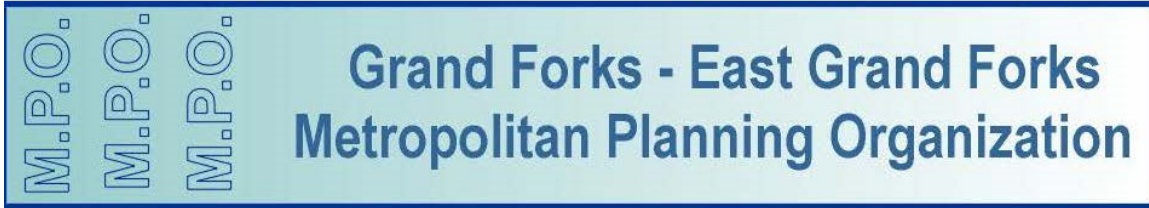


Overcoming Barriers

Strengthening Connections



Ensuring Opportunities

Planning One Community

"A community that provides a variety of complementary transportation choices, that are fiscally constrained, for people and goods."

MPO Staff Report
Technical Advisory Committee: January 9, 2019
MPO Executive Board: January 23, 2019

RECOMMENDED ACTION: Adoption of the Final Draft East Grand Forks ADA Transition Plan for Public Right-of-Way.

Matter of the Adoption of the Final Draft East Grand Forks ADA Transition Plan for Public Right-of-Way.

Background:

FHWA-MN and MnDOT placed renewed emphasis on progress towards ADA compliance, particularly within the public right of way. In order for the agencies requesting federal transportation funds to be programmed in the TIP, an ADA transition plan must be done.

The City and the MPO hired SRF in April to do the necessary work to prepare a Transition Plan for the City. At the end of June/beginning of July SRF was out collecting data for the self-evaluation portion of the plan. They have spent July and most of August doing a quality control checks on the data collected. A focus group meeting with members of the community that are most affected by the improvements to accessibility was held on October 4th. A public meeting was held on the same day.

The Draft East Grand Forks ADA Transition Plan for Public Right-of-Way allows for the public to know who they can contact for accessibility issues and gives them a process to follow to have issues resolved. The plan also gives an updateable database to track ADA compliance as the City works toward making the right-of-way more accessible to all. A public meeting was held on Dec. 6th from in East Grand Forks City Hall Training Room. No comments came from the public meeting. Public comments were due by Dec. 21st. No comments were received.

The final draft plan will be presented to East Grand Forks Planning and Zoning Commission on Jan.10th. The City Council will consider the draft at its January 15th meeting.

Findings and Analysis:

- The Plan has all elements to needed for a compliant ADA Transition Plan.
- Staff recommends adoption of the Plan

Support Materials:

- Draft East Grand Forks ADA Transition Plan for Public Right-of-Way.
- Appendix available www.theforksmpo.org

City of East Grand Forks
Americans with Disabilities Act
Transition Plan for Public Right of Way

November 2018

DRAFT

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Executive Summary

The City of East Grand Forks ADA Transition Plan for Public Rights-of-Way is the summary of a three-phase approach to evaluating accessibility of the community's infrastructure and achieving compliance with the Americans with Disabilities Act. This plan includes documentation of the following:

- The purpose and need of the document, and a summary of applicable federal law related to accessibility
- Documentation of the City of East Grand Forks' policies and procedures related to accessibility of public rights-of-way
- Project field review guide
- Inventory of curb ramps and other facilities and their condition
- Public outreach efforts
- Required elements of an ADA Transition Plan – public comments, grievance procedure, appointment of ADA Coordinator, monitoring of the ADA Transition Plan, etc.

Through this effort, the City of East Grand Forks determined that 22 percent of inventoried facilities are compliant with ADA standards. The City of East Grand Forks set a policy goal of achieving compliance through scheduled updates over the next 30 years.

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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
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, City of East Grand Forks 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 East Grand Forks has conducted a self-evaluation of its facilities within public rights of way and has developed this Transition Plan detailing how the organization will ensure that all the facilities are accessible to all individuals.

This Transition Plan applies to City of East Grand Forks Public-Rights-of-Way (City owned sidewalks, curb ramps, signals, pedestrian trails, etc.), and other areas of ADA Compliance are inventoried under the auspices of other local documents. County, State, or Transit (Cities Area Transit) contacts and information may be found in [APPENDIX E](#).

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, City of East Grand Forks 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.
- Must reference the ADA requirements specific to accessible transportation facilities as it applies to public right-of-way [[49 CFR 37.9](#) and [Subpart C](#)] [[United States Access Board Chapter 4: Accessible Routes](#)].

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

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Public Rights-of-Way

For the purpose of the plan, public rights-of-way in the City of East Grand Forks include roadways and their adjacent facilities that serve a transportation purpose. This includes sidewalks, curb ramps, and signals. Public rights-of-way do not include buildings, publicly accessible technology, recreational trails and facilities, and private property. These are subject areas that are covered outside of Title II of ADA or other City of East Grand Forks documents.

Transit Facilities

The city of East Grand Forks partners with Cities Area Transit (CAT) in the development and deployment of transit facilities. These facilities include stops and shelters, and portions of the pedestrian network that approach these locations. Per 49 CFR 37.9(c) transit and transportation facilities in the public right-of-way must be accessible, and meet the standards set forth by the United States Access Board.

Self-Evaluation

Under Title II of the Americans with Disabilities Act (ADA) and in compliance with 28 CFR35.105, the city of East Grand Forks is required to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs to identify programs which are insufficiently accessible. This self-evaluation specifically examines the accessibility of the City of East Grand Forks' pedestrian access route and public rights-of-way. Evaluations for each ADA feature class within public rights-of-way consisted of the following: curb ramps to include trail crossings at city roads; sidewalk control points to include every driveway; shared-use paths and trail facilities; and on-street transit facilities.

An inventory of the current curb ramps, sidewalks, and signalized intersections were conducted during June 2018 in East Grand Forks. This evaluation inventory gives the opportunity to evaluate pedestrian facilities on a case by case basis and create an improvement schedule based upon priority areas. Currently, 17% of curb ramps are fully compliant with ADA standards; non-compliance in ramps is due to the ramp construction, noncompliant markings or tactile elements, signalization of the intersection, or a technically infeasible location.

Currently, 55% of signalized intersections with pedestrian indications are ADA compliant; signals did not meet Accessible Pedestrian Signal requirements when the landing is missing or inadequate, pushbuttons are not 10 feet apart, a vibrotactile pushbutton with an arrow in the correct direction is not present, and/or an audible indication is missing.

Sidewalks are 27% ADA compliant; sidewalk deficiencies are typically the result of materials, lack of width, lack of adequate passing space, and/or slope.

The inventory will continue to be developed and monitored on an ongoing basis by City of East Grand Forks staff or project partners.

The inventory of pedestrian facilities within its public right-of-way consisted of the evaluation of the following facilities:

- 601 sidewalk points to equal 51.36 miles of sidewalk including shared use paths (27% compliant)
- 937 curb ramps (17% compliant)
- 44 accessible pedestrian signals (55% compliant)

A detailed evaluation on how these facilities relate to ADA standards is found in [APPENDIX A](#) and will be updated periodically.

As the City of East Grand Forks continues to implement its Capital Improvement Program (CIP), other public rights-of-way including sidewalks and other pedestrian linkages will be evaluated and improved for ADA compliance.

Field Manual for Data Collection

The field manual was developed to serve as a tool for the City's data collection process. The Field Manual includes all the materials used to conduct the field review of facilities and public rights-of-way for the City's future reference. In addition to detailed instructions and graphics, the guide contains steps to develop the GIS database. 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 City with the capability to update, add, and share information as necessary. The database will serve as a management tool for the City. Field guide materials are attached in [APPENDIX F](#).

Policies, Programs and Practices

In addition to the review of infrastructure, part of the self-evaluation also involves reviewing City policies and procedures. The City of East Grand Forks is committed to providing accessible services to all citizens and addressing the areas for improvement identified in the self-evaluation. The City of East Grand Forks will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed necessary to comply with ADA will be scheduled consistent with facility priorities.

All accessibility improvement requests can be submitted to the ADA Coordinator, see [APPENDIX D](#) for contact information.

City Policies

The City of East Grand Forks' goal is to continue to provide accessible pedestrian design features as part of the City of East Grand Forks capital improvement projects. The City of East Grand Forks will ensure that all new or updated pedestrian facilities are ADA compliant to the maximum extent feasible. The maintenance and construction of all pedestrian facilities within the public access route will follow the policies established by Title II of the ADA, and the guidelines established by Minnesota Department of Transportation (MnDOT) (see [APPENDIX F](#)). These standards and procedures will be kept up to date with nationwide and local best management practices. The following documents were reviewed as part of the self-evaluation. In addition to the City Policies, Polk County developed the Polk County Highway Department ADA Transition Plan. A copy of the Plan may be found in [APPENDIX F](#).

ADA Transition Plan and Self Evaluation (2018)

The City of East Grand Forks is concurrently working on an ADA Transition Plan to be approved in 2019 that applies to all municipal services, facilities, programs and city parking lots only. However, this plan is focused on public rights-of-way and will address the following gaps in the citywide plan:

- The new plan will be updated to reflect the most current ADA guidance and design standards, including language developed by the Minnesota Local Roads Research Board (LRRB) and Proposed Guidelines for Accessible Rights-of-Way (PROWAG)
- The establishment of direct routes and areas of high pedestrian activity will be acknowledged as a factor for right-of-way project prioritization, but not a substitute for full ADA compliance.
- A field review specific to public rights-of-way will be updated to note the past twenty years of progress in meeting ADA compliance and more thoroughly noting where gaps exist.
- The City of East Grand Forks will have a separate grievance procedure for accessibility issues on its public right-of-way.

The City's Draft ADA Transition Plan and Self Evaluation may be found in [APPENDIX F](#).

Capital Improvement Program (CIP)

Projects in the City of East Grand Forks CIP are listed and prioritized based on assessment of pavement condition, financial impacts and other technical analyses (ex. Safety, need for signal improvements, development, etc.). The need for ADA updates and input from the public will be considered with programmed projects in the CIP. The CIP is intended to

provide developers with information about future projects, local utility companies with notice of locations where utility work may be required in conjunction with a local street project to improve coordination, guide city staff in the allocation of resources, and support City code requirements. This plan incorporates the criteria for the CIP by reference.

Winter Maintenance Operations

Keeping pedestrian facilities reasonably clear of snow and ice is a component of ADA compliance. The City declares snow and ice existing on public sidewalk constitutes a public nuisance. Clearing public sidewalks of snow and ice is the responsibility of adjacent private property owner and/or tenant and is delineated in the City's ordinances. City Ordinance Chapter 96, Section 5 requires a property owner and/or occupant to clear snow and ice from adjacent public sidewalks within 12 hours following the end of a snow or ice event. No owner and/or occupant shall be required to remove snow and ice during the continuance of snowstorms. If an owner and/or occupant fails to clear the snow and ice within 24 hours after snow and ice ceased to fall, the City will remove it at the expense of the property owner and/or occupant. At the direction of the Council, the City Administrator will assess the cost and expense of such removal of snow and ice and extend the cost of removal as a special assessment against the lots or parcels adjacent to the public sidewalks, which were cleared. The special assessment will be certified for collection at the time of certifying taxes to the County Auditor. An alternative, the Council may direct the City Administrator to bring suit in a court of competent jurisdiction to recover the cost of clearing and the cost and disbursements of a civil action therefor.

Improvement Schedule

Types of Improvements

Typically, improvements will be made either as a retrofit or as a part of a capital project to address deficiencies in accessibility. The following are examples of projects that the City of East Grand Forks or its partners will undertake:

- Intersection corner ADA improvements
- Sidewalk/Trail ADA improvements (to include at-grade crossings and sidewalk ramps)
- Traffic control signal Accessible Pedestrian Signal upgrades

Rough estimates for the various types of improvements, using 2017-unit prices, are listed in Table 1 below.

Table 1: Improvement Cost Estimates

Infrastructure Element	Cost
Curb Ramp	\$1,750-\$2,500 per unit
Concrete Sidewalks	\$8-\$10 per square foot
Accessible Pedestrian Signals	\$8,000-\$12,000 per eight button intersection

The lower estimate includes the addition of eight APS buttons on existing infrastructure, while the higher estimate consists of a full improvement to include pushbuttons and pedestrian station. It is important to understand that much of these costs will be incorporated into existing and planned projects. Cost estimates are based on review of peer projects and are in calendar year 2017 dollars.

Prioritization

Prioritizing and scheduling of improvements will be established by the City of East Grand Forks City Staff. Factors that determine this include, but are not limited to: severity of non-compliance, barriers to access a program, feasibility of remedies, safety concerns, and whether a location receives high public use. Consideration will also be given to locations that would most likely not be updated by other City programs. During the public input meeting held on October 4, 2018, attendees expressed that higher project prioritization be placed on areas completely without curb ramps over other spot improvements. 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. These areas have been selected due to their proximity to specific land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments. A list of priority areas within the City of East Grand Forks and a detailed description of priority area criteria can be found in [APPENDIX B](#).

Public External Agency Coordination

Some external agencies are responsible for right-of-way pedestrian facilities within the jurisdiction of the City of East Grand Forks. The City will coordinate with those agencies to track and assist in the facilitation of eliminating accessibility barriers along their routes. Additionally, this Transition Plan supports the goals of other adopted planning documents that affect public right-of-way within the City of East Grand Forks planning area. External Agencies' plans may be found at the following links:

MnDOT ADA Transition Plan, 2010

<http://www.dot.state.mn.us/ada/transitionplan.html>

Cities Area Transit (CAT)

<http://www.grandforksgov.com/government/city-departments/cities-area-transit-cat>

Contact information for each external agencies' ADA staff may be found in **APPENDIX E**.

Implementation Schedule

The City of East Grand Forks has set the following schedule goals for the improvement of accessibility to public right-of-way and pedestrian access routes:

- *Baseline of the City's total existing facilities' condition: 22% compliant including four sidewalk segments.*
- *After 10 years, 40% of accessibility features that were constructed after January 26, 1991, would be ADA compliant.*
- *After 20 years, 65% of accessibility features within the priority areas identified by East Grand Forks staff would be ADA compliant.*
- *After 30 years, 95% of accessibility features within the jurisdiction of East Grand Forks would be ADA compliant.*
- *On a yearly basis, shelter accessibility improvements are planned by CAT for one existing shelter facility per year.*

The 30-year time frame to achieve 95 percent accessibility and the required commitment of funding is framed as a policy goal. The availability of funding and future development trends in the City of East Grand Forks may affect how these projects are prioritized, and the timing of public right-of-way improvements may affect progress toward the compliance goal. As stated earlier in this document, ADA compliance will be achieved in two manners: 1) through scheduled improvements to utilities and public rights-of-way, and 2) through specific ADA retrofit projects. These projects will be determined by the city CIP or on a case by case basis determined by the ADA Coordinator and the City's grievance procedure. A detailed schedule and budget for the CIP and specific projects can be found on the City's website at <http://www.efg.mn>

ADA Coordinator

In accordance with 28 CFR 35.107(a), the City of East Grand Forks has identified an ADA Title II Coordinator to oversee the City of East Grand Forks policies and procedures. Contact information for this individual can be found in **APPENDIX E**.

Public Outreach

Prior to the development of the Plan, a public input meeting and a focused discussion meeting were held on October 4, 2018 in the Training Room of East Grand Forks City Hall. The focus of the meeting was to gather public input on the ADA transition plan and provide guidance on prioritization. Stakeholders involved in the efforts included Options staff and various City Staff. Further details including the presentation and public comments may be found in [APPENDIX C](#).

Public Comment

The ADA Transition Plan for Public Rights-of-Way was posted on the City of East Grand Forks ADA website and made available for public comment for approximately Number weeks prior to its recommendation for adoption. A link to the Plan and a public notice was distributed in December 2018. Additionally, the draft version of the Plan was distributed to key stakeholders including school administrators, local senior centers, and businesses and service centers that have been identified as high priority areas for right-of-way improvements. The City will make a reasonable effort to incorporate public comments into the final version of the report. A printed hard copy of the draft document is also available for review at City of East Grand Forks City Hall, 600 DeMers Avenue, East Grand Forks, MN 56721.

Further detail is included in [APPENDIX C](#).

Grievance Procedure

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities regarding the ADA. A version of this public notice is provided in [APPENDIX D](#). If users of City of East Grand Forks' facilities and services believe the City has not provided reasonable accommodation, they have the right to file a grievance.

To monitor the progress of compliance, the City of East Grand Forks, 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 East Grand Forks. The ADA grievance form is available online and at City Hall and can be returned to the ADA Coordinator. The form 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 D](#).

Monitor the Progress

The City of East Grand Forks' ADA Transition Plan for Public Rights of Way is an evolving document requiring periodic updates as conditions within the city change. The City will evaluate the Plan as projects progress and complete updates to the document as necessary. The City of East Grand Forks will establish a public comment period with each future modification to the main body of the plan.

Management Database

As a part of the development of the draft plan, the City of East Grand Forks implemented a management system through their existing GIS geodatabase to improve prioritization and scheduling. The City's geodatabase joined with the facilities' inventory survey, which was completed during the development of the draft, and serves as a tracking system that may be used to identify the City's progress in achieving complete ADA compliance. Through strict and consistent collection procedures established by the City, projects in remediation will be periodically assessed and re-defined as "scheduled," "in progress/in-design," and "completed" within the management system to ensure the most accurate information is available. With access to the most up-to-date information, the City of East Grand Forks may efficiently map and identify future improvements based on the CIP. Additionally, categories and priorities may change over time, along with state and federal accessibility policies. It is intended that as projects are completed and policies are updated the geodatabase can accommodate these changes.

Appendices

A. Self-Evaluation Results

B. Schedule and Budget for ADA Improvements

C. Public Outreach

D. Grievance Procedure

E. Contact Information

F. City of East Grand Forks ADA Design Standards and Procedures

G. Glossary of Terms

Attachments

A-1: Facility Inventory Report

C-1: Public Input Meeting Presentation

F-1: City of East Grand Forks Transition Plan and Self-Evaluation (2018)

F-2: Polk County Transition Plan

F-3: PROWAG

F-4: Minnesota Accessibility Code

F-5: City of East Grand Forks ADA Transition Plan Inventory Manual

F-6: Applicable forms, checklists, maps, etc.

Appendix A – Self-Evaluation Results

Data Collection for the city of East Grand Forks Self-Evaluation occurred in the Summer of 2018. An Americans with Disabilities Act (ADA) consultant and their staff completed the Data Collection inventory through a GPS application.

At the time of the inventory the City of East Grand Forks was following general ADA design guidance and procedures, which included a commitment to providing access to all users but did not have any formal policies or practices regarding ADA accessibility within the public Right-of-Way transportation system.

This initial self-evaluation of pedestrian facilities yielded the following results:

Figure 1: Self Evaluation Results

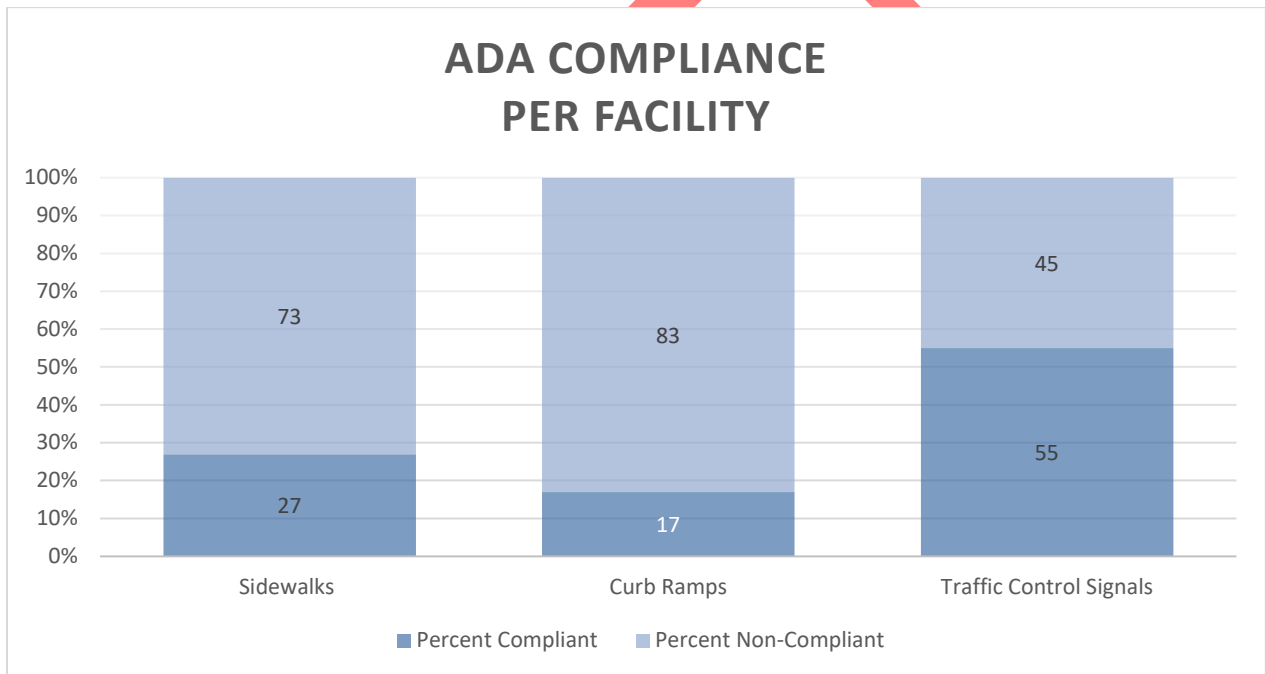


Figure represents percent ADA compliance for city.

Chart Description: Twenty-seven percent of sidewalks were ADA compliant. Seventeen percent of curb ramps were ADA compliant. Fifty-five percent of traffic control signals were ADA compliant.

Appendix B – Schedule and Budget for ADA Improvements

Cost Estimates

Unit Prices

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.

Concrete Sidewalk / Trail ADA improvement retrofit: +/- \$8.00 - \$10.00 per square foot

Curb Ramp ADA improvement retrofit: +/- \$1750 - \$2500 each

Traffic control signal APS upgrade for entire intersection: +/- \$8,000 - \$12,000 each

Single Traffic control signal pushbutton station replacement +/- \$1500 each

For the entire jurisdiction's budgeting purpose, the cost to improve a concrete sidewalk was estimated to be \$10 per square foot and a single curb ramp was estimated to be \$2500.

Jurisdiction

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility within the jurisdiction is \$1,981,890. The City of East Grand Forks is committed in making a significant investment as referenced in the total estimated cost in the upcoming years. The City of East Grand Forks will take a systematic approach to providing accessibility to absorb the cost into the City's budget for improvements to the public right of way.

Prioritization Areas

The City of East Grand Forks has established the following criteria to establish priority levels. The City will consider all resident requests as received, which may affect the prioritization levels when appropriate.

Highest priority—Category 1A: Gap in Facilities in a High Priority Area

- No curb ramp where sidewalk or pedestrian path exists and location near a medical center, school, transit facility, government building, non-auto dependent households or similar facility.

Category 1B: Poor Facility in a High Priority Area

- Existing curb ramp with a noncompliant running slope and location near a medical center, school, transit facility, government building or similar facility.

Category 2A: Gap in Facilities

- No curb ramp where a sidewalk or pedestrian path exists (not located near a medical center or similar facility).

Category 2B: Poor Facility

- An existing curb ramp with a noncompliant running slope (not located near a medical center or similar facility).

Category 3: Inaccessible Crosswalk

- No curb ramp where a striped crosswalk exists.

Category 4: Incomplete Intersection

- One curb ramp per corner and another is needed to serve the other crossing direction.

Category 5A: Curb Ramp with Poor Landing

- An existing curb ramp with an insufficient landing.

Category 5B: Obstructed Curb Ramp

- An existing curb ramp with obstructions in the ramp or the landing.

Category 5C: Non-Compliant Curb Ramp

- An existing curb ramp with any of the following conditions:
 - A cross slope greater than 2%
 - A width less than 48 inches
- No flush transition or median, or island crossings that are inaccessible.

Category 5D: Curb Ramp in Poor Location

- An existing curb ramp with returned curbs where pedestrian travel across the curb is not permitted.

Category 5E: No Crosswalk Extension

- An existing diagonal curb ramp without the 48-inch extension in the crosswalk.

Category 5F: Lack of Tactile Indicator

- An existing curb ramp without truncated dome texture contrast or without color contrast.

Lowest Priority – Category 6: Non-Compliant Signal or Push Button

- The pedestrian pushbutton is not accessible from the sidewalk or from the ramp.

Transit Improvement Prioritization Areas

While most of the general improvement priorities for Transit Facilities will mirror the geographic and condition criteria identified in the six categories above, several transit factors can also be considered when determining phasing of ADA related improvements.

Lack of Safe Landing Pad – Areas with bus stops that do not have a paved area for transit passengers who use mobility devices to safely board and alight transit vehicles using lifts or ramps.

Insufficient Sidewalk Connections – Areas that may have boarding pads, but lack sidewalk or trail connections to/from the boarding pad.

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Appendix C – Public Outreach

The City of East Grand Forks 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 East Grand Forks.

As part of the ADA Transition Plan’s development process, the City of East Grand Forks posted the draft plan document on the City website at <http://www.egf.mn/>, and made it available for public comment for a period of fifteen days on December 6, 2018.

Additionally, a printed copy of the draft plan was made available at the City of East Grand Forks City Hall, 600 DeMers Avenue, East Grand Forks, MN 56721.

To whom it may concern:

The City of East Grand Forks is seeking input from the public on its draft plan to support accessibility for people using its facilities. We invite you to review the draft version of the plan, posted on the City’s website <http://www.egf.mn> as it is being finalized. Feel free to distribute this email to your colleagues, or other that may find this plan to be of interest. The purpose of this notice is to introduce the ADA Transition Plan to the public and inform those that work in “priority areas” related to accessibility about the City’s work thus far. Any comments that you provide may be incorporated into the final version of the plan and help the City of East Grand Forks to identify key areas for improvement, including curb ramps, sidewalks, and traffic signals.

If you need a reasonable accommodation, assistance, or require more information please contact the City East Grand Forks ADA Coordinator, Nancy Ellis.

Thank you for your input,

City of East Grand Forks

Comments received during this period can be found in the following pages of this Appendix.

Record of Public Outreach Summary

A public input and focused discussion meeting were held on October 4, 2018 in the Training Room of East Grand Forks City Hall to gather public input on the ADA transition plan. Officials from the City of East Grand Forks, the Grand Forks-East Grand Forks MPO, and Options: Resource Center for Independent Living were present along with members of the consultant team (SRF Consulting Group).

Most of the discussion during the meeting was educational regarding the purpose and need of the ADA Transition Plan. Visualization of data was also provided for review and as a discussion point. The only point of feedback on project prioritization was that for people with disabilities who navigate the City, areas completely without curb ramps should receive higher priority over other spot improvements. The City and partners received positive feedback for undertaking the ADA Transition Plan effort.

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Public Meeting Advertisement

PUBLIC INPUT NEEDED

ADA Transition Plan Open House

The Grand Forks-East Grand Forks Metropolitan Planning Organization (MPO) and the City of East Grand Forks is preparing an ADA Transition Plan for the City Of East Grand Forks. The Plan will:

- Establish a methodology for evaluation of Public Right-Of-Way,
- Evaluate the Public Right-Of-Way for ADA compliance,
- Establish contacts of responsible City Staff,
- Establish City Policies and Practices in reference to ADA, and
- Establish a prioritization plan and improvement schedule.

The public is encouraged to attend the Open House to provide input and feedback on issues or priorities when it comes to accessibility to Public Rights-Of-Way.

ADA Transition Plan Public Open House

October 4th, 2018

East Grand Forks City Hall- Training Room

600 DeMers Ave

5:00 PM to 6:30 PM

For more information regarding the ADA Transition Plan, please contact:

Teri Kouba, GF-EGF MPO – teri.kouba@theforksmpo.org

The GF-EGFMPO will make every reasonable accommodation to provide an accessible meeting facility for all persons. Appropriate provisions for the hearing and visually challenged or persons with limited English Proficiency (LEP) will be made if the meeting conductors are notified 5 days prior to the meeting date, if possible. To request language interpretation, an auxiliary aid or service (i.e., sign language interpreter, accessible parking, or materials in alternative format) contact Earl Haugen of GF-EGFMPO at 701-746-2660. TTY users may use Relay North Dakota 711 or 1-800-366-6888. Materials can be provided in alternative formats: large print, Braille, cassette tape, or on computer disk for people with disabilities or with LEP by Earl Haugen of GF-EGFMPO at 701-746-2660. TTY users may use Relay North Dakota 711 or 1-800-366-6888.

Appendix D – Grievance Procedure

Under the ADA, each agency is required to publish its responsibilities regarding the ADA. A draft of this public notice is provided in [APPENDIX C](#). If users of public rights-of-way believe the City of East Grand Forks 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 the following grievance procedure for the prompt and equitable resolution of citizens' complaints, concerns, comment, and other grievances.

The City understands that members of the public may desire to contact staff and discuss ADA issues without filing a grievance. Members of the public wishing to contact the ADA Coordinator, listed in [APPENDIX E](#), are encouraged to do so. Contacting staff to informally discuss ADA issues is welcome and does not limit a person's ability or right to file a formal grievance later.

As per ADA requirements, the City has posted a notice outlining its responsibilities. This notice can be found in this Appendix.

The city appreciates and welcomes your comments. The grievance form 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 provide feedback, please complete a grievance form located in the following pages (p.24-25), or contact the ADA Coordinator listed in [APPENDIX E](#).

Those wishing to file a written grievance with the City of East Grand Forks may do so by one of the following methods:

Internet

Visit the City of East Grand Forks website [\(link pending after plan adoption\)](#) the [ADA Grievance Form](#). Fill in the form online and click "submit." A copy of The ADA Grievance Form is included in this Appendix.

Telephone

Contact the ADA Coordinator 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 East Grand Forks staff person listed in the Contact Information section of Appendix E to request a paper copy of the city'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.

After a grievance form is submitted, the following actions will take place:

- Within 15 calendar days after receipt of the complaint, the ADA Coordinator or designee will meet with the complainant to discuss the complaint and possible resolutions.
- Within 15 calendar days of the meeting, the ADA Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio recording.
- If the response by the ADA coordinator or designee does not satisfactorily resolve the issues, the complainant and/or his/her designee may appeal the decision within 15 calendar days receipt of the response to the contact or his/her designee.
- Within 15 calendar days after receipt of the appeal, the Human Resources contact, or his/her designee will meet with the complainant to discuss the complaint and possible resolutions.
- The Human Resources contact 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 within 15 calendar days after meeting with the complainant.

All communication between the complainant, ADA Coordinator or designee and/or Human Resources will be retained by the City for at least three years.

Public Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, the City of East Grand Forks 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 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 an 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.

DRAFT

ADA Grievance Form

Please fill out this form completely, in black ink or type. If you need any accommodation or assistance in completing this form, please contact the ADA Coordinator, Nancy Ellis, at 218-773-0124 or nellis@eg.mn. Sign and return to: Nancy Ellis, ADA Coordinator at 600 DeMers Avenue, East Grand Forks, MN 56721.

This ADA Grievance Form is for the use of complaints, concerns, and other grievances associated with the City of East Grand Forks’s public rights-of-way. If one wishes to file a grievance form for the CAT, please refer to the following:

- Cities Area Transit
<http://www.grandforksgov.com/home/showdocument?id=22429>

Section I – Discrimination Description	
Date of Alleged Discrimination (Month, Day, Year): _____	
Have efforts been made to resolve this complaint?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what is the status of the grievance? _____	
Has the complaint been filed with the Department of Justice or any other Federal, State or local civil rights agency or court?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
Agency or Court: _____	
Contact Name: _____	Contact Title: _____
Agency Name: _____	Phone: _____
Description of Grievance/Discrimination:	

Section II – Complainant Information	
Complainant Name: _____	
Street Address: _____	
City: _____	State: _____ Zip: _____
Home Phone: _____	Work Phone: _____
Mobile Phone: _____	Email: _____
Preferred method of communication:	<input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/> Phone

Section III – Completed by			
Are you filling this complaint out on your own behalf?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
If Yes, complete Section III			
If No, please supply the name and relationship of the person for whom you are complaining:			
First and last name of person for whom you are filling:	_____		
Relationship of the person for whom you are filling:	_____		
Please explain why you have filed for a third party:	_____		
Please confirm that you have obtained the permission of the aggrieved party, if you are filing on behalf of a third party.	<input type="checkbox"/>	Yes	<input type="checkbox"/> No

Section IV – Previous			
Have you previously filled an ADA complaint with this agency?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No

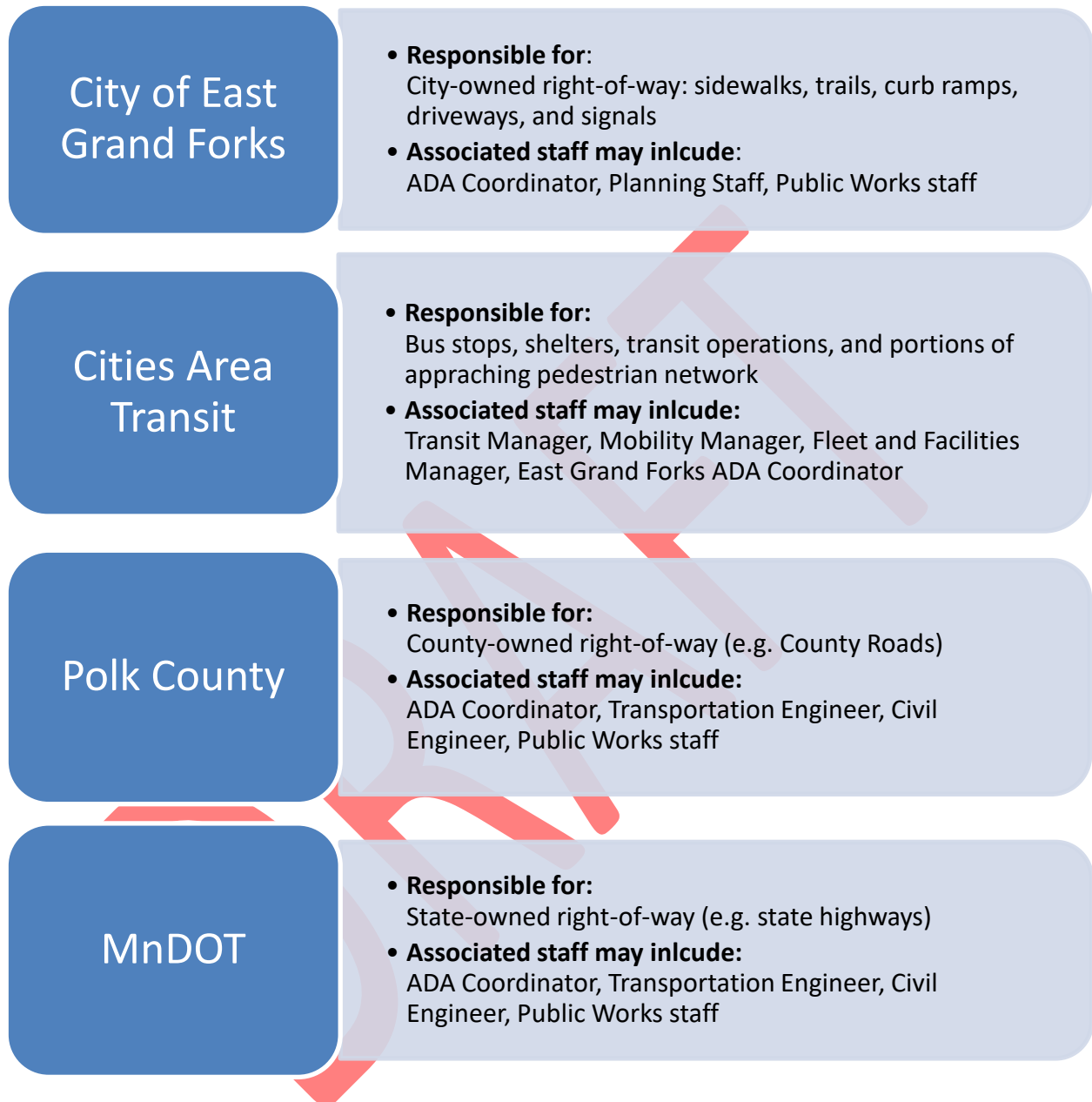
Section VI – Remedy Sought	
State the specific remedy sought to resolve the issues (s):	

You may attach any written or other information that you think is relevant to your complaint.

Signature: _____ Date: _____

I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true to the best of my knowledge and belief. Further, I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion, or promise of any kind.

Appendix E – Contacts



Current ADA Contact Information

City of East Grand Forks

ADA Coordinator

Name: Nancy Ellis

Address: 600 DeMers Avenue
East Grand Forks, MN 56721

Phone: 218-773-0124

E-mail: nellis@egf.mn

Cities Area Transit

ADA Coordinator

Name: Ali Rood, Mobility Manager

Address: 450 Kittson Avenue
Grand Forks, ND 58201

Phone: 701-757-1503

Email: arood@grandforksgov.com

Polk County

ADA Contact - Highway Department

Name: Richard Sanders

Address: 820 Old Highway 75 South
Crookston, MN 56716

Phone: 218-470-8253

Email form: <https://www.co.polk.mn.us/index.asp?SEC=C9D0F3CC-A878-413A-AAF6-585173F9983A&Type=QUICKFORM>

Minnesota Department of Transportation

ADA Contact

Kristie Billiar

Kristie.billiar@state.mn.us

651-366-3174

Appendix F – City of East Grand Forks ADA Design Standards and Procedures

City of East Grand Forks- Public Rights-of-Way

Design and Maintenance Procedures

The City of East Grand Forks follows the guidance provided by the United States Department of Transportation (USDOT) and United States Department of Justice (US DOJ) on what constitutes a maintenance project and what constitutes an alteration project.

Maintenance projects include the following work types:

- Crack Filling and Sealing
- Surface Sealing
- Slurry Seals
- Fog Seals
- Scrub Sealing
- Joint Crack Seals
- Joint repairs
- Dowel Bar Retrofit
- Spot High-Friction Treatments
- Diamond Grinding
- Pavement Patching

Alteration Projects include the following work types:

- Open-graded Surface Course
- Cape Seals
- Mill and Fill/Mill and Overlay
- Hot In-Place Recycling
- Microsurfacing/Thin Lift Overlay
- Addition New Layer of Asphalt
- Asphalt and Concrete Rehabilitation and Reconstruction
- New Construction

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 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 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.

Accessible Pedestrian Signals

The purpose of this document is to provide guidance for the City of East Grand Forks on 1) the installation of Accessible Pedestrian Signals (APS) for new construction and existing traffic signal modifications, and 2) the evaluation of existing traffic signal locations after receipt of a reasonable accommodation request for APS installation.

This guidance is specific to APS and the incorporation of APS equipment and functionality into new, modified, and existing traffic signals.

The City of East Grand Forks based this guidance on existing practice and the following: 1) Guidelines for Accessible Pedestrian Signals, APS Prioritization Tool - NCHRP 3-62, 2) Guidelines for Accessible Pedestrian Signals, Final Report – NCHRP 117B, and 3) Accessible Pedestrian Signals: A Guide to Best Practices (Workshop Edition 2010) – NCHRP 150. Per the Minnesota Manual on Uniform Traffic Control Devices (MnMUTCD), an APS is “a device that communicates information about pedestrian timing in nonvisual format such as audible tones, speech messages, and/or vibrating surfaces.” (MnMUTCD, December 2011, Section 1A, page 14).

New Construction of Traffic Signals

At proposed traffic signal locations with any pedestrian elements (countdown timers, marked crosswalks, pedestrian indicators, pedestrian ramps, sidewalk/trail, etc.), whether existing or part of the proposed construction, the city will install an APS traffic signal.

The City will not consider an APS traffic signal for any crossing leg where a pedestrian crossing of that leg is a prohibited movement.

Existing Traffic Signals

The City, after receipt of a reasonable accommodation request for an Accessible Pedestrian Signal (APS) at an existing traffic signal location, shall evaluate the intersection and each crosswalk at the location.

As part of the City's evaluation of a reasonable accommodation request, a meeting between city staff and the person requesting the APS traffic signal will take place at the intersection. The purpose of the meeting would be to ensure that the city fully understands the request and its context and determine if there are other viable accommodations available (e.g. increase the pedestrian walk or clearance times, increase pedestrian understanding of the traffic signal operations, etc.). In addition, the pedestrian's routes of travel should be determined at the meeting.

In its evaluation, engineering department staff may refer to evaluation tools used by peer agencies or other industry standards to determine whether the signal merits immediate modification. Additionally, the department may, based on a balancing of several factors including engineering judgment and the context of the location, install an APS traffic signal even though the evaluation results of the crosswalk by means of this APS evaluation tool do not meet the threshold.

The City will not consider an APS traffic signal for any crossing leg where a pedestrian crossing of that leg is a prohibited movement. The City will consider any upcoming traffic signal or capital projects that are funded, or in the scoping or design phase, in its response to a request to evaluate and/or modify an existing traffic signal as an APS traffic signal (i.e. if construction of a capital project is anticipated the City may elect to postpone such modification and include it in the capital project).

Scheduling

Many factors go into the timing and scheduling for installation of APS traffic signals:

- APS equipment items are unique and project ordering and receiving requires an extended lead time.
- Depending on the timing of the request and the extent of the work required, the department may schedule requests during the following construction season.
- APS installations that require the upgrade of the existing traffic signal controller hardware, the installation of electrical conduits, or pedestrian ramp construction will have an increased schedule length.

For the medication and review of existing traffic signals for the installation of APS, the scheduling of the installation will consider an upcoming capital projects (i.e. if construction of a capital project is anticipated within a year, the City may elect to postpone such modification and include it in the capital project that is funded or in the scoping or design phase).

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 Transit Facilities

Additional transit facilities are present within the limits of City of East Grand Forks. Those facilities fall under the jurisdiction of CAT. The City of East Grand Forks will work with CAT to ensure that those facilities meet all appropriate accessibility standards. CAT is operated jointly by the cities of East Grand Forks, MN and Grand Forks, ND.

Transit Design Standards

City of East Grand Forks has PROWAG, as adopted by MnDOT, as its design standard. Links to the most current applicable design standards are included in [ATTACHMENT F-2](#).

Additionally, design standards for transit facilities and accessible routes can be found in FTA's Circular on ADA, C 4710.1. <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/americans-disabilities-act-guidance-pdf>.

Appendix G – Glossary 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.