



City of Victoria
ADA Transition Plan
2019

DRAFT

City of Victoria ADA Transition Plan Design

Introduction

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

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

Title II of ADA pertains to programs, activities and services public entities provide.

The law prohibits the City from denying persons with disabilities the equal opportunity to participate in services, programs, activities, either directly or indirectly. Effective on January 1, 2009 the ADA was amended with Title II, which requires local governments to develop a transition plan based on deficiencies identified in a self-evaluation. The term “Transition Plan” comes from terminology in the 1990 act that describes how public entities would be “transitioning” into compliance during the timelines of 1992 to 1995.

The City’s Transition Plan addresses a broad range of accessibility issues, taking into account accessibility to facilities, buildings, programs, information and services. This plan represents an evaluation and is directed toward ensuring compliance with the state and federal ADA legislation as well as adopted and proposed ADA standards. The Transition Plan will guide the planning and implementation of the necessary program and facility modifications of the next 20 years. The Transition Plan should be updated periodically to monitor results, reflect changes, and also address any new areas of compliance.

The 2018 Transition Plan includes updates of the administrative requirements contained in the ADA legislation that applies to the City, discusses strategies for current and future public involvement, provides a self-assessment of communications, programs, buildings and outdoor developed areas, and establishes a framework for future actions.

The City seeks to maximize opportunities for accessibility; however, modifications of programs or facilities are not required if the change substantially alters the essential nature of the program or activity, creates a hazardous situation, are primarily for the personal benefit of the individual with a disability, or if it can be demonstrated that the modification poses an undue burden on the City.

ADA and its relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the Architectural Barriers Act of 1968 and Section 504 of the Rehabilitation Act of 1973.

Agency Requirements

Under Title II, the City of Victoria must meet these general requirements:

- Operate programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities.
- 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.
- Must make reasonable modifications in policies, practices and procedures that provide equal access to individuals with disabilities unless a fundamental alteration in the program would result.
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate and different measures are necessary to ensure that benefits and services are equally effective.
- Must take appropriate steps to ensure communications with applicants, participants and members of the public with disabilities are as effective as communications with others.
- Must designate at least one responsible employee to coordinate ADA compliance. 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.
- 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. The notice must include the identification of the employee serviced as the ADA coordinator and must provide this information on an ongoing basis.
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. The requirement provides for a timely resolution of all the problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

ADA Program Coordination

ADA law requires that agencies employing more than 50 employees designate at least one responsible employee to coordinate ADA compliance. ADA Coordinators are responsible for overseeing the efforts of the City's compliance with Title II of the ADA including programs, activities and facilities. Issues regarding possible discrimination or lack of access can also be referred to the ADA Coordinator for response and investigation of complaints.

ADA Public Notice

The City, in accordance with the requirements of Title II of the ADA, will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will apply the concepts of universal design, whenever feasible, in development and redevelopment of services, programs and facilities.

Employment

The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations.

Effective Communication

The City will provide appropriate aids and services leading to effective communication, so everyone can participate in programs, services and activities.

Policy

Anyone who requires an auxiliary aid or special accommodations to participate in a program, service, or activity should contact the department responsible for the program or service. Please provide advanced notice prior to a scheduled event. One-week notice is preferred to make necessary accommodations.

Modification to Policies and Procedures

The City will make reasonable modifications to policies and programs to promote equal opportunity for individuals to participate in programs, services and activities.

Designation of ADA Coordinator

Dana Hardie, City Manager
1670 Stieger Lake Lane, PO Box 36
Victoria, MN 55386
Phone: 952-443-4211
Fax: 952-443-2110
E-mail: Dhardie@ci.victoria.mn.us

ADA Grievance Procedure

Under the ADA, users of City facilities and programs have the right to file a grievance if they believe the City has not provided reasonable accommodations. This Grievance Procedure is established to meet the requirements of the ADA. It may be used by anyone who wished to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, or programs. These procedures are meant to provide due process and assure that the City complies with the ADA, which allows for a person to have a prompt and equitable resolution of the grievance filed and shall not impair a person's right to pursue other remedies.

The City Employee Policy governs employment-related complaints of disability discrimination.

Procedures

- The complaint should be in writing and contain information about the alleged discrimination. It should include the name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.
- The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation, to

City of Victoria, City Manager
1670 Stieger Lake Lane, PO Box 36
Victoria, MN 55386

- Within 15 calendar days after receipt of the complaint, the City Manager or his/her designee will respond to the complaint to discuss the complaint and possible resolutions. Within 30 calendar days of the discussion, the City Manager or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the City and offer options for substantive resolution of the complaint.
- An investigation, as may be appropriate, shall follow a filing of a grievance. The investigation will be conducted by the City Manager or his/her designee.
- If the response is not satisfactorily resolved, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response of the City.
- Within 15 calendar days after receipt of the appeal, a Compliance Committee will be appointed that will be comprised of 1 – 2 City staff, a representative from the disabled community and a health/medical professional. The Committee shall issue its decision within 90 calendar days after the filing of the appeal.
- All written complaints received by the City, appeals and responses will be retained by the City for at least three years.

Public Involvement

As part of the ADA transition planning process, the City reached out to residents to get a better understanding of accessibility challenges and priorities.

The Transition Plan is available on the City of Victoria Website (www.ci.victoria.mn.us) and the City provided a one-month comment period for residents to provide input into the final plan.

ADA Self-Assessment

The purpose of the self-assessment is to determine existing conditions and the extent to which they are in compliance with the ADA. The self-assessment is being used to identify areas of recommended improvements, establish priorities, and develop implementation strategies.

Communications

- TTY and relay services
- Sign language interpretation upon request
- Building signage in Braille
- Publications available in large print, audio tape or computer disk upon request
- Scheduled assistance for program participants with disabilities upon request

Traffic Control Signals

- The City has two traffic signals located within the community and both were upgraded to include ADA compliance. Any required repairs or upgrades shall be completed in conjunction with planned signal upgrades/replacement projects.

Recreation and/or other Programs

- The City offers a wide variety of recreation programs as well as education and outdoor recreation programs to provide enjoyable experiences to individuals and families of all ages. The City strives to make it possible for people with disabilities to use facilities and participate in classes, lessons, camps, and social events. Reasonable accommodations are provided to persons with a disability upon request.

Buildings and Outdoor Developed Areas

The City has several public buildings, over 165 acres of active park land, and various public facilities such as parks, bandstand, and parking lots. Within these properties, the City provides services and programs and strives to meet or exceed accessibility standards.

- New construction is designed in compliance with all existing ADA standards and federally adopted and proposed ADA standards.
- Older facilities that do not meet current ADA standards will be upgraded through a Capital Improvement Plan process and when funding is available.

Trails, Sidewalks and Pedestrian Ways

The City has over 42 miles of sidewalks and trails and 604 pedestrian ramps within the community.

- New construction is designed in compliance with all existing ADA standards and federally adopted and proposed ADA standards.
- Older construction will be upgraded through a variety of ways and when funding is available; Capital Improvement Plan, Street and Utility Improvement project, and General Fund.

Policies and Practices

Since the adoption of the ADA, the City of Victoria has strived to provide accessibility features as part of the design standards, CIP, Street and Utility Projects. As changes in ADA standards were made, the City updated the procedures to accommodate these changes.

Implementation Program and Schedule

The City will, whenever feasible, remove physical barriers to accessibility within programs, buildings, and outdoor developed areas. The City will consider funding levels through its annual operating and capital program budgets to make required improvements that will, at a minimum, bring the various facilities up to accessibility standards, and as resources permit. All new projects will address accessibility consistent with the most current ADA standards and guidelines.

The City will utilize scheduled street and utility improvement projects to upgrade any pedestrian facilities effected by the project to current ADA accessibility standards.

The other method of sidewalk and ADA accessibility projects will be to incorporate them into the Capital Improvement Program on as case by case basis as determined by the City of Victoria staff. The City CIP includes a schedule and budget for specific improvements.

Priority Areas

The City of Victoria has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their proximity to specific land uses such as schools, parks, trails, government offices and high pedestrian areas.

The priority areas as identified in the self-evaluation are as follows;

Area 1 – Downtown and City Hall/Library

Area 2 – Public facilities – buildings, parks, playgrounds, trails, sidewalks within public facilities

Area 3 – Sidewalks and trails in residential areas

Additional priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991, and accessibility features were omitted.

External Agency Coordination

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

Schedule

The City of Victoria has set the following goals for improving the accessibility of its pedestrian facilities within the City's jurisdiction.

- After 5 years, 100% of accessibility features identified with priority Area 1 will be ADA compliant.
- After 10 years, 70% of accessibility features identified as priority Area 2 will be ADA compliant.
- After 20 year, 80 % of accessibility features identifies as priority Area 3 will be ADA complaint.

Monitor the Progress

This document will be updated as conditions within the City evolve and as improvements are implemented. Periodic updates will be made to the main body and to the projects and programs.

ADA Standards and Guidelines

The City is committed to ensuring that all of its new facilities and all of its renovations, including buildings, parks, trails and sidewalks comply with the ADA.

The City updates its Design Standards periodically and understands that its obligation under the ADA is an evolving one that changes as the ADA, technology and community needs change. The City is committed to meeting or exceeding its obligations now and in the future.

Self-Evaluation Results

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

20 miles of sidewalk	Inspected annually and repairs, replacement completed annually through budget or assessment
22 miles of trails	Inspected annually, and maintenance completed to incorporate ADA standards
603 total crossings	ADA complaint crossings will be made through CIP or street improvement projects
514 pedestrian ramps	ADA complaint pedestrian ramps will be made through CIP or street improvement projects
Total non-compliant	469
Total compliant	45
Traffic controls signals w/push buttons	100% compliant
Traffic control signals with APS	100% compliant
Parks and Public Buildings	Updated curb ramps, parking spaces and signage, access routes, picnic tables, portable restrooms.

Schedule and Budget Information

Cost Information

Construction costs for upgrading facilities can vary depending on each individual improvement and condition of each site. Costs can also vary on the type and size of project the improvements are associated with. Listed below are “estimated” costs for some typical accessibility improvements bases on if the improvements are included in as part of a retrofit or a larger comprehensive capital improvement project.

Intersection corner ADA improvement retrofit	\$5,500 per corner
Intersection corner ADA improvement as part of CIP	\$2,500 per corner
Traffic Control Signal APS upgrade retrofit	\$21,000
Traffic Control Signal APS upgrade as part of CIP	\$15,000

Sidewalk/Trail ADA Improvement retrofit \$9.00 per SF

Sidewalk/Trail ADA Improvement as part of adjacent CIP \$7.00 per SF

Priority Areas – based on the results of the self-evaluation, the estimated costs associated with eliminating accessibility barriers within the targeted priority areas is as follows;

- Area 1 Cost - \$200,000 (Downtown ADA Assessment completed by Bolton and Menk)
- Area 2 Cost - \$600,000 to \$900,000
This cost estimate includes; public facility updates for signage, picnic tables, accessible entrances to buildings, playgrounds, and open spaces. Some of these costs will be included in general fund budget, some within projects and some stand-alone projects.
- Area 3 Cost - \$600,000 to \$1.2 million
This cost estimate includes; updates to trails and sidewalks and providing ADA requirements for intersection improvements within neighborhoods. Some of these costs will be assessed to property owners.

Public Outreach

The City of Victoria will make the Transition Plan available to the public for up to one-month and will invite public comments related to the plan.

The City Council will open a 30-day public comment period on March 25, 2019 through April 24, 2019 and receive input on the Draft ADA Transition Plan. On May 13, 2019 the City Council will be asked to adopt the plan.

The City will post the “Draft” Plan on the City website and solicit public comments and will also publicize through social media and print media.