



# ADA TRANSITION PLAN

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FOR PUBLIC RIGHTS OF WAY

Engineering Department

CITY OF FAIRMONT | 100 DOWNTOWN PLAZA, FAIRMONT, MN

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## Introduction

### Transition Plan Need and Purpose

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

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, City of Fairmont 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 Fairmont 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.

### 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, City of Fairmont 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 of Fairmont programs, practices, or building facilities not related to public rights of way.**

## Self-Evaluation

### Overview

The City of Fairmont is required, under Title II of the Americans with Disabilities Act (ADA) and 28CFR35.105, to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the City of Fairmont 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 rights of way. Any barriers to accessibility identified in the self-evaluation and the remedy to the identified barrier are set out in this transition plan.

### Summary

In the summer of 2017 the City conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- 52 miles of sidewalks
- 1189 curb ramps
- 5 miles of trails
- 12 Traffic control signals

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

## Policies and Practices

### Previous Practices

Since the adoption of the ADA, the City of Fairmont has striven 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. The City of Fairmont continues to improve accessibility through its street improvement program. During each project the city has installed new pedestrian facilities that meet ADA guidelines. Example of such projects in the following:

**Margaret Street Reconstruction 2017:** This project included the construction of a new ADA accessible pedestrian trail and pedestrian ramps connecting to existing sidewalks and trails.

**10<sup>th</sup> and 11<sup>th</sup> Street Reconstruction 2017:** This project included all new ADA accessible sidewalk and pedestrian ramps.

**Whitetail Ridge Construction 2016:** The City constructed a new residential development and included new ADA accessible sidewalks, trails, and pedestrian ramps

**Albion Avenue Reconstruction 2014:** This project included new ADA accessible pedestrian ramps, and APS push bottom stations at the intersection of Albion Avenue and Lair Road.

### Policy

Fairmont's goal is to continue to provide accessible pedestrian design features as part of the City capital improvement projects. The City has established ADA design standards and procedures as listed in Appendix F. 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. The City will evaluate and upgrade pedestrian facilities as necessary on any project that requires more repair than just patching.

Requests for accessibility improvements 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 E.

## Improvement Schedule

### Priority Areas

The City of Fairmont 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, government offices and medical facilities, as well as from the receipt of public comments. The priority areas as identified in the 2017 self-evaluation are as follows:

- Near Schools
- Near Public Buildings
- Downtown Area
- Areas where public input is received

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

### External Agency Coordination

Many other agencies are responsible for pedestrian facilities within the jurisdiction of City of Fairmont. 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 Fairmont has set the following schedule goals for improving the accessibility of its pedestrian facilities within the City jurisdiction:

- After 5 years, 20% of accessibility features that were constructed after January 26, 1991, would be ADA compliant.
- After 10 years, 50% of accessibility features that were constructed after January 26, 1991, would be ADA compliant.
- After 20 years, 100% of accessibility features that were constructed after January 26, 1991, would be ADA compliant.
- After 10 years, 50% of accessibility features within the priority areas identified by City staff would be ADA compliant.
- After 20 years, 75% of accessibility features within the jurisdiction of the City of Fairmont would be ADA compliant.

## ADA Coordinator

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

## Implementation Schedule

### Methodology

City of Fairmont 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 Capital Improvement Program (CIP) on a case by case basis as determined by City of Fairmont staff.

## Public Outreach

City of Fairmont 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 of Fairmont.

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

The City will provide an opportunity for interested persons, including individuals with disabilities or organizations representing such individuals, to comment on the self-evaluation and Transition Plan process. A draft copy of the Transition Plan will be available to the public online at the City's webpage, [www.fairmont.org](http://www.fairmont.org) "ADA Transition Plan." A draft copy of the transition plan was sent to known organizations that serve people with disabilities in the City of Fairmont.

### Fairmont Organizations

REM Heartland  
STEP, Inc.  
SMILES  
Community Options and Resources (COR)

A draft copy of the plan was presented to the Fairmont Human Rights Commission and shared with others like the State Council on Disability and Martin County. The Transition Plan, a list of interested persons consulted, and a description of any modifications made to any policies,



practices and programs must be maintained on file and available to the public for at least three years following the completion of the self-evaluation.

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 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 D. If users of the City of Fairmont 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.

## **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 in (short term period 3-5 years) 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. Self-Evaluation Results
- B. Schedule/Budget Information
- C. Public Outreach
- D. Grievance Procedure
- E. Contact Information
- F. Agency ADA Design Standards and Procedures
- G. Glossary of Terms

## Appendix A – Self-Evaluation Results

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

<b>SIDEWALKS</b>		<b>52 Miles</b>	
	Slope 2% or Less	60%	
	Slope Greater 2%	25%	
	Slope Unknown	15%	
<b>TRAILS</b>		<b>5 Miles</b>	
	Slope 2% or Less	80%	
	Slope Greater 2%	10%	
	Slope Unknown	10%	
<b>CURB RAMPS</b>		<b>1089</b>	
	Trail Ramp	40	
	Sidewalk Curb Ramp	1049	
	Curb Ramp Nonexistant	254	24%
	Curb Ramp W/ Truncated Domes	471	45%
	Curb Ramp W/O Truncated Domes	324	31%
	Curb Ramps in Compliance	185	18%
<b>INTERSECTION W/ SIGNALS</b>		<b>12</b>	
	Traffic Signals (City legs)	33	
	Intersection W/ Curb Ramps	11	92%
	Intersection W/O Curb Ramps	1	8%
	Intersections In Compliance	7	58%
	Signalized Intersection W/ APS	7	58%

## Appendix B – Schedule/Budget Information

### Cost Information

#### Unit Prices

Construction costs for upgrading facilities can vary depending on each individual improvement and conditions of each site. Costs can also vary on the type and size of project the improvements are associated with. Listed below are representative 2018 costs for some typical accessibility improvements based on if the improvements are included as part of a retrofit type project, or as part of a larger comprehensive capital improvement project.

Intersection corner ADA improvement retrofit: +/- \$5000 per corner

Intersection corner ADA improvement as part of adjacent capital project: +/- \$1,800 per corner

Traffic control signal APS upgrade retrofit: +/- \$ 18,000

Traffic control signal APS upgrade as part of full traffic control signal installation: +/- \$12,000

Sidewalk / Trail ADA improvement retrofit: +/- \$6.00 per SF

Sidewalk / Trail ADA improvement as part of adjacent capital project: +/- \$4.25 per SF

#### Priority Areas

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

- Near Schools \$460,000
- Downtown Area \$2,400,000
- Near Parks \$260,000 (Not including ADA facilities in the parks)
- Friendship Village Area \$217,000

#### Entire Jurisdiction

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility within the entire jurisdiction is \$6.9 million. This amount signifies a significant investment that the City of Fairmont is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken in order to absorb the cost into the City of Fairmont budget for improvements to the public right of way.

## Appendix C – Public Outreach

A draft of the proposed transition plan was sent to the following organizations serving people with disabilities:

- REM Heartland
- STEP, Inc.
- SMILES
- COR: Community Options and Resources

A draft copy of the plan was presented to the Fairmont Human Rights Commission and shared with others like the State Council on Disability and Martin County.

A draft copy of the plan has been made available on the City website for interested parties to review.

A draft copy of the plan was shared with the City Council on October 22, 2018

The plan will be available at Fairmont City Hall for public use.

## 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 Americans with Disabilities Act of 1990, the City of Fairmont will not discriminate against qualified individuals with disabilities on the basis of disability in City services, programs, or activities.

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

**Effective Communication:** The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City 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.

**City of Fairmont  
Grievance Procedure under  
the Americans with Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **City of Fairmont**. The **City's** Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Troy Nemmers  
Public Works Director/City Engineer and ADA Coordinator  
100 Downtown Plaza  
Fairmont, MN 56031  
507-238-3942  
tnemmers@fairmont.org

Within 15 calendar days after receipt of the complaint, Troy Nemmers or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Troy Nemmers or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Fairmont and offer options for substantive resolution of the complaint.

If the response by Troy Nemmers or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Administrator or his designee.

Within 15 calendar days after receipt of the appeal, the City Administrator or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Administrator or his 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 Troy Nemmers or his designee, appeals to the City Administrator or his designee, and responses from these two offices will be retained by the City of Fairmont for at least three years.



## City of Fairmont Grievance Procedure

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

### Internet

Visit the City of Fairmont website [www.fairmont.org](http://www.fairmont.org) and click the “ADA” link under Public Works to download an ADA Grievance Form. This form can be submitted to the ADA Coordinator via email as listed in the contact information. A copy of The ADA Grievance Form is included in this Appendix.

### Telephone

Contact the pertinent City staff person listed in the contact information section of Appendix E 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 E to request a paper copy of the city’s grievance form, complete the form, and submit it to the ADA Coordinator. A staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

The ADA Grievance Form will ask for the following information:

The **name, address, telephone number, and email address** for the person filing the grievance

The **name, address, telephone number, and email address** for the person alleging an ADA violation (if different than the person filing the grievance)

A **description and location of the alleged violation and the nature of a remedy sought**, if known by the complainant.

If the complainant has filed the same complaint or grievance with the United States Department of Justice (DOJ), another federal or state civil rights agency, a court, or others, the **name of the agency or court where the complainant filed it and the filing date**.

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

3. Within 60 calendar days of receipt, a City of Fairmont 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's response. The staff person will take advantage of department resources and use engineering judgment, data collected, and any information submitted by the resident to develop a conclusion. A staff person will be available to meet with the complainant to discuss the matter as a part of the investigation and resolution of the matter. The 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: 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 Fairmont.

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

Complaints of Title II violations may also be filed with the DOJ within 180 days of the date of discrimination. In certain situations, cases may be referred to a mediation program sponsored by the Department of Justice (DOJ). The DOJ may bring a lawsuit where it has investigated a matter and has been unable to resolve violations.

For more information, contact:

U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Disability Rights Section - NYAV  
Washington, D.C. 20530

[www.ada.gov](http://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.

**Title II of the Americans with Disabilities Act 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 ADA Coordinator:

Mail: Troy Nemmers Public Works Director/City Engineer  
100 Downtown Plaza  
Fairmont, MN 56031

Email: [tnemmers@fairmont.org](mailto:tnemmers@fairmont.org)

Complainant: \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

Home: \_\_\_\_\_

Business: \_\_\_\_\_

Person Discriminated Against (if other than the complainant): \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip Code: \_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Business: \_\_\_\_\_

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

County: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

When did the discrimination occur? \_\_\_\_\_ Date: \_\_\_\_\_

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use space on page 3 if necessary):

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

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: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Do you intend to file with another agency or court? Yes \_\_\_\_\_ No \_\_\_\_\_

Agency or Court \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Additional space for answers:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix E – Contact Information

### ADA Title II Coordinator

Name: Troy Nemmers, P.E. Public Works Director/City Engineer  
Address: 100 Downtown Plaza  
Fairmont, MN 56031  
  
Phone: 507-238-3942  
Fax: 507-238-9469  
E-mail: [tnemmers@fairmont.org](mailto:tnemmers@fairmont.org)

### Public Right of Ways ADA Implementation Coordinator

Name: Troy Nemmers, P.E. Public Works Director/City Engineer  
Address: 100 Downtown Plaza  
Fairmont, MN 56031  
  
Phone: 507-238-3942  
Fax: 507-238-9469  
E-mail: [tnemmers@fairmont.org](mailto:tnemmers@fairmont.org)

## Appendix F – Agency ADA Design Standards and Procedures

### Design Procedures

#### Intersection Corners

Curb ramps or blended transitions will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of any project. Those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgment of 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 those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City staff.

#### Traffic Control Signals

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 those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each 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 Fairmont. Those facilities fall under the jurisdiction of Prairie Lakes Transit. The City of Fairmont will work with Prairie Lakes Transit to ensure that those facilities meet all appropriate accessibility standards.

#### Other policies, practices and programs

Policies, practices and programs not identified in this document will follow the applicable ADA standards.



## **Design Standards**

The City of Fairmont has PROWAG, as adopted by the Minnesota Department of Transportation (MnDOT), as its design standard. A copy of this document is included in the following pages of this appendix.

## Appendix G – Glossary of Terms

**ABA:** See Architectural Barriers Act.

**ADA:** See Americans with Disabilities Act.

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

**ADAAG:** See Americans with Disabilities Act Accessibility Guidelines.

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

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

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

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

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

**APS:** See Accessible Pedestrian Signal.

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

**Capital Improvement Program (CIP):** The CIP for the Transportation Department includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the county's transportation system.

**Detectable Warning:** A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

**DOJ:** See United States Department of Justice

**Federal Highway Administration (FHWA):** A branch of the US Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

**FHWA:** See Federal Highway Administration

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

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

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

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

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

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

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

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