



# Transition Plan for Public Right-of- Way

Americans with Disabilities Act

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# Introduction

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## Purpose and need

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

- Employment
- State and local government services
- Public accommodations
- Telecommunications
- Miscellaneous provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public services and programs, the City of Shoreview (city) must comply with this section of the ADA Act as it specifically applies to public service agencies. Title II of ADA Act provides that, “...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”<sup>1</sup>

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

Additionally, progress on the plan will ensure that the city maintains eligibility for state and federal funding to support transportation projects.

## Self-evaluation

A key activity in developing the plan is the self-evaluation. The self-evaluation inventories barriers in programs and activities that prevent persons with disabilities from reasonable access. The city completed its evaluation of curb ramps and sidewalks in August 2019. Other infrastructure elements will be in stand-alone documents or future updates to this one. The city’s ADA

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<sup>1</sup> ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#))

consultants, SRF Consulting Group, worked with city staff to complete the self-evaluation. This included:

- A field review of public right-of-way infrastructure alongside
- A review policies and programs as shown in Figure 1.

Figure 1. Self-Evaluation Components

Self-evaluation	
<b>Facilities and public rights-of-way</b> <ul style="list-style-type: none"><li>• Curb ramps</li><li>• Sidewalks /trails</li></ul>	<b>Policies</b> <ul style="list-style-type: none"><li>• Complaint/Grievance procedure</li><li>• Maintenance and alteration projects</li><li>• Listing in capital improvement program</li><li>• Snow and ice removal</li><li>• ADA improvements already completed</li><li>• Stakeholder outreach</li></ul>

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

### Plan elements

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

### Designating an ADA coordinator

The city has identified a coordinator to oversee ADA policies and procedures and serve as the primary point of contact for ADA related issues. See Appendix A for contact information.

## **Grievance procedure**

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

## **Public outreach**

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

## **Monitoring**

The plan will be updated at least every five years, as policies within the city evolve, projects are completed, and development continues. With each plan update, a public comment period will be established to continue outreach.

## **Design standards**

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

## **Schedule and budget**

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

## **External agency coordination**

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

## **Project timeline**

To complete the plan document, data collection is required. This includes:

- Evaluation of existing curb ramps
- Evaluation of existing sidewalks and trails
- Establishment of a geographic information system (GIS) database and reporting protocol
- Notification and public comment on the raft plan
- Final establishment of a working ADA transition plan document

This project will be completed throughout calendar year 2019. An outline of project processes and schedule is shown in figure 2.

Figure 2. ADA transition plan process



## ADA and its relationship to other laws

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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, Shoreview must meet these general requirements:

- 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 \(a\)](#)).
- 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\(b\)\(iv\) & \(d\)](#)).
- 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\(a\)](#)).
- 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\(a\)](#)).

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

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



## Public rights-of-way

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Public rights-of-way (ROW) in the city include roadways and their adjacent facilities that serve a transportation purpose. This includes sidewalks and trails, curb ramps, driveways, and traffic control signals. Public rights-of-way do not include buildings, publicly accessible technology, recreational trails and facilities, and private or public parcels. These facilities and programs will be addressed in the future revisions of the plan.

### Self-evaluation

#### Overview

The public ROW self-evaluation examines the condition of the city's pedestrian access and circulation routes (PAR/PCR) and identifies potential need for infrastructure improvements. This includes sidewalks, curb ramps, and bicycle/pedestrian trails that are located within the city ROW. Any barriers to accessibility in the PAR/PCR identified during the self-evaluation are included in this plan.

#### Summary

The city's consultants completed the PAR/PCR inventory in August 2019. The complete PAR/PCR inventory includes all facilities within the city's jurisdiction:

- 536 curb ramps.
- Approximately 39 miles of sidewalks/trails.

Additional facilities within Shoreview were evaluated that fall under Ramsey County or State of Minnesota jurisdiction:

- 444 curb ramps.
- Approximately 24 miles of sidewalks/trails.

While the City of Shoreview is not obligated to reconstruct any public facilities in the county ROW or MnDOT ROW to ADA standards, the city may still do so in conjunction with a city capital improvement project if the city deems it a priority.

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

The PAR/PCR inventory also includes 95 traffic control signals that are owned, operated, and maintained by Ramsey County and MnDOT. See Appendix A for external agency contact information. A map showing the location of the traffic control signals and the jurisdiction they are under can be found in Appendix B.

- 75 traffic control signals (County owned)
- 20 traffic control signals (MnDOT owned)

### **Field manual for data collection**

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

### **Policies and practices**

#### **Previous practices**

The city strives to provide accessible pedestrian features as part of its CIP and new development projects. The city will continue to improve procedures to accommodate required methods of providing accessible pedestrian features.

#### **Policy**

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

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

Maintenance of pedestrian facilities within the public ROW will continue to follow the policies set forth by the city. The city also coordinates with other jurisdictions for maintenance and improvements of facilities. These are outlined in the following sections.

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

### **Capital investment program (CIP)**

Projects in the city 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 are factors used to incorporate projects in the CIP. The CIP is intended to:

- Provide developers with information about future projects
- Provide 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
- Support city code requirements

### **Snow and ice management policy**

The city is responsible for clearing most public sidewalks, trails, public parking areas, fire station driveways, other privately owned/operated areas where written contractual arrangements exist. Public works will determine when snow or ice control operations begin. The city may not snowplow for snowfalls of less than two inches. Further, snow and ice control operations will only begin when weather conditions do not endanger the safety of city employees and equipment. The city may also elect not to provide winter maintenance on portions of the sidewalk and trail system for various winter recreational activities. Winter maintenance policies are detailed on the city's website at <https://www.shoreviewmn.gov>.

### **Pavement management program**

ADA improvements resulting in areas with non-compliant pavement conditions may be addressed through the city's pavement management program. The policy directs that the city maintains a "detailed inventory of all city streets, which shall measure and document the condition of all streets and assist the evaluation by the city engineer of anticipated street improvements." Further, the inventory must be updated every three years. The revisions will then help to develop the CIP. More information on the city's pavement management program may be requested at city hall: 4600 Victoria Street North, Shoreview, Minnesota 55126.

## **Bus shelter agreement (City of Shoreview and the Metropolitan Council)**

The city and the Metropolitan Council previously entered into the bus shelter agreement. The agreement acknowledges the city's responsibility to accept, assemble, install, and maintain the Metro's bus shelters within the city's jurisdictions. The city may remove and dispose of the bus shelters if:

- The city determines that it is no longer economically feasible to maintain the bus shelters.
- The Metro Bus route has changed, and the bus shelters are no longer needed.

## **Improvement schedule**

### **Types of improvements**

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

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

Cost estimates of these improvements are included in Appendix D.

### **Priority areas**

The city will work with the public during the public comment period to determine priority areas for ADA improvements. These areas will be selected due to their proximity to specific land uses such as schools, commercial areas, public buildings, and from the receipt of public comments. Factors that determine this include, but are not limited to:

- Severity of non-compliance
- Barriers to access a public program or service
- Feasibility of remedies
- Safety concerns
- Whether a location receives high public use

Priority will also be given to:

- Locations that would most likely not be updated by other city programs.
- Locations 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 locations.

To best use public resources, the priority areas for planned improvements projects were identified in the completion of this plan. A preliminary list of priority areas identified during the inventory process within the city can be found in Appendix D.

## Schedule

The city has set the following schedule goals for improving the accessibility of its pedestrian facilities within the city's jurisdiction:

- Baseline of the city's total existing PAR/PCR condition: 25% compliant
- The city will focus investment on the infrastructure of priority areas within the first 10 years of Plan adoption, with specific projects described in the latest version of the city's capital improvement plan (CIP). After 10 years, approximately 50% of accessibility features that were constructed after January 26, 1991, would be reasonably ADA compliant. This 10-year goal represents an increase of approximately 25% from the baseline rate of compliance within the city.
- After 20 years, approximately 70% of accessibility features within the jurisdiction of the city would be reasonably ADA compliant. This 20-year goal represents an increase of approximately 40% from the baseline rate of compliance within the city, or 20% beyond the 10-year goal.
- After 30 years, approximately 90% of accessibility features within the jurisdiction of the city (as identified in this plan) would be reasonably ADA compliant and fall within with city's monitoring program (100% compliance is not feasible given Minnesota's annual freeze-thaw cycles and expected pavement deterioration). This 30-year goal represents an increase of approximately 60% from the baseline rate of compliance within the city, or 20% beyond the 20-year goal.

The 30-year time frame to achieve 90 percent accessibility and the required commitment of funding is framed as a policy goal. The availability of funding and future development trends in the City of Shoreview may affect how these projects are prioritized, and the timing of public ROW improvements may affect progress toward the compliance goal. Refer to the latest version of the city's CIP for expected infrastructure improvement projects.

## Methodology

ADA compliance will be achieved utilizing the following two methods:

1. Scheduled improvements to utilities and ROW

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

2. ADA-specific improvement projects.

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

These projects will be determined by the city's CIP, or on a case by case basis determined by the ADA coordinator and the city's grievance procedure. The city's 2015-2021 CIP may be found in Appendix H.

## External agency coordination

External agencies responsible for ROW pedestrian facilities within the city include MnDOT, Ramsey County, and Metro Transit. The city will coordinate with those agencies to track and assist in the facilitation of eliminating accessibility barriers within the city. Additionally, this plan supports the goals of other adopted documents that affect public ROW within the city, which includes specific cooperative agreements with Ramsey County, MnDOT, and Metro Transit.

External agency plans may be found at the following links or made available by the city's ADA coordinator:

- MnDOT ADA Transition Plan, 2015  
[http://www.dot.state.mn.us/ada/pdf/2014\\_TransitionPlanFinal.docx](http://www.dot.state.mn.us/ada/pdf/2014_TransitionPlanFinal.docx)
- Ramsey County ADA Transition Plan  
<https://www.ramseycounty.us/>
- Metro Transit Accessibility  
<https://www.metrotransit.org/accessibility>

## ADA coordinator

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

## Public outreach

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

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

- The ADA transition plan for public ROW will be posted on the city's website and made available in a hard copy for public comment for approximately 30 days prior to its recommendation for adoption. A printed hard copy of the draft document is available for review at city hall: 4600 Victoria Street North, Shoreview, Minnesota 55126.
- The draft version of the plan will be distributed to key stakeholders including school administrators, local senior centers, businesses and service centers that have been identified as high priority areas for ROW improvements.

The city will incorporate ADA into future comprehensive planning efforts. The city will make a reasonable effort to incorporate public comments into the final version of the report and will incorporate the plan into parallel outreach efforts.

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

## **Grievance procedure**

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Under the ADA, each agency is required to publish its responsibilities regarding the ADA. A draft of this public notice will be provided in Appendix F. If users of city 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, in accordance with 28 CFR 35.107(b), has established a grievance procedure for the prompt and equitable resolution of comments, concerns, or questions from the citizens of the city. The ADA grievance form is available online and at city hall and can be returned to the ADA coordinator. It may be used by anyone wishing to file a complaint, comment, or concern regarding discrimination based on disability. A sample of the grievance form can be found in Appendix F.

## **Monitor the progress**

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This plan will continue to be updated as conditions within the city evolve. The appendices in this plan will be updated periodically, while the main body of the plan will be updated every five years with a future update schedule to be developed at that time. With each five-year update, a public comment period will be established to continue public outreach.



## Appendices

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A. Contact information

B. Self-evaluation results

*B-1: Right-of-Way Self-Evaluation Inventory: Curb Ramps and Sidewalks/Trails*

*B-2: External Agency Traffic Control Signal Location Map*

*B-3: External Agency Traffic Control Signal Self-Evaluation Inventory*

C. Agency ADA design standards and procedures

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

*C-2: PROWAG*

D. Schedule / budget information

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

E. Public outreach

F. Grievance procedure

G. Glossary of terms

H. Additional city documents

*H-1: Policy Review Memo*

*H-2: Shoreview 2015-2021 CIP*