



ADA Transition Plan for City Rights of Way City of Brooklyn Center

5/28/2019



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. 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."

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Introduction

Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA) was 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, the City of Brooklyn Center (City) must comply with this section of the ADA 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 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 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 the City’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 of 1968 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 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 is required, under Title II of the 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's 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.

Policies and Practices

Previous Practices and Current Practices

Since the adoption of the ADA, the City has strived 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. Past projects include 1993 ADA Transition Plan, along with improvements in neighborhood reconstruction projects.

The engineering department will consider and respond to all accessibility improvement requests within the right of way. Requests should be sent to the ADA coordinator as specified in **Appendix D**. All accessibility improvements that have been determined to be 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 possible.

Following are descriptions of the various policies and practices the City uses to assist with ADA compliance.

Transportation Projects

The City's goal is to continue to provide and upgrade accessible pedestrian facilities as part of transportation projects. During the development of project plans, staff will inspect, inventory

and plan for any required improvements to pedestrian facilities located in the public right of way to ensure ADA compliance. The city has established ADA design standards and procedures as detailed in **Appendix G**

Street Reconstruction Projects

The City's street infrastructure is upgraded and maintained through Street Reconstruction Projects. The City is divided into 17 neighborhoods and projects are planned based on these neighborhood areas. The projects provide a systematic approach to managing the City's transportation infrastructure, including pedestrian facilities within the right-of-way. The City incorporates ADA accessible pedestrian features into its reconstruction projects, including street rehabilitation and sidewalk maintenance. The segments of streets and sidewalks are selected based on condition, budget and are updated annually within the City's 15 Year Capital Improvement Program (CIP) to reflect current infrastructure needs.

Bike, Sidewalk and Trail Projects

The City has an approved Pedestrian & Bicycle Plan (adopted by the City Council on March 24, 2014), with the goal to improve connectivity, safety and accessibility and overall community livability of the citywide network of sidewalks and trails. At times, its necessary to schedule sidewalk and trail construction separately from street and transportation projects. These projects will incorporate pedestrian ADA facility upgrades and improvements as necessary.

Traffic Control Signal Projects

The City is responsible for eight traffic control signals in Brooklyn Center. At times it is necessary to schedule traffic signal repair and replacement separately from street and transportation projects. These projects are driven by traffic control conditions and operations at the intersections and will incorporate pedestrian facility upgrades as necessary and feasible.

Inventory

In 2016 and 2017, the City conducted an inventory of pedestrian facilities within its public right-of-way consisting of the evaluation of following City owned facilities:

- 45.6 miles of sidewalks
- 839 curb ramps
- 15.7 miles of trails
- 8 signalized intersections

A detailed evaluation on how these facilities relate to ADA standards is found in **Appendix B** and will be updated periodically. The engineering department will further assess accessibility of pedestrian ramps and traffic signals in advance of the CIP projects to allow for the design of ADA compliant pedestrian facilities. As resources allow, the department will gather additional

data to assist in determining levels of ADA compliance of pedestrian facilities to assist in prioritizing and programing funds for projects to be added to the CIP.

ADA Coordinator

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

Implementation Schedule

Policy

The City's goal is to continue to provide accessible pedestrian design features as part of the CIP projects. The City has established ADA design standards and procedures as listed in **Appendix G**. 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. 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 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 (Sidewalk Maintenance Policy, Snow and Ice Control Policy).

Methodology

The City 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 15 year CIP on a case by case basis as determined by Brooklyn Center staff. The City CIP, which includes a detailed schedule and budget for specific improvements, is updated annually.

External Agency Coordination

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

Prioritization and Schedule

The City will include accessibility improvements in all transportation projects planned in the CIP. The CIP is reviewed on an annual basis and will be revised as needed to address accessibility priorities with the needs of the City's overall transportation system.

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

- Traffic signals, pedestrian ramps and sidewalks will be addressed through the neighborhood reconstruction projects from scheduling and constructing improvements.
- Any facilities identified as an existing hazard or compliance issue that City staff believes needs to be addressed by a set date will have a work order issued or it will be incorporated into a CIP project.
- After 15 years, 70 percent of accessibility features within the jurisdiction of City should be ADA compliant.

Public Outreach

The City 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 the City.

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

Advance notice of upcoming information meetings

City newsletter article highlighting the public comment period,

CXX tv spot highlighting public comment period,

Social media post

ADA Transition Plan City webpage

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 C**.

Grievance Procedure

Under the ADA, 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 the City 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**, with a complaint form in **Appendix E**.

Monitor the Progress

This document will continue to be updated as conditions within the City evolve. The appendices in this document will be updated periodically, while the main body of the document will be updated as needed with a future update schedule to be developed at that time. With each main body update, a public comment period will be established to continue the public outreach.

Appendices

A. Glossary of Terms

B. Self-Evaluation Results

C. Public Outreach

D. Grievance Procedure

E. Grievance Form

F. Contact Information

G. Agency ADA Design Standards and Procedures

Appendix A – Glossary of Terms

ABA: Architectural Barriers Act.

ADA: Americans with Disabilities Act.

ADA Transition Plan: MnDOT’s transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the Statewide Transportation Improvement Program (STIP) and ensures all transportation facilities, services, programs and activities are accessible to all individuals.

ADAAG: 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 ADA of 1990.

APS: 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): Capital Improvement Plan provides long-term planning and management of infrastructure and buildings throughout the City. The CIP is a planning document that presents a 15-year overview of scheduled capital projects to address the City’s goals for maintaining public infrastructure in four functional areas: street improvements, park improvements, public utilities and capital building maintenance Improvements. A capital

improvement is defined as a major non-recurring expenditure related to the City's physical facilities and grounds.

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: 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.

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.

Appendix B – Self-Evaluation Results

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

- 58% percent of sidewalks met accessibility criteria (26.44 miles)
- 26% percent of curb ramps met accessibility criteria (220/839)
- 100% percent of traffic control signals had Accessible Pedestrian Signal(APS) (8/8)
 - 13% percent of traffic control signals had push buttons that are accessible (1/8)

The inventory of the pedestrian ramps and traffic signals in the city public right of way can be found at the city’s ADA transition plan webpage.

The inventory of the pedestrian ramps and traffic signals in the city public right of way can be found at the city’s ADA transition plan webpage:

<http://www.cityofbrooklyncenter.org/index.aspx?nid=1262>

Appendix C – Public Outreach

The Following is a description of the City’s outreach program for the ADA Transition Plan – Public Rights-of-Way.

- Gave the residents advance notice of the upcoming public outreach period for the City’s ADA Transition Plan – Public Rights-of-Way in December 2018 City newsletter via “save the date” ad
- The City also sent a letters to various governmental and non-profit agencies requesting help with additional information concerning ADA plans or possible groups within the community to focus outreach too. This attempt yielded little benefits as the City was only contacted by one agency and only a day or two before the event.
- A flyer was sent to local religious organizations with meeting times for the public comment meetings.
- The meeting dates and times for the Open House meetings were broadcasted on social media and a local community access TV spot with the a broadcast on a local TV channel and via their webpage.
- The City held three meeting at different times to provide flexibility with peoples schedules, one during the day (April 17, 2019 at 2pm) , one in the evening April 25, 2019 at 5pm) and one on the weekend (April 27, 2019 at 10am). The April 27 public comment meeting was part of a larger community health event put on by the City.
- Over the course of the month long public comment period the City had a webpage <http://www.cityofbrooklyncenter.org/index.aspx?nid=1262> with a draft plan and information on how to provide comments.

All comments from the public comment period are included within the plan.



UPDATES

→ Under Construction

- Bank of America (2545 County Rd 10) – Winter 2018
- HOM Furniture /Two-story Addition (2501 County Rd 10) – Winter 2018/2019
- Hennepin County Service Center—Courtroom Addition (6125 Shingle Creek Pkwy) – Winter 2018/2019
- Medtronic—Addition (6800 Shingle Creek Pkwy) – Spring 2019
- Indoor Commercial Storage Facility (1950 57th Ave N) – Winter 2018/2019
- Lux Apartments (6100 Summit Dr N)— Winter 2018
- BT Nails (1480 Shingle Creek Crossing) – Winter 2018/2019
- Lee Carlson Center/Clinic-Based Therapy (5540 Brooklyn Blvd) – Spring 2019
- Milavetz, Gallop, & Milavetz—Addition (1915 57th Ave N) – Spring 2019
- Fairfield Inn and Suites (6250 Earle Brown Dr) – Summer 2019
- Luther Mazda/Mitsubishi Dealership (4435 68th Ave N) – Summer 2019

→ Approved Plans

- Casey’s Gas Station and Convenience Store (2101 Freeway Blvd) – Anticipated Construction Start: Fall 2018
- Brooklyn Center Secondary School (6500 Humboldt Ave N) – Anticipated Construction Start: Winter 2019
- Unity Place (7256 Unity Ave N) – Anticipated Construction Start: Winter/Spring 2019
- Earle Brown Elementary School (1500 59th Ave N) – Anticipated Construction Start: Summer 2019

→ Now Open

- Bizzy Coffee-Headquarters (2700 Freeway Blvd, Suite 200) – Opened September 2018
- Nompeng Academy (6201 Noble Ave N) – Opened September 2018
- TopGolf (6420 Camden Ave N) – Opened September 2018

DRAFT 2040 COMPREHENSIVE PLAN COMPLETE

The City of Brooklyn Center has completed its Draft 2040 Comprehensive Plan, and it is now available for public comment. The Draft Plan can be found here: www.brooklyncenterplan2040.com

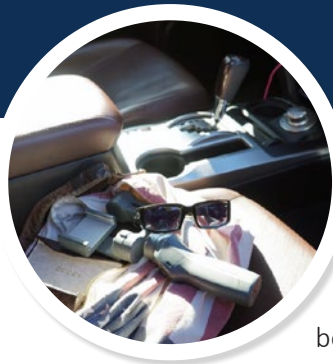
The City is looking for feedback on the Draft Plan, and input on how it will be implemented over the next ten years. In order to help provide feedback, the City has a survey that asks questions related to the plan. Residents are invited to take the survey, and use the questions to provide input on what is in the Draft Plan. The survey can be found on the City’s Comprehensive Plan website here: www.brooklyncenterplan2040.com

In addition to getting feedback from the community, neighboring communities, along with Hennepin County and the school districts are also invited to comment on the Draft Plan.

The period for public comment will close at the end of January. At that time the City will incorporate the comments that were received into a Final Plan, and once the Final Plan is approved by the City Council, will submit it to the Metropolitan Council for final approval and adoption. It is anticipated that this will happen in May 2019.

SAVE THE DATE: ADA TRANSITION PLAN MEETING

In early 2019, the City of Brooklyn Center will be looking for public comments in regards to the City’s draft ADA Transition Plan. The draft plan address facilities within the City’s Public Rights of Way like pedestrian ramps, sidewalks and signalized crossings at intersections as it relates to the American’s with Disabilities Act. For information on ways you can participate connect with us through social media at cityofbrooklyncenter.org/socialmedia, visit our website at cityofbrooklyncenter.org or contact Public Works at publicworks@ci.brooklyn-center.mn.us with questions.



PREVENTING AUTO THEFTS

With the cooler months upon us, we need to remember a few basic tips so that we do not become victims of auto theft or theft from autos.

- Lock your vehicle.
- Do NOT leave valuables visible in your car. Lock them in your trunk before you reach your destination. Even small items such as loose change or sunglasses can be attractive to a thief.
- Do NOT leave your vehicle running unattended with the keys in the ignition to warm up. It takes only seconds for a thief drive away with your car.
- Under Brooklyn Center City Ordinance 27-122, which applies to unattended motor vehicles, it is a misdemeanor to leave a vehicle unattended without stopping the engine and removing the keys; you can be ticketed for this! Vehicle remote start systems where the key is removed from the ignition are exempt from ordinance 27-122.
- Know your vehicle – especially if it is a ‘push button’ or ‘proximity key’ enabled vehicle. Some vehicles can be driven without the key inside of the vehicle or in the ignition. Test your car before leaving it running unattended or ask your vehicle dealer or mechanic about how your vehicle operates.
- If your vehicle can be driven without the keys in the ignition or a key fob inside of the vehicle, you can be ticketed for violation of ordinance 27-122.
- The best option for warming up your vehicle is utilizing a remote engine start system!

If you have questions, please contact Auto Theft Officer, Brandon Zabel at 763-503-3240 or bzabel@ci.brooklyn-center.mn.us

BROOKLYN CENTER'S ADA TRANSITION PLAN



The City of Brooklyn Center will be looking for public comments in regards to the City's draft ADA Transition Plan. The draft plan address facilities within the City's Public Rights of Way like pedestrian ramps, sidewalks and signalized crossings at intersections as it relates to the American's with Disabilities Act. For

more information on engagement opportunities, connect with us through social media at cityofbrooklyncenter.org/socialmedia, visit our website at cityofbrooklyncenter.org or contact Public Works at publicworks@ci.brooklyn-center.mn.us with questions.



BCPD Hosts SHOP WITH A COP

On December 6th the Brooklyn Center Police Department participated in one of two Shop with a Cop Programs. We hosted school social workers and several families from area Brooklyn Center schools. We asked the school's social workers to complete an application on youth they believe were in need. We had 15 kids at Walmart and it went great. The kids were very excited to shop for their parents and siblings.

The first and unfortunately last Shop With a Cop at Brooklyn Center's Target was held on Thursday, December 13. We hosted 17 kids and Target gave each family member a bag of numerous essentials to take home.

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Use your QR Reader App to learn more.



2019 SAVE THE DATE

April 16

Police and Citizen Awards

7:00-9:00pm (CC)

ACCESSABILITY INC
360 HOOVER STREET NE
MINNEAPOLIS MN 55413-2940

BLIND INC
100 EAST 22ND STREET
MINNEAPOLIS MN 55404-2514

METROPOLITAN CENTER FOR
INDEPENDENT LIVING
530 ROBERT STREET N
ST PAUL MN 55101

COMMUNICATION SERVICE FOR THE
DEAF
2375 UNIVERSITY AVENUE W #110
ST PAUL MN 55114

DEAFBLIND SERVICES MN
1936 LYNDALE AVENUE S
MINNEAPOLIS MN 55403

MINNESOTA ASSOC OF DEAF CITIZENS
INC
1824 MARSHALL AVENUE
ST PAUL MN 55104

NATIONAL FEDERATION OF THE BLIND
OF MINNESOTA
100 EAST 22ND STREET
MINNEAPOLIS MN 55404-2514

REACH FOR RESOURCES
5900 GREEN OAK DRIVE #303
MINNETONKA MN 55343

VISION LOSS RESOURCES – WEST
METRO OFFICE
1936 LYNDALE AVENUE S
MINNEAPOLIS MN 55403-3101

DEAF AND HARD OF HEARING
SERVICES DIVISION
444 LAFAYETTE ROAD
ST PAUL MN 55155

DISABILITY SERVICES DIVISION
540 CEDAR STREET
ST PAUL MN 55155

MINNESOTA RESOURCE CENTER:
BLIND/VISUALLY IMPAIRED
1500 HIGHWAY 36W
ROSEVILLE MN 55113-4035

MINNESOTA RESOURCE CENTER:
DEAF/HARD OF HEARING
1500 HIGHWAY 36W
ROSEVILLE MN 55113-4035

ACCESS PRESS
161 ST ANTHONY AVENUE #910
ST PAUL MN 55103

January 29, 2019

RE: ADA Transition Plan for Public Rights-of-Way and 2019 Community Health and Wellness Week

The City of Brooklyn Center is looking for public feedback in regards to its ADA Transition plan for Public Rights-of-Way. At this time, the City has completed a self-evaluation of its right-of-way facilities. The self-evaluation 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:

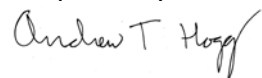
- sidewalks,
- curb ramps,
- bicycle/pedestrian trails, and
- traffic control signals that are located within the City's rights-of-way.

Any barriers to accessibility identified in the self-evaluation and remedy to the identified barrier are set out in this transition plan. Our next step is to gather input on the plan from the public, but we need your help. In order to gather worthwhile feedback, our goal is to develop a strategy to reach those affected by the plan. Do you have any resources/contacts you could provide to help us to best reach and communicate this plan to residents with disabilities. Depending upon the disability, what would be the best way to reach these groups?

Secondly, the City is having a health fair on April 27, 2019, from 9 a.m. – 4 p.m. The goal of 2019 Community Health and Wellness Week initiative is to increase visibility of health and wellness resources within the Brooklyn Center community, increase personal health awareness, provide a variety of health screenings and education and motivate attendees to make a positive health behavior change. If you are interested in learning more about how your organization can participate as a vendor and/or event sponsor, please contact Dr. Angel Smith, Communications and Community Engagement Manager by Monday, February 11, 2019, at asmith@ci.brooklyn-center.mn.us or 763-569-3395.

Thank you in advance for your time and any assistance you can provide regarding the inquiries.

Respectfully,



Andrew Hogg, Assistant City Engineer

ahogg@ci.brooklyn-center.mn.us

763-569-3327

AMERICANS WITH DISABILITIES (ADA) TRANSITION PLAN FEEDBACK

The City of Brooklyn Center is looking for public feedback in regards to its ADA Transition plan for Public Rights-of-Way. At this time, the City has completed a self-evaluation of its right-of-way facilities. The self-evaluation 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:

- sidewalks,
- curb ramps,
- bicycle/pedestrian trails, and
- traffic control signals that are located within the City's rights-of-way.

Any barriers to accessibility identified in the self-evaluation and remedy to the identified barrier are set out in this transition plan. Our next step is to gather input on the plan from the public, but we need your help.

Public meetings for the transition plan will be held at the City of Brooklyn Center City Hall in the Council Chambers located at 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430 on the following dates to solicit comments from the public:

April 17 - 2 to 3 p.m.

April 25 - 5:30 to 6:30 p.m.

April 27 - 10 to 11 a.m.



SCHEDULE

Saturday, April 27, 2019

Work Well. Live Well. Be Well

TIME	EVENT	PRESENTER	LOCATION
8:00 AM TO 10:00 AM	BOOTH SET-UP		Constitution Hall (CC)
8:00 AM TO 11:00 AM	Shingle Creek Clean Up (Registration)	Shelley Marsh, Engineering Tech III (City of Brooklyn Center)	Area outside of Constitution Hall (CC)
9:00 AM TO 9:45 AM	DEMONSTRATION: Yoga / Meditation	Floyd Williams (Thought Healing)	Cohen (CC)
10:00 AM TO 3:30 PM	BOOTHS OPEN		Constitution Hall (CC)
10:00 AM TO 10:30 AM	COFFEE AND CONVERSATION WORKSHOP: 30 Minutes Can Save Your Life (Financial Health)	Emmanuel Egbujor (Primerica)	Cohen (CC)
10:00 AM TO 11:00 AM	COFFEE AND CONVERSATION WORKSHOP: Americans with Disabilities Act (ADA) Transition Plan	Andrew Hogg, ADA Public Rights-of-Ways Coordinator (City of Brooklyn Center)	City Hall (Council Chambers)
10:45 AM TO 11:15 AM	WELCOME & VENDOR /SPONSOR THANK YOU	Mike Elliott, Mayor (City of Brooklyn Center) & Community Health Fair Committee	Constitution Hall (CC)
11:15 AM TO 11:45 AM	DEMONSTRATION: The Joy and Comfort of Mindful Eating	Michelle Auld, District Wellness Coordinator (Brooklyn Center Community Schools)	Cohen (CC)
12:00 PM TO 12:45 PM	LUNCH & LEARN WORKSHOP: Overcoming Adversity – The Impact of Stress on Health and Well Being <i>Lunch Sponsor: Panera Bread *RSVP Required, Limited Seating</i>	Chris Bray, Ph.D., MA.L.P., Co-Director, Center for Resilient Families & Associate Director of ITR (University of Minnesota) & Cindy Devonish, MM, Community Engagement Specialist (City of Brooklyn Center)	Cohen (CC)
1:00 PM TO 1:30 PM	DEMONSTRATION: Getting Fit While You Sit	Dr. Allie Danielson, DC (Trillium Chiropractic)	Cohen (CC)
1:45 PM TO 2:15 PM	WORKSHOP: Skin-Lightening Practice and Chemical Exposures	Amira Adawe, Executive Director (The Beautywell Project)	Cohen (CC)
2:30 PM TO 3:15 PM *EVERY 15 MINS.	DEMONSTRATION: Amateur Boxing	Rahim Shabazz (Circle of Discipline)	Cohen (CC)
3:30 PM TO 4:00 PM	BOOTH TEAR DOWN		Constitution Hall (CC)

** City of Brooklyn Center Community Center (CC), located at 6301 Shingle Creek Parkway
cityofbrooklyncenter.org

Open House

ADA Transition Plan Public Rights-of-Way

Open House

April 2019

Strategic Priorities - Safe, Secure, Stable Community



Agenda

- Purpose and Goals
- Types of Pedestrian Facilities
- ADA Transition Plan Highlights
- Next Steps
- Questions & Comments

Purpose and Goals

- What?
 - Public right-of-ways and facilities are required to be accessible to persons with disabilities through Compliance with Title II of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973
 - Prohibits public agencies from discriminating on the basis of disability by excluding them from programs, services or activities
 - Requires pedestrian access to persons with disabilities within public rights of way and facilities where pedestrian facilities exists
- When?
 - City Council reviewed the draft plan in late 2018, will approve Final plan after Public Comment periods end in April of 2019

Background

1990
ADA
becomes
law

1993
City made
improvements
to City buildings
facilities to
bring into
compliance

1994 to 2018
City has no formal
ADA Transition Plan
for right-of-way. Has
informal policy of
improvements based
on complaints and
reconstruction
projects

2016 to 2018
Inventory and
draft ADA
Transition Plan
for Public rights-
of-way
completed

Future
Receive
public
comments
and
receive
formal
Council
approval

Types of Pedestrian Facilities

- Street Right of Way
 - Sidewalks (45.6 miles)
 - Curb Ramps (839 ramps)
 - Signals with Pedestrian Crossings (8 intersections)
- Other
 - Parks & Recreation Facilities
 - City Buildings
 - Shared Use Trails (15.7 miles)

Curb Ramps



Signals with Pedestrian Crossings

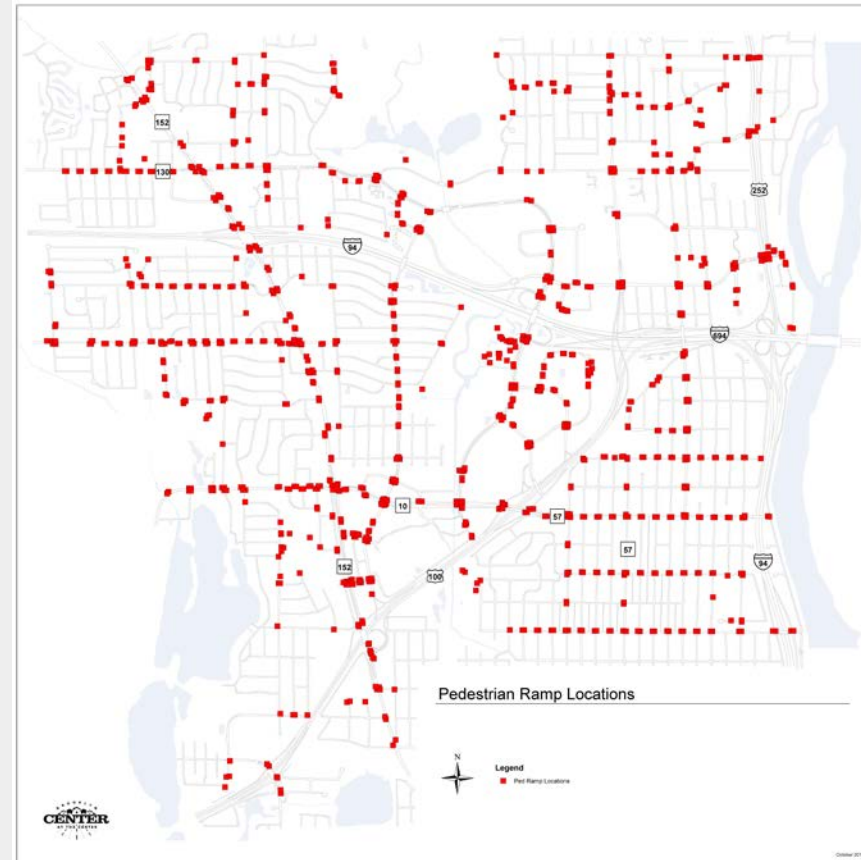


ADA Transition Plan Highlights

- ADA Policy
 - ADA requires public agencies with more than 50 employees to have a Transition Plan
 - Identify physical obstacles in the public agency's facilities that limit accessibility of its programs or activities to individuals with disabilities
- Responsible Official for Implementation of the Plan
 - Assistant City Engineer designated as ADA Coordinator for Public Rights-of-ways
- Self Evaluation
- ADA Guidelines & Design Standards
 - Describe in detail methods that will be used to make the facilities accessible
- Grievance/Complaint Procedures
- Programming, Prioritization and Scheduling of Pedestrian Facility ADA Improvements

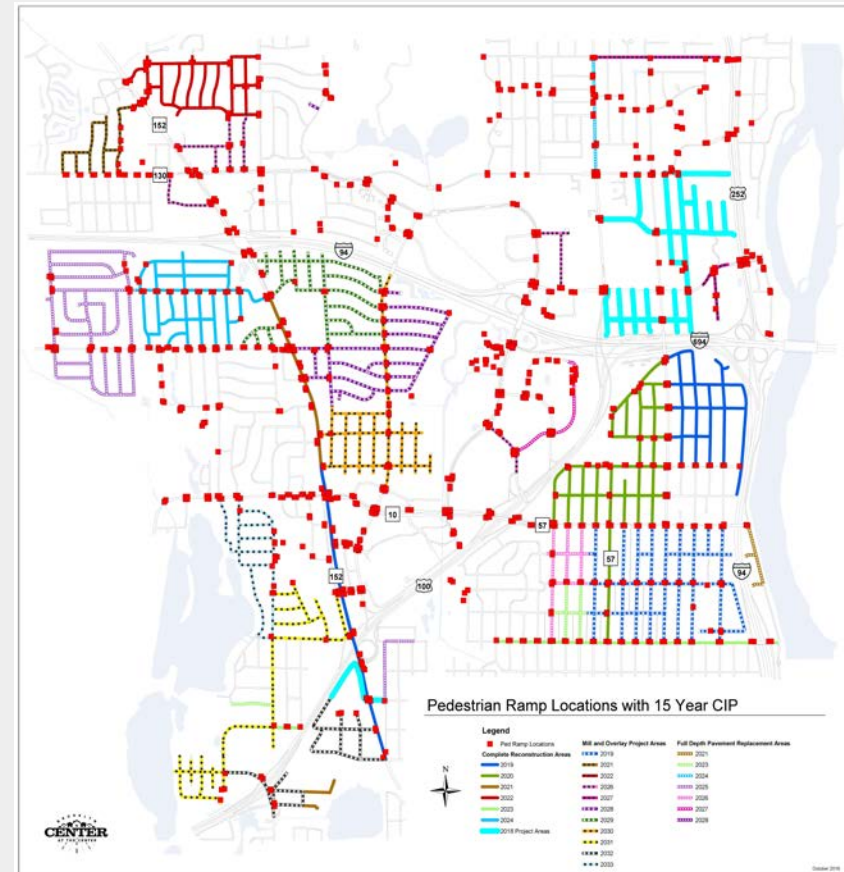
ADA Transition Plan Highlights -Self Evaluation

- Self Evaluation
 - Identify physical obstacles and location
 - Detailed evaluation of each existing curb ramp, sidewalk or traffic signal.
 - Determine the need, costs and priority of improving existing pedestrian facilities City wide.
 - City Owned Pedestrian facilities :
 - Curb Ramps (839 ramps)
 - 220 Compliant (26%)
 - 619 Not Compliant (74%)
 - Sidewalks (45.6 miles)
 - TBD
 - Signals with Pedestrian Crossings (8 intersections)
 - 1 intersection with compliant APS push buttons (12.5%)



ADA Transition Plan Highlights - Implementation Plan

- Implementation Plan
 - Upgrade accessible pedestrian facilities as part of the 15 year CIP
 - Reconstruction Projects
 - Curb Ramps, Sidewalks, Traffic Signals
 - Mill and Overlay Project
 - Curb Ramps
 - Street Maintenance - Sidewalk Maintenance Policy
 - Development & Building Permit Review
 - Review accessibility improvement as requested



ADA Transition Plan Highlights - Implementation Cost

- 2018 City Owned Pedestrian facilities :
 - Curb Ramps (839 ramps)
 - 220 Compliant (26%)
 - 619 Not Compliant (74%)
- After 2019-2033 CIP City Owned Pedestrian facilities :
 - Curb Ramps (839 ramps)
 - 514 Compliant (61%)
 - » 294 would be completed in CIP project areas
 - 325 Not Compliant (39%)
 - » 271 would be in future CIP project areas)
 - » 54 outside of CIP project areas
 - » Note: these values do not address replacement of existing non-compliant walks or trails.
- This represents a significant investment that the City of Brooklyn Center is committed to making to improve accessibility in the City. A systematic approach to providing accessibility will be taken in order to absorb the cost into the City of Brooklyn Center budget for improvements to the public right of way.

ADA Transition Plan Highlights – ADA Guidelines

- ADA Guidelines & Design Standards
 - Public Rights-of-Way Accessibility Guidelines (PROWAG), as adopted by the Minnesota Department of Transportation (MnDOT)
 - Proposed Accessibility Guidelines for Pedestrian Facilities within the Public ROW

ADA Transition Plan Highlights – PROWAG

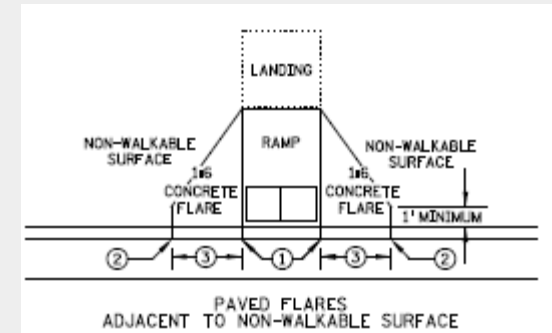
- Sidewalk Technical Requirements

- 4' min clear width
- 2% max cross slope
- Surfaces shall be firm, stable and slip resistant
- Vertical alignment shall be smooth



- Curb Ramp Technical Requirements

- Perpendicular & parallel curb ramps
- 4'x4' turning space (landing)
- 8.3% max running slope
- 2% cross slope
- Surfaces shall be firm, stable and slip resistant
- Detectable warning surface



- Pedestrian Access Routes (PAR)

Next Steps

- Public Input – April 2019
 - Hold 3 public open houses in Spring 2019 to gather comments and plan feedback from residents.
 - Information on City website
 - Incorporate feedback in to draft plan –April/May 2019
 - Formally approve ADA Transition Plan for public right-of-way – May 2019
- *Work still needs to be done to ensure City meets all requirements for ADA in all aspects of the City's programs.

April 25

Debbie Paine

April 27

Karen Allen

YOUR COMMENTS

Appreciate that implementation is done during CRPs. Financial accountability is appreciated.

YOUR INFORMATION (Optional)

Name _____

Address _____

Phone _____

Email _____

YOUR COMMENTS

A only Engagement

Mtg was Just held in Apr
2019

for the

~~At~~ public Ad it was held

at the public works Building

in the upstairs mtg room -

why was this mtg held in an upper →

YOUR INFORMATION (Optional)

Name flow - when No Elizabeth

Address was offered - !!!

The meeting could have been

Phone held in the garage which

Email is on a lower level

Appendix D – 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 ADA Act of 1990, Brooklyn Center 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 ADA Act.

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 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 ADA Coordinator (see **Appendix F**) 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 E – Grievance Form

Prior to filling a grievance, the public is strongly encouraged to contact the public right-of-way ADA Coordinator to discuss any concerns regarding City transportation facilities. The ADA Coordinator's 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 F** of this document.

Purpose

This Grievance Procedure is established to meet the requirements of the ADA Act of 1990. 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. The City's Personnel Policy governs employment-related complaints of disability discrimination.

Procedure

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. Contact information for the ADA Coordinator can be found in Appendix F of this document.

Within 15 calendar days after receipt of the complaint, ADA Coordinator or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, 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 Brooklyn Center and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or their 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 City Manager or their designee.

Within 15 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 15 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 ADA Coordinator or their designee, appeals to the City Manager or their designee and responses from these two offices will be retained in accordance to State and Federal law.

Method

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

Internet

Visit the Brooklyn Center website (cityofbrooklyncenter.org) 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 G**.

Telephone

Contact the pertinent City staff person listed in the Contact Information section of **Appendix G** 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 staff person listed in the Contact Information section of **Appendix G** to request a paper copy of the county’s grievance form, complete the form and submit it to the ADA Coordinator.

Information Required

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 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.

Process

The City will acknowledge receipt of the grievance to the complainant within 10 working days of its submittal. The City 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 a Brooklyn Center facility, the City will work with the complainant to contact the agency that has jurisdiction.

3) within 30 calendar days of receipt, a City 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 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 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 for a period of seven years.

The City will consider all specific grievances within its particular context or setting. Furthermore, the City will consider many varying circumstances including:

- The nature of the access to services, programs, or facilities at issue;
- The specific nature of the disability;
- The essential eligibility requirements for participation;
- The health and safety of others;
- The degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to Brooklyn Center.

Accordingly, the resolution by Brooklyn Center 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 law.

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 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.



ADA Complaint Form

The City has developed a grievance procedure to ensure that accessibility concerns are resolved quickly and fairly, as outlined in the Americans with Disabilities Act (ADA). If you have issues with the form, or to file an oral grievance, call 763-569-3327.

Complainant – Person Filing Grievance

Name: _____ Date: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number(s): _____ Email: _____

Person Claiming Accessibility Issue (If different from above)

Name: _____

Phone Number(s): _____ Email: _____

Complaint

Where is the location of the problem? Please include street name, intersection (if applicable), city, facility name and/or location if other than a roadway.

What efforts have been made to resolve this complaint? (If you have documentation, copies would be helpful. Examples are letters, email messages, written notes, etc.)

Has the complaint been filed with any Federal or State Agency? Yes No

Name of Agency: _____

Contact Name: _____ Date Filed: _____

Please attach additional pages if more room is needed.

Signature of Complainant: _____ Date: _____

Return to: Andrew Hogg, Assistant City Engineer
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430

ahogg@ci.brooklyn-center.mn.us

Notice of Rights

In accordance with the Minnesota Government Data Practices Act, the City of Brooklyn Center is required to inform you of your rights as they pertain to the private information collected from you. The personal information we collect from you is private. Access to this information is available only to you, 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 of Brooklyn Center 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:

City of Brooklyn Center officials, staff or designee(s).

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

City of Brooklyn Center staff may be unable to respond to or evaluate your request.

Appendix F – Contact Information

ADA Title II Coordinator

Name: Curt Boganey

Address: 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430

Phone: 763.569.3303

Fax: 763.569.3494

E-mail:

Public Right-of-Way - ADA Implementation Coordinator

Title: Assistant City Engineer

Name: Andrew Hogg

Address: 6301 Shingle Creek Parkway, Brooklyn Center, MN 55430

Phone: 763.569.3327

Fax: 763.569.3440

E-mail: ahogg@ci.brooklyn-center.mn.us

Appendix G – 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 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 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

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 segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless if full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City staff.

Traffic Control Signals

City owned traffic control signals 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 traffic control signal locations to achieve full accessibility within the scope of any project. Those limitations will be noted and 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/Other Transit Facilities

Bus stops and other transit facilities are present within the limits of the City. Those facilities fall under the jurisdiction of Metro Transit. The City will work with Metro 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

The City has PROWAG, as adopted by the Minnesota Department of Transportation (MnDOT), as its design standard. A copy of these documents can be found at <https://www.dot.state.mn.us/ada/design.html>.