

Mahnomen County ADA Transition Plan

This document has been created specifically to address accessibility within the public right-of-way and does not include information on Mahnomen County programs or practices not related to accessibility within the county public right-of-way.

Introduction

Purpose and Need

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

1. Employment
2. State and local government services
3. Public accommodations
4. Telecommunications
5. Miscellaneous provisions

Title II of the ADA pertains to the programs, activities, and services public entities provide. As a provider of public transportation services and programs, Mahnomen County must comply with this section of the Act as it specifically applies to public service agencies. Title II of the ADA provides that, "...no qualified individual with a disability shall, by any 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 35.105 and Sec. 35.150, Mahnomen County has conducted a self-evaluation of its facilities within the public right-of-way and has developed this Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals.

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 the 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, Mahnomen County must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities [28 C.F.R.Sec.35.150].
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability [28 C.F.R.Sec.35.130(a)].
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result [28 C.F.R.Sec.35.130(b) (7)].
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective [28 C.F.R.Sec.35.130(b)(iv) & (d)].
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others [29 C.F.R.Sec.35.160(a)].
- Must designate at least one responsible employee to coordinate ADA compliance [28 C.F.R.Sec.35.107(a)]. This person is often referred to as the “ADA Coordinator.” The public entity must provide the ADA Coordinators name, office address, and telephone number to all interested individuals [28 C.F.R.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 C.F.R.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 C.F.R.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 C.F.R.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.

Self-Evaluation

Overview

Mahnomen County is required, under Title II of the Americans with disabilities Act (ADA) and [28 C.F.R.Sec.35.105], to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the County implements these policies. The goal of the self-evaluation is to verify that, in implementing the County’s policies and practices, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The self-evaluation also examines the condition of Mahnomen County's Pedestrian Circulation Route/Pedestrian Access Route (PCR/PAR) and identifies potential need for PCR/PAR infrastructure improvements. This will include the sidewalks, curbs ramps, bicycle/pedestrian trails, traffic control signals and transit facilities that are located within the right-of-way. Any barriers to accessibility identified in the self-evaluation and the remedy to the identified barrier are set out in this transition plan.

Summary

In 2016-2017 Mahnomen County Highway Department conducted an inventory of pedestrian facilities within its public right-of-way consisting of the evaluation of the following facilities:

- 32 Sections of sidewalk along 8 different County Highways
- 72 curb ramps at 23 different intersections or locations

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

Since the adoption of the ADA, Mahnomen County has striven to provide accessible pedestrian features as part of the County capital improvements projects. As additional information is made available as to the methods of providing accessible pedestrian features, the County is updating their procedures to accommodate these methods.

Policy

Mahnomen County's goal is to continue to provide accessible pedestrian design features as part of the County's capital improvement projects. Mahnomen County follows PROWAG (Public Right-of-Way Accessibility Guidelines), as adopted by the Minnesota Department of Transportation (MnDOT), as its design standard. Mahnomen County follows MnDOT policies and procedures when dealing with accessibility issues related to public right-of-way.

Mahnomen County will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. Mahnomen County will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the County's jurisdiction are ADA compliant to the maximum extent feasible.

Design Procedures

Intersection Corners

Curb ramps or blended transitions will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. A detectable warning feature will be incorporated into all ramp designs. 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 intersections 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 judgement of County 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 judgement of County staff.

Improvement Goal

Mahnomen County has set the following schedule as a goal for improving the accessibility of its pedestrian facilities within the County's jurisdiction.

- After 10 years, 50% of non-compliant accessibility features identified in this document would be ADA compliant.
- After 20 Years, 90% of non-compliant accessibility features identified in this document would be ADA compliant.

Implementation Schedule

Methodology

Mahnomen County will utilize two methods for upgrading pedestrian facilities to the current ADA standards. The first and most comprehensive of the two methods are the scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. The second method is the stand-alone sidewalk and ADA accessibility improvement project. These projects will be incorporated into the Capital Improvement Program (CIP) on a case-by-case basis as determined by Mahnomen County staff.

Outreach

Mahnomen County is required to publish responsibilities and self-evaluation results regarding ADA along County right-of-way. This transition plan will be posted on Mahnomen County's website at www.co.mahnomen.mn.us for anyone interested in reviewing or commenting on the plan. Comments and suggestions about the plan should be directed to the ADA Coordinator and/or the Public Right-of-Way Coordinator in writing if any official action or response from the County is the desired outcome.

Future Plan Updates

Updates to this plan will be made in the fall of a year that progress is made toward correcting non-compliant features identified within the current adopted plan or when comments or suggestions received during the year warrant a plan update. In future updated versions of this plan, all sections of sidewalk and curb ramps, under jurisdiction of Mahnomen County, will remain in Appendix A and be denoted as either currently compliant or non-compliant.

Grievance Procedure

It is encouraged that anyone with a potential grievance make early contact with the County's ADA Title II Coordinator or the County's ADA Coordinator for Public Right-of-Way to informally discuss concerns. However, the public may file a formal grievance by submitting in writing the following:

- Name, address, and phone number of person filing the grievance.
- Name, address, and phone number of the person alleging the ADA violation if other than the person filing the grievance.
- A description and location of the alleged violation and the remedy sought.
- Information regarding 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, and the date the complaint was filed.

The grievance will either be responded to or acknowledged within 10 working days of receipt. If the grievance filed does not concern Mahnomen County, the grievant will be notified.

Within 60 calendar days of receipt, the ADA Title II Coordinator will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, the ADA Title II Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach a resolution of the grievance. Any resolution of the grievance will be documented.

If a resolution of the grievance is not reached, the ADA Title II Coordinator, if appropriate, will issue a written determination as to the validity of the complaint and description of the resolution, and a copy forwarded to the grievant no later than 90 days from the date of receipt of the grievance.

The grievant may appeal the written determination. The request for reconsideration shall be in writing and submitted to the ADA Title II Coordinator within 30 days after the initial determination. A final determination will be made within 90 days from filing of the appeal.

Appendices

Appendix A: Self Evaluation Results

Appendix B: Mahnomen County ADA Grievance Form

Appendix C: Contact Information

Appendix D: Glossary of Terms

Curb Ramps								
Ramp ID	County Highway	Cross Road	Quadrant	Ramp_Type	Compliant	Reason Not Compliant	Compliance plan	Estimated Cost @ Today's Prices
Bejou100	CSAH 21	N/A Business	S	other	N	Cross slope >2%	2037 or next const. proj	10000
Bejou101	CSAH 21	N/A None	N	flat landing	Y			
Bejou102	CSAH 21	Roosevelt Ave	NW	depressed corner	Y			
Bejou103	CSAH 21	Roosevelt Ave	SW	depressed corner	Y			
Bejou104	CSAH 21	Roosevelt Ave	NE	depressed corner	Y			
Waubun105	CSAH 17	TH 113	NW	perpendicular	Y			
Waubun106	CSAH 17	TH 113	NE	Fan	Y			
Waubun107	CSAH 17	Norman Ave	NE	combined directional	Y			
Waubun108	CSAH 17	Norman Ave	SE	Fan	Y			
Waubun109	CSAH 17	Norman Ave	SW	combined directional	Y			
Waubun110	CSAH 17	Norman Ave	NW	combined directional	Y			
Waubun111	CSAH 17	Prarie Ave	SE	combined directional	Y			
Waubun112	CSAH 17	Prarie Ave	NE	one-way directional	Y			
Waubun113	CSAH 17	Prarie Ave	NW	modified fan	Y			
Waubun114	CSAH 17	Prarie Ave	SW	one-way directional	Y			
Waubun115	CSAH 17	Central Ave	SE	Fan	Y			
Waubun116	CSAH 17	Central Ave	SW	one-way directional	Y			
Waubun117	CSAH 17	Central Ave	NW	combined directional	Y			
Waubun118	CSAH 17	Central Ave	NE	combined directional	Y			
Waubun119	CSAH 17	Main St	NE	combined directional	Y			
Waubun120	CSAH 17	Main St	NW	combined directional	Y			
Waubun121	CSAH 17	N/A Church	W	perpendicular	Y			
Waubun122	CSAH 17	Smith Ave	SW	one-way directional	Y			
Waubun123	CSAH 17	Smith Ave	NW	combined directional	Y			
Waubun124	CSAH 17	Smith Ave	NE	combined directional	Y			
Waubun125	CSAH 17	Reserve Ave	SW	combined directional	Y			
Waubun126	CSAH 17	Reserve Ave	SE	combined directional	Y			
Waubun127	CSAH 17	Reserve Ave	NW	perpendicular	Y			
Mahnomen100	CSAH 20	Grant Ave	NW	one-way directional	Y			
Mahnomen101	CSAH 20	Grant Ave	NE	one-way directional	Y			
Mahnomen102	CSAH 20	Grant Ave	NE	one-way directional	Y			
Mahnomen103	CSAH 20	Grant Ave	SE	one-way directional	Y			
Mahnomen104	CSAH 20	Grant Ave	SW	one-way directional	Y			
Mahnomen105	CSAH 20	Garfield Ave	NW	one-way directional	Y			
Mahnomen106	CSAH 20	Garfield Ave	NW	one-way directional	Y			
Mahnomen107	CSAH 20	Garfield Ave	NE	other	Y			
Mahnomen108	CSAH 20	Garfield Ave	SE	one-way directional	N	No Landing	2037 or next const. proj	10000
Mahnomen109	CSAH 20	Garfield Ave	SW	one-way directional	N	No Landing	2037 or next const. proj	10000
Mahnomen110	CSAH 20	Minnesota Ave	NW	one-way directional	Y			
Mahnomen111	CSAH 20	Minnesota Ave	NW	one-way directional	Y			
Mahnomen112	CSAH 20	Minnesota Ave	NE	other	Y			
Mahnomen113	CSAH 20	Minnesota Ave	SE	one-way directional	N	No Landing	2037 or next const. proj	10000
Mahnomen114	CSAH 20	Minnesota Ave	SW	one-way directional	N	No Landing	2037 or next const. proj	10000
Mahnomen115	CSAH 20	Birkett Ave	NW	other	Y			
Mahnomen116	CSAH 20	Birkett Ave	NE	other	Y			
Mahnomen117	CSAH 20	Birkett Ave	SE	fan	N	Cross slope >2% and Running slope >8%	2037 or next const. proj	10000
Mahnomen118	CSAH 20	Birkett Ave	SW	fan	Y			
Mahnomen119	CSAH 20	Washington Ave	NW	one-way directional	Y			
Mahnomen120	CSAH 20	Washington Ave	NE	one-way directional	N	No Landing	2037 or next const. proj	10000

Mahnomen121	CSAH 20	Washington Ave	SE	fan	Y			
Mahnomen122	CSAH 20	Washington Ave	SW	fan	Y			
Mahnomen123	CSAH 10	1st St	SW	one-way directional	N	Not truncated and Running slope >8%	2027 or next const. proj	10000
Mahnomen124	CSAH 10	1st St	SE	one-way directional	N	Not truncated and Running slope >8%	2027 or next const. proj	10000
Mahnomen125	CSAH 25	Railway St	NW	one-way directional	N	Not truncated and no landing and Cross slope >2% and Running slope >8%	2027 or next const. proj	10000
Mahnomen126	CSAH 25	Railway St	NE	depressed corner	N	No landing and Running slope >8%	2027 or next const. proj	10000
Mahnomen127	CSAH 25	Casino Rd	SW	one-way directional	N	No landing and Running slope >8%	2027 or next const. proj	10000
Mahnomen128	CSAH 25	Casino Rd	NW	one-way directional	N	Running slope >8%	2027 or next const. proj	10000
Mahnomen129	CSAH 5	N/A Church	S	perpendicular	N	Cross slope >2% and Running slope >8%	2027 or next const. proj	10000
Mahnomen130	CSAH 25	Main St	SW	other	Y			
Mahnomen131	CSAH 25	Main St	NW	depressed corner	N	Not truncated and Cross slope >2% and Running slope >8%	2027 or next const. proj	10000
Mahnomen132	CSAH 25	Main St	NE	one-way directional	Y			
Mahnomen133	CSAH 25	Main St	SE	one-way directional	N	Cross slope >2%	2027 or next const. proj	10000
Mahnomen134	CSAH 5	Campbell Ave	NW	one-way directional	Y			
Mahnomen135	CSAH 5	Campbell Ave	NE	one-way directional	Y			
Mahnomen136	CSAH 5	Campbell Ave	SE	one-way directional	Y			
Mahnomen137	CSAH 5	Campbell Ave	SW	one-way directional	N	Running slope >8%	2027 or next const. proj	10000
Mahnomen138	CSAH 5	Campbell Ave	SW	one-way directional	N	Running slope >8%	2027 or next const. proj	10000
Mahnomen139	CSAH 5	Roosevelt Ave	NW	one-way directional	Y			
Mahnomen140	CSAH 5	Roosevelt Ave	NW	one-way directional	Y			
Mahnomen141	CSAH 5	Roosevelt Ave	SW	one-way directional	N	Landing <4x4 and Running slope >8%	2027 or next const. proj	10000
Mahnomen142	CSAH 5	Roosevelt Ave	NE	other	N	Cross slope >2%	2027 or next const. proj	10000
Mahnomen143	CSAH 5	Roosevelt Ave	NE	other	Y			
Total Cost:								200000

Sidewalks								
ID	County Highway	From Street	To Street	Side of Road	Compliant	Reason Not Compliant	Compliance plan	Estimated Cost @ Today's Prices
Bejou200	CSAH21	Stub from Post Office	Roosevelt	N	N	< 6 ft wide within 2 ft of street	2037 or next const. proj	20000
Bejou201	CSAH21	Roosevelt	US 59	N	N	Cross Slope > 2% and < 6 ft wide within 2 ft of street	2037 or next const. proj	20000
Bejou202	CSAH21	Roosevelt	US 59	S	N	Cross Slope > 2%	2037 or next const. proj	8500
Mahnomen200	CSAH9	Monroe	Madison	E	Y			
Mahnomen201	CSAH 10	1st	Main	S	Y			
Mahnomen202	CSAH 10	1st	Main	N	N	Width < 5ft	2027 or next const. proj	20000
Mahnomen203	CSAH5	Jefferson	Campbell	E	N	Cross Slope > 2%	2027 or next const. proj	20000
Mahnomen204	CSAH5	Jefferson	Campbell	W	Y			
Mahnomen205	CSAH5	Campbell	Roosevelt	E	N	Cross Slope > 2%	2027 or next const. proj	8500
Mahnomen206	CSAH5	Campbell	Roosevelt	W	N	Cross Slope > 2%	2027 or next const. proj	8500
Mahnomen207	CSAH5	Roosevelt	Wigham	W	N	Width < 5ft	2027 or next const. proj	20000
Mahnomen209	CSAH25	Railway	Casino	N	N	Cross Slope > 2% and < 6 ft wide within 2 ft of street	2027 or next const. proj	20000
Mahnomen211	CSAH20	North of Grant	Grant	W	N	Cross Slope > 2%	2037 or next const. proj	8500
Mahnomen212	CSAH20	North of Grant	Grant	E	N	Cross Slope > 2%	2037 or next const. proj	8500
Mahnomen213	CSAH20	Grant	Garfield	W	Y			
Mahnomen214	CSAH20	Grant	Garfield	E	N	Cross Slope > 2%	2037 or next const. proj	20000
Mahnomen215	CSAH20	Garfield	Minnesota	W	N	Cross Slope > 2%	2037 or next const. proj	8500
Mahnomen216	CSAH20	Garfield	Minnesota	E	Y			
Mahnomen217	CSAH20	Minnesota	Birkett	W	N	Cross Slope > 2%	2037 or next const. proj	8500
Mahnomen218	CSAH20	Minnesota	Birkett	E	N	Cross Slope > 2%	2037 or next const. proj	8500
Mahnomen220	CSAH20	Birkett	Washington	E	N	Cross Slope > 2%	2037 or next const. proj	8500
Waubun200	CSAH17	Reserve	Smith	W	N	Cross Slope > 2%	2047 or next const. proj	20000
Waubun201	CSAH 17	Reserve	Smith	E	N	Cross Slope > 2%	2047 or next const. proj	20000
Waubun202	CSAH 17	Smith	Central	W	N	Cross Slope > 2%	2047 or next const. proj	20000

Waubun203	CSAH17	Main	1st	S	Y			
Waubun204	CSAH17	Main	1st	N	N		**	**
Waubun205	CSAH17	Central	Prarie	E	Y			
Waubun206	CSAH17	Central	Prarie	W	Y			
Waubun207	CSAH 17	Prarie	Norman	E	Y			
Waubun208	CSAH 17	Prarie	Norman	W	Y			
Waubun209	CSAH 17	Norman	TH 113	E	Y			
Waubun210	CSAH 17	Norman	TH 113	W	Y			

Total Cost:	276500
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** Due to existing infrastructure may not be possible to bring into ADA compliance

Appendix B: Mahnomen County ADA Grievance Form

ADA Title II Coordinator

Kevin Gieseke
PO Box 379
Mahnomen, MN 56557

ADA Coordinator for Public Right-of-Way

Jonathan Large
1440 Hwy 200 PO Box 399
Mahnomen, MN 56557

Instructions: Please fill out this form completely, in black ink or type. Sign and return to an address listed above.

Name: _____

Address: _____

City, State and Zip Code: _____

Telephone Number: _____

Person ADA Violation Against (if other than the listed above): _____

Address: _____

City, State and Zip Code: _____

Telephone Number: _____

Government, or organization, or institution which you believe has cause the ADA violation:

Name: _____

Address: _____

County: _____

City, State and Zip Code: _____

Telephone Number: _____

When did the alleged ADA violation Occur?

Description and location of the alleged ADA violation:

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:

Agency or Court: _____

Contact Person: _____

Address: _____

City, State and Zip Code: _____

Telephone Number: _____

Date Filed: _____

Signature: _____ Date: _____

Appendix C: Contact Information

ADA Title II Coordinator

Kevin Gieseke
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ADA Coordinator for Public Right-of-Way

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Appendix D: Glossary of Terms

ADA Transition Plan: MnDot’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.

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

Alteration: A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

Americans with Disabilities Act (ADA): Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): The ADAAG contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the ADA.

Architectural Barriers Act (ABA): Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The ABA 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 five-year plan for funding the new construction and reconstruction projects on the County’s transportation system.

Detectable Warning: A surface of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

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.

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. The 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 the public right-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.