

CITY OF ROCHESTER



# Americans with Disabilities Act (ADA) Transition Plan

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Department of Public Works

**2/27/2013**

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## **Introduction**

The American's with Disabilities Act (ADA) of 1990 was signed into the law July 26, 1990. The ADA elevated the civil rights protection of people with disabilities to the same level as those protections in place based on race, color, sex, religion and national origin provided through the Civil Rights Act of 1964.

The ADA required public entities with more than 50 employees to develop a transition plan by July 26, 1992. The Public Works Department is updating its Transition Plan to include public right-of-way specific to the department and is fulfilling this important obligation now. The Transition Plan must identify all structural modifications that are necessary to public facilities to ensure that programs, services and activities are accessible to people with different abilities. This Transition Plan will identify the steps that we must take to complete the modifications within the Department of Public Works sphere of responsibility and the estimated date the modifications will be complete.

Public Works has jurisdiction over streets and walkways in the City, and therefore must include in this Transition Plan the schedule for accessibility standards related to infrastructure. This plan addresses pedestrian curb ramps, appropriate access to right-of-way, accessible pedestrian traffic signals and vertical connections throughout the City.

## **Self Evaluation**

The Public Works Department continually evaluates needed ADA compliant infrastructure upgrades and available resources. The Department manages a capital improvement plan to upgrade, provide maintenance and construct new public infrastructure in the right-of-way. Public infrastructure is evaluated on a periodic basis to identify needed projects based on planned infrastructure life-cycles and unplanned repairs. Compliance with ADA requirements is evaluated when the opportunity to upgrade public infrastructure is presented.

Details about the self evaluation of public infrastructure in the right of way including pedestrian curb ramps, equal access to right of way and accessible pedestrian traffic signals are included in sections of this plan. This transition plan meets the compliance by identification of physical obstacles in public facilities, identification of methods used to achieve accessibility, a schedule for achieving accessibility and identification of a responsible official to process the grievance form.

## **Cost Information**

All costs listed in this document are in 2012 dollars. As revisions are made to this transition plan, every effort will be made to update cost information in the subsequent revisions.

## Public Infrastructure

### Pedestrian Curb Ramps

The City of Rochester believes equal access for all persons is very important and works toward providing full access for all persons regardless of physical abilities. The transportation facilities used by citizens and visitors traveling within the city are important physical assets to providing the equal access for all. Pedestrian ramps are among the numerous elements of the transportation system planned, designed and used for non-vehicular travel; which if absent, seriously limit the accessibility for some individuals.

The Rochester Department of Public Works has actively pursued the installation of sidewalk pedestrian ramps at locations where public sidewalks and/or paths intersect with streets. The use of ramped transitions between sidewalk and crosswalk areas date back many decades. Currently all public street crosswalks/sidewalk transitions have ramped areas. Each ramp is one of several designs generally dependent on the era of its installation.

Older pedestrian ramp transitions are constructed of concrete or asphalt with ramps of less than 12%. Concrete ramps were installed where concrete curb were present. Asphalt ramps were installed where no curb exists. The older concrete ramps do not have textured or color contrasted slope areas. However, both styles allow for the sidewalk to crosswalk transition free of vertical barriers.

In the early 1990's to 2007, all pedestrian ramps were installed using color contrasted exposed aggregate ramp slope area. This style of ramp was used for all new ramps constructed during that era and to replace older style pedestrian ramps in street construction project areas. Many of these ramps have a 36" wide ramp bottom which was the standard at the time.

Since 2007, all new ramps are constructed with a minimum of 48" ramp bottom, 1:12 maximum ramp slope, and 24" x 48" truncated dome areas at the bottom of the ramps. In addition to installing this standard ramp design for new ramps, pedestrian ramps which are being repaired are reconstructed meeting this current standard. Of the approximately 10,000 pedestrian ramps in Rochester, approximately 500 pedestrian ramps meet the current standard including the truncated domes.

It is the city's practice and policy to replace pedestrian ramps not meeting current standards concurrent with street construction or reconstruction projects regardless of the funding source; federal funding, state aid funding or city funding. The city does not replace pedestrian ramps when maintenance activities such as seal coating or mill and thin overlay projects occur unless the ramp has significantly deteriorated and requires replacement.

The city has the goal to annually inspect 5% to 7% of existing sidewalks for tripping hazard defects. In 2008, an intense effort of sidewalk inspection was completed and 40% of the sidewalks were inspected. As part of the inspection process, pedestrian ramp areas are also inspected and ramps which have identified hazards are scheduled for replacement. Replacement of these ramps will meet the current standards including a minimum of 48" ramp bottom, 1:12 maximum ramp slope, and 24" x 48" truncated dome areas at the bottom of the ramps.

In summary, pedestrian ramps meeting current standards are installed on all new construction falling within the project limits for all street construction, reconstruction projects, and whenever a pedestrian ramp area becomes defective and or hazardous.

The estimate life of sidewalk and pedestrian ramps is 40 years; therefore, following this transition plan, all ramps will meet current standards by 2047 with an estimated cost of \$28,700,000.

## **Equal Access to Public Rights-of-Way**

The City of Rochester strives to ensure safe and accessible travel to all citizens and visitors regardless of their physical ability. Rochester has adopted a Complete Streets Policy and evaluates the many modes of surface transportation as projects involving transportation are developed. The Complete Street Policy includes consideration of pedestrians, bicyclists, and bus riders as well as privately operated automobiles. Equal access for persons with physical challenges is integral to design considerations and compliance with ADA standards is used by the city as the minimum design criteria.

Access to pedestrian facilities can be limited whenever obstructions, gaps or inadequate maintenance is present. Maintenance includes snow removal in the winter and freedom of debris and other movable obstructions throughout the year. Current city ordinances identify property owners as responsible for removing snow within 24 hours of a snow event. Debris and other obstructions on the sidewalks are not allowed at any time without a special permit issued for repairs and installations of infrastructure and property improvements. Sidewalk cafes and special event permits require a minimum unobstructed passageway of 4 feet or wider to be maintained.

Not all properties in the City of Rochester have sidewalk installed along the abutting rights of way. All new development must address the need for adequate pedestrian facilities as part of the development. In residential developments, the sidewalk installation is a required part of the home construction. Since the entirety of a subdivision is not built at one time, periodic gaps in the sidewalk system do occur. The City has a policy of requiring infill of these gaps, both in newer and older subdivisions to complete the sidewalk network. Determination of timing for sidewalk gap completion includes a prioritization of each gap in the pedestrian access system. Criteria used to establish these priorities include: street classification, school walking zone, park proximity, bus route proximity, existing sidewalk agreements, land use, development density, and available alternative routes.

Occasionally, a fixed obstruction exists within the city sidewalk system. The current policy is to provide a minimum clearance of 4-foot passed any obstruction (poles, signs, and fire hydrants are the most commonly occurring obstructions). As a part of street reconstruction projects, obstructions are removed or clearances maximized to the extent that right of way is available.

Vertical obstructions in the form of stairways exist in the city sidewalk system. In nearly all instances, an alternative route without the vertical obstruction exists within a short distance. In three locations within the city sidewalk system the alternative route is more distance. Modifications of the sidewalk

facilities at these three locations to eliminate the vertical obstruction are not practical because of topographic and right of way limitations.

Sidewalks are typically constructed with a maximum cross slope of 2%. Within the sidewalk system there exist some segments with greater cross slope. These segments are historically located in driveways where the right of way width does not permit both 2% sidewalk cross slope and functional driveways. During reconstruction of the driveways in these locations, the property owner grants an easement and reroutes the sidewalk segment on to private property so that both the 2% sidewalk cross slope and the functionality of the driveway can be maintained.

### **Accessible Pedestrian Traffic Signals**

There are 146 Traffic Signals within the City of Rochester. Each signalized intersection typically has 4 pedestrian crossings. These signals are located on roadways under jurisdiction of Minnesota Department of Transportation (MnDOT), Olmsted County, and the City of Rochester. Of all the signals in the City of Rochester, 31% are under the jurisdiction of MnDOT, 22% are under the jurisdiction of Olmsted County, and 47% are under the jurisdiction of the City of Rochester. Maintenance agreements with MnDOT and with Olmsted County delineate the signal maintenance and cost sharing responsibilities for the joint jurisdictional traffic signals.

Accessible Pedestrian Signals (APS) are intended to assist blind, visually impaired, and other disabled persons of all ages to cross at designated streets and intersections. The Rochester Traffic Department has completed the traffic signal equipment inventory; the pedestrian ramps at these locations have been addressed in a separate section of the Rochester ADA Transition Plan.

The existing traffic signals in Rochester range in age from an original installation date of 1961 to new signals which are added to the City system at the rate of approximately 2 new signals per year. Rochester currently has 28 signalized intersections with APS. All of the signals in Rochester have count-down timers for the pedestrian indications, but there are a number of locations where the pedestrian phase is programmed to come up each cycle and there are no push buttons to activate the pedestrian indications.

It is the City's practice and policy to replace pedestrian systems not meeting the current standards concurrent with street reconstruction projects or signal modification projects regardless of the funding source; federal funding, state aid funding or city funding. The city does not replace traffic signal components when maintenance street preservation activities such as seal coating or mill and thin overlay projects occur.

The City has the goal to replace two older signal systems and retrofit two existing signal systems with APS, each year as funding allows.

If a request for APS is received, City Staff will investigate each request for the installation of an Accessible Pedestrian Signals (APS) based on evaluating the intersection using the NCHRP 3-62 Guidelines for Accessible Pedestrian Signals "APS Prioritization Tool". A summary of the evaluation criteria are listed below:

**Critical Intersection and Traffic Conditions include such factors as:**

- Intersection Configuration: Pedestrians who are blind or visually impaired use the sound of traffic moving beside them as an alignment cue and as a cue for determining when the traffic signal changes.
- Signalization: The sequence of phases at a signalized intersection and other features of the signal operation, such as interval lengths and actuation-only phases, affects the ability of a blind pedestrian to determine when it is appropriate to cross.
- Transit Facilities: The availability of transit facilities within close proximity to an intersection will increase the likelihood of blind pedestrians, as well as sighted pedestrians, crossing at that intersection.
- Distance to Facility Providing Services to Persons who are Blind or Visually Impaired: The closer a facility for persons who are visually impaired is to an intersection, the more likely it is that pedestrians who are blind or visually will need to cross at that intersection.
- Distance to Major Pedestrian Attractions: Major pedestrian attractions include, but are not limited to major shopping areas, major cultural venues, educational campuses, recreational areas and medical facilities. The closer proximity to a "major attraction", the more likely it is that pedestrians who are blind or visually will need to cross at that intersection.

**Other Critical Factors include:**

- Crosswalk Width: Crosswalk width is defined as the curb-to-curb measurement taken at the midpoint of the crosswalk.
- Speed Limit: The higher the speed limit of the street being crossed, the lower the probability of avoiding an incident should a visually impaired pedestrian mistakenly step into the street.
- Approach/Crosswalk Geometries: Factors such as the curb radii; the skew of a crosswalk in relation to the street being crossed; apex (diagonal) curb ramps; channelized (pork chop) right-turn lane islands, islands, or medians are a few factors that can negatively affect the ability of a blind person to safely cross a street.
- Pedestrian Signal Control: The ability of a pedestrian who is visually impaired to safely cross at a crosswalk can be impacted by the WALK interval timing and other pedestrian signal control features.
- Vehicle Signal Control: The types of signal phases available to vehicle traffic can greatly impact upon the ability of the pedestrian who is visually impaired to understand the audible cues from the traffic surges of various movements and make correct decisions about when it is appropriate to cross the street.
- Off-Peak Traffic Presence: Traffic volume may impede or assist visually impaired pedestrians. Traffic flow that is very light or erratic (which most often occurs in off-peak periods) makes it difficult to use traffic sound to recognize signal changes.

- Distance to Alternative Accessible Crossing (with APS): If there is another signalized crosswalk with APS in close proximity to the intersection being rated, the intersection should receive a lower score than a similar intersection where there is no nearby crossing alternative.
- Pedestrian Push button Location (either corner).
- Requests for Accessible Pedestrian Signals: Requests for an APS may come from a pedestrian who is visually impaired or from an Orientation and Mobility professional. These requests are usually very specific - the individual needs to travel from their home to their workplace and needs to cross this street using this crosswalk. Such requests should increase the priority for APS.

**Transition Process:**

All new and reconstructed traffic signals will be constructed with the APS systems. The existing City signals will be prioritization using the NCHRP 3-62 Guidelines for Accessible Pedestrian Signals "APS Prioritization Tool" and the existing signals (not scheduled for reconstruction within the next 5 years) will be upgraded with an APS, as funding is available.

Locations where it is determined that the traffic signal pedestrian push buttons have accessibility barriers will be changed to provide pedestrian phase recall until the barrier can be removed.

Requests for APS installations will be evaluated using the NCHRP 3-62 Guidelines for Accessible Pedestrian Signals "APS Prioritization Tool". The requested location will be evaluated by the City Engineer and City Traffic Engineer against the ranking of the signals already prioritized to see if the requested location meets or exceeds the rankings of the planned locations for that year, and if City, Olmsted County, and Minnesota Department of Transportation's resources are available.

An APS will be installed if the ranking of the requested locations meets or exceeds the average rankings of the existing, in-place, Accessible Pedestrian Signals; and with the recommendation of the City Engineer and City Traffic Engineer; and if City, Olmsted County, and Minnesota Department of Transportation financial resources are available.

The result of following the City goal to replace or retrofit four currently existing traffic signals per year will be that, all City signals are expected to meet the current standards by 2044, at an estimated cost of \$7,205,000.



## **CITY OF ROCHESTER GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)**

This Grievance Procedure is established to meet the requirements of Title II 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 activities by the City of Rochester (“The City”). The City’s Organizational 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 their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Richard Freese, PE  
Public Works Director  
Department of Public Works  
201 4<sup>th</sup> Street SE, Room 108  
Rochester, MN 55904  
Phone: (507) 328-2426  
Fax: (507) 328-2401  
Email: rfreese@rochestermn.gov

In the event that this request for access to services, programs, or activities cannot be resolved, an individual may file a grievance orally or in writing. A written grievance should be filed on the ADA Grievance form (see page 11 and 12 in this document). If it is not filed on the Grievance Form, it should be in writing and contain all the following information:

- The name, address, and telephone number of the person filing the grievance
- The name, address, and telephone number of the person alleging the ADA violation, if other than the person filing the grievance.
- A description of the alleged violation and the remedy sought.
- Information on whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court.
- If a complaint has been filed, the name of the agency or court where the complaint was filed, the date the complaint was filed, and the name address and telephone number of the contact person with the agency with which the complaint was filed.

Within 15 calendar days after receipt of the complaint, the Public Works Director or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the Public Works Director or their 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 Rochester and offer options for substantive resolution of the complaint.

If the response by the Public Works Director or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the City Administrator or their designee.

Within 15 calendar days after receipt of the appeal, the City Administrator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Administrator or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the Public Works Director or their designee, appeals to the City Administrator or their designee, and responses from these two offices will be retained by the City of Rochester Clerk's Office for at least three years.



**City of Rochester  
Americans with Disabilities Act Grievance Form**

**COMPLAINANT INFORMATION**

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

Address: \_\_\_\_\_ Apt No. \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Phone No. \_\_\_\_\_ Other Phone: \_\_\_\_\_

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

**AGGRIEVED INDIVIDUAL (If other than the Complainant)**

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

Address: \_\_\_\_\_ Apt No. \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone No. \_\_\_\_\_ Other Phone: \_\_\_\_\_

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

**NATURE OF THE COMPLAINT**

City Department Involved: \_\_\_\_\_ Date(s) of Occurrence: \_\_\_\_\_

Description of Violation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Requested Action of City to Correct Alleged Violation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attachments Included: Yes: \_\_\_\_\_ No: \_\_\_\_\_ Type: \_\_\_\_\_

**Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?**

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes: Date Filed: \_\_\_\_\_ Agency or Court: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone No. \_\_\_\_\_

Address: \_\_\_\_\_ Apt No. \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

**Do you intend to file with another agency or court?**

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes: Agency or Court: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone No. \_\_\_\_\_

Address: \_\_\_\_\_ Apt No. \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

**Additional Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return form to:**

Richard Freese  
Department of Public Works  
201 4<sup>th</sup> Street SE, Room 108  
Rochester, MN 55904  
Phone: (507) 328-2426  
Fax: (507) 328-2401  
Email: [refreese@rochestermn.gov](mailto:refreese@rochestermn.gov)