



City of Farmington ADA Transition Plan for Public Rights-of-Way



May 2019

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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 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 ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the City of Farmington 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 Farmington 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 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 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, the City of Farmington 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.

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

Self-Evaluation

Overview

The City of Farmington is required, under Title II of the Americans with Disabilities Act (ADA) and 28CFR35.105, to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the City implements these policies. The goal of the self-evaluation is to verify that, in implementing the City's policies and practices, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The self-evaluation also examines the condition of the City's Pedestrian Circulation Route/Pedestrian Access Route) (PCR/PAR) and identifies potential need for PCR/PAR infrastructure improvements. This will include the sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and transit facilities that are located within the City rights 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 2018, the City of Farmington conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of pedestrian ramps at intersections and mid-block crossings including trail and sidewalk facilities.

Pedestrian ramps were assessed and categorized into three condition rating tiers:

Tier 1 (GREEN): largely or fully compliant

Tier 2 (YELLOW): substantially compliant

Tier 3 (RED): largely not compliant

Detailed maps showing categorized pedestrian curb ramps are included in Appendix A and will be updated periodically.

Policies and Practices

Previous Practices

Since the adoption of the ADA, the City of Farmington has striven to provide accessible pedestrian features as part of the City's capital improvement projects. As additional information was made available as to the methods of providing accessible pedestrian features, the City updated their procedures to accommodate these methods.

Policy

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

The City will consider and respond to all accessibility improvement requests. Requests for accessibility improvements can be submitted to the ADA Coordinator. Contact information for ADA Coordinator is located in Appendix C. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The City will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the City's jurisdiction are ADA compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public right of way will continue to follow the policies set forth by the City. The City will maintain and update the facility database and maps to reflect improvements and to measure progress.

Improvement Schedule

Priority Areas

The City of Farmington has established an assessment system to prioritize ADA improvements based on condition ratings and to identify specific locations as priority areas. Additional priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991, and accessibility features were omitted.

External Agency Coordination

Many other agencies are responsible for pedestrian facilities within the jurisdiction of the City of Farmington. The City will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes.

Schedule

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

Pedestrian ramps in Tier 1 (GREEN) are largely compliant and do not require improvements at this time.

Pedestrian ramps in Tier 2 (YELLOW) are considered serviceable and substantially compliant. Improvement of these facilities will be incorporated into Capital Improvement Program projects on adjacent streets whenever feasible. The City will use the CIP and pavement management program to coordinate improvements to Tier 2 pedestrian ramps.

Pedestrian ramps in Tier 3 (RED) are identified as a hazard or compliance issue and need to be addressed. Improvements will be incorporated into a project in the current Capital Improvement Plan or added to the next annual sidewalk maintenance project.

The City of Farmington has set a goal to have 80% of pedestrian facilities fully ADA compliant in 20 years. Remaining facilities will be Tier 2 (YELLOW) facilities that have not been improved as part of an adjacent CIP project.

ADA Coordinator

In accordance with 28 CFR 35.107(a), the City of Farmington has identified an ADA Title II Coordinator to oversee the City's policies and procedures. Contact information for this individual is located in Appendix C.

Implementation Schedule

Methodology

The City of Farmington 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 City of Farmington staff.

Public Outreach

The City of Farmington recognizes that public participation is an important component in the development of this document. Public outreach for the creation of this document consisted of the following activities:

- Public Open House – April 30, 2019
- Transition Plan Approved by City Council -

This document was also available for public comment. A summary of comments received and detailed information regarding the public outreach activities are located in Appendix G.

Grievance Procedure

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regards to the ADA. A draft of this public notice is provided in Appendix D. If users of City of Farmington facilities and services believe the City has not provided reasonable accommodation, they have the right to file a grievance.

In accordance with 28 CFR 35.107(b), the City has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances. This grievance procedure is outlined in Appendix D.

Monitor the Progress

This document will continue to be updated as conditions within the City evolve. The ADA Transition Plan for Public Rights of Way and accessibility information will be on the City's website (www.farmingtonmn.gov). Improvements to accessible facilities will be updated in the Capital Improvement Plan and other regular updates to the City Council.

Appendices

A. Self-Evaluation Results

B. Agency ADA Design Standards and Procedures in Public Rights of Way

C. Contact Information

D. Grievance Procedure

E. Complaint Form

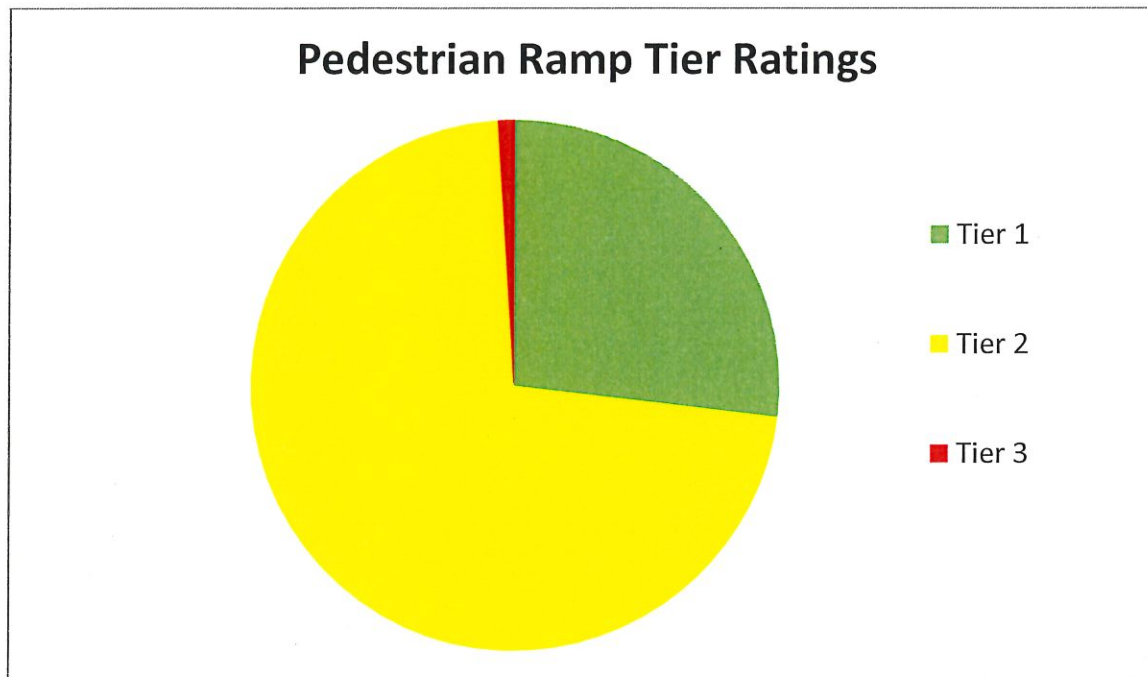
F. ADA Public Notice

G. Public Outreach

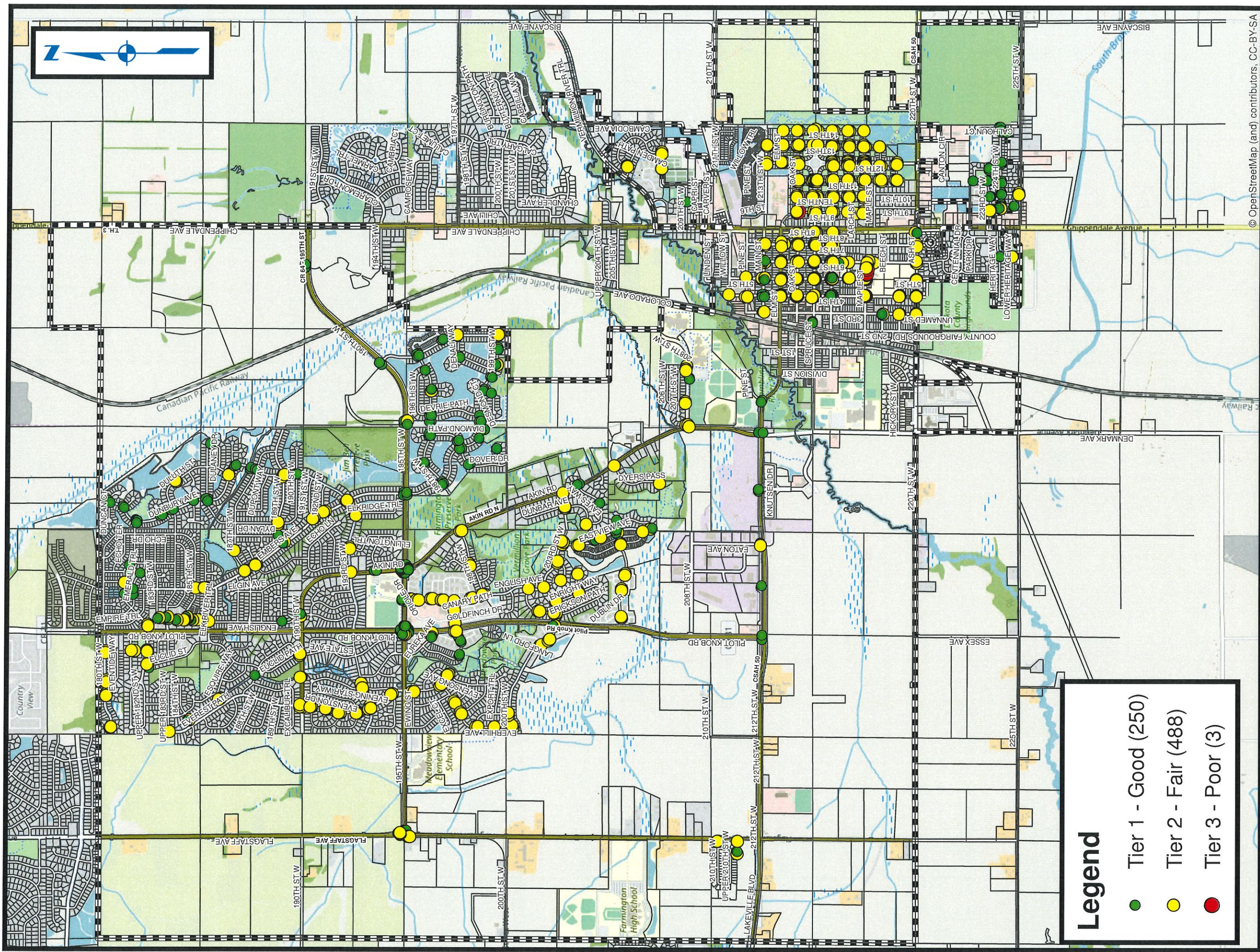
Appendix A – Self-Evaluation Results

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

- Tier 1 (GREEN) – 250 (34%)
- Tier 2 (YELLOW) – 346 (66%)
- Tier 3 (RED) – 3 (0.004%)



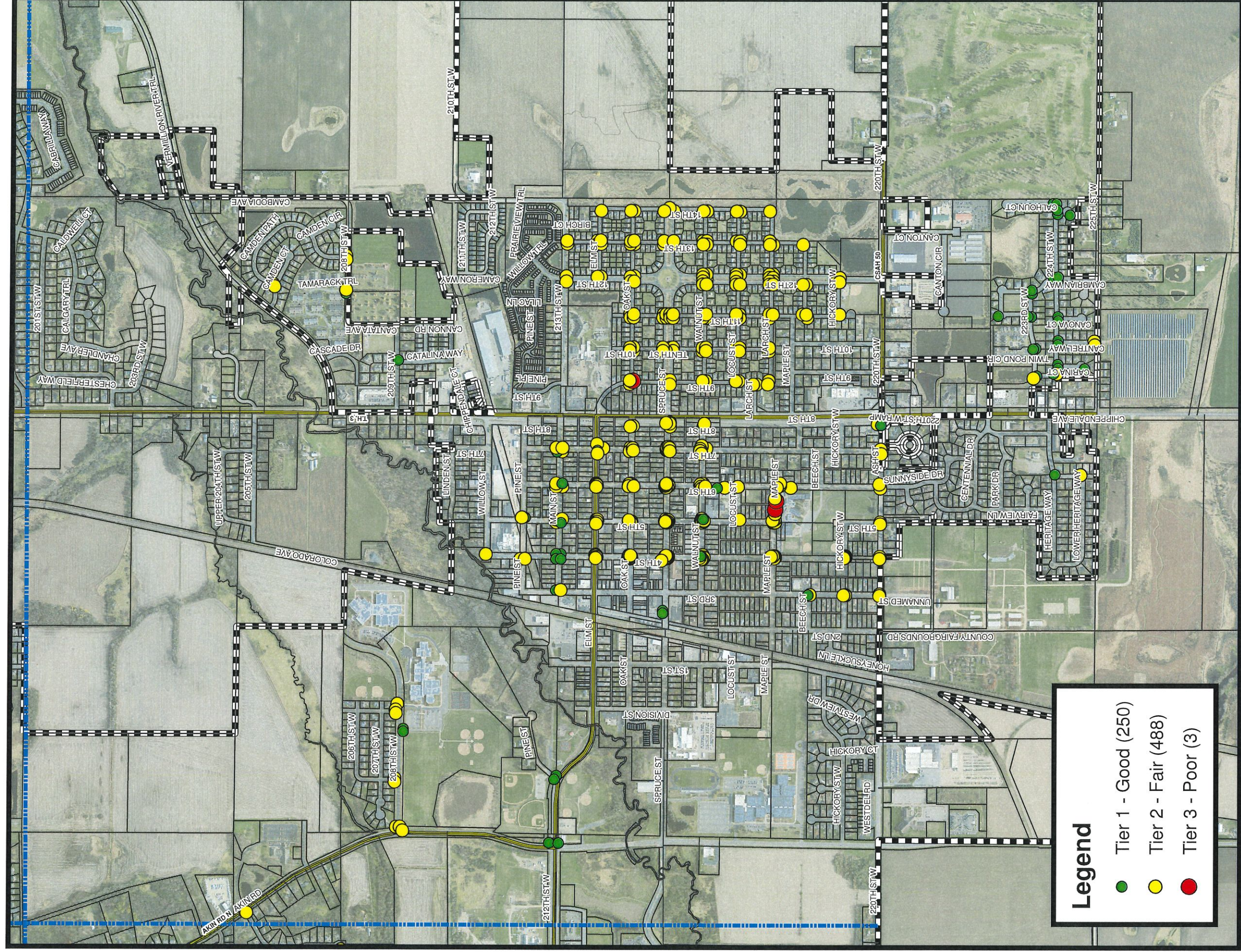
The following maps detailing how pedestrian ramps are categorized can also be found at www.farmingtonmn.gov.



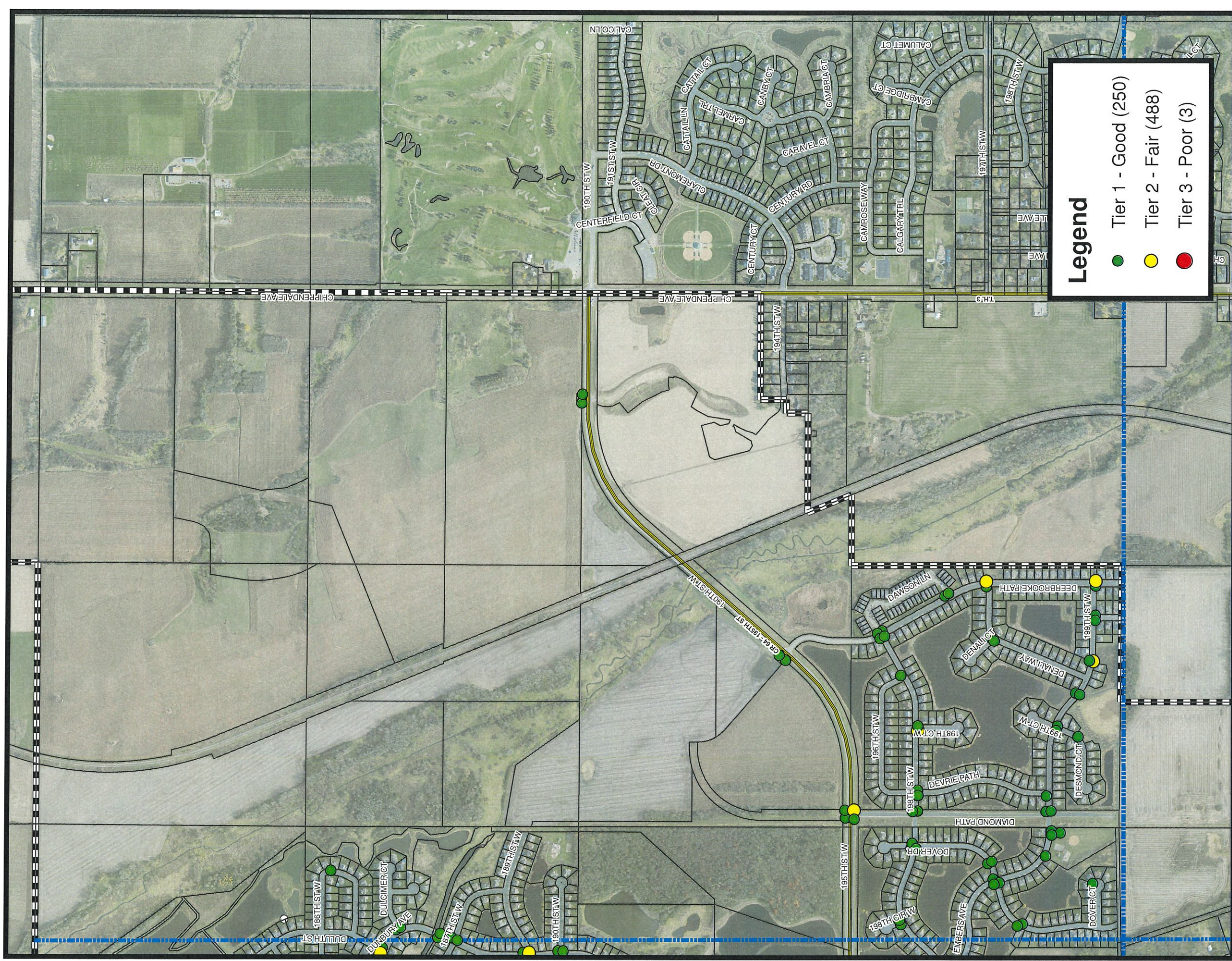
Legend

- Tier 1 - Good (250)
- Tier 2 - Fair (488)
- Tier 3 - Poor (3)

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources and is to be used for reference purposes only. The city of Farmington is not responsible for any inaccuracies herein contained.



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Legend

- Tier 1 - Good (250)
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Appendix B – Agency ADA Design Standards and Procedures in the Public Rights of Way

Design Procedures

Intersection Corners

The City of Farmington will attempt to construct or upgrade pedestrian ramps and intersections 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 on 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

The City will attempt to achieve compliance with the construction or upgrade of trails and sidewalks 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 on 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.

Traffic Control Signals

All traffic control signals in the City of Farmington are currently owned and operated by MnDOT or Dakota County. The City will work with these agencies and attempt to construct and upgrade traffic control signals to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal 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 traffic signal control location shall be made as compliant as possible in accordance with the judgment of City staff.

Bus Stops and Other Transit Facilities

There are currently no other transit facilities present within the limits of the City of Farmington. The City of Farmington will work with transit providers to ensure that future facilities meet all appropriate accessibility standards.

Other policies, practices and programs

Policies, practices and programs not identified in this document will follow the applicable ADA standards.

Design Standards

The City of Farmington generally follows the guidelines identified in PROWAG, as adopted by the Minnesota Department of Transportation (MnDOT), when practical and feasible.

Appendix C – Contact Information

Public Rights-of-Way ADA Implementation Coordinator

Name: Katy Gehler or current Public Works Director

Address: 430 Third Street

Farmington, MN 55024

Phone: 651-280-6840

Fax: 651-280-6839

E-mail: kgehler@farmingtonmn.gov

Appendix D – Grievance Procedure

City of Farmington

Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Farmington. The City of Farmington's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation the ADA Coordinator listed in Appendix C.

Within 30 calendar days after receipt of the complaint, the City of Farmington ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 30 calendar days of the meeting, the City of Farmington ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the complaint.

If the response by City of Farmington ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 30 calendar days after receipt of the response to the City of Farmington Administrator or their designee.

Within 30 calendar days after receipt of the appeal, City of Farmington Administrator or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after the meeting, the City of Farmington Administrator or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by City of Farmington ADA Coordinator or their designee, appeals to City of Farmington Administrator or their designee, and responses from these two offices will be retained by the City of Farmington for at least three years.

City of Farmington Grievance Procedure

Those wishing to file a formal written grievance with the City of Farmington may do so by one of the following methods:

Internet

Visit the City of Farmington website (www.farmingtonmn.gov) and click the “ADA” link to the ADA Grievance Form. A copy of The ADA Grievance Form is included in Appendix E.

Telephone

Contact the pertinent City staff person listed in the **Contact Information** section of Appendix C to submit an oral grievance. The staff person will complete and submit the ADA Grievance Form on behalf of the person filing the grievance.

Paper Submittal

Contact the pertinent City staff person listed in the **Contact Information** section of Appendix C to request a paper copy of the county’s grievance form, complete the form, and submit it to the ADA Coordinator. The ADA Grievance Form will ask for the following information:

- The name, address, telephone number, and email address for the person filing the grievance
- The name, address, telephone number, and email address for the person alleging an ADA violation (if different than the person filing the grievance)
- A description and location of the alleged violation and the nature of a remedy sought, if known by the complainant.
- If the complainant has filed the same complaint or grievance with the United States Department of Justice (DOJ), another federal or state civil rights agency, a court, or others, the name of the agency or court where the complainant filed it and the filing date.

The City will acknowledge receipt of the grievance to the complainant within 15 working days of its submittal. City will also provide to the complainant within 15 working days of its submittal; 1) a response or resolution to the grievance or; 2) information on when the complainant can expect a response or resolution to the grievance.

If the grievance filed does not concern a City of Farmington facility, the City will work with the complainant to contact the agency that has jurisdiction.

Within 60 calendar days of receipt, a City of Farmington staff person will conduct an investigation necessary to determine the validity of the alleged violation. As a part of the investigation, the staff person would conduct an engineering study to help determine the City's response. The staff person will take advantage of department resources and use engineering judgment, data collected, and any information submitted by the resident to develop a conclusion. A staff person will be available to meet with the complainant to discuss the matter as a part of the investigation and resolution of the matter. The City will document each resolution of a filed grievance and retain such documentation in the department's ADA Grievance File in accordance with state and federal law.

The City will consider all specific grievances within its particular context or setting. Furthermore, the City will consider many varying circumstances including: 1) the nature of the access to services, programs, or facilities at issue; 2) the specific nature of the disability; 3) the essential eligibility requirements for participation; 4) the health and safety of others; and 5) the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the City of Farmington.

Accordingly, the resolution by the City of Farmington of any one grievance does not constitute a precedent upon which the county is bound or upon which other complaining parties may rely.

File Maintenance

The City shall maintain ADA grievance files in accordance with state and federal laws.

Complaints of Title II violations may also be filed with the DOJ within 180 days of the date of discrimination. In certain situations, cases may be referred to a mediation program sponsored by the Department of Justice (DOJ). The DOJ may bring a lawsuit where it has investigated a matter and has been unable to resolve violations.

For more information, contact:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYAV
Washington, D.C. 20530

www.ada.gov

(800) 514-0301 (voice – toll free)

(800) 514-0383 (TTY)

Title II may also be enforced through private lawsuits in Federal court. It is not necessary to file a complaint with the DOJ or any other Federal agency, or to receive a "right-to-sue" letter, before going to court.

Appendix E – Complaint Form

City of Farmington
Title II of the American with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Discrimination Complaint Form

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the ADA Coordinator at the address in Appendix C. Attach additional sheets if necessary.

Complainant:

Address:

City, State, and Zip Code:

Telephone (Home):

Telephone (Business):

Person Discriminated Against:
(if other than the complainant)

Address:

City, State, and Zip Code:

Telephone (Home):

Telephone (Business):

Government, or organization, or institution which you believe has discriminated:

Name:

Address:

County:

City:

State and Zip Code:

Telephone Number:

When did the discrimination occur? Date:

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (attach additional pages if necessary):

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

Yes _____ No _____

If yes: what is the status of the grievance?

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:

Do you intend to file with another agency or court?

Yes _____ No _____

Agency or Court:

Address:

City, State and Zip Code:

Telephone Number:

Additional space for answers:

Signature: _____

Date: _____

Appendix F – ADA Public Notice

As part of the ADA requirements the City/County has posted the following notice outlining its ADA requirements:

Public Notice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the City of Farmington 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 the City Administrator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Appendix G – Public Outreach

The draft City of Farmington ADA Transition Plan for Public Rights of Way was introduced to City Council on April 8, 2019 at a Council Work Session. The draft Plan was then opened for public comment and posted to the City’s website.

An Open House was scheduled for April 30, 2019. A flyer for the Open House is attached to this Appendix. The flyer was posted at City Hall and emailed to 312 subscribers to the City’s email notification system. The flyer and Open House schedule were also added to the City’s online calendar of meetings and events.

The Open House was held on April 30, 2019 from 6:00 p.m. to 7:00 p.m. No stakeholders attended the meeting. No comments were received from the public on the draft City of Farmington ADA Transition Plan for Public Rights of Way.

The Public Rights of Way ADA Implementation Coordinator will continue to take comments from the public on the Plan.