance Form can be found in Appendix F.

Appendices

A. Contact Information

B. Self-Evaluation Results

B-1: Right-of-Way Self-Evaluation Inventory

C. Agency ADA Design Standards and Procedures

C-1: Right-of-Way Field Review Inventory Manual

C-2: PROWAG

C-3: Maintenance and Alteration Projects Policy

D. Schedule / Budget Information

D-1: Cost Estimate for Right-of-Way

E. Public Outreach

E-1: Public Outreach Media Release

F. Grievance Procedure

G. Glossary of Terms

H. Supplementary County Resources

H-1: Signal Evaluation Reports – Summary