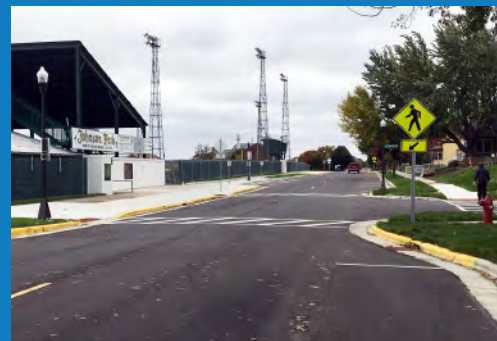
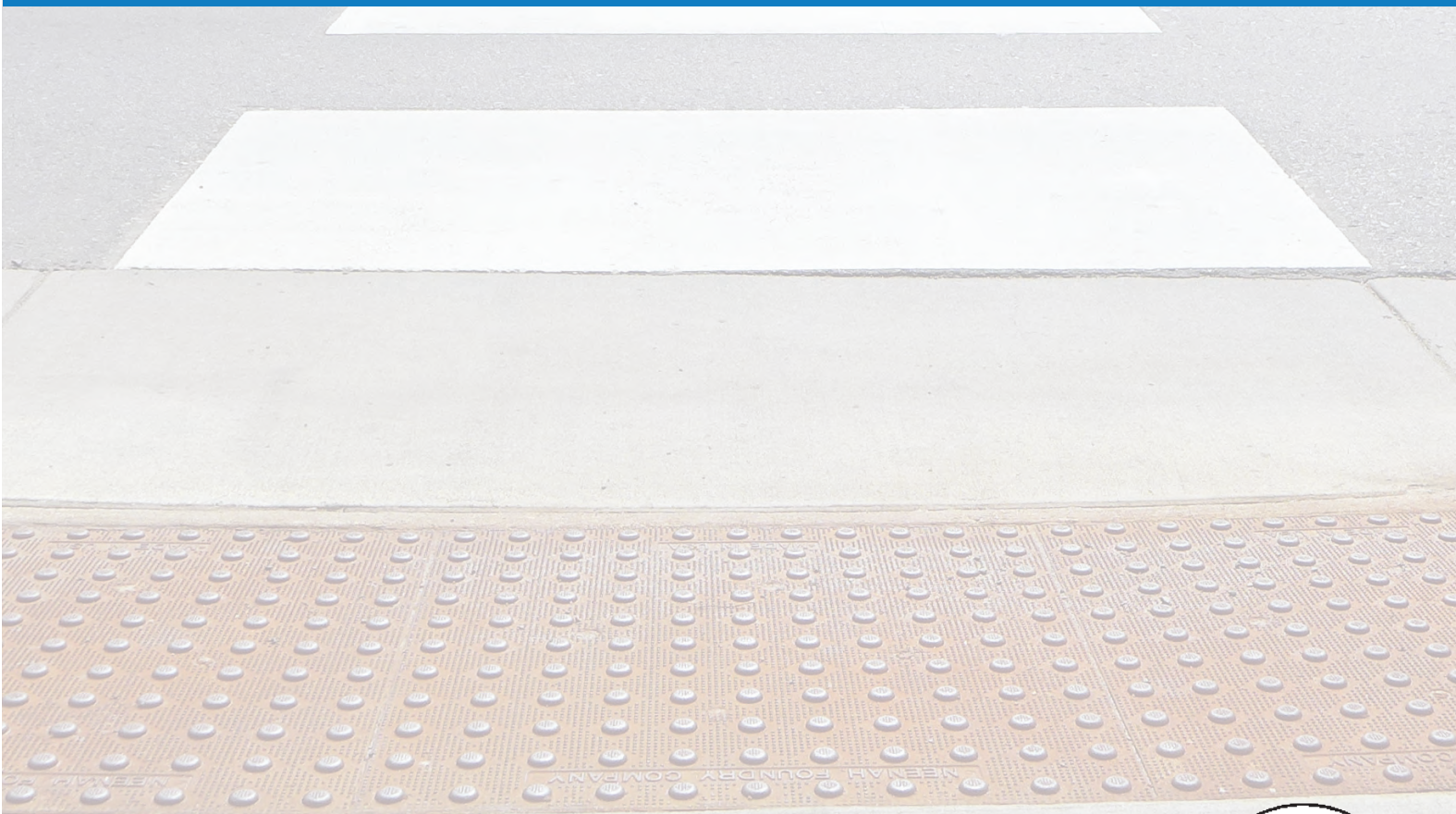




City of New Ulm ADA Transition Plan



October 2018

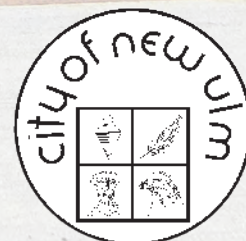


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INTRODUCTION

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:

- I. Employment
- II. State and local government services
- III. Public accommodations
- IV. Telecommunications
- V. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, City of New Ulm 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 New Ulm 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 those facilities are accessible to all individuals. A glossary of terms is included in **Appendix A**.

This Transition Plan 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.

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 New Ulm 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 CFR 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 CFR 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 CFR 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 CFR 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 ([28 CFR 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](#)].
- 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.

SELF-EVALUATION CONDITION ASSESSMENT

Overview

The City of New Ulm is required, under Title II of the Americans with Disabilities Act (ADA) and [28 CFR 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 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 includes consideration of the traffic signal systems, sidewalks, bicycle/pedestrian trails, and curb ramps that are located within the City rights of way.

Summary

In 2018, the City of New Ulm conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- Pedestrian Ramps at intersections and mid-block crossings that include trail or sidewalk facilities
- Sidewalks and trails adjacent to roadways.
- Traffic Control Signal Systems

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

- Tier 1: largely or fully compliant
- Tier 2: substantially compliant and working well
- Tier 3: several elements are not compliant

Sidewalks adjacent to roadways were assessed and categorized into three condition rating tiers. The sidewalks segments were assigned a score based on the number and severity of deficiencies noted in the field inspection.

- Tier 1: largely or fully compliant; score less than 1
- Tier 2: substantially compliant score; score of 1 but less than 3.
- Tier 3: several elements are non-compliant; score of three or greater.

Traffic Control Signal Systems were assessed and categorized into three condition rating tiers by ramp corners.

Condition Rating for Traffic Signal System Elements by Ramps at Intersection Corners:

- Tier 1: all signal elements are largely or fully compliant
- Tier 2: no more than two signal elements related to ramp are non-compliant
- Tier 3: more than two signal elements related to ramp are non-compliant

Additionally, Traffic Control Signal Systems were assessed and categorized into three condition rating tiers for the overall intersection.

- Tier 1: all quadrants of the signalized intersection are largely or fully compliant
- Tier 2: one quadrant of the signalized intersection is non-compliant
- Tier 3: two or more quadrants of the signalized intersection is non-compliant

A detailed evaluation on how these facilities relate to ADA standards including maps showing how the pedestrian ramp, sidewalk and traffic control signal system facilities are categorized can be found on the City's website, detailed in **Appendix B**, and will be updated periodically.

POLICIES AND PRACTICES

Previous Practices

Since the adoption of the ADA, the City of New Ulm has striven to provide accessible pedestrian features as part of the City capital improvement projects. As additional information was made available as to the methods of providing accessible pedestrian features, the City has updated their procedures to accommodate these methods. Recently, more standardized design and construction methods have evolved. This has resulted in the ability of local agencies to receive additional exposure and training on accessible features. This has improved the City of New Ulm staff's ability to understand available options and to explore the feasibility of implementing accessibility improvements. This information also assists in providing guidance for developing transition plans.

Policy

The City of New Ulm will inspect, inventory and plan for any required improvements to facilities located in the public right-of-way, to ensure compliance with the ADA. The City's goal is to continue to provide accessible pedestrian design features as part of the City capital improvement projects. The City has established ADA design standards and procedures as detailed in **Appendix**

C. These standards and procedures will be kept up to date with nationwide and local best management practices.

The City of New Ulm will consider and respond to all public right of way accessibility improvement requests. Requests should be sent to the ADA Coordinator as specified in **Appendix D**. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The City will coordinate with external agencies as necessary to ensure that all new or altered pedestrian facilities within the City 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 to reflect improvements to inventoried facilities and measure progress.

ADA COORDINATOR

In accordance with [28 CFR 35.107\(a\)](#), the City of New Ulm has identified an ADA Title II Coordinator to oversee the City policies and procedures within the public right of way. It is the responsibility of the ADA Coordinator to implement this policy. Contact information for this individual is in **Appendix D**.

IMPROVEMENT SCHEDULE

Priority Areas

The City of New Ulm has established a tiering system to prioritize ADA improvements based on the level of compliance of facilities. 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 New Ulm, including Brown County and MNDOT. Heartland Express, the local transit provider does not currently have facilities in the City right of way. The City will coordinate with those agencies to assist in the facilitation of the elimination of accessibility barriers along their routes and/or associated with their services.

Schedule

The City of New Ulm has set the following schedule goals for improving the accessibility of its pedestrian facilities within the City jurisdiction:

Pedestrian Ramps

- **Ramps with condition ratings in Tier 1.** These ramps are considered largely or fully compliant and work on these facilities is not necessary at this time.
- **Ramps with condition ratings in Tier 2.** These ramps are considered serviceable and are not in need of immediate action. Improvements for these facilities will be addressed in conjunction with adjacent capital improvement projects whenever feasible. Staff will use the CIP and long-range street improvement plans to coordinate these improvements.
- **Ramps with condition ratings in Tier 3.** Any of these ramps identified as an existing hazard or compliance issue that staff believes needs to be addressed by a set date shall have a work order initiated or be incorporated into a project in the Capital Improvement Plan (CIP).

Sidewalks

- **Sidewalks with priority ratings in Tier 1.** These facilities have minor pavement deficiencies and work on these facilities is not necessary at this time.
- **Sidewalks with condition ratings in Tier 2.** These sidewalks are considered serviceable and are not in need of immediate action. Improvements for these facilities will be addressed in conjunction with adjacent capital improvement projects. Staff will use the CIP and long-range street improvement plans to coordinate these improvements.
- **Sidewalks with condition ratings in Tier 3.** Any of these sidewalk locations identified as an existing hazard or compliance issue that staff believes needs to be addressed by a set date shall have a work order initiated or be incorporated into a project in the CIP.

Traffic Control Signal Systems

- **Traffic Signal Systems with Ramps with condition ratings in Tier 1.** These signal systems and ramps are considered largely or fully compliant and work on these facilities is not necessary at this time.
- **Traffic Signal Systems with Ramps with condition ratings in Tier 2.** These signal systems and ramps are considered serviceable and are not in need of immediate action. Improvements for these facilities will be addressed in conjunction with adjacent capital improvement projects. Staff will use the CIP and long-range street improvement plans to coordinate these improvements.
- **Traffic Signal Systems with Ramps with condition ratings in Tier 3.** Any of these signal systems and ramps identified as an existing hazard or compliance issue that staff believes needs to be addressed by a set date shall have a work order initiated or be incorporated into a project in the Capital Improvement Plan (CIP).

After 20 years, the City of New Ulm has a goal for 80% of accessibility for pedestrian features within the jurisdiction to be ADA compliant. The remaining 20% would include the Tier 2 locations that have not had an adjacent road project within the twenty-year period.

IMPLEMENTATION SCHEDULE

Methodology

The City of New Ulm 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 whenever feasible. The second method includes standalone sidewalk and ADA accessibility improvement projects. These projects will be incorporated into the CIP on a case by case basis or may be completed by internal City forces as recommended by the City of New Ulm staff and ordered by the City Council. The City CIP includes a detailed schedule and budget for specific improvements.

PUBLIC OUTREACH

The City of New Ulm recognizes that public participation is an important component in the development of this plan. Material used as part of the public outreach are included in **Appendix F**.

Public outreach for the creation of this document consisted of the following activities:

- Public Open House – September 20, 2018 at the New Ulm City Hall
- The City’s ADA Title II Coordinator will continue to be available for questions or discussion.

GRIEVANCE PROCEDURE

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regard to the ADA. A draft of this public notice is provided in **Appendix E**. If users of City of New Ulm 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 G**, with a Complaint Form in **Appendix H**.

MONITOR THE PROGRESS

This document, including the Appendices, will be updated as conditions within the City evolve. The City will maintain ADA Transition Plan information on its website; www.newulmmn.gov. Reporting on facility accessibility improvements will be included in CIP updates and other presentations to the City Council.

APPENDICES

- A. Glossary of Terms
- B. Self-Evaluation & Prioritization Summary
- C. Agency ADA Design Standards and Procedures
- D. ADA Coordinator
- E. ADA Public Notice
- F. Public Outreach Materials
- G. Grievance Procedure
- H. Complaint Form

Appendix A – Glossary of Terms

ABA: See Architectural Barriers Act.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: The City of New Ulm’s transportation system plan that identifies accessibility needs within the public right of way, the process to fully integrate accessibility improvements into the City Capital Improvement Plan, and ensure all transportation facilities, services, programs, and activities within the public right of way 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 vibro-tactile 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 includes an annual capital program and a three-year plan for funding the new construction and reconstruction projects on the City’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 *Public Rights-of-Way Accessible Guidelines* 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.

Tier Rating for Pedestrian Curb Ramps:

Tier 1: largely or fully compliant. Condition rating 1 or 2 and all elements compliant.

Tier 2: substantially compliant and working well. Condition Rating 1 or 2 and no more than two elements are non-compliant.

Tier 3: several elements are not compliant.

Tier Rating for Sidewalks:

Score = $[(\text{low severity} \times 1 + \text{medium severity} \times 5 + \text{high severity} \times 10) / \text{Length}] \times 100$

Tier 1: largely or fully compliant; score less than 1

Tier 2: substantially compliant score; score greater than or equal to 1 but less than 3.

Tier 3: several elements are non-compliant; score of three or greater.

Tier Rating for Traffic Control Signal System Elements by Ramps at Corner

Tier 1: all signal elements related to ramp are largely or fully compliant

Tier 2: no more than two signal elements related to ramp are non-compliant

Tier 3: more than two signal elements related to ramp are non-compliant

Tier Rating for Signalized Intersections

Tier 1: all quadrants of the signalized intersection are largely or fully compliant

Tier 2: one quadrant of the signalized intersection is non-compliant

Tier 3: two or more quadrants of the signalized intersection is non-compliant

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.

Appendix B – Self-Evaluation and Prioritization Summary

The City of New Ulm is committed to making investments to improve accessibility within the City public right of way. A systematic approach to providing accessibility will be taken to absorb the cost into the City of New Ulm's program for improvements to the public right of way.

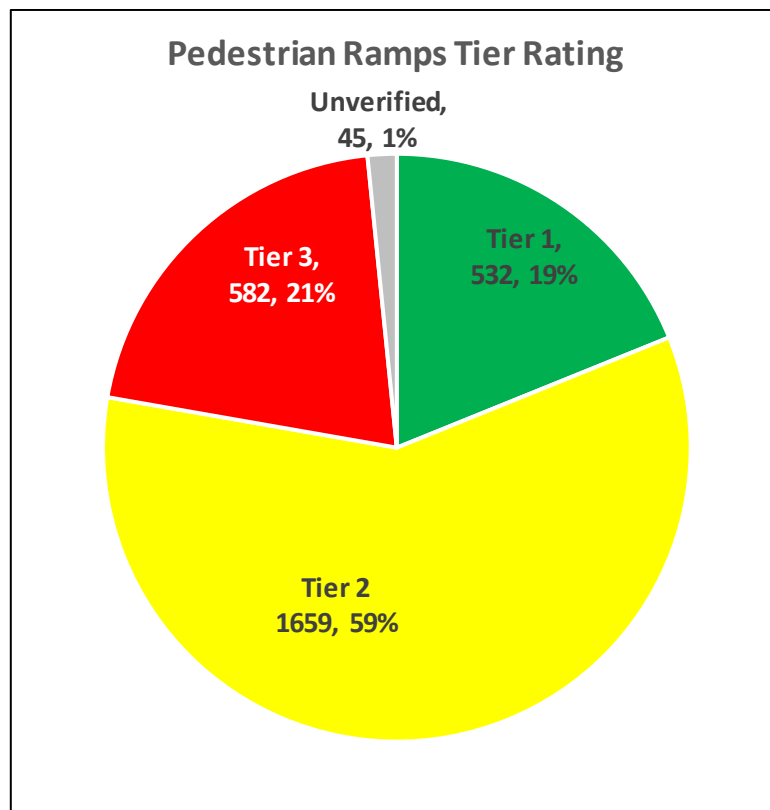
A summary of pedestrian curb ramps, sidewalks and traffic signal systems evaluated follows.

The maps included herein showing how the pedestrian ramp, sidewalk and traffic signal systems are categorized and can also be found at www.newulmn.gov.

Pedestrian Curb Ramps

Condition Rating for Pedestrian Ramps (2,818)

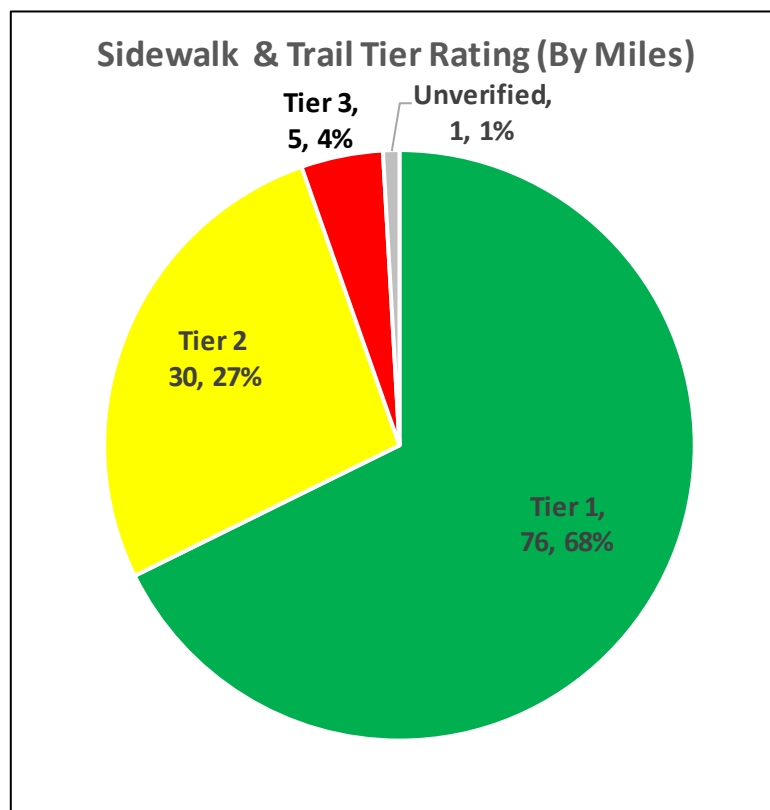
- Tier 1: largely or fully compliant = 532
- Tier 2: substantially compliant and working well = 1659
- Tier 3: several elements are not compliant = 582
- Unverified: not able to assess due to construction activity = 45



Sidewalks and Trails

Condition Rating for Sidewalks and Trails (112 miles)

- Tier 1: largely or fully compliant; score less than 1 = 76 miles
- Tier 2: substantially compliant score; score of 1 but less than 3 = 30 miles
- Tier 3: several elements are non-compliant; score of three or greater = 5 miles
- Unverified: not able to assess due to construction activity = 1 mile



Traffic Control Signal Systems

One traffic signal system within the City right of way was inventoried and assessed. Tier ratings have been assigned for the overall signal system and for ramps corners at the signalized intersections.

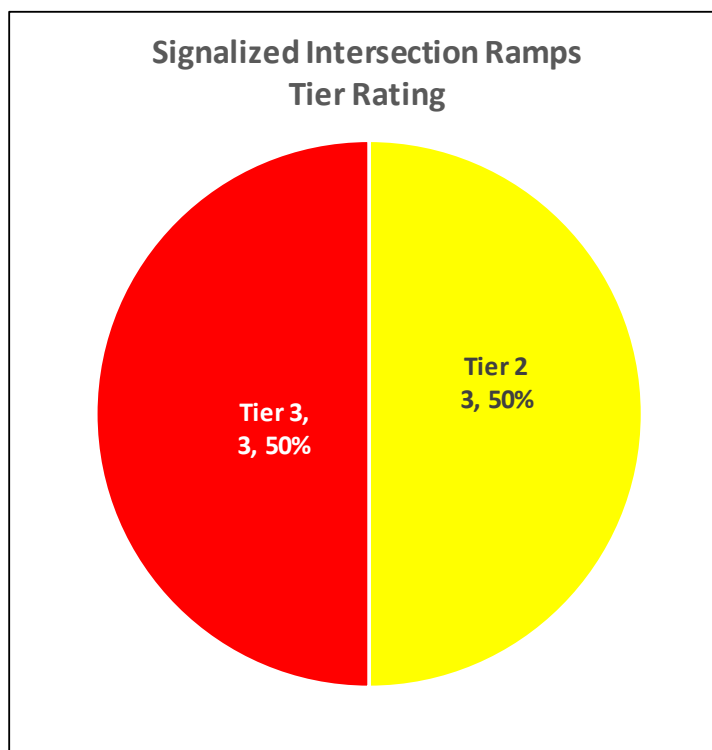
Condition Rating for Signalized Intersection (1)

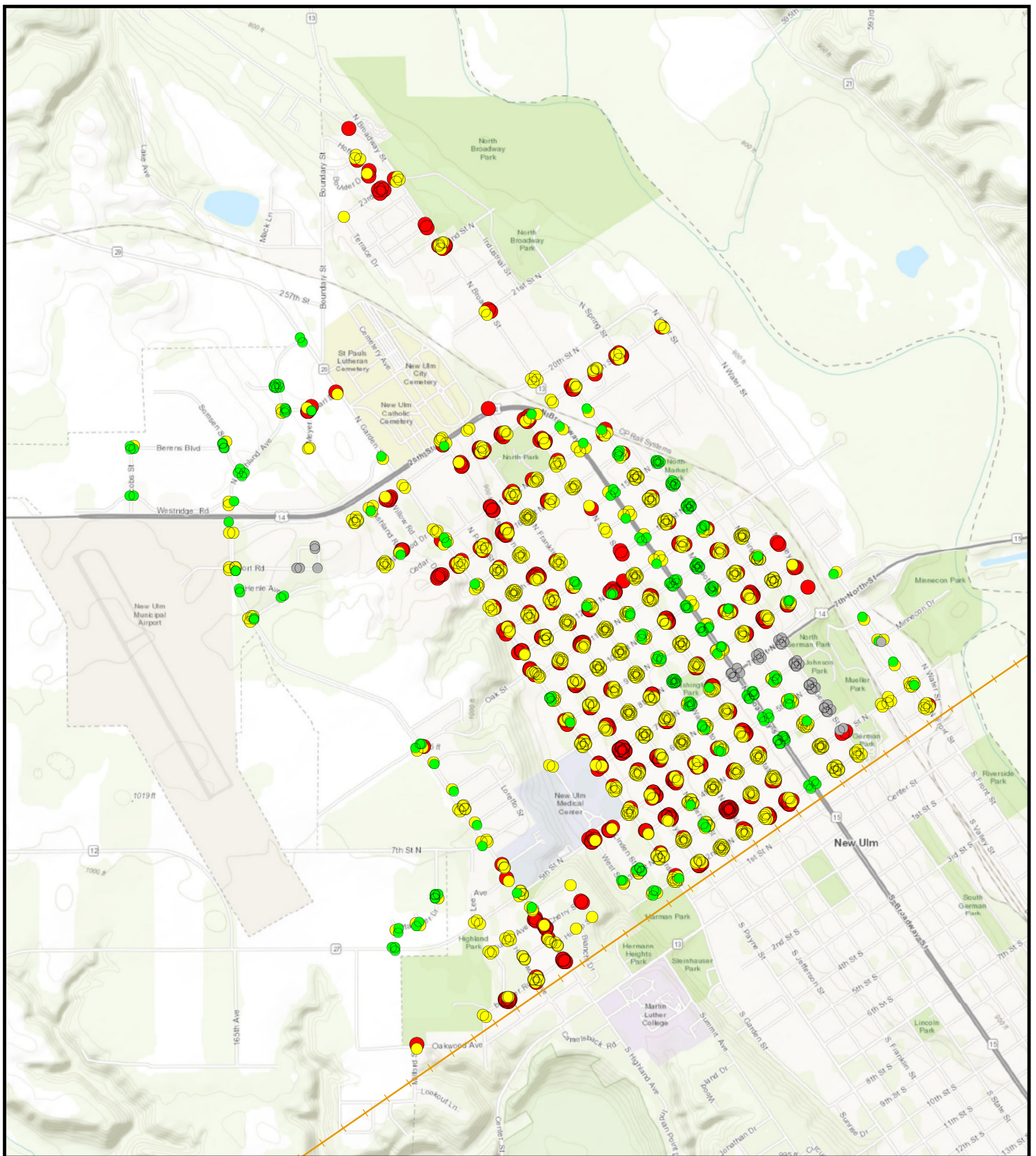
- Tier 1: all signal elements for intersection are largely or fully compliant = 0
- Tier 2: no more than one signal element for intersection is non-compliant = 0
- Tier 3: two or more signal elements for intersection are non-compliant = 1

The one traffic signal system was classified as a Tier 3.

Condition Rating for Signal Elements (push buttons, accessibility and ten-foot separation) by Ramps at Signalized Intersections (6).

- Tier 1: all signal elements related to ramp are largely or fully compliant = 0
- Tier 2: no more than two signal elements related to ramp are non-compliant = 3
- Tier 3: more than two signal elements related to ramp are non-compliant = 3





0 1,000 2,000 Feet

PEDESTRIAN RAMPS

City of New Ulm
ADA Transition Plan



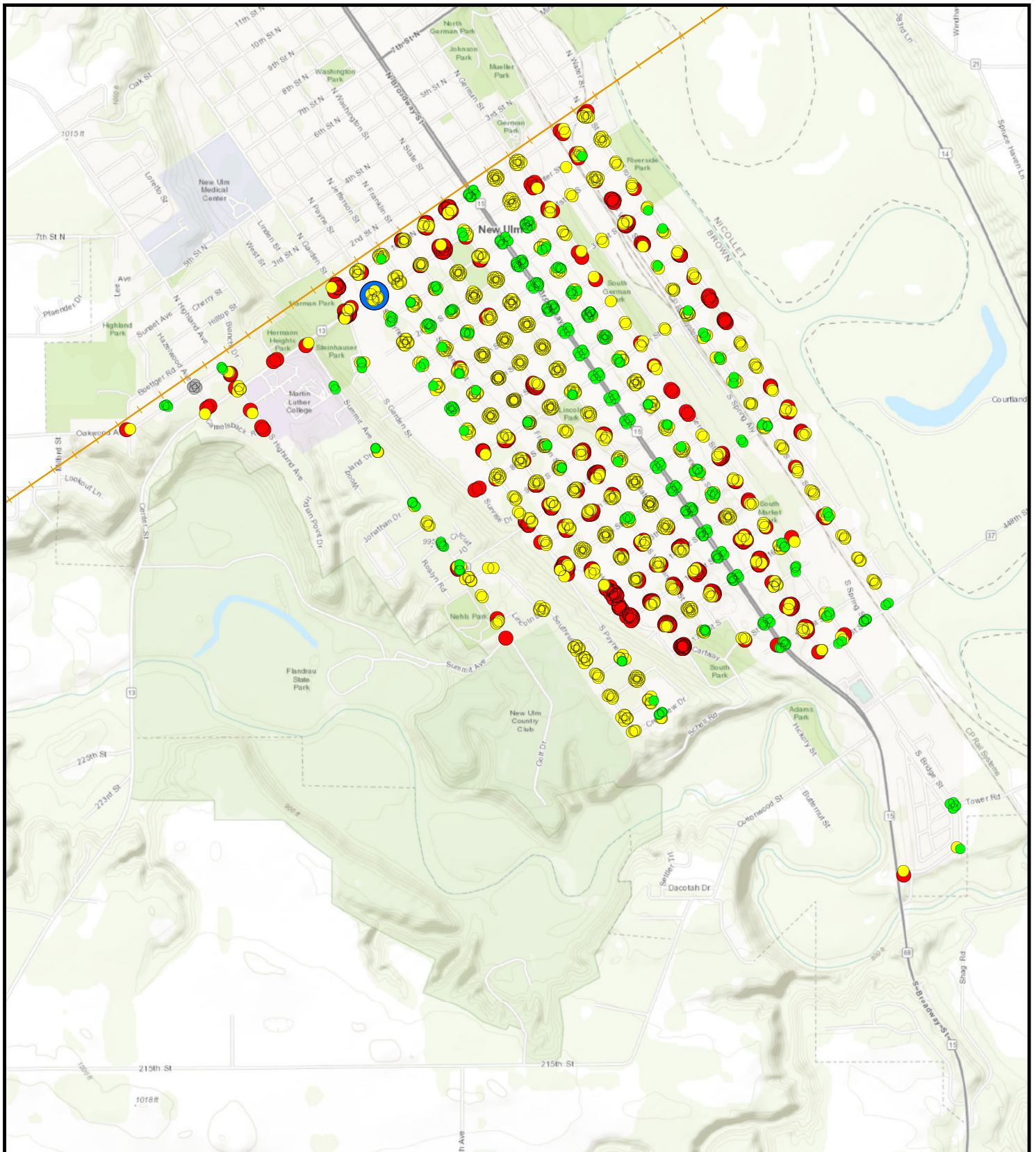
Legend

- Unverified (41)
- Tier 1 (236)
- Tier 2 (806)
- Tier 3 (304)
- Matchline

Source: City of New Ulm, Brown County, MnDOT, ESRI

North

Figure 01
July, 2018



0 1,000 2,000 Feet

PEDESTRIAN RAMPS

City of New Ulm
ADA Transition Plan



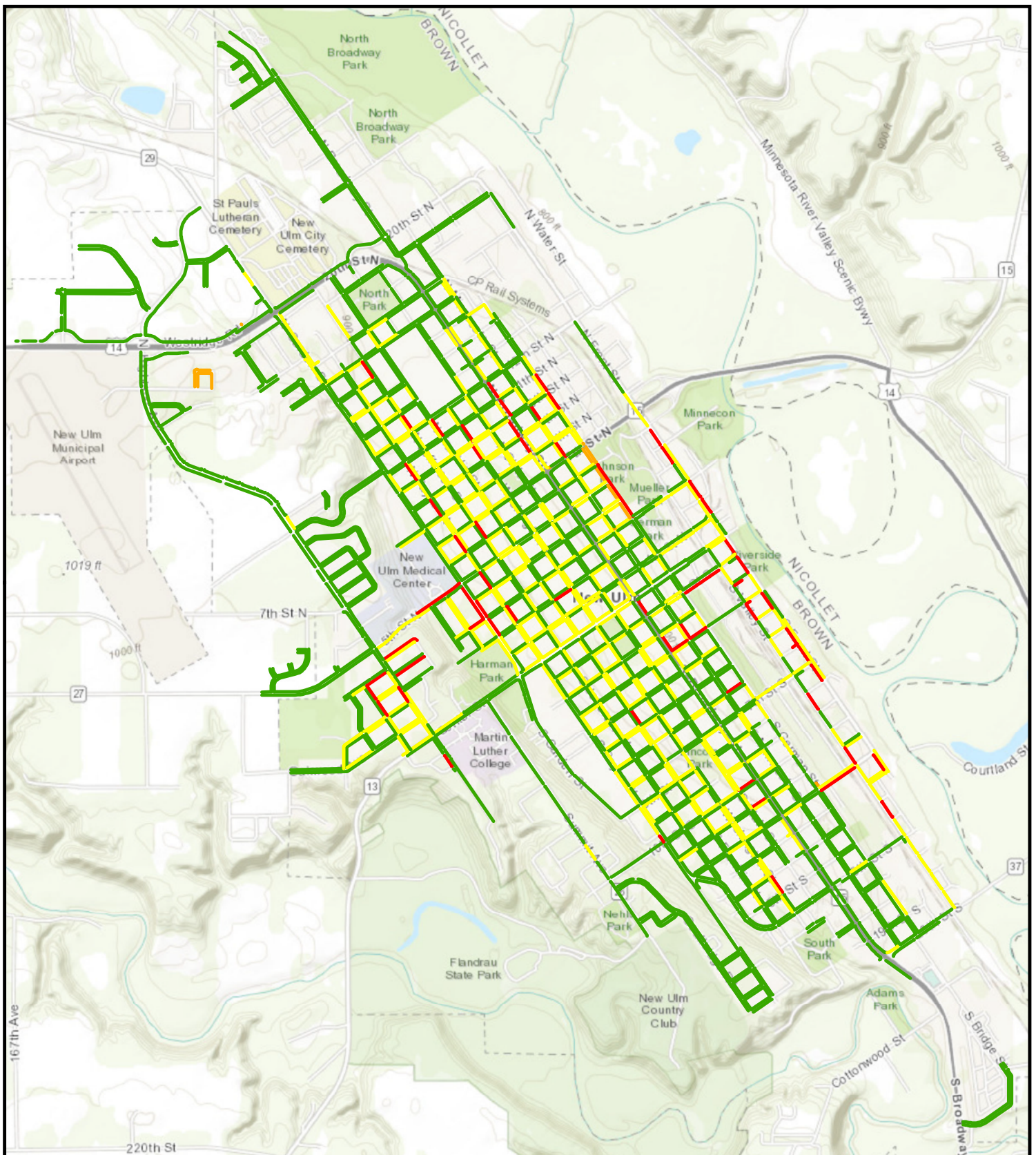
Stonebrooke
Engineering Responsible Solutions™

Legend

- Unverified (4)
- Tier 1 (268)
- Tier 2 (850)
- Tier 3 (277)
- Signalized Intersection
- Matchline

Source: City of New Ulm,
Brown County, MnDOT, ESRI

South
Figure 02
July, 2018



0 1,250 2,500 Feet

SIDEWALK

City of New Ulm ADA Transition Plan



Stonebrooke
Engineering Responsible Solutions™

Legend

- | | |
|--|---|
| — Tier 1 (76 mile) | — Tier 3 (5 mile) |
| — Tier 2 (30 mile) | — Unverified (1 mile) |

Source: City of New Ulm, Brown County, MnDOT, ESRI

Figure 03
July, 2018

Appendix C – Agency ADA Design Standards and Procedures

Design Procedures

Intersection Corners

The City of New Ulm intends to construct or upgrade curb ramps to achieve compliance as part of its capital improvement program. 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 of whether 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 of New Ulm will construct or upgrade sidewalks and trails to achieve compliance as part of its capital improvement program. 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 of whether 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.

Bus Stops

The City of New Ulm staff will coordinate with Brown County and Heartland Express upon request for new bus stops and require that they be made ADA compliant to the extent practical and feasible.

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 New Ulm engineering department generally follows the guidelines identified in PROWAG when practical and feasible.

Appendix D – ADA Coordinator

Public Right of Ways

ADA Title II Coordinator & Implementation Coordinator

Name: Steven P. Koehler, P.E.
Or current City Engineer

Address: 100 N Broadway Street
New Ulm, MN 56073

Phone: 507.359.8380

Fax: 507.359.8306

E-mail: SteveK@newulmmn.gov

Appendix E – ADA Public Notice

As part of the ADA requirements the City engineering department 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 New Ulm will not discriminate against qualified individuals with disabilities on the basis of disability in City 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 engineering department 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 engineering department** program, service, or activity, should contact the office of the ADA Coordinator for Public Rights of Way (see **Appendix D**) 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.

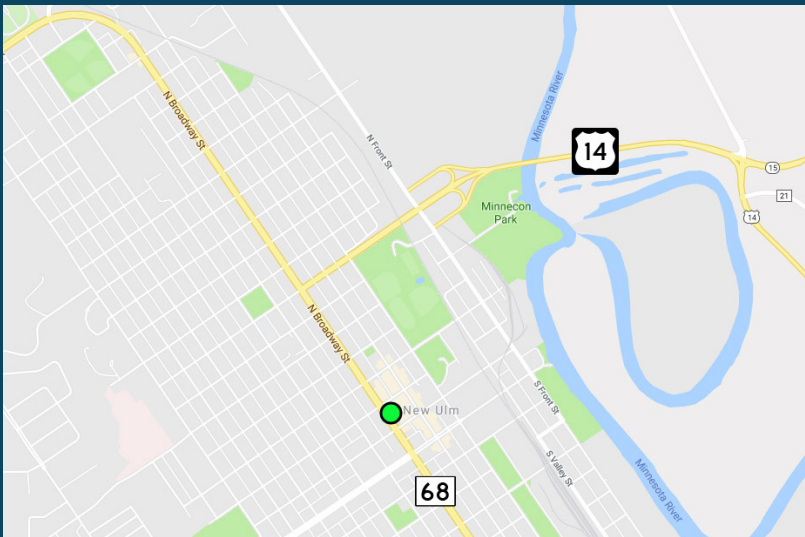
Appendix F – Public Outreach Materials



City of New Ulm ADA Transition Plan - Open House

The City of New Ulm is preparing a formal transition plan to meet its ADA obligations for program accessibility under the Department of Justice's Americans with Disabilities Act (ADA) Title II regulations 28 CFR Part 35.150 for **pedestrian facilities located within the public roadway right of way**. The City of New Ulm must ensure that services, programs and activities, when viewed in their entirety, are accessible to people with disabilities. While the City has made considerable progress in ensuring accessibility for pedestrian facilities within the public right of way since the inception of the ADA in 1990, the preparation of a formal transition plan will provide momentum for continued accessibility improvements.

An Open house meeting is being held to provide an opportunity for the public to share insights on challenging situations experienced by handicapped individuals in when using pedestrian facilities within the public right of way in the City of New Ulm.



Open House

Thursday, September 20, 2018

5:30 – 7:00 p.m.

New Ulm City Hall

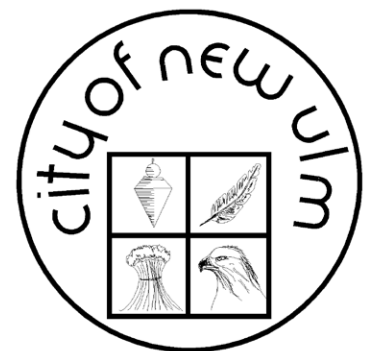
100 North Broadway

New Ulm, MN 56073

The draft ADA Transition Plan is available for review on the City website, www.newulmmn.gov, on the Engineering Department page.

Why should I participate?

- Your assistance in identifying any challenges, barriers or obstacles you encounter in using pedestrian facilities in the public right of way will be helpful in prioritizing accessibility improvements.
- Your participation will contribute to a quality transition plan for pedestrian facilities within the public right of way and ultimately improve accessibility for persons with disabilities throughout the City of New Ulm.





What is an ADA Transition Plan?

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.

As a provider of public transportation services and programs, the City of New Ulm must comply with this Act, and has developed a Transition Plan detailing how the City will ensure that all transportation facilities are accessible to all individuals.

The City of New Ulm must meet these general requirements for individuals with disabilities:

- Access to all public programs and places
- Modification of policies that deny equal access
- Effective communication procedures
- An ADA Coordinator that coordinates ADA compliance
- Public notice of ADA requirements
- Grievance procedure for resolution of complaints

The City of New Ulm's goal is to provide ADA-accessible pedestrian design features as part of the City's capital improvement projects (CIP). Design standards and procedures will be kept up to date with nationwide and local best management practices.





ADA Improvement Plan

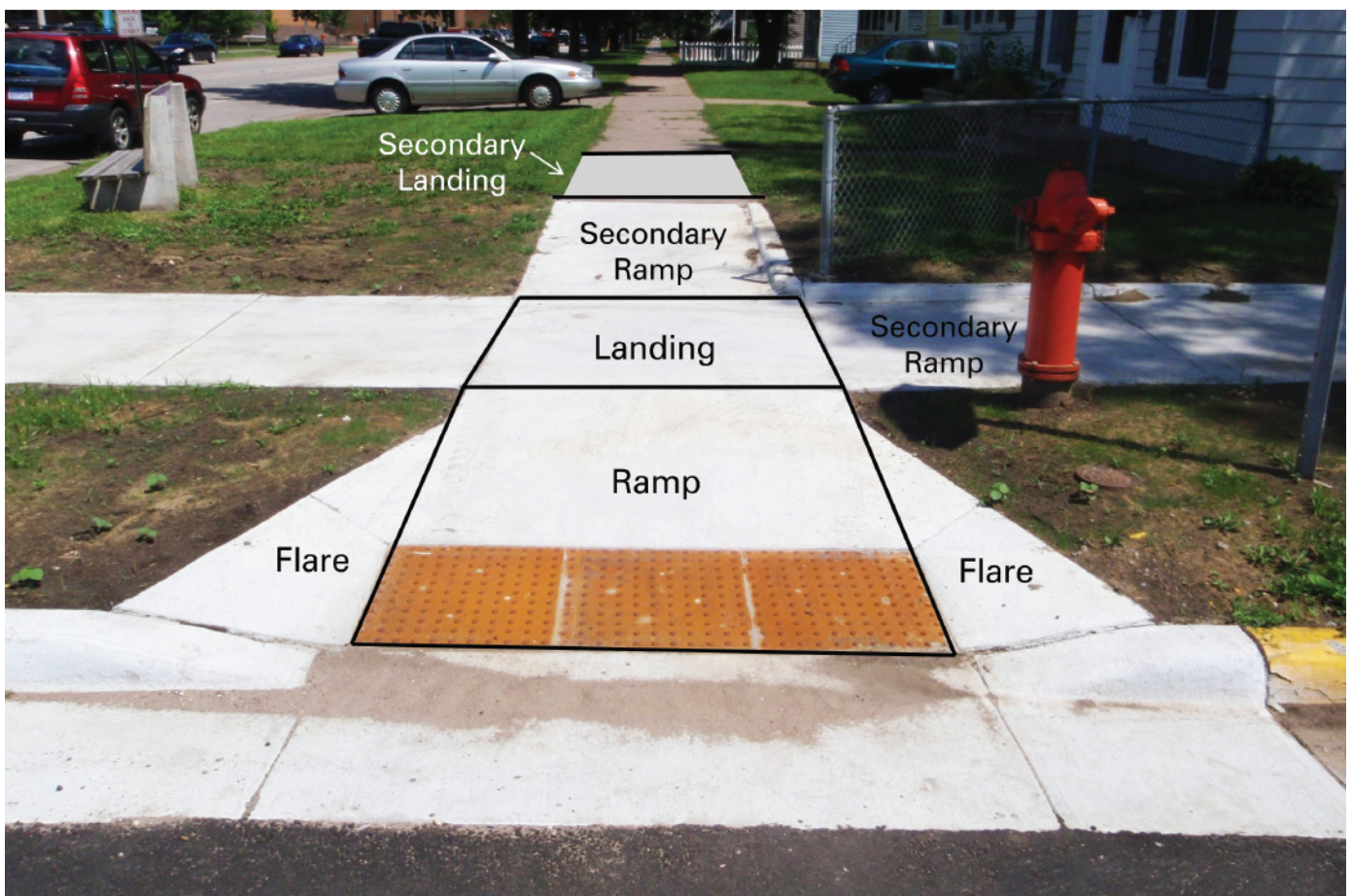
City of New Ulm roadway system ADA improvements are based on projects identified in the City's Capital Improvement Plan and will be addressed using the following criteria:

- All new construction projects and City reconstruction projects with pedestrian facilities will be designed and constructed to conform with the most current ADA design practices to the extent feasible.
- ADA improvements on county rehabilitation or resurfacing projects will be addressed on a case-by-case basis.
- ADA improvements requested by the public will be evaluated by City staff. Evaluation criteria will include pedestrian volumes, traffic volumes, condition of existing infrastructure and public safety.

City of New Ulm Goals:

- After 3 years, items identified in the City's Capital Improvement Plan will be ADA-Compliant.
- After 20 years, 80 percent of accessibility features within the jurisdiction of the City will be ADA compliant.





Curb Ramp Elements

Without these basic ramp elements, sidewalk travel can be dangerous, difficult, and in some cases impossible for people who use wheelchairs, scooters and other mobility aids.

Curb ramps allow people with mobility impairments to gain access to the sidewalks and to pass through center islands in streets. Without accessible ramps, these individuals are forced to travel in streets and roadways, are put in danger, and/or are prevented from reaching their destination.





ADA Coordinator

The City of New Ulm has identified an ADA Title II Coordinator to oversee City policies and procedures:

Steve Koehler

or current City Engineer
City of New Ulm
100 N Broadway St
New Ulm, MN 56073

Phone: 507-359-8380

Fax: 507-359-8306

E-mail: SteveK@newulmmn.gov

More information is available at:

www.newulmmn.gov



Appendix G - Grievance Procedure

Prior to filing a grievance, the public is strongly encouraged to contact the Public Rights of Way ADA Coordinator to discuss any concerns regarding City facilities located within the public right of way. The ADA Coordinator role is designed to provide a point of contact for the public to address concerns. It is anticipated that most concerns identified will be able to be resolved by the ADA Coordinator. Contact information for the ADA coordinator can be found in Appendix D of this document.

City of New Ulm - Public Rights of Way

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 within the public right of way by the City of New Ulm Engineering Department. The City'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 their designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA Coordinator. Contact information can be found in **Appendix D** of this document.

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

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

Within thirty calendar days after receipt of the appeal, the City Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within thirty

calendar days after the meeting, the City Manager 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 the ADA Coordinator or their designee, appeals to the City Manager or their designee, and responses from these two offices will be retained by the City in accordance with state and federal law.

City of New Ulm Public Rights of Way Grievance Procedure

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

- Internet
City of New Ulm ADA website at www.newulmmn.gov and click the link to the ADA Complaint Form. A copy of the ADA Complaint Form is included with this document in Appendix I.
- Telephone
Contact the Public Rights of Way ADA Coordinator as specified in **Appendix D** to submit an oral grievance. The Public Rights of Way ADA Coordinator will prepare and submit the complaint form on behalf of the person filing the grievance.
- Paper Submittal
Contact the Public Rights of Way ADA Coordinator as specified in **Appendix D** to request a paper copy of the complaint form, complete the form, and submit it to the ADA Coordinator.

The ADA Complaint 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.

If the grievance filed does not concern a City of New Ulm pedestrian facility within the public right of way, the City will work with the complainant to contact the agency that has jurisdiction.

A City of New Ulm staff person will conduct an investigation necessary to determine the validity of the alleged violation. As a part of the investigation, the staff person may conduct an engineering study to help determine the 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 New Ulm.

Accordingly, the resolution by the City of New Ulm of any one grievance does not constitute a precedent upon which the City 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 law.

Complaints on 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 H – Complaint Form

See the following four pages for complaint form.

City of New Ulm Public Rights of Way Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form

Prior to filing a grievance, the public is strongly encouraged to contact the Public Rights of Way ADA Coordinator to discuss any concerns regarding City pedestrian facilities within the public right of way. The ADA Coordinator role is designed to provide a point of contact for the public to address concerns. It is anticipated that most concerns identified will be able to be resolved by the ADA Coordinator. Contact information for the ADA coordinator can be found in Appendix D of this document.

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

Complainant Name:

Street 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/Business or Both):

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

Name:

Street Address:

City:

County:

State and Zip Code:

Telephone Number:

When was the issue discovered/when did the problem occur? (Date):

Describe the issue in detail, providing the name(s) where possible of the individuals who have been contacted. (Add additional pages if necessary):

Have prior efforts been made to resolve this complaint through the grievance procedure?

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:

Street Address:

City, State, and Zip Code:

Telephone Number:

Date Filed:

Do you intend to file with another agency or court?

Yes ☐ No ☐

If Yes: Agency or Court:

Address:

Telephone Number:

Signature: -----

Date:-----

Return to:

ADA Coordinator as specified in **Appendix D**.

NOTICE OF RIGHTS

In accordance with the Minnesota Government Data Practices Act, the City of New Ulm is required to inform you of your rights as they pertain to the private information collected from you. Your personal information we collect from you is private. Access to this information is available only to you and the agency collecting the information and other statutorily authorized agencies, unless you or a court authorizes its release.

The Minnesota Government Data Practices Act requires that you be informed that the following information, which you are asked to provide, is considered private.

The purpose and intended use of the requested information is:

To assist City staff and designees to evaluate and respond to accessibility concerns within the public right of way.

Authorized persons or agencies with whom this information may be shared include:

The City of New Ulm officials, staff or designee(s)

Furnishing the above information is voluntary, but refusal to supply the requested information will mean:

The City of New Ulm staff may be unable to respond to or evaluate your request.

MINN. STAT. §13.04(2)