



FARIBAULT COUNTY

ADA Transition Plan

June 13, 2022

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, Faribault County 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 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](#), Faribault County 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. This document serves as a supplement to County's existing Transition Plan covering buildings, services, programs, and activities.

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, Faribault 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 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\(a\)](#)].
- Shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II and its applicability to the services, programs, or activities of Faribault County, and make such information available to them in such manner as the Public Works Director finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.
- 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 County programs, practices, or building facilities not related to public rights of way.

Self-Evaluation

Overview

Faribault County 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 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 the County'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 County 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

Between 2018 and 2020, Faribault County conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- 464 curb ramps
- 1.7 miles of trails

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

Policies and Practices

Previous Practices

Since the adoption of the ADA, Faribault County has striven to provide accessible pedestrian features as part of the County's capital improvement projects. As additional information was made available as to the methods of providing accessible pedestrian features, the County updated their procedures to accommodate these methods. Specific projects that included ADA improvements: SAPs 022-616-027, 022-615-012, 022-606-017, 022-606-020, 022-591-001, 022-606-15, 022-591-002, 22-651-08, 22-662-004.

Policy

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

The 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. The County will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the County 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 Faribault County Municipal Improvement Policy, 04-19-2016.

Requests for accessibility improvements can be submitted to the County Engineer/Director of Public Works. Current Contact information is in Appendix D.

Improvement Schedule

Priority Areas

- **New Construction:** All new construction projects with pedestrian accommodations will be designed and constructed to conform with the most current ADA design practices to the extent feasible.
- **Reconstruction Projects:** All County reconstruction projects will be designed and constructed in accordance with the most current ADA design practices to the extent feasible.
- **Rehabilitation/Resurfacing Projects:** Improvements to existing pedestrian ramps will be addressed on a case by case basis. High priority areas such as those in proximity to specific land uses (i.e. schools, government offices, and medical facilities) will be given additional consideration. Improvements will be undertaken at the discretion of the County Engineer.

External Agency Coordination

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

Schedule

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

- After 5 years, items identified by the 5-Year Plan would be ADA compliant to the extent feasible.
- After 20 years, 80% of accessibility features within the jurisdiction of county would be ADA compliant.

ADA Coordinator

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

Implementation Schedule

Methodology

Faribault 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 County 5 Year Plan on a case by case basis as determined by Faribault County staff.

Public Outreach

Faribault County 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 Faribault County.

Grievance Procedure

Under the Americans with Disabilities Act, 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 Faribault County facilities and services believe the County has not provided reasonable accommodation, they have the right to file a grievance.

In accordance with 28 CFR 35.107(b), the County 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 C.

Monitor the Progress

This document will continue to be updated as conditions within the County evolve.

The appendices in this document will be updated periodically, while the main body of the document will be updated with each update of the County 5 Year Plan. With each main body update, a public comment period will be established to continue the public outreach.

Appendices

A. Self-Evaluation Results

B. Schedule / Budget Information

C. Grievance Procedure

D. Contact Information

E. Agency ADA Design Standards and Procedures

F. Glossary of Terms

Appendix A – Self-Evaluation Results

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

- 51% of curb ramps met accessibility criteria
- 100% of trail curb ramps met accessibility criteria
- 25 sidewalk connections did not have any curb ramps

	No. of Ramps	No. Curb Ramps Meeting Requirements	No. Curb Ramps Not Meeting Requirements	No. of Missing Ramps
Blue Earth	178	134	44	0
Bricelyn	13	0	13	4
Delavan	8	8	0	0
Easton	15	13	2	0
Elmore	24	21	3	0
Frost	14	0	14	5
Kiester	32	3	29	10
Minnesota Lake	29	25	4	1
Walters	3	0	3	3
Wells	110	39	71	1
Winnebago	62	23	39	0
TOTAL	488	266	222	24
		51%	49%	

Updated: 9/15/2020

Updated: 6/13/2022

Appendix B – Schedule / Budget Information

Cost Information

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 2011 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.

Intersection corner ADA improvement retrofit: +/- \$4,000 per corner

Intersection corner ADA improvement as part of adjacent capital project: +/- \$1,500 per corner

Priority Areas

Based on the results of the self-evaluation, the estimate costs associated with eliminating accessibility barriers within the targeted priority areas is as follows:

- **Blue Earth** - \$ 176,000
- **Bricelyn** - \$ 68,000
- **Delavan** - \$ 0
- **Easton** - \$ 8,000
- **Elmore** - \$ 12,000
- **Frost** - \$ 76,000
- **Kiester** - \$156,000
- **Minnesota Lake** - \$ 20,000
- **Walter** - \$ 24,000
- **Wells** - \$ 288,000
- **Winnebago** - \$ 156,000

Entire Jurisdiction

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility within the entire jurisdiction is \$984,000. This amount signifies a significant investment that Faribault County is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken to absorb the cost into the Faribault County budget for improvements to the public right of way.

Appendix C – Grievance Procedure

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, Faribault County will not discriminate against qualified individuals with disabilities on the basis of disability in County's services, programs, or activities.

Employment: The County 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 County 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 County'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 County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all County programs, services, and activities. For example, individuals with service animals are welcomed in County 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 County program, service, or activity, should contact the office of Mark Daly as soon as possible but no later than 48 hours before the scheduled event.

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

The County 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.

Faribault County

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 based on disability in the provision of services, activities, programs, or benefits by Faribault County. Faribault County'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 to:

Mark A. Daly, PE
ADA Coordinator/ County Engineer/Director of Public Works
mark.daly@co.faribault.mn.us

Within 15 calendar days after receipt of the complaint, **Mark Daly** or **his** designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, **Mark Daly** or **his** 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 Faribault County and offer options for substantive resolution of the complaint.

If the response by **Mark Daly** or **his** designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **County Commissioners** or **their** designee.

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

All written complaints received by **Mark Daly** or **his** designee, appeals to the **County Board Chairman** or **his/her** designee, and responses from these two offices will be retained by Faribault County for at least three years.

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

Internet

Visit the Faribault County website (website) and click the “ADA” link to 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 pertinent County staff person listed in the **Contact Information** section of Appendix D 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 City/County staff person listed in the **Contact Information** section of Appendix D to request a paper copy of the county’s grievance form, complete the form, and submit it to the Responsible Party. A staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

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 County will acknowledge receipt of the grievance to the complainant within 10 working days of its submittal. The County will also provide to the complainant within 10 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 an Faribault County facility, the County will work with the complainant to contact the agency that has jurisdiction.

Within 60 calendar days of receipt, an Faribault County 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

County'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 County will document each resolution of a filed grievance and retain such documentation in the department's ADA Grievance File for a period of seven years.

The County will consider all specific grievances within its context or setting. Furthermore, the County 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 Faribault County.

Accordingly, the resolution by Faribault County 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 County shall maintain ADA grievance files for a period of seven years.

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.

Insert grievance form here.

Appendix D – Contact Information

ADA Title II Coordinator

Name: Mark Daly

Address: 727 E 5th ST. Blue Earth, MN 56013

Phone: 507-525-0658

E-mail: mark.daly@co.faribault.mn.us

Public Right of Ways ADA Implementation Coordinator

Name:

Address:

Phone:

Fax:

E-mail:

Other

Appendix E – Agency ADA Design Standards and Procedures

Design Procedures

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 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 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 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 County staff.

Traffic Control Signals

There are currently no (0) traffic control signal systems in Faribault County.

Bus Stops

There are currently zero (0) public bus stops in Faribault County

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 County staff.

Other Transit Facilities

Additional transit facilities are present within the limits of Faribault County. Those facilities fall under the jurisdiction of Prairie Lakes Transit. Faribault County will work with Prairie Lakes Transit to ensure that those 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

Faribault County has PROWAG, as adopted by the Minnesota Department of Transportation (MnDOT), as its guideline. A copy of this 63-page document is available upon request.

Appendix F – Glossary of 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.