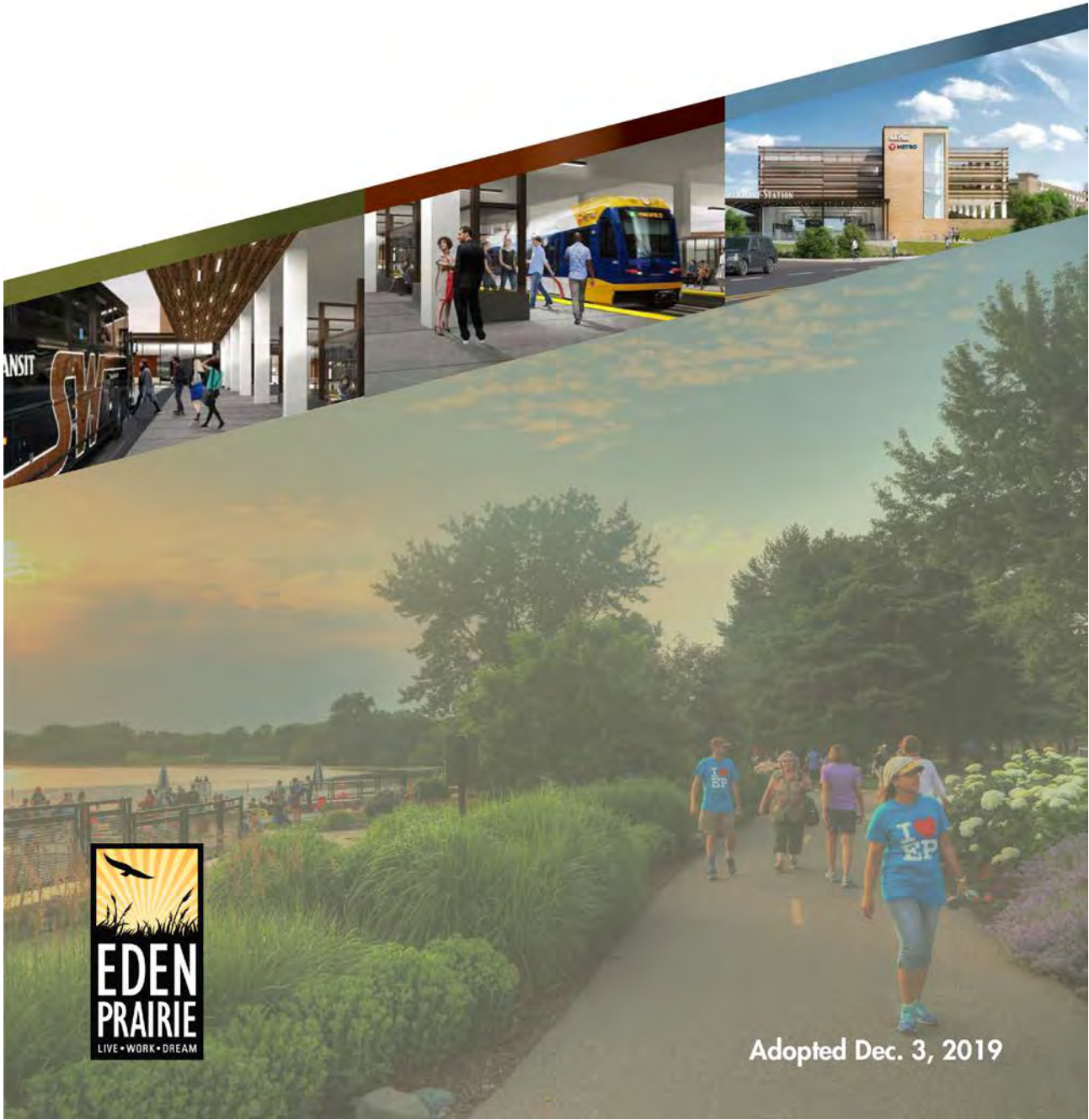


ADA Transition Plan for the Right of Way



Adopted Dec. 3, 2019

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INTRODUCTION

Transition Plan Need and Purpose

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

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

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the City of Eden Prairie 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 Eden Prairie will conduct a self-evaluation of its facilities within public rights of way and has developed this Right of Way 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 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 Eden Prairie 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.(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 right of way and does not include information on City programs, practices, or building facilities not related to public right of way.

PUBLIC RIGHT OF WAY ADA IMPLEMENTATION COORDINATOR

In accordance with 28 CFR 35.107(a), the City of Eden Prairie has identified an ADA Title II Coordinator to oversee the City's policies and procedures. The City also has a Public Right of Way ADA Implementation Coordinator. Contact information for this individual is located in Appendix B.

SELF-EVALUATION CONDITION ASSESSMENT

Overview

The City of Eden Prairie 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 identifies the policies and practices that impact accessibility and examines how the City implements these policies.

The goal of the self-evaluation is to verify that, in implementing the City policies and practices, the City 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, and traffic control signals that are located within the City's right of way. Any barriers to accessibility identified in the self-evaluation, and the remedy to the identified barrier, are set out in this transition plan.

Summary

In 2018, the City of Eden Prairie completed an assessment of the following pedestrian facilities within its public right of way:

- Curb ramps at intersections
- Trails and sidewalks adjacent to roadways
- Traffic signals

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

POLICIES AND PRACTICES

Previous Practices

Since the adoption of the ADA, the City of Eden Prairie has striven to provide accessible pedestrian features as part of its capital improvement projects. As additional guidance was made available as to the methods of providing accessible pedestrian features, the City updated its practices and procedures to accommodate these methods. Recently, there has been more standardization of design and construction practices that have assisted in the implementation of accessibility improvements. Training and exposure to construction projects has also aided in understanding the intricacies of making facilities accessible.

Policy

The City of Eden Prairie's goal is to continue to provide accessible pedestrian features as part of City capital improvement projects. The City has established ADA design standards and procedures as detailed in Appendix E. 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 other transportation priorities. The City will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the City's jurisdiction are ADA compliant to the maximum extent feasible.

The City has adopted the following policies and procedures:

- City managed curb ramps located in the public right of way shall be inspected and their ADA compliance rated as follows.
 - Rating of 1 = No facility exists
 - Rating of 2 = Most ADA standards not met, and no truncated domes present
 - Rating of 3 = Some ADA standards met, and truncated domes present
 - Rating of 4 = All ADA standards met or has approved justification
- Curb ramps shall be made compliant to the extent feasible on the following types of improvement projects:
 - Stand-alone ADA retrofit projects
 - New and reconstructed roadway projects
 - New and reconstructed trail and sidewalk projects
- For roadway rehabilitation and resurfacing projects, curb ramps shall be improved on a case by case basis with curb ramps located in Priority Areas given additional consideration.

- City managed trails and sidewalks located in the right of way shall be inspected and the following ADA deficiencies identified at their exact location.
 - Cross Slope
 - Drainage
 - Driveway Interruption
 - Horizontal Obstruction or Permanent Obstacle
 - Running Slope
- Trails and sidewalks shall be made compliant to the extent feasible on the following types of projects:
 - Stand-alone ADA projects
 - New roadway, sidewalk, and trail projects
 - Roadway, sidewalk and trail reconstruction projects
- City owned traffic signals shall be inspected for ADA compliance.
- Traffic signals shall be made compliant to the extent feasible on the following types of projects:
 - Stand-alone ADA projects
 - New or upgraded traffic signal projects
 - Roadway reconstruction projects where at least one intersection approach is being reconstructed
 - New roadway installation projects
 - Hennepin County and Minnesota Department of Transportation managed curb ramps, sidewalks, trails, and traffic signals should be inspected, rated, and addressed according to their organization's respective ADA transition plans.

Requests for accessibility improvements in the right of way can be submitted to the Public Right of Way ADA Implementation Coordinator. Contact information for the Public Right of Way ADA Implementation Coordinator is located in Appendix B.

IMPLEMENTATION AND IMPROVEMENT SCHEDULE

Priority Areas

The City of Eden Prairie has identified specific areas as a priority for planned accessibility improvement projects. These areas have been selected due to their proximity to specific land uses such as high density housing, community facilities like libraries, schools and community centers, transit stations, and Southwest Transit bus stops, as well as feedback received from the public. The half-mile radius is used to encircle these priority areas and corresponds to the distance someone can walk in 10 minutes at 3 miles per hour. This radius was used because it is a widely recognized distance planners and researchers use in defining acceptable bus and light rail transit catchment

areas, walksheds for young children accessing their school, and lengths the average person living in an urban area will walk to obtain goods and services.

The Priority Areas in no particular order are as follows:

- Half a mile from light rail and bus transit stations
- Half a mile from community facilities
- Half a mile from high and medium-high density housing
- Half a mile from Southwest Transit bus stops

Curb ramps located within multiple Priority Areas that overlap shall receive the greatest consideration when determining where to make ADA improvements.

Schedule

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

A systematic approach to providing accessibility will be taken in order to absorb the cost into the City's budget for improvements to the public right of way. An average of 88 curb ramps are expected to be upgraded each year through planned capital reconstruction projects and private development improvements. After 20 years, 80% of the city's 2,462 curb ramps will be ADA compliant. After 26 years all curb ramps should be compliant.

External Agency Coordination

Many other agencies are responsible for pedestrian facilities within the jurisdiction of the City of Eden Prairie. Those include, but may not be limited to Hennepin County, Carver County, Metro Transit, Southwest Transit, Minnesota Department of Transportation, and the cities of Minnetonka, Edina, Bloomington, and Chanhassen. The City will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes.

PUBLIC OUTREACH

The City of Eden Prairie recognizes that public participation is an important component in the development of this document. Input from the community was solicited through the involvement of the City of Eden Prairie's Human Rights and Diversity Commission. A public hearing was also held before the City Council adoption of this document.

A summary of comments received and information regarding public outreach activities are located in Appendix F.

GRIEVANCE PROCEDURE

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regards to the ADA. A draft of this public notice is provided in Appendix G. If users of the City of Eden Prairie's 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 right of way matters for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances. This grievance procedure is outlined in Appendix H. The grievance form can be found in Appendix I.

MONITOR PROGRESS

This document will continue to be updated as conditions within the City evolve. The Appendices in this document will be continually updated as facilities are upgraded. The city should perform periodic system wide self-assessments as the condition of trails, sidewalks and curb ramps age and deteriorate. That self-assessment may be necessary every five to 10 years to accurately assign condition.

The main body of this document will be updated as needed. With each main body update the Human Rights and Diversity Commission will be consulted and a public hearing held at a regularly scheduled City Council meeting.

APPENDICES

- A. Glossary of Terms**
- B. Public Right of Way ADA Implementation Coordinator**
- C. Self-Evaluation Results**
- D. Priority Areas / Schedule / Budget Information**
- E. Agency Practices and ADA Design Standards**
- F. Public Outreach**
- G. ADA Public Notice**
- H. Grievance Procedure**
- I. Grievance Form**

Appendix A – Glossary of Terms

ABA: See Architectural Barriers Act.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: The City of Eden Prairie’s plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the City’s Capital Improvement Program (CIP), and ensures all transportation facilities, services, programs, and activities are accessible to all individuals.

ADAAG: See Americans with Disabilities Act Accessibility Guidelines.

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

Accessible Pedestrian Signal (APS): A device that communicates information about the WALK phase in audible and vibrotactile formats.

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

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

Americans with Disabilities Act Accessibility Guidelines (ADAAG): contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

APS: See Accessible Pedestrian Signal.

Architectural Barriers Act (ABA): Federal law that requires facilities designed, built, altered or leased with federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Capital Improvement Program (CIP): The CIP for the City includes an annual capital budget and a ten-year plan for funding the new construction and reconstruction projects in the City of Eden Prairie.

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 U.S. Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

FHWA: See Federal Highway Administration

Pedestrian Access Route (PAR): A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

Pedestrian Circulation Route (PCR): A prepared exterior or interior way of passage provided for pedestrian travel.

PROWAG: An acronym for the *Guidelines for Accessible Public Rights-of-Way* issued in 2005 by the U. S. Access Board. This guidance addresses roadway design practices, slope, and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.

Right of Way: A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks, and trails creating public pedestrian access within a public entity's jurisdictional limits.

Section 504: The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

Uniform Accessibility Standards (UFAS): Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

United States Access Board: An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally funded facilities.

United States Department of Justice (DOJ): The United States Department of Justice (often referred to as the Justice Department or DOJ), is the United States federal executive department responsible for the enforcement of the law and administration of justice.

Adopted 12-03-2019

Appendix B – Public Right of Way ADA Implementation Coordinator

Name: Robert Ellis, Public Works Director

Address: 8080 Mitchell Road, Eden Prairie, MN 55344

Phone: 952-949-8310

Fax: 952-949-8326

Email: rellis@edenprairie.org

Appendix C – Self-Evaluation Results

An initial self-evaluation of pedestrian facilities was completed in 2018. A summary of this self-evaluation can be found below and on the following maps.

City managed curb ramps located in the right of way (2,462 total):

- Rating of 1 = No facility exists (3 ramps)
- Rating of 2 = Most ADA standards not met, and no truncated domes present (1,746 ramps)
- Rating of 3 = Some ADA standards met, and truncated domes present (512 ramps)
- Rating of 4 = All ADA standards met or has approved justification (201 ramps)

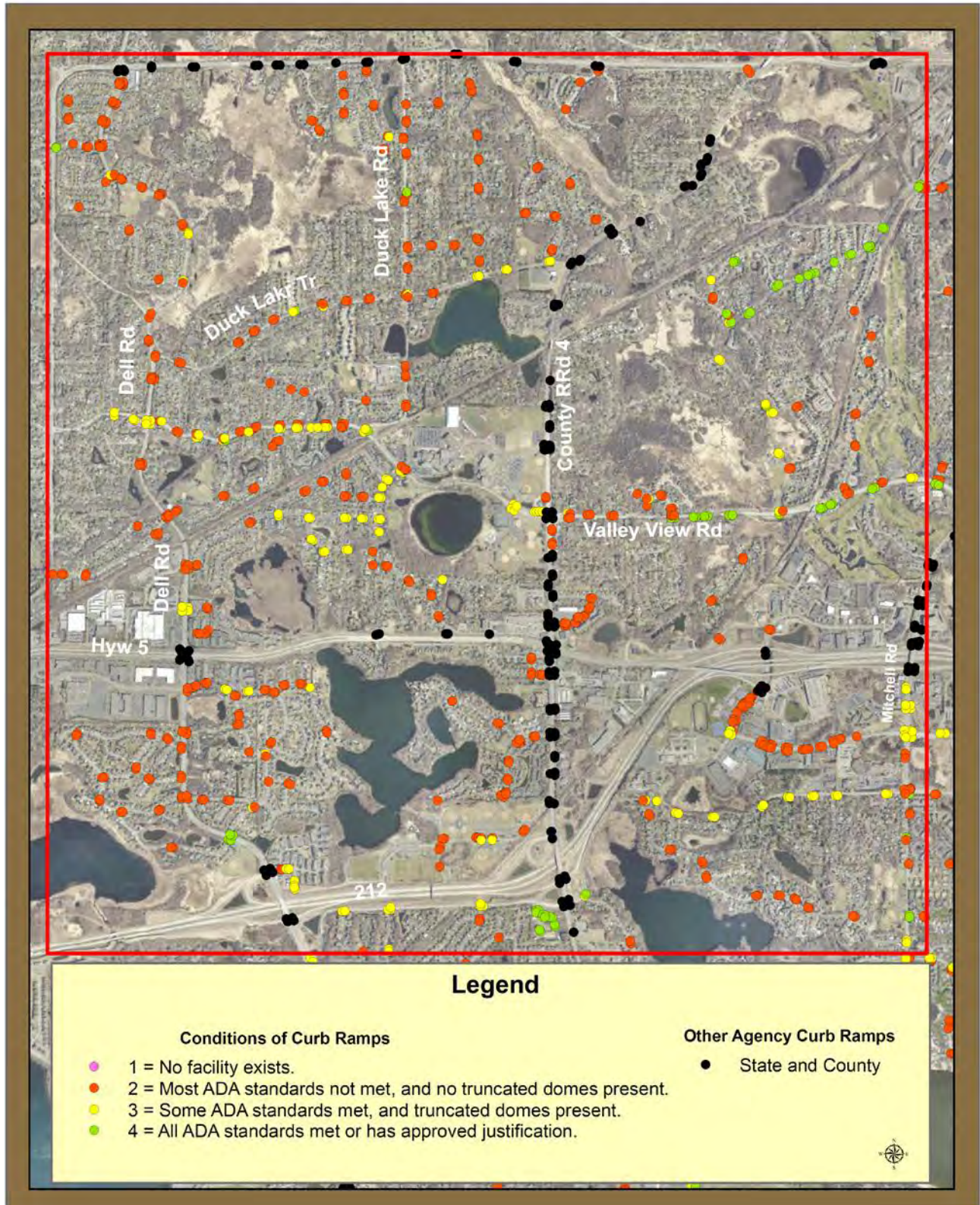
City managed trails and sidewalks located in the right of way:

- Cross Slope (140 locations)
- Drainage (116 locations)
- Driveway Interruption (117 locations)
- Horizontal Obstruction or Permanent Obstacle (7 locations)
- Running Slope (76 locations)

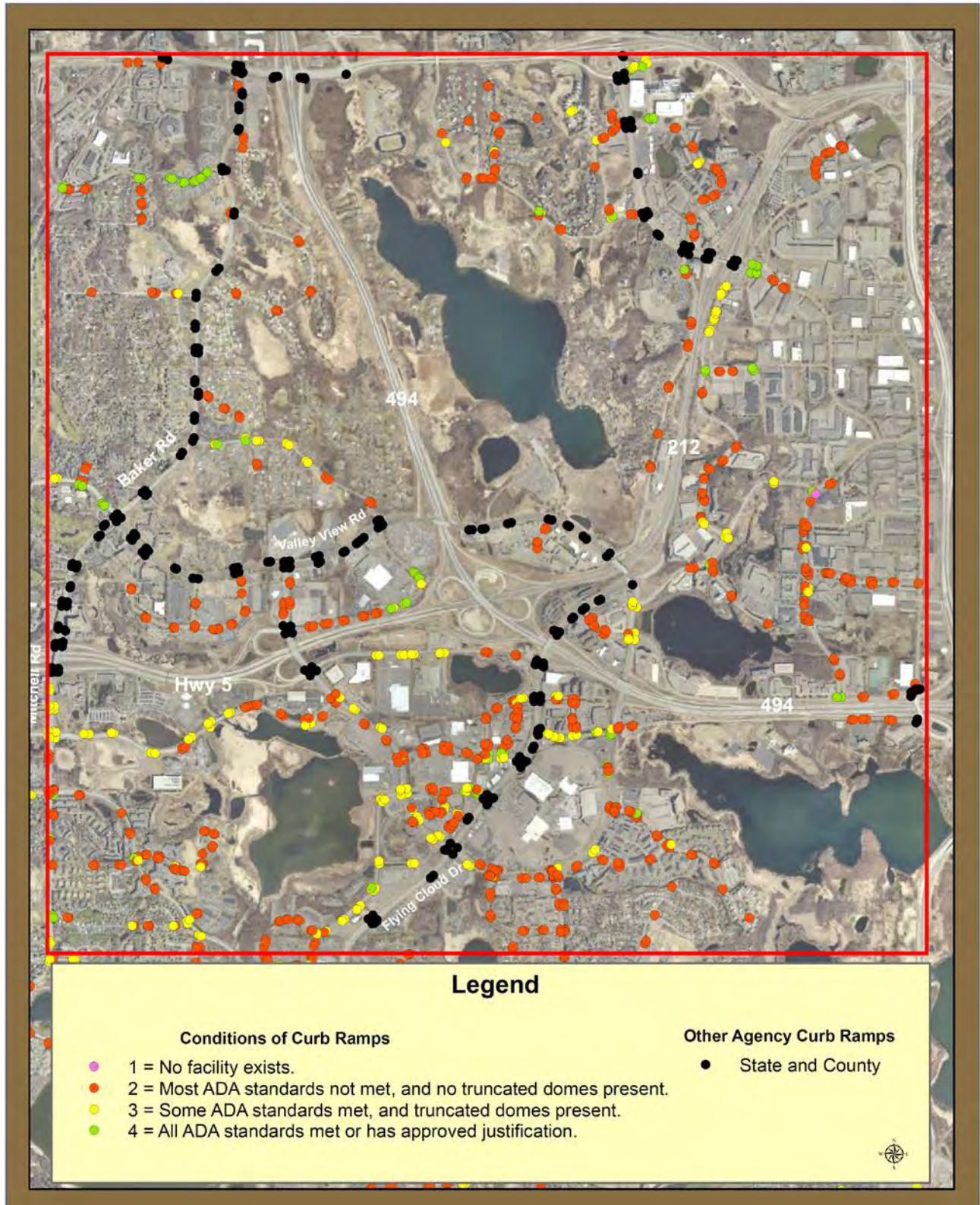
City owned traffic signals (16 total):

Main Street	Cross Street	Compliant/Notes
Mitchell Road	Lone Oak Road	No
Mitchell Road	Technology Drive	No
Mitchell Road	Scenic Heights Drive	No
Technology Drive	Southwest Station	No/Upgrade in 2022
Technology Drive	Prairie Center Drive	No/Upgrade in 2022
Prairie Center Drive	Singletree Lane	No
Prairie Center Drive	Columbine Road	No
Prairie Center Drive	Preserve Boulevard	No/Upgrade 2019
Prairie Center Drive	Prairie Lakes Drive	No
Prairie Center Drive	West 78 th Street	No/Upgrade in 2027
Prairie Center Drive	Viking Drive	No
Prairie Center Drive	Valley View Road	No
Anderson Lakes Parkway	Preserve Boulevard	No/Upgrade in 2019
Anderson Lakes Parkway	Columbine Road	No
Shady Oak Road	Flying Cloud Drive	Yes
Valley View Road	Washington Avenue	No/Upgrade in 2024

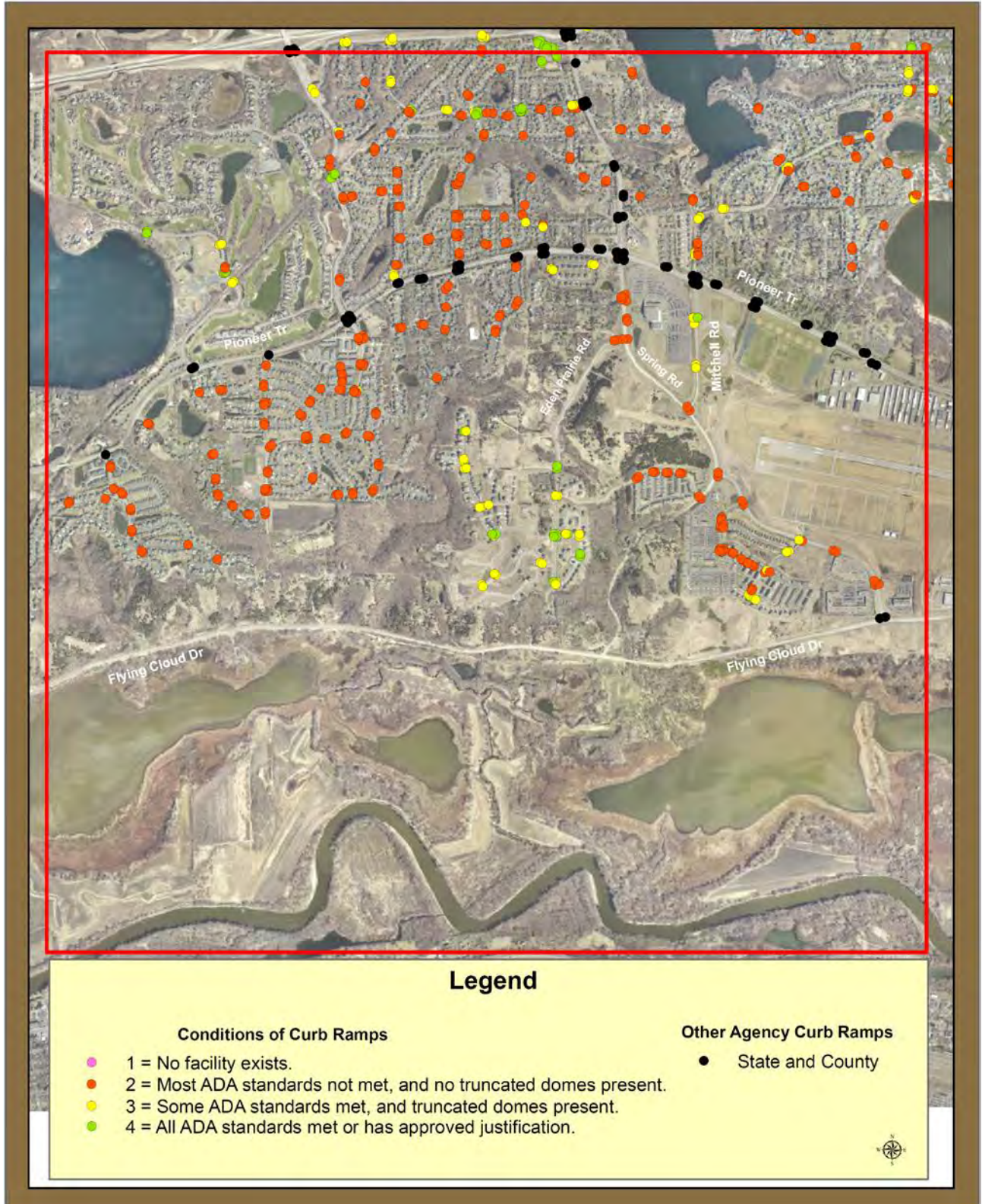
2018 Curb Ramp Assessment - Northwest Eden Prairie



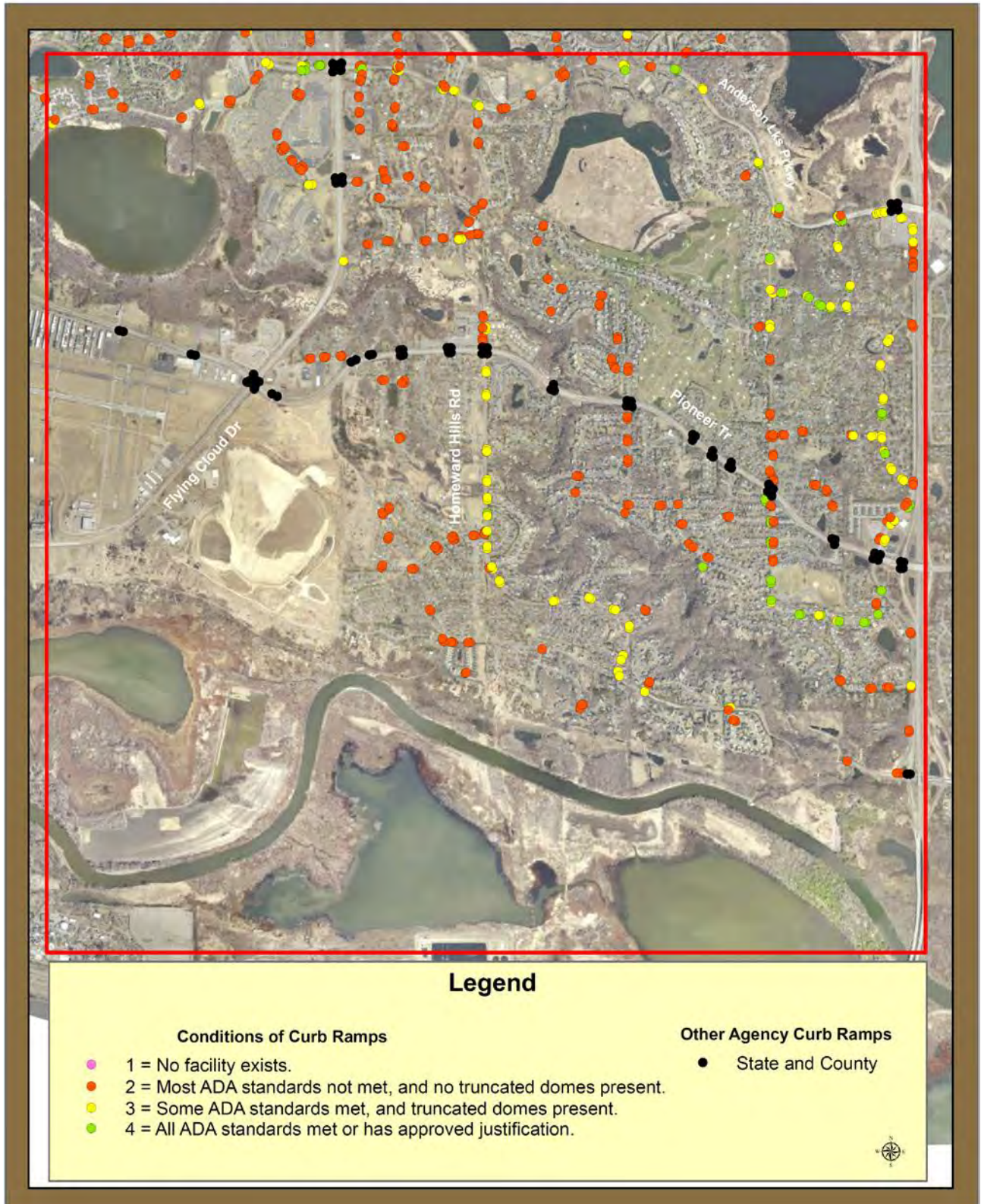
2018 Curb Ramp Assessment - Northeast Eden Prairie



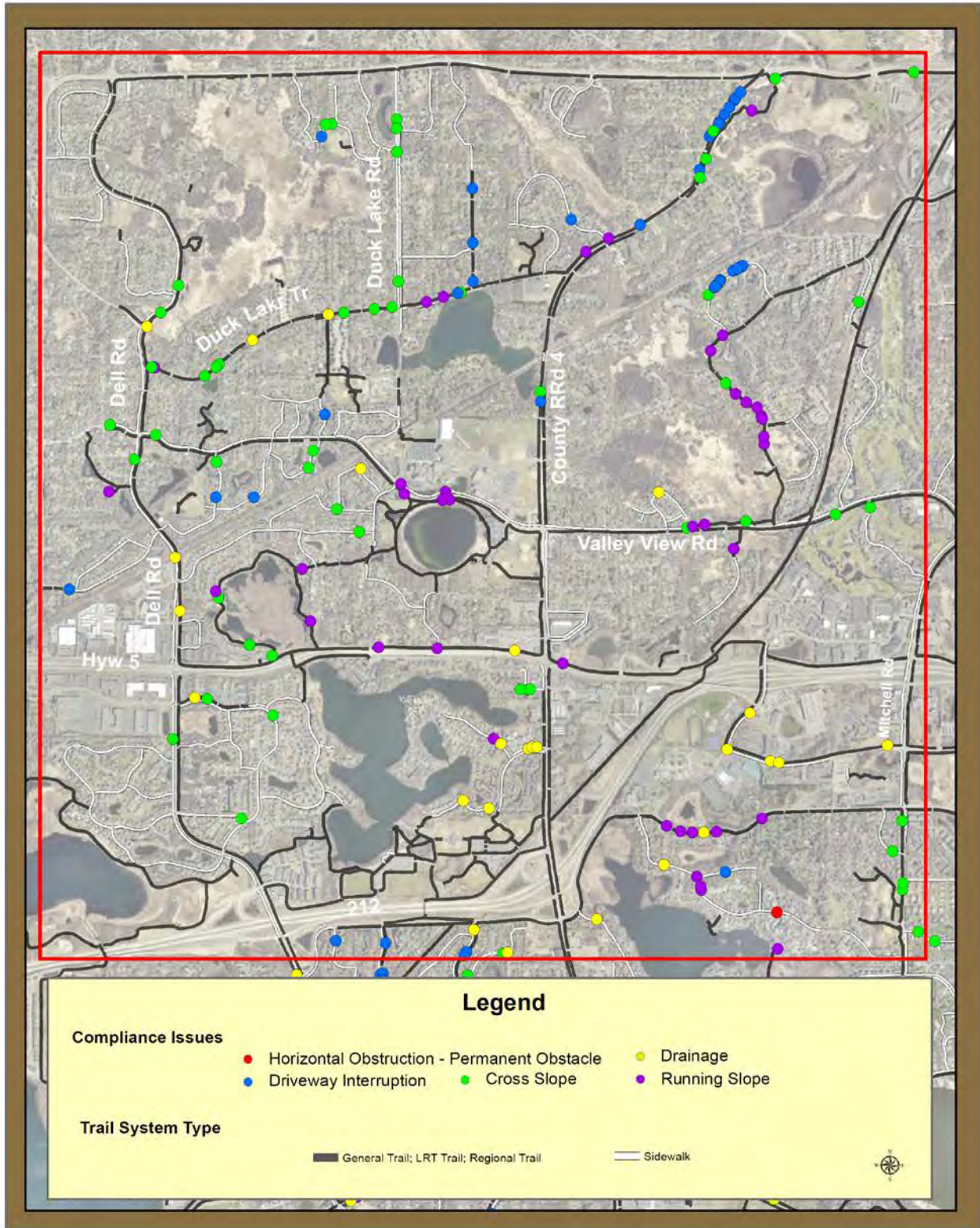
2018 Curb Ramp Assessment - Southwest Eden Prairie



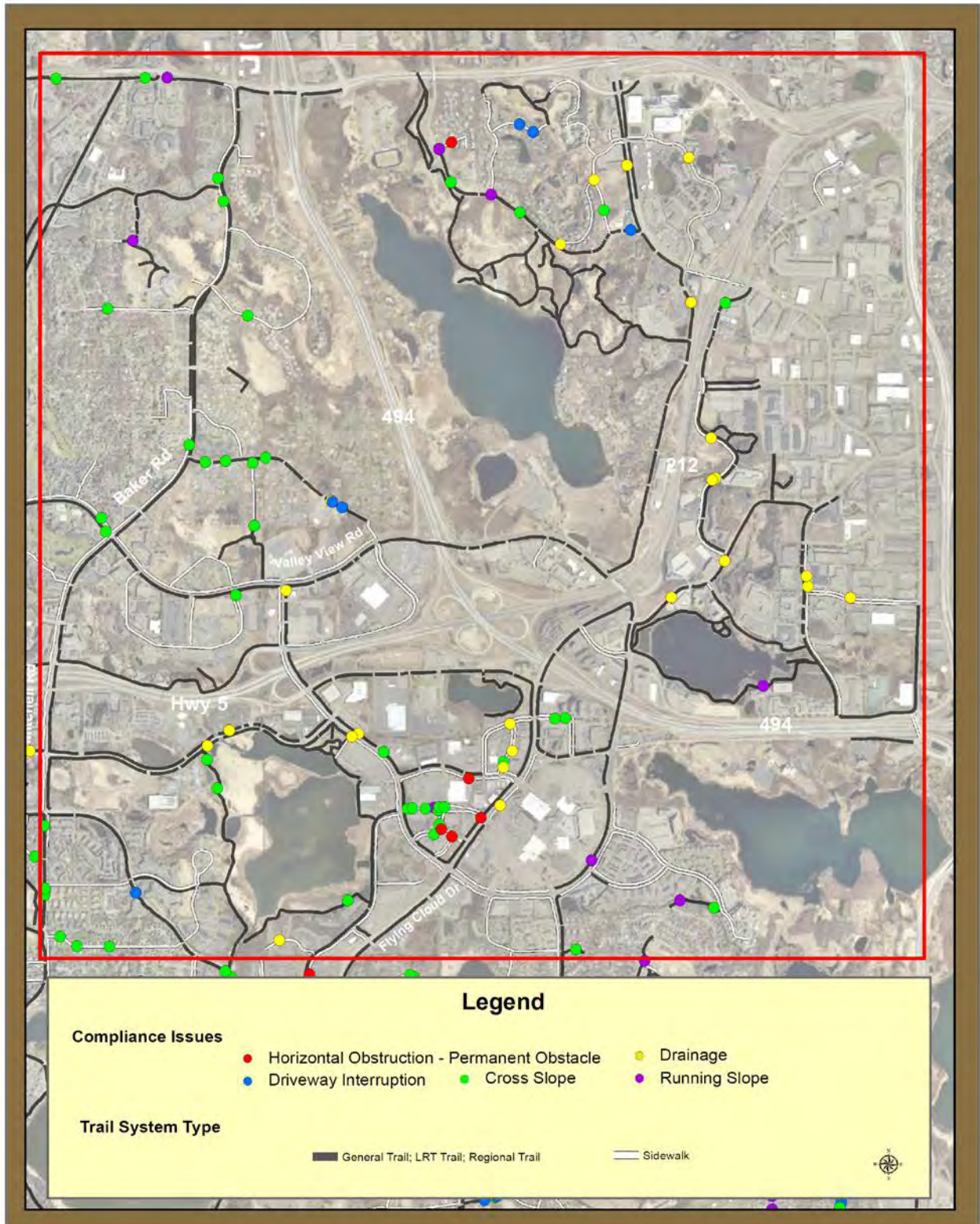
2018 Curb Ramp Assessment - Southeast Eden Prairie



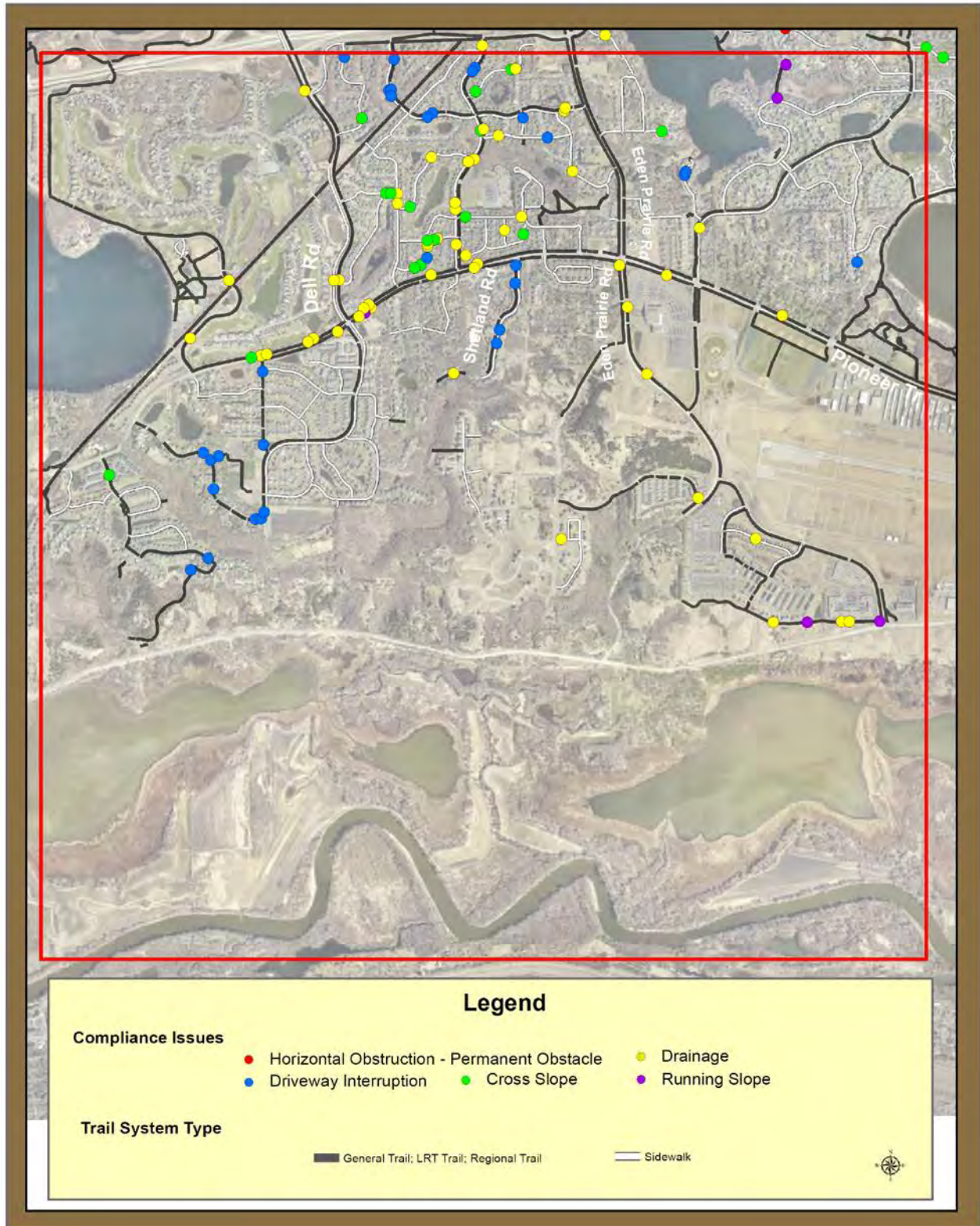
2018 Sidewalk and Trail Assessment - Northwest Eden Prairie



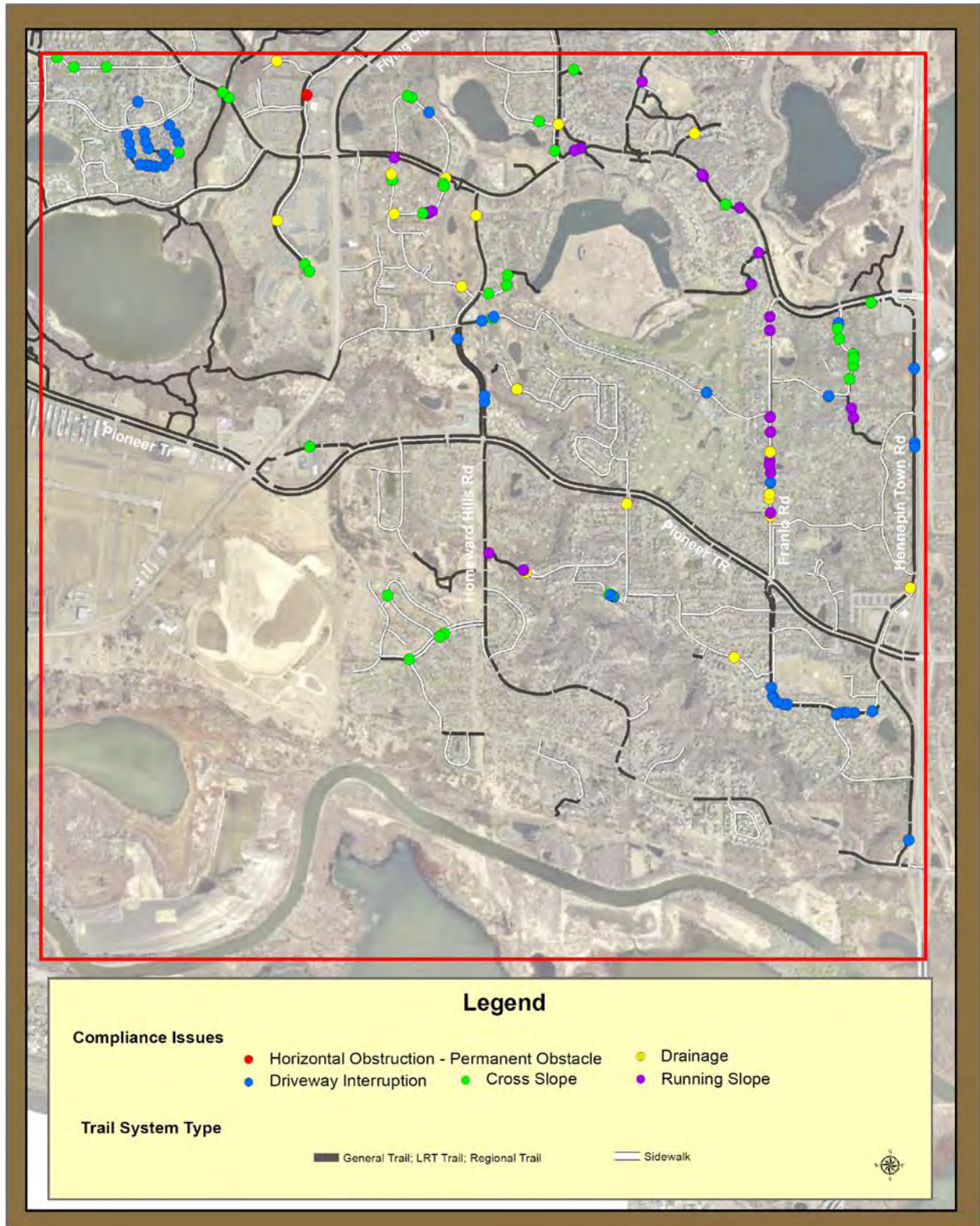
2018 Sidewalk and Trail Assessment - Northeast Eden Prairie



2018 Sidewalk and Trail Assessment - Southwest Eden Prairie



2018 Sidewalk and Trail Assessment - Southeast Eden Prairie



Appendix D – Priority Areas / Schedule / Budget Information

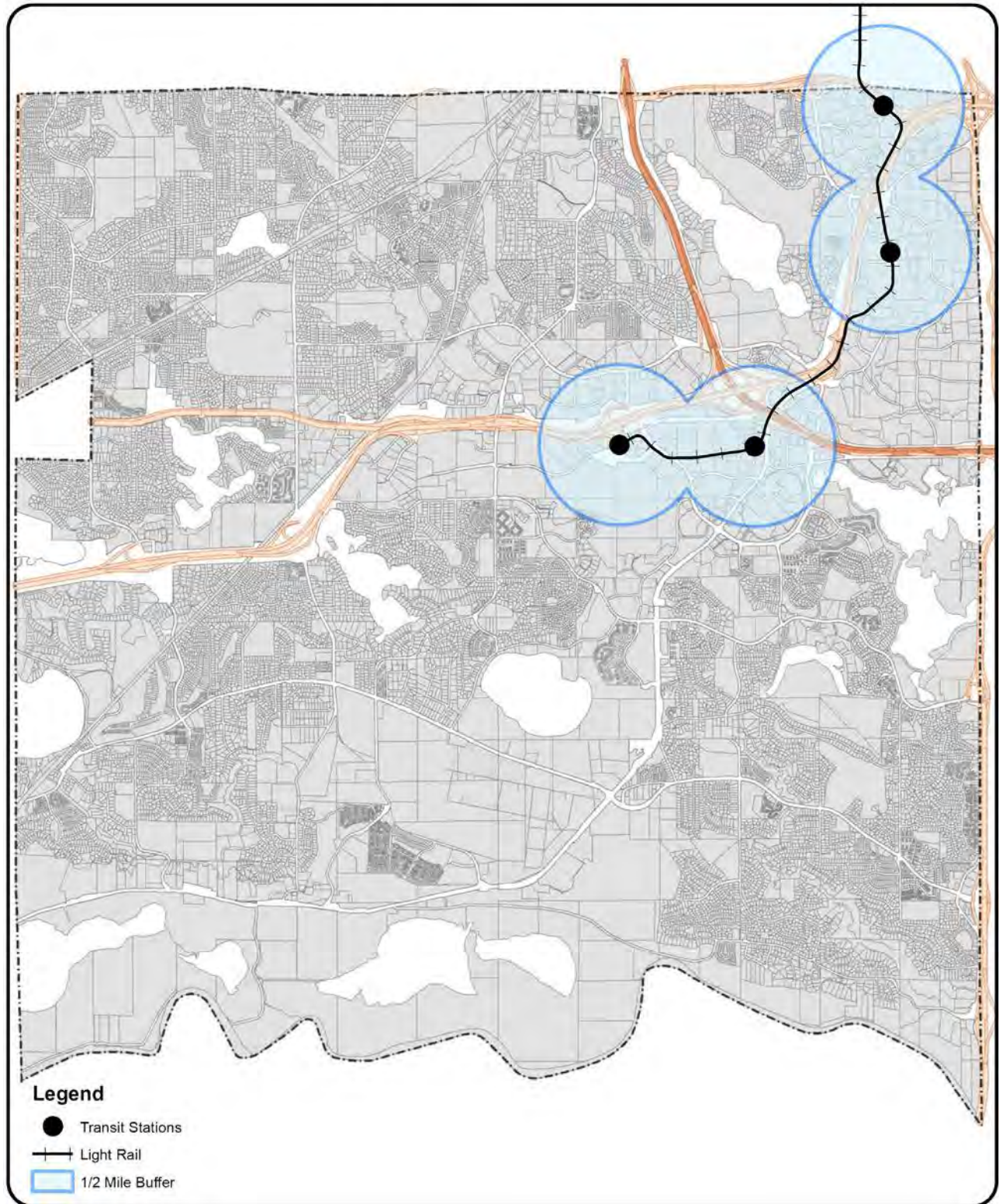
Priorities

The City of Eden Prairie has identified specific areas as a priority for planned accessibility improvement projects. These areas have been selected due to their proximity to specific land uses such as high density housing, community facilities like libraries, schools and community centers, transit stations, and Southwest Transit bus stops, as well as feedback received from the public. The Priority Areas in no particular order are as follows:

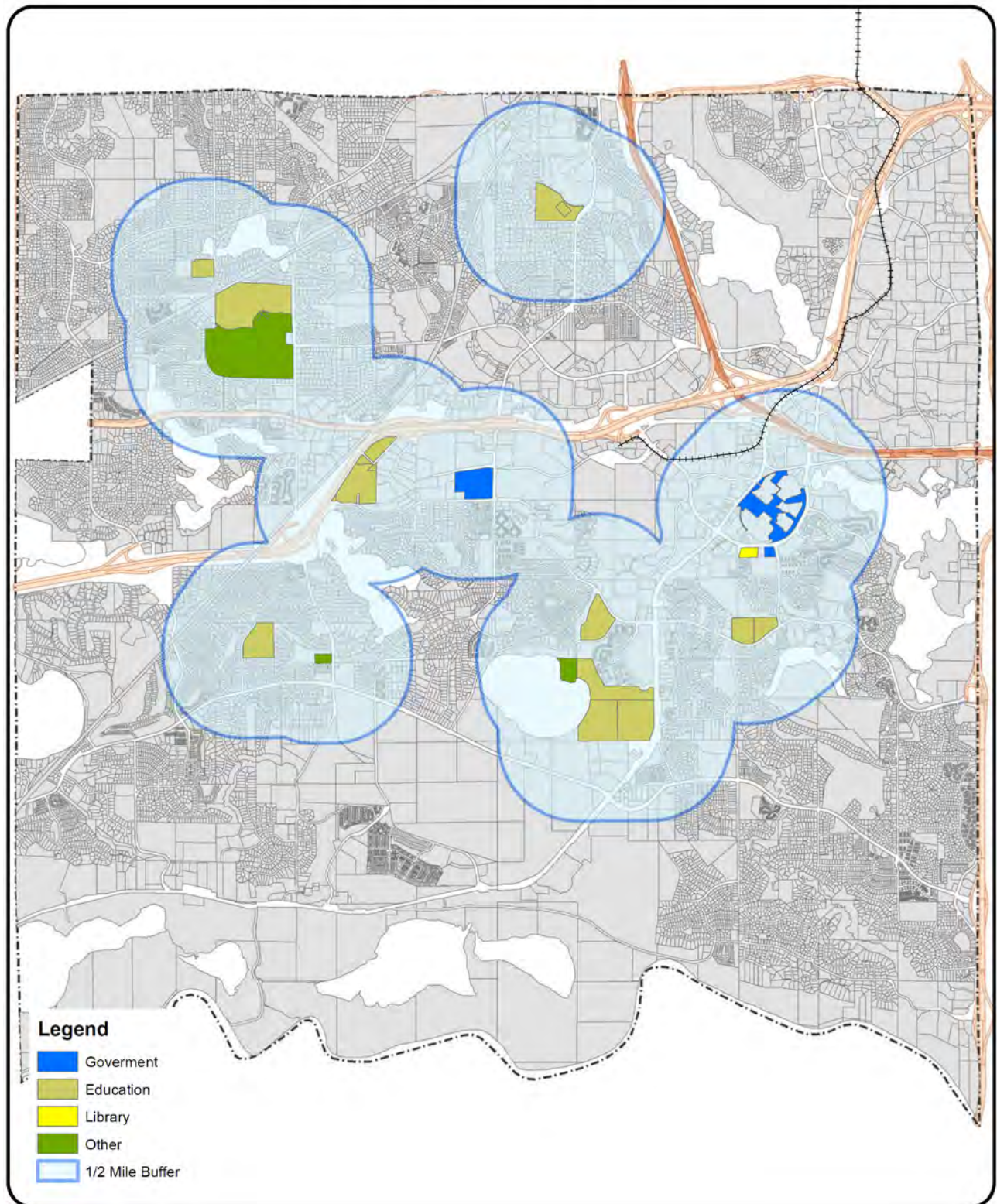
- Half a mile from light rail and bus transit stations
- Half a mile from community facilities
- Half a mile from high and medium-high density housing
- Half a mile for Southwest Transit bus stops

Curb ramps located within multiple Priority Areas that overlap shall receive the greatest consideration when determining where to make ADA improvements. The following maps identify the locations of each of the Priority Areas described above.

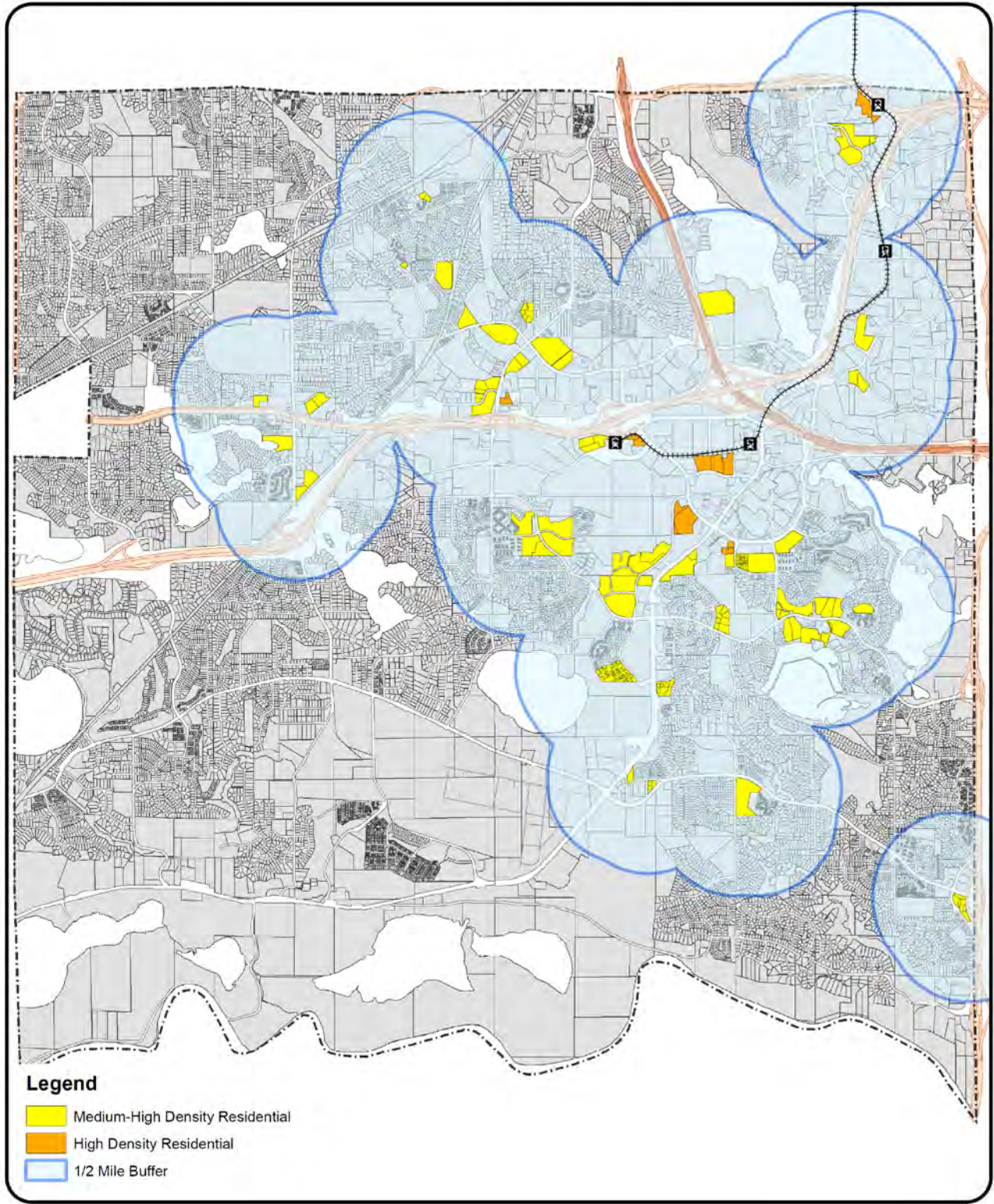
Priority Criteria A: Transit Stations



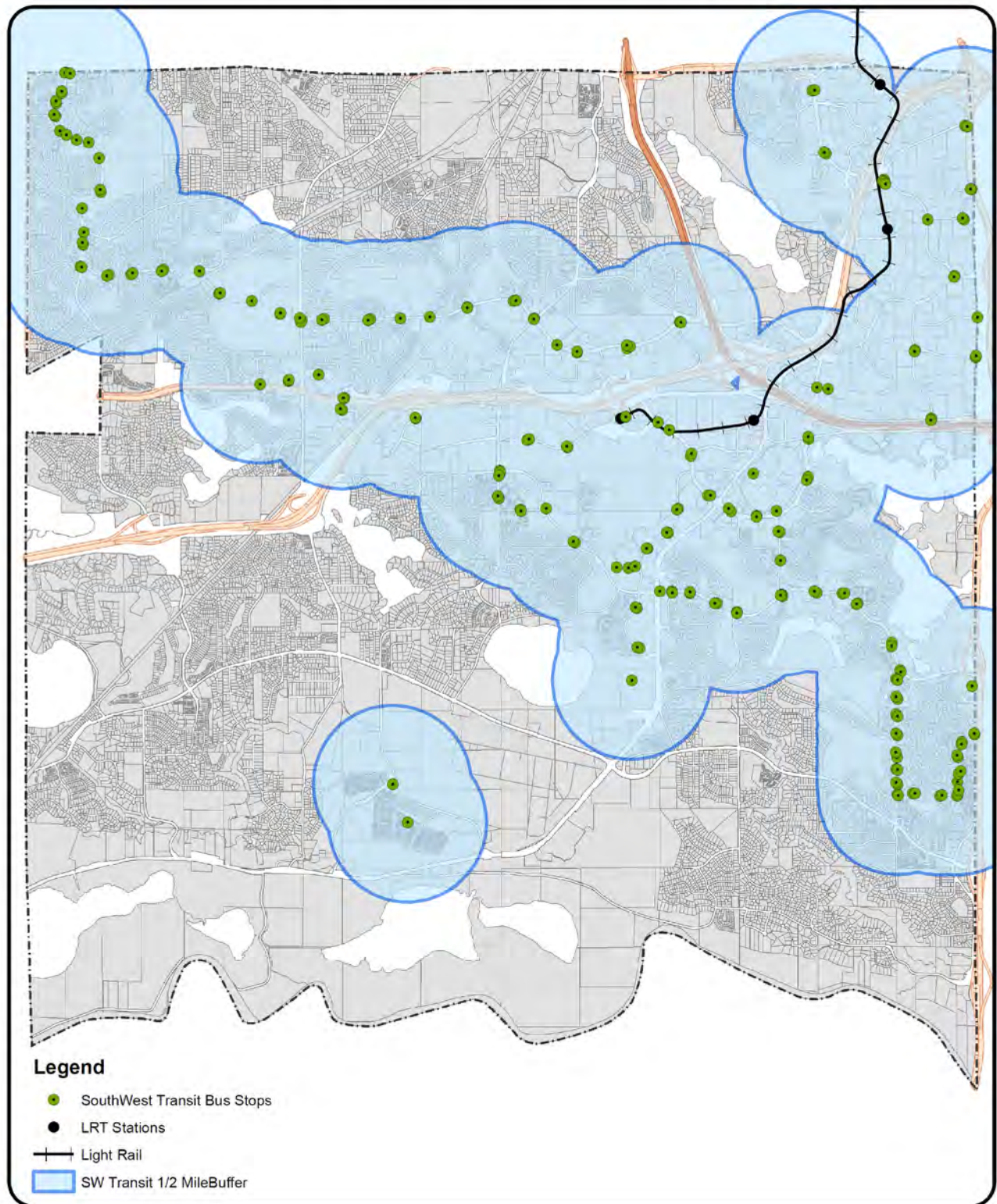
Priority Criteria B: Community Facilities



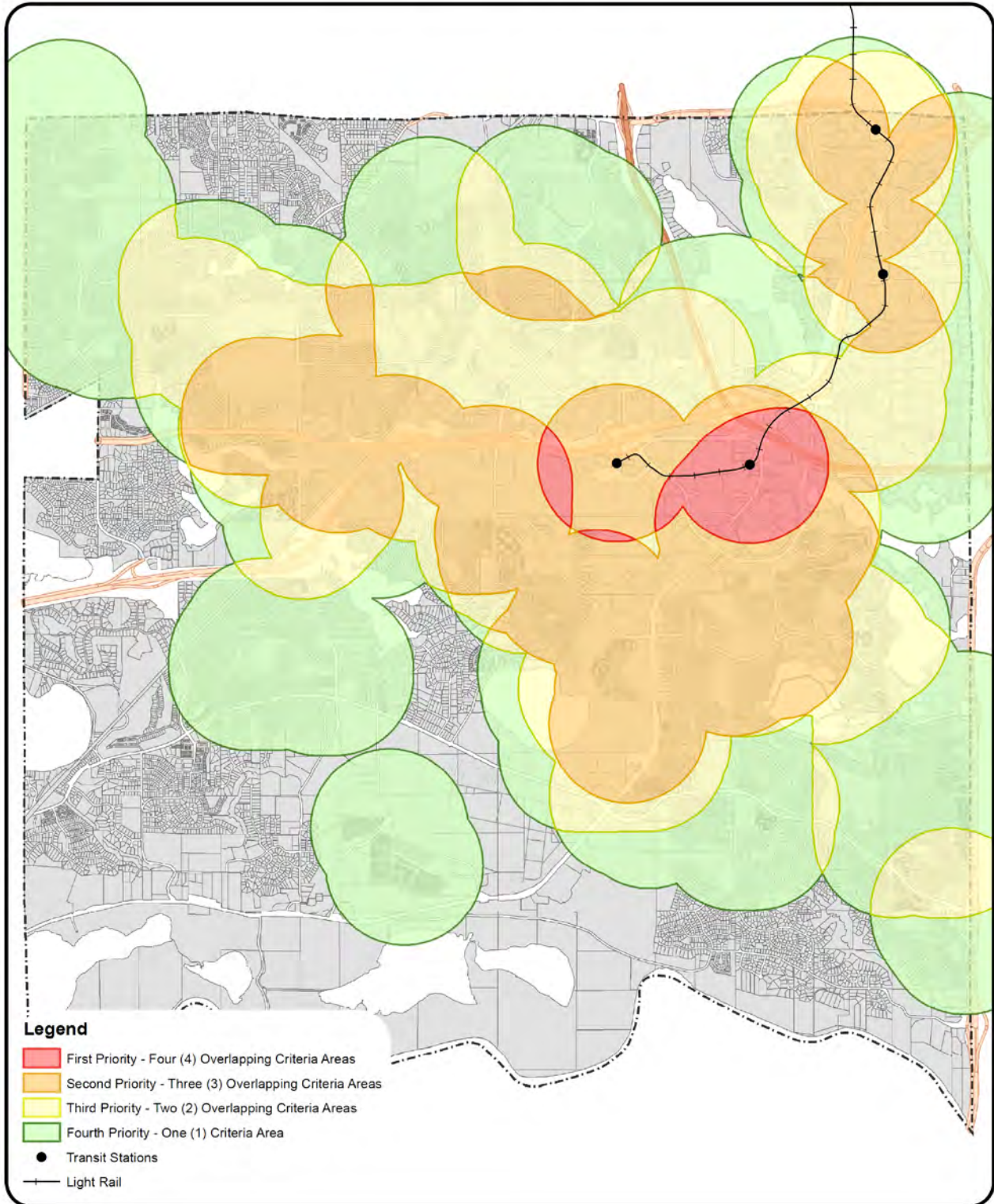
Priority Criteria C: Guide Plan for High & Medium-High Density Housing



Priority Criteria D: SouthWest Transit Bus Stops



Priority Criteria A, B, C & D



Unit Prices

Construction costs for upgrading facilities can vary depending on each individual improvement and conditions of each site. Costs can also vary on the type and size of project the improvements are associated with. Listed below are representative 2018 costs for typical accessibility improvements. These costs vary based on whether the curb ramp improvement is part of a larger roadway reconstruction project where economy of scale and constructability is more favorable, or a retrofit project where installation constraints and mobilization become more expensive for the contractor. Based on a review of the City’s 2019-2028 CIP it appears approximately 49% of all planned curb ramp improvements will be made through ADA retrofit programs and 51% through roadway reconstruction projects. The estimated cost to make the City’s curb ramps and traffic signals ADA compliant are listed below.

1,108 curb ramps as part of an ADA retrofit program (\$7,000/each):	\$7,756,000
1,153 curb ramps as part of capital reconstruction projects (\$4,000/each):	\$4,612,000
15 Traffic control signal APS retrofits (\$40,000/each):	\$600,000
Total	\$12,968,000

Entire Jurisdiction

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility at curb ramps and traffic signals within the entire jurisdiction is \$12,968,000. This amount signifies a significant investment that the City of Eden Prairie is committed to making in the coming years.

A systematic approach to providing accessibility will be taken in order to absorb the cost into the City’s budget for improvements to the public right of way. The table below summarizes projects that are anticipated to be completed between 2019 and 2028 in the City of Eden Prairie that will improve accessibility in the right of way. These projects represent improvements to an estimated 877 City managed curb ramps out of the 2,262 curb ramps with a rating of 1-3. At this level of expenditure it is estimated to take 20 years to complete 80% of all curb ramps improvements. Within 26 years all City managed curb ramps could be completed.

Capital Improvement Project Description	Program Year	No. City Ramps Improved
City West LRT Station Improvements	2019	0
Golden Triangle LRT Station Improvements	2019	3
Town Center LRT Station Improvements	2020	0
Southwest LRT and Bus Station Improvements	2019	6
Pioneer Trail (CSAH 1 to CSAH 1)	2021	6
CSAH 61 (Charlson to Carver County)	2019	0
Dell Road (Crestwood Terrace to CSAH 61)	2021-2022	2
Eden Prairie Road (Connections to CSAH 61)	2019	0
Preserve Blvd. (Prairie Center Dr. to Anderson Lakes Pky.)	2019	34
Annual Pavement Management Maintenance Project	2019-2028	150
General Road Reconstruction Projects	2020-2028	150
TH101 (Pleasant View Road to TH 5)	2027	3
Flying Cloud Drive (Shady Oak Rd. to Washington Ave.)	2024	0
Valley Road	2028	5
Anderson Lakes Parkway (Amsden Way to Franlo Road)	2028	8
CSAH 1 (Shetland Road to Carver County)	2028	0
Riverview Road (The Vintage to Purgatory Creek)	2023	1
W. 78 th Street (Prairie Center Dr. to Washington Ave.)	2027	11
Prairie Center Drive and Franlo Road Signal Improvement	2027	12
Valley View Road and Shady Oak Road Signal Installation	2023	0
Scenic Heights Road (Village Woods to Red Rock Road)	2028	9
Duck Lake Trail (Dell Road to CR 4)	2025-2026	30
Duck Lake Road (Duck Lake Trail to S. Shore Lane)	2019	8
Valley View and TH 169 Interchange	2024	0
West 62 nd Street (UHG to City West Station)	2020	0
West 70 th St. (Shady Oak Rd. to Golden Triangle Station)	2024	0
Flying Cloud Drive MCA Improvements	2023	0
LRT Project Improvements	2019-2020	15
South Singletree Streetscape	2019	4
North Singletree Streetscape	2020	2
Hennepin Town Road Turn Lane at CR 1	2019	0
Cumberland Road	2021	14
W. 78 th Street and Den Road Intersection	2024	2
North-South Road (Singletree Rd to Town Center Station)	2025-2026	2
Trail Maintenance	2019-2028	280
New Trails and Sidewalks	2019-2028	0
Unidentified Private Development Projects	2019-2028	50
Unidentified Grant Projects	2019-2028	70
Total		877

Appendix E – Agency Practices and ADA Design Standards

Intersection Corners

Curb ramps or blended transitions will attempt to be constructed or upgraded to achieve compliance with all reconstruction or new installation projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of any project. Those limitations will be noted and those intersection corners will remain in 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 with all reconstruction or new installation projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of any project. Those limitations will be noted and those segments will remain in 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

Traffic control signals will attempt to be constructed or upgraded to achieve compliance with all reconstruction or new installation projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of any project. Those limitations will be noted and those locations will remain in the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless 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.

Other Transit Facilities

Additional transit facilities are present within the limits of the City of Eden Prairie. Those facilities fall under the jurisdiction of SouthWest Transit and Metro Transit. The City of Eden Prairie will work with SouthWest Transit and Metro Transit to ensure that those facilities meet all appropriate accessibility standards.

Design Standards

The City of Eden Prairie generally follows the most current design guidelines and standards established by the Minnesota Department of Transportation.

Appendix F – Public Outreach

On October 10, 2019, the Draft Eden Prairie ADA Transition Plan was presented to the City of Eden Prairie Human Rights and Diversity Commission for input. Below is a copy of the Human Rights and Diversity Commission meeting minutes which includes a detailed summary of comments received and action taken.

APPROVED MINUTES EDEN PRAIRIE HUMAN RIGHTS & DIVERSITY COMMISSION

THURSDAY, OCTOBER 10, 2019 7:00 P.M., Eden Prairie Center
Office of Housing and Community Services

COMMISSION MEMBERS: Greg Leeper (Chair), Shahram Missaghi, (Vice Chair), Katherine Lucht, Leslie Philmon, Rehmatbai Sumra; Sana Elassar, Philip Skeie, Asad Aliweyd, Tyler Aman

STUDENT MEMBERS: Caprice Steidle, Najma Ali, Nicole Mayer, Stavan Bhakta, Winifred Halm De-Souza

COMMISSION STAFF: Megan Yerks, Staff Liaison and Julie Krull, Recording Secretary

CALL TO ORDER/ROLL CALL

Chair Leeper called the meeting to order at 7:05 p.m. Commission Members Missaghi, Philmon and Aman and Student Members Mayer and Halm De-Souza were absent. Sumra arrived at 7:30 p.m.

INTRODUCTION OF GUESTS

The guest speaker for the evening was Robert Ellis, Director of the Eden Prairie Public Works Department.

APPROVAL OF AGENDA

MOTION: Lucht moved, seconded by Aliweyd, to approve the agenda. **Motion carried 5-0.**

APPROVAL OF THE SEPTEMBER 12, 2019 MEETING MINUTES

MOTION: Elassar moved, seconded by Aliweyd, to approve the September 12th, 2019 minutes. **Motion carried 5-0.**

LOCAL NON-PROFIT PRESENTATION – ROBERT ELLIS, EP PUBLIC WORKS

Chair Leeper introduced Robert Ellis, Director of the Eden Prairie Public Works Department and stated he has been with the City for 8 years. Mr. Ellis said he would like to get feedback on the ADA Transition Plan for the Right of Way. Mr. Ellis pointed out ADA stands for Americans with Disabilities Act. Title II of ADA pertains to Right of Way. He stated they want to remove barriers from existing or reconstructed facilities; mainly sidewalks, trails, curb ramps and signals. A part of

this plan consisted of where all the sidewalks, curb ramps, trails and traffic signals are located. There was a condition assessment of the problem areas that happened in 2018. The results were:

Sidewalks and Trails

- Cross Slope (140 locations)
- Drainage (116 locations)
- Driveway Interruption (117 locations)
- Obstruction/Obstacle (7 locations)
- Running Slope (76 locations)

Curb Ramps (2,462 total)

- Rating 1 = No facility exists (3)
- Rating 2 = Most ADA standards not met and no truncated domes (1,746) – in the 1900s truncated domes were not required and a lot of Eden Prairie’s development occurred then so that is why there are so many now.
- Rating 3 = Some ADA standards met and truncated domes present (512)
- Rating 4 = All ADA standards met or proper documentation provided (201)

Traffic Signals (16 total)

- Noncompliant Push Buttons, Indicators, Signage, etc. (15)

These are the priority areas for improvements:

- Half mile from Transit Stations
- Half mile from Community Facilities
- Half mile from High and Medium-High Density Housing
- Half mile from Southwest Transit Bus Stops

The Improvement Schedule consists of:

Ten year capital improvement plan (sidewalk and trail reconstruction, pavement management projects, roadway reconstruction and grant opportunities) and new development projects. Total cost estimate \$13M over 26 years.

ADA Coordination:

- ADA Coordinator for ROW (Public Works Director)
- Staff Training (Design, Inspection and Construction)

Grievance Procedure

- ADA Coordinator
- HRDC
- City Manager

Mr. Ellis said the next steps will be recommendations from the HRDC this evening, then it will go to City Council for approval and once it is approved it will be implemented.

Lucht asked if just the red zones on the map will be done. Mr. Ellis said they will be done first but they will be doing all zones.

Chair Leeper asked, in regards to the time frame, it is quite extensive, being 26 years at \$13M, if Mr. Ellis could discuss the expanded time frame. Mr. Ellis said they looked at other cities and most were at 80% in 20 years, so they wanted to be at the standard. He pointed out it was more expensive to rebuild then it is to have it new, hence the \$13M.

Lucht asked if Mr. Ellis was concerned that technology would change in the 26 years. Mr. Ellis said technology will change but the Department of Justice will give the City reprieves. Chair Leeper commented there should be a review period. Elassar said that is included in the document on Page 9. Mr. Ellis said the document will not change but the appendix will change quite often. Chair Leeper said he recommends it to be reviewed every 1-2 years. Aliweyd said he would like to make this document/project public to everyone. Chair Leeper said appendix 1 addresses public hearings.

Yerks asked Mr. Ellis when this will go to City Council for their review and approval. Mr. Ellis said it will hopefully be by the end of the year.

Sumra commented if there is a construction project going on it would be nice if there was a hotline number residents could call with questions.

Chair Leeper said he would like re-easement included in the document and to also include ramps.

Elassar commented that the grievance process should be made available to the public. Sumra asked if on the "Grievance Form" could it be listed as the complainant name and not just name. Mr. Ellis said the form is drafted by the Department of Justice so they would not be able to change that. Elassar stated she was happy to see it was written in plain language. Mr. Ellis said the League of MN Cities developed the standard for that.

Chair Leeper requested a motion to give this plan their recommendation to the City Council.

MOTION: Skeie moved, seconded by Sumra, to recommend approval of the ADA Transition Plan to the City Council. **Motion carried 6-0.**

On December 3, 2019, the Draft Eden Prairie ADA Transition Plan was presented at a public hearing at the Eden Prairie City Council meeting. Below is copy of the public hearing

advertisement, resolution adopting the ADA Transition Plan for the Right of Way, and Council meeting minutes which includes a detailed summary of comments received and action taken.

NOTICE OF HEARING ON ADOPTION OF CITY OF EDEN PRAIRIE ADA TRANSITION PLAN FOR THE RIGHT OF WAY

Notice is hereby given that the City Council will meet at 7:00 p.m. on Tuesday, December 3, 2019 in the City Center, 8080 Mitchell Road, Eden Prairie, Minnesota, for the purpose of holding a Public Hearing to consider the adoption of an ADA Transition Plan for the Right of Way.

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 pertains to the programs, activities and services public entities provide. As a provider of public transportation facilities, the City of Eden Prairie 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." As required by Title II of ADA, the City of Eden Prairie has conducted a self-evaluation of its facilities within public rights of way and has developed this Right of Way Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals.

The City of Eden Prairie ADA Transition Plan for the Right of Way includes a purpose and need, identifies the Public Works Director position as the ADA Coordinator for right of way matters, summarizes a self-evaluation of all trails, sidewalks, curb ramps and traffic signals, highlights various policies and practices related to pedestrian facilities in the right of way, estimates an implementation and improvement schedule, and outlines a grievance procedure.

The proposed City of Eden Prairie ADA Transition Plan for the Right of Way is now on file with the City Clerk, located on the city website at www.edenprairie.org/ADA and in the office of the City Engineer and is open to inspection by all persons interested. All persons who wish to be heard with reference to this matter should be present at the hearing to provide either written or oral comments.

By order of the City Council
(Published in the Eden Prairie News on Thursday November 21, 2019; No. 3633)

Affidavit of Publication Southwest Newspapers

State of Minnesota)
)SS.
County of Hennepin)

Laurie A. Hartmann, being duly sworn, on oath says that she is the publisher or the authorized agent of the publisher of the newspapers known as the Eden Prairie News and Lakeshore Weekly News and has full knowledge of the facts herein stated as follows:

(A) This newspaper has complied with the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed public notice that is attached to this Affidavit and identified as No. 3633 was published on the date or dates and in the newspaper stated in the attached Notice and said Notice is hereby incorporated as part of this Affidavit. Said notice was cut from the columns of the newspaper specified. Printed below is a copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the kind and size of type used in the composition and publication of the Notice:

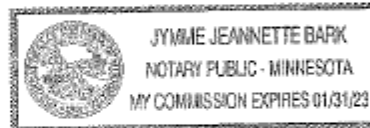
abcdefghijklmnopqrstuvwxyz

By: Laurie A. Hartmann
Laurie A. Hartmann

Subscribed and sworn before me on

this 21st day of November, 2019

Jynne J. Bark
Notary Public



RATE INFORMATION

Lowest classified rate paid by commercial users for comparable space...	\$31.20 per column inch
Maximum rate allowed by law for the above matter.....	\$31.20 per column inch
Rate actually charged for the above matter.....	\$13.62 per column inch

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION NO. 2019-137

**RESOLUTION APPROVING THE CITY OF EDEN PRAIRIE
ADA TRANSITION PLAN FOR THE RIGHT OF WAY**

WHEREAS, 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; and

WHEREAS, Title II of ADA pertains to the programs, activities and services public entities provide, and as a provider of public transportation facilities, the City of Eden Prairie must comply with this section of the Act; and


WHEREAS, 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."; and

WHEREAS, Title II of ADA requires the City of Eden Prairie to conduct a self-evaluation of its facilities within public rights of way and develop this Right of Way Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals; and

WHEREAS, The City of Eden Prairie ADA Transition Plan for the Right of Way identifies the Public Works Director position as the ADA Coordinator for right of way matters, summarizes a self-evaluation of all trails, sidewalks, curb ramps and traffic signals, highlights various policies and practices related to pedestrian facilities in the right of way, estimates an implementation and improvement schedule, and outlines a grievance procedure.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Eden Prairie adopts the City of Eden Prairie ADA Transition Plan for the Right of Way.

ADOPTED by the Eden Prairie City Council this 3rd day of December, 2019.



Ronald A. Case, Mayor

ATTEST:


Kathleen A. Porta, City Clerk

SEAL

EDEN PRAIRIE CITY COUNCIL MEETING

TUESDAY, DECEMBER 3, 2019

**7:00 PM, CITY CENTER
Council Chamber
8080 Mitchell Road**

CITY COUNCIL:

Mayor Ron Case, Council Members Brad Aho, Mark Freiberg, P G Narayanan, and Kathy Nelson

CITY STAFF:

City Manager Rick Getschow, Public Works Director Robert Ellis, Community Development Director Janet Jeremiah, Parks and Recreation Director Jay Lotthammer, City Attorney Ric Rosow, and Council Recorder Jan Curielli

ADA TRANSITION PLAN (Resolution No. 2019-137)

Ellis gave a PowerPoint presentation on the Americans with Disabilities Act (ADA) transition plan and noted staff from several City departments have been working on the plan for the last 18 months. Title II of ADA pertains to the programs, activities and services that deal with the public right-of-way. As a provider of public transportation facilities, the City of Eden Prairie must comply with this section of the Act as it specifically applies to public service agencies. Title II provides rules for removing barriers from sidewalks, trails, curb ramps and traffic signals. He reported the Human Rights and Diversity Commission has recommended adoption of this plan.

Ellis reported staff began the process with an inventory and assessment of the current condition of sidewalks, trails, curb ramps and traffic signals in the City. He gave examples of barriers found, including the lack of truncated domes to assist the visually impaired at curb ramps. He presented a map prepared after completing the inventory and assessment showing priority areas for implementation of the plan within the City. He reviewed the schedule for the plan which will be part of the ten-year Capital Improvement Plan and will have an estimated cost of \$13,000,000 over 26 years. The plan will be implemented starting in 2020.

Aho realized truncated domes, in particular, are expensive, and asked if there is any way we can work with the State and other governmental agencies to aggregate our buying power. Ellis replied we could look into that.

Freiberg understood we need to do this, and he asked if we are going to get a lot of pressure to complete this in less than 26 years. Ellis responded we looked at similar city's plans, and it appears we can expect about 8% of the work to be completed per year. If we are successful with receiving grants for the improvements, we might be able to do more of the work a little sooner. We will make a point of working with an individual or group that needs special attention, and

we plan to do a lot of the work ourselves.

Narayanan commented the State does a lot of contract negotiating to get better deals. He asked if redevelopment projects will be required to comply with the new requirements. Ellis replied the State does have joint cooperative agreements which we use on a regular basis. We will check to see if truncated domes are included as part of a State contract. Our goal has always been to make redevelopment projects compliant. This plan will deal with existing facilities as well as new construction. He noted most of the traffic signals will be upgraded as part of the ten-year plan.

Mr. Morimoto asked if we consider traffic circles rather than signal lights. Ellis replied as part of the reconstruction project design process, we do an analysis of traffic signals versus traffic circles; however, traffic circles take a large amount of right-of-way.

MOTION: Nelson moved, seconded by Aho to close the public hearing. **Motion carried 5-0.**

Nelson expressed her hope locations where sidewalks are blocked by poles are on the top of the list for changes. She thanked Mr. Ellis for a very thorough study and further noted by 2030 30% of our population will be seniors. She liked what staff is doing and how plans are concise and well thought out.

MOTION: Nelson moved, seconded by Narayanan, to adopt Resolution No. 2019-137 approving the City of Eden Prairie ADA Transition Plan for the Right of Way. **Motion carried 5-0.**

Appendix G – ADA Public Notice

Public Notice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the City of Eden Prairie will not discriminate against qualified individuals with disabilities on the basis of disability in services, programs, or activities.

Employment: The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

Effective Communication: The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the office of ADA Coordinator 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 H – Grievance Procedure

Grievance Procedure for Right of Way Matters

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

- Internet:
Visit the City of Eden Prairie ADA website and click the link to the ADA Grievance Form. A copy of The ADA Grievance Form is included with this document in Appendix I.
- Telephone:
Contact the pertinent City staff person listed in the Contact Information section of Appendix B to submit an oral grievance. The staff person will prepare and submit the grievance form on behalf of the person filing the grievance.
- Paper Submittal:
Contact the pertinent City staff person listed in the Contact Information section of Appendix B to request a paper copy of the City's grievance form, complete the form, and submit it to the Responsible Party. A staff person will utilize the internet method above to submit the grievance on behalf of the person filing the grievance.

The ADA Grievance Form will ask for the following information:

- The name, address, telephone number, and email address for the person filing the grievance.
- The name, address, telephone number, and email address for the person alleging an ADA violation (if different from 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 Eden Prairie facility, the City will work with the complainant to contact the agency that has jurisdiction.

Within 60 calendar days of receipt, a City of Eden Prairie Public Works 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 an appropriate 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 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 Eden Prairie.

If the response by the City of Eden Prairie Public Works staff person does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the Human Rights and Diversity Commission. The Human Rights and Diversity Commission or their designee will meet with the complainant to discuss the complaint and the possible resolutions. The Human Rights and Diversity Commission liaison will in writing forward its findings and recommendations to the Public Right of Way ADA Plan Implementation Coordinator for consideration, and where appropriate, deliver in a format accessible to the complainant, such as large print, Braille or audio tape.

If the response by the Public Right of Way ADA Plan Implementation Coordinator does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager. The City Manager will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

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

The City will document each resolution of a filed grievance and retain such documentation in the department's ADA Grievance in accordance with state and federal law. 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

Adopted 12-03-2019

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 I – Grievance Form

Grievance Form for Right of Way Matters

City of Eden Prairie – Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on the last page. 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 City of Eden Prairie 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: _____

City, State, and Zip Code: _____

Telephone Number: _____

Signature: _____

Name: _____

Date: _____

Return to:

Robert Ellis, Public Works Director
Public Right of Way ADA Implementation Coordinator
8080 Mitchell Road, Eden Prairie, MN 55344
rellis@edenprairie.org

NOTICE OF RIGHTS

In accordance with the Minnesota Government Data Practices Act, the City of Eden Prairie 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 City of Eden Prairie officials, staff or designee. Furnishing the above information is voluntary, but refusal to supply the requested information will mean City staff may be unable to respond to or evaluate your request.

MINN. STAT. §13.04(2)