ADA Transition Plan

City of La Crescent
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Introduction

Transition Plan Need and Purpose

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

1. Employment
2. State and Local Government Services
3. Public Accommodations
4. Telecommunications

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 La Crescent 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 Sec. 35.105 and Sec. 35.150, the City of La Crescent has conducted a self-evaluation of its facilities within public right-of-way and has developed this transition plan, detailing how the organization will ensure that all facilities are accessible to all individuals. This document serves as a supplement to the City of La Crescent’s existing transition plan covering buildings, services, programs and activities.

The ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the Architectural Barriers Act 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 extends 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 La Crescent must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and usable 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 at the cause of that 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 communication with applicants, participants, and members of the public with disabilities are as effective as communication with others (29 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 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. 36.107(a)). The notice must include 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 right-of-way and does not include information on the City of La Crescent’s programs, practices, or building facilities not related to public right-of-way.
Chapter 1 – Self-Evaluation

Overview

The City of La Crescent 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.

This 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 infrastructural improvements. This will include the pedestrian ramps, railroad crossings, sidewalks, and bicycle/pedestrian trails that are located within the City right-of-way. Any barriers to accessibility identified in the self-evaluation and the remedy to the identified barrier are set out in this transition plan.

Summary

In May of 2020, the City of La Crescent conducted an inventory of pedestrian facilities within its public right-of-way, consisting of the evaluation of the following facilities:

- 258 pedestrian ramps
- 16.5 miles of sidewalk
- 2.0 miles of trail
- 1 Railway Crossing

Guidelines for the ADA classifications used in the self-evaluation are provided on the following pages.
Classification Guidelines

Pedestrian Ramps

Non-Compliant Priority Level 1

The location on the left is classified as Non-Compliant Priority Level 1 because there is no ramp at this crossing. The pedestrian ramp on the right is also classified as Non-Compliant Priority Level 1 because it is surrounded by curb.

Non-Compliant Priority Level 2

The pedestrian ramp on the left is classified as Non-Compliant Priority Level 2 because there is no detectable warning (truncated domes) on the ramp. The pedestrian ramp on the right is classified as Non-Compliant 2 because although there are detectable warnings, the ramps are exceptionally steep.
Non-Compliant Priority Level 3

This pedestrian ramp is classified as Non-Compliant Priority Level 3 because although the slope of the ramp complies, and there is a detectable warning, this ramp is jointed incorrectly and does not feature a proper landing.

Compliant

These are examples of pedestrian ramps classified as compliant. These pedestrian ramps feature detectable warnings, formal landings and have running slopes less than 8.33%, cross slopes of less than 2%, and gutter slopes that do not exceed 5%. For the purpose of this document, pedestrian ramps that met all or a majority of the ADA requirements were called compliant.

Non-City- Pedestrian ramps along State Highway 16, US Highway 61, County Highway 6 and County Highway 29 fall under the responsibility of MnDOT and Houston County.
Railroad Crossings

Compliant

Compliant railroad crossings must have 24” x 48” detectable warnings on both sides of the crossing. For the purpose of this document, railroad crossings that met all or a majority of the ADA requirements were called compliant.

Non-Compliant

The crossing shown above is classified as non-compliant because there are no detectable warnings.

Non-City – Railroad crossings located along State Highway 16, US Highway 61, County Highway 6 and County Highway 29 fall under the responsibility of MnDOT.
Sidewalks

Compliant

Sidewalks must be 5 feet wide (or 4 feet if they feature wheelchair passing zones every 200 feet). Sidewalks must also have a cross slope of no more than 2%. Compliant sidewalks will not include lips, cracks or breaks. For the purpose of this document, sidewalks that met all or a majority of the ADA requirements were called compliant.

Non-Compliant

Sidewalks that do not meet the width guidelines or that have a cross-slope exceeding 2% will be considered non-compliant. Sidewalks will also be considered non-compliant if they have large lips, cracks, or breaks over 20% or more of the block length. Sidewalks sections that are largely compliant, but have isolated lips, cracks, or breaks have been identified as “Problem Areas”. These areas will be corrected as part of the City CIP.
Bike Trails

Compliant

Trails must be 60” or feature passing zones every 1,000 feet with a cross-slope of no more than 2%. For the purpose of this document, trails that met all or a majority of the ADA requirements were called compliant.

Non-Compliant

Trails that feature over a 2% cross slope, are not 60” wide, or do not feature passing zones will be considered non-compliant. Trails that have large holes, bulges, or cracks will also fall into this category.

DOT – Trails located along State Highway 16, US Highway 61, County Highway 6 and County Highway 29 fall under the responsibility of MnDOT or Houston County.
Self-Evaluation Results

The self-evaluation of pedestrian facilities yielded the following results:

**Pedestrian Ramps**
- 12 % of pedestrian ramps were rated as Non-Compliant Level 1
- 45 % of pedestrian ramps were rated as Non-Compliant Level 2
- 21 % of pedestrian ramps were rated as Non-Compliant Level 3
- 22 % of pedestrian ramps were rated as compliant

**Sidewalks**
- 87 % of sidewalks were rated as Compliant
- 13 % of sidewalks were rated as Non-Compliant

**Railroad Crossing**
- 100 % of the railroad crossing were rated as Non-Compliant

**Trails**
- 75 % of trails were rated as Compliant
- 25 % of trails were rated as Non-compliant

These results are summarized in Figures 1 and 2.
Chapter 2 – Implementation

The City of La Crescent has traditionally budgeted about $15,000 per year for upgrading non-compliant pedestrian ramps, sidewalks, and trails. During scheduled street and utility improvement projects, pedestrian facilities impacted by these projects are typically upgraded to current ADA accessibility standards.

Priority Areas

The City of La Crescent has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their proximity to specific land uses such as schools, government offices, and medical facilities. The priority areas identified in the self-evaluation are as follows:

- Priority Area 1: Downtown area
- Priority Area 2: School area

These priority areas are shown in Figures 1 and 2.

External Agency Coordination

Numerous other agencies are responsible for pedestrian facilities within the jurisdiction of the City of La Crescent. The City will coordinate with those agencies to track and assist the facilitation of the elimination of accessibility barriers along their routes.
Chapter 3 – Improvement Schedule

The City of La Crescent has set the following schedule goals for improving the accessibility of its pedestrian facilities within the City jurisdiction.

- After 5 years, 80% of pedestrian ramps identified as being Non-Compliant Priority Level 1 within the jurisdiction of the City will be ADA compliant.
- After 10 years, 80% of accessibility features within the priority areas identified by City staff will be ADA compliant.
- After 30 years, 80% of accessibility features within the jurisdiction of City will be ADA compliant.
Chapter 4 – Unit Prices and Costs

Unit Prices

Construction costs for upgrading facilities vary based on the individual improvement as well as individual site conditions. Costs will also vary dependent on the magnitude of the project as well and the types of improvements. Listed below are representative costs for some typical accessibility improvements are included as part of a retrofit type project or as part of a larger comprehensive improvement project.

- ADA compliant pedestrian ramp: $5,000 per ramp
- ADA compliant railroad crossing: $10,000 per crossing
- 5-foot ADA compliant sidewalk: $60 per linear foot

Priority Areas

Based on the results of the self-evaluation, the estimated costs associated with eliminating accessibility barriers within the targeted priority areas are as follows:

Priority Area 1: $485,000
Priority Area 2: $45,000

Entire Jurisdiction

Based on the results of the self-evaluation, the estimated costs associated with eliminating accessibility barriers within the entire jurisdiction is $1.9 million. This amount represents a significant investment that the City of La Crescent is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken to absorb the cost into the City of La Crescent’s budget for improvements to the public right-of-way.
Chapter 5 – Policies & Procedures

Previous Practices

Since the adoption of the ADA, the City of La Crescent 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 of La Crescent updated their procedures to accommodate these methods.

Policy

The City of La Crescent’s goal is to continue to provide accessible pedestrian design features as part of the City’s capital improvement projects. The City of La Crescent has established ADA design standards and procedures as listed below. These standards and procedures will be kept up to date with nationwide and local best management practices.

Design Procedures

Pedestrian ramps, railroad crossings, 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 to achieve full accessibility within the scope of a project. Those limitations will be noted, and those components will remain on the transition plan. As future projects or opportunities arise, those components shall continue to be incorporated into future work. Regardless if full compliance can be achieved or not, each component shall be made as compliant as possible in accordance with the judgement of City staff.

Policies, practices and programs not identified in this document will follow the applicable ADA standards. Maintenance of pedestrian facilities within the public right-of-way will continue to follow the policies set forth by the City of La Crescent.

The City of La Crescent 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 ADA compliant to the maximum extent feasible. Requests for accessibility improvements can be submitted to the responsible party described in chapter 6.
Chapter 6 – ADA Coordinator

In accordance with 28 CFR 35.107(a), the City of La Crescent has identified an ADA coordinator to oversee the City’s policies and procedures. Contact information for this individual is provided below:

Name:       Bill Waller
Address:    315 Main Street P.O. Box 142
            La Crescent, MN 55947
Phone:      (507)895-4668
E-mail:     bwaller@cityoflacrescent-mn.gov
Chapter 7 – Public Outreach

The City of La Crescent recognizes that community input and involvement is important in the creation of this transition plan. Input from the community will be gathered and used to help define priority areas for improvements within the jurisdiction of the City of La Crescent.

The City will provide an opportunity for interested persons, including individuals with disabilities or organizations representing such individuals, to comment on the self-evaluation and transition plan process.

A draft copy of the transition plan was shared with the City Council on March 22, 2021.

This plan can be found online on the City’s webpage: https://www.cityoflacrescent-mn.gov.

This document is open for public review. A summary of comments received and detailed information regarding the public outreach activities are located in Appendix A. As of March 2021, no public comments have been received.
Chapter 8 – Public Notice

Under the Americans with disabilities act, each agency is required to publish its responsibilities regarding progress made toward becoming compliant with the ADA guidelines. This public notice is provided below:

Public Notice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 (ADA), the City of La Crescent will not discriminate against qualified individuals based on disability in City 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 laid out by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act.

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 communication 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 modification of policies or procedures to participate in a City program, service, or activity, should contact 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.
Chapter 9 – Grievance Procedure

If users of the City of La Crescent’s facilities and services believe that 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 citizen’s complaints, concerns, comments, and other grievances.

Americans with Disabilities Act Grievance Procedure

This grievance procedure is established to meet the requirements of the 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 La Crescent.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number, email address 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 as soon as possible, preferably within 60 calendar days of the alleged violation to the ADA coordinator:

Name:    Bill Waller
Address:  315 Main Street P.O. Box 142
          La Crescent, MN 55947
Phone:   (507)895-4668
E-mail:  bwaller@cityoflacrescent-mn.gov

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

If the response by the ADA coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision within 15 calendar days after receipt of the response to the U.S. Department of Justice or other appropriate state or federal agency.

Any written complaints and responses will be retained by the City of La Crescent for at least three years.
Chapter 10 – Monitoring Progress

This document will continue to be updated as conditions within the City evolve. The chapters in this document will be updated periodically with future updated schedules. With each main body update, a public comment period will be established to continue the public outreach.
Appendix A – Public Comments

Public Comments Received:

No comments received at this time.
Glossary of Terms

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

**ADA Transition Plan:** The plan that identifies physical barriers in the City right-of-way per ADA standards, establishes priorities for removing barriers, and outlines a plan for removing barriers and achieving compliance with ADA standards.

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

**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):** 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.

**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.

**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.

**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.

**United States Department of Justice (DOJ):** The United States federal executive department responsible for the enforcement of the law and administration of justice.