



Benton County Public Works ADA Transition Plan

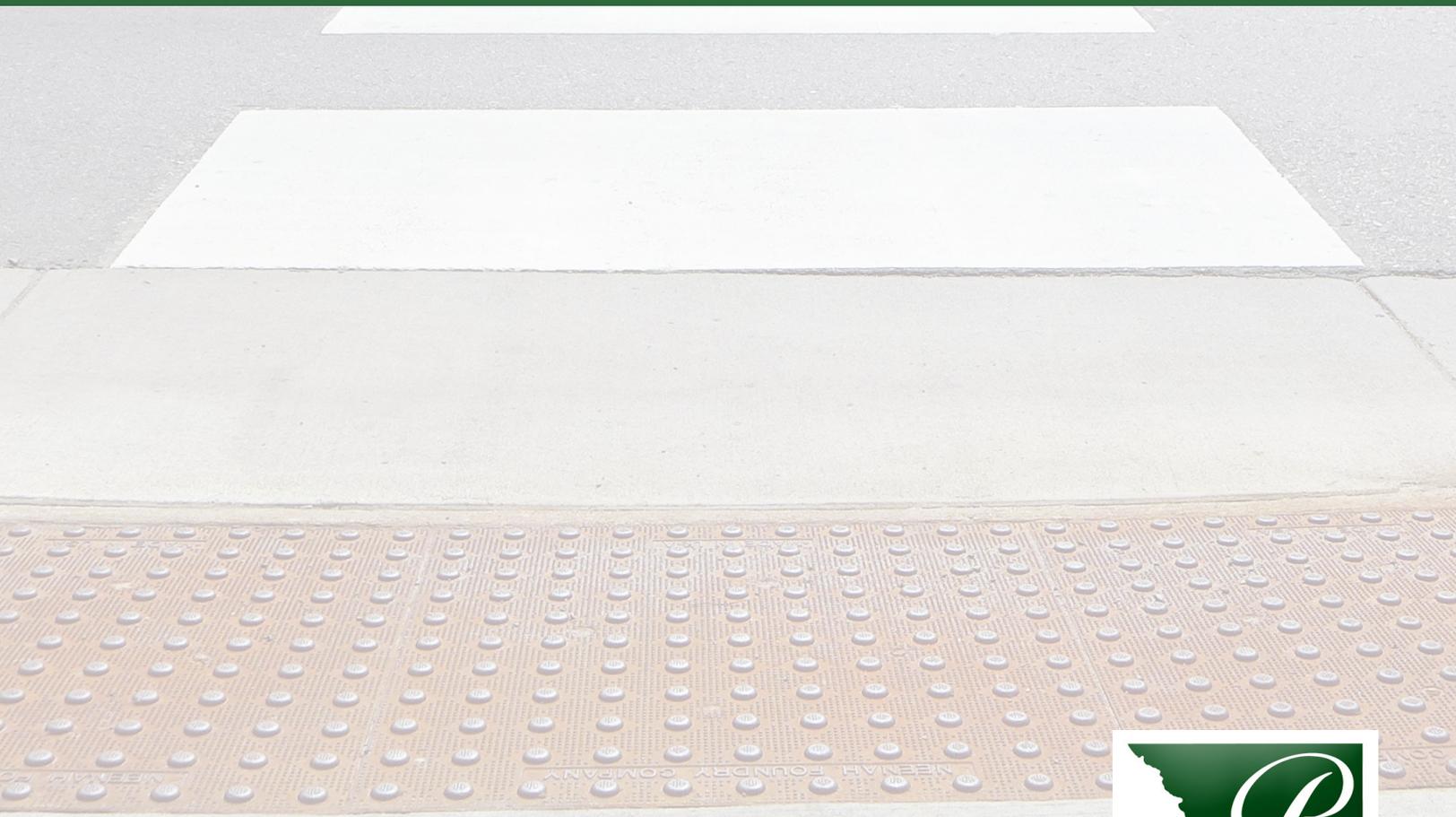


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INTRODUCTION

Transition Plan Need and Purpose

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

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

Appendix A of this document includes a glossary of ADA terms that may be used in this document. Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the Benton County Public Works (BCPW) 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 BCPW has conducted a self-evaluation of its facilities within public rights of way and has developed this Transition Plan for public rights of way detailing how the organization will ensure that all of those facilities are accessible to all individuals. This document has been created to specifically cover accessibility within the public rights of way and does not include information on other County programs, practices, or building facilities not related to public rights of way.

ADA and its Relationship to Other Laws

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

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

Agency Requirements

Under Title II, Benton County must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and usable by individuals with disabilities ([28 CFR Sec. 35.150](#)).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability ([28 CFR Sec. 35.130 \(a\)](#)).
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result ([28 CFR Sec. 35.130\(b\) \(7\)](#)).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective ([28 CFR Sec. 35.130\(b\)\(iv\) & \(d\)](#)).
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others ([28 CFR Sec. 35.160\(a\)](#)).
- Must designate at least one responsible employee to coordinate ADA compliance [[28 CFR Sec. 35.107\(a\)](#)]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [[28 CFR Sec. 35.107\(a\)](#)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [[28 CFR Sec. 35.106](#)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 CFR Sec. 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

SELF-EVALUATION CONDITION ASSESSMENT

Overview

Benton County Public Works is required, under Title II of the Americans with Disabilities Act (ADA) and [28 CFR 35.105](#), to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the County implements these policies.

The goal of the self-evaluation is to verify that, in implementing the County's policies and practices, Benton County Public Works (BCPW) is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The self-evaluation includes consideration of the curb ramps and traffic control signals that are located within the County 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 2018, Benton County Public Works conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- Pedestrian ramps at street crossings that include trail or sidewalk facilities
- Traffic Control Signal Systems

Pedestrian ramps in the public highway right of way were assessed and categorized into three condition rating tiers:

Tier 1: largely or fully compliant

Tier 2: substantially compliant and working well

Tier 3: several elements are not compliant

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

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

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

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

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

Maps showing the locations of facilities assessed and how these facilities relate to ADA standards can be found on the County's website <https://www.co.benton.mn.us/> and detailed in **Appendix B** and will be updated periodically.

POLICIES AND PRACTICES

Previous Practices

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

Policy

BCPW will inspect, inventory and plan for any required improvements to facilities located in the public right-of-way, to ensure compliance with the ADA. The County's goal is to continue to provide accessible pedestrian design features as part of the County Highway Capital Improvement Plan (CIP) projects. BCPW has established ADA design standards and procedures as detailed in **Appendix C**. These standards and procedures will be kept up to date with nationwide and local best management practices.

BCPW will consider and respond to all accessibility improvement requests. Requests should be sent to the ADA Coordinator as specified in **Appendix D**. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. BCPW will coordinate with external agencies as necessary to ensure that all new or altered pedestrian facilities within BCPW 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 County. In general, the cities are responsible for snow removal operations for pedestrian facilities on county highways within each city.

BCPW will maintain and update the facility database to reflect improvements to inventoried facilities.

ADA COORDINATOR

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

IMPROVEMENT SCHEDULE

Priority Areas

A tier system which categorizes the level of compliance for pedestrian ramps and signal systems was developed to assist BCPW with prioritizing limited funds for improvements of its pedestrian facilities.

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

External Agency Coordination

Many other agencies are responsible for pedestrian facilities within the jurisdiction of Benton County, including the Minnesota Department of Transportation (MNDOT), Cities and townships. Metro Bus, the local transit provider has facilities in the County right of way. BCPW will coordinate with those agencies to assist in the facilitation of the elimination of accessibility barriers along their routes and/or associated with their services located in County highway rights of way.

Schedule Goals

BCPW has set the following schedule goals for improving the accessibility of its facilities within the County right of way:

Pedestrian Ramps

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

Traffic Control Signal Systems

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

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

IMPLEMENTATION SCHEDULE

Methodology

BCPW 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 Highway Capital Improvement Plan projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. The second method includes standalone sidewalk and ADA accessibility improvement projects. These projects will be incorporated into the Highway Improvement Capital Plan on a case by case basis as determined by BCPW staff or may be completed by internal County forces or cities who maintain the facilities. The CIP includes a schedule and budget for specific improvements.

PUBLIC OUTREACH

BCPW recognizes that public participation is an important component in the development of this plan. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of Benton County. Materials from public outreach activities are included in **Appendix E**.

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

- ADA Transition Plan Open House – April 25, 2019
- One written comment was submitted after the public open house expressing appreciation for the County hosting the Open House.
- The County’s ADA Title II Coordinator will continue to be available for questions or discussion.

GRIEVANCE PROCEDURE

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regard to the ADA. This public notice is provided in **Appendix F**. If users of Benton County Public Works facilities and services believe the County has not provided reasonable accommodation, they have the right to file a grievance.

In accordance with [28 CFR 35.107\(b\)](#), BCPW has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens’ complaints, concerns, comments, and other grievances. This grievance procedure is outlined in **Appendix G**, with a Complaint Form in **Appendix H**. The complaint form can also be found on the County’s website <https://www.co.benton.mn.us/>.

MONITOR THE PROGRESS

This Transition Plan, including the Appendices, will be updated as conditions within the County evolve. For plan updates, a public comment period will be established to continue the public outreach regarding the ADA accessibility of highway department facilities.

APPENDICES

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

Appendix A – Glossary of Terms

ABA: See Architectural Barriers Act.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: Benton County Public Work’s transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the Highway Capital Improvement Plan, 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 vibro-tactile formats.

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

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

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

APS: See Accessible Pedestrian Signal.

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

Condition Rating for Pedestrian Curb Ramps

Tier 1: largely or fully compliant – Good

Tier 2: substantially compliant and working well – Fair

Tier 3: several elements are non-compliant – Poor

Condition Rating for Traffic Control Signal Systems

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

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

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

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

Highway Capital Improvement Plan (CIP): The CIP includes an annual capital budget and a five-year plan for funding construction projects on the County's transportation system.

Minnesota Accessibility Code 2015: The Minnesota building code which addresses accessibility code requirements for sites and building elements.

BCPW: Benton County Public Works

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

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

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

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

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

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

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

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

Appendix B – Self-Evaluation

Details of the condition assessment of the pedestrian facilities adjacent to roadway corridors can be found on the County’s website <https://www.co.benton.mn.us/>.

A summary of the condition assessment is also included on the following pages.

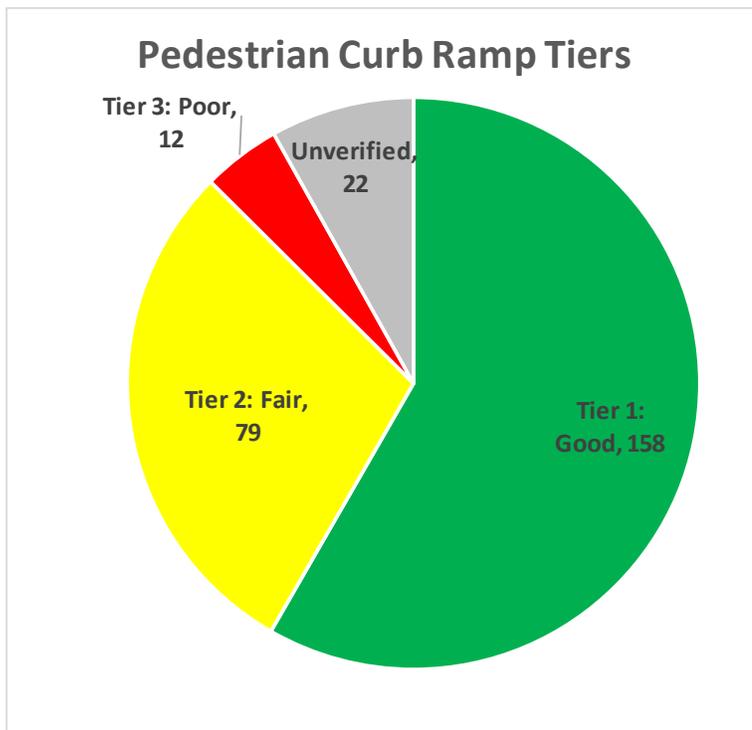
Priority Areas

BCPW is committed to making accessibility improvements to its highway infrastructure. A systematic approach to providing accessibility will be taken to absorb the cost into Benton County’s budget for improvements to the public right of way.

Pedestrian Ramps

A total of 271 pedestrian ramps were inventoried and classified as follows.

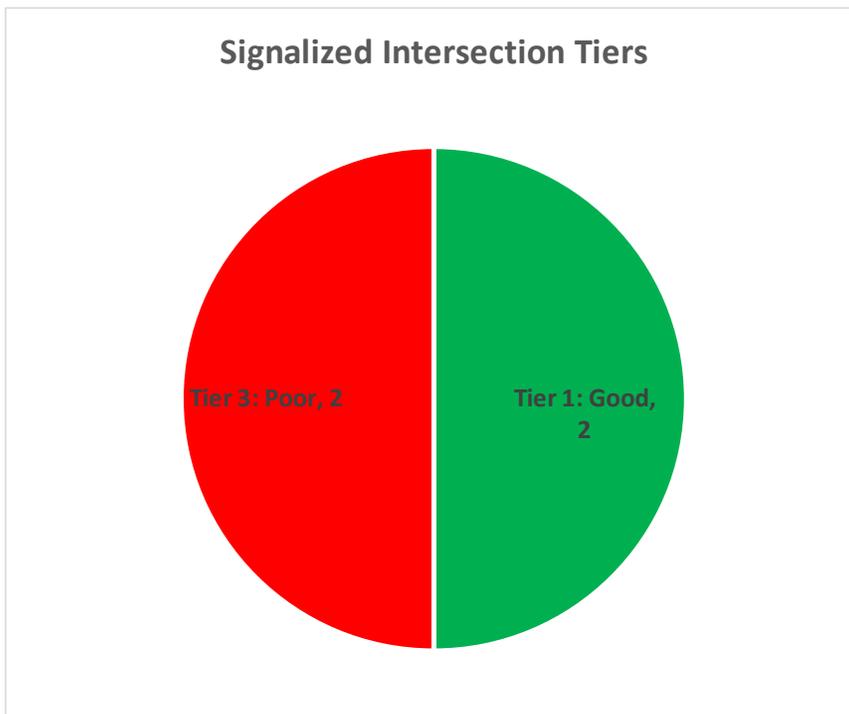
- Tier 1: largely or fully compliant = 158 (58%)
- Tier 2: substantially compliant and working well = 79 (28%)
- Tier 3: several elements are not compliant = 12 (4%)
- Unverified: under construction = 22 (8%)



Traffic Signal Systems

A total of four traffic signal systems were inventoried and classified as follows.

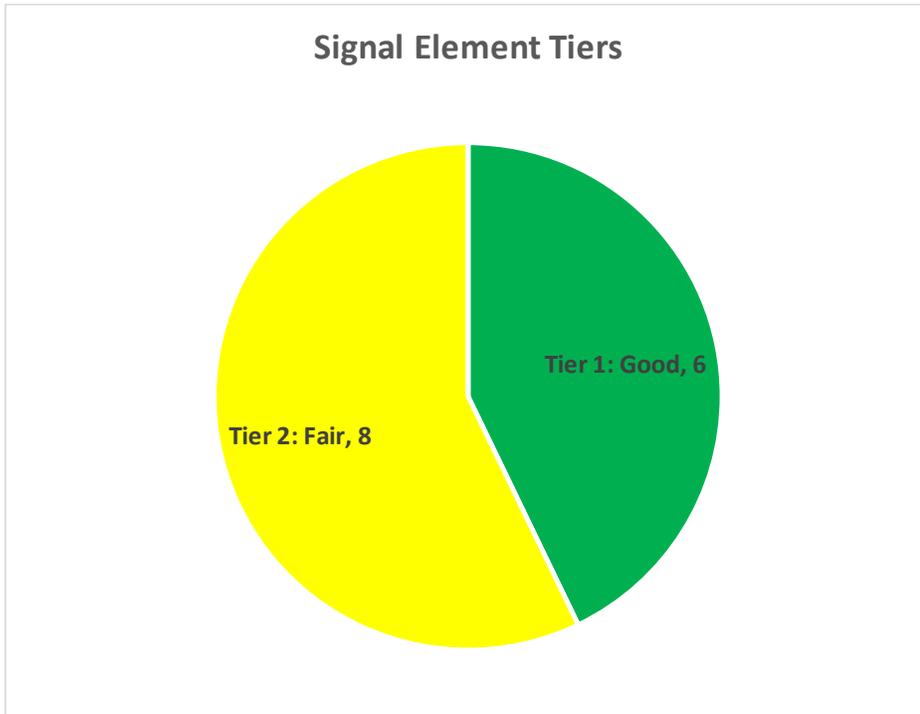
- Tier 1: all quadrants of the signalized intersection are largely or fully compliant = 2 (50%)
- Tier 2: one quadrant of the signalized intersection is non-compliant = 0
- Tier 3: two or more quadrants of the signalized intersection is non-compliant = 2 (50%)

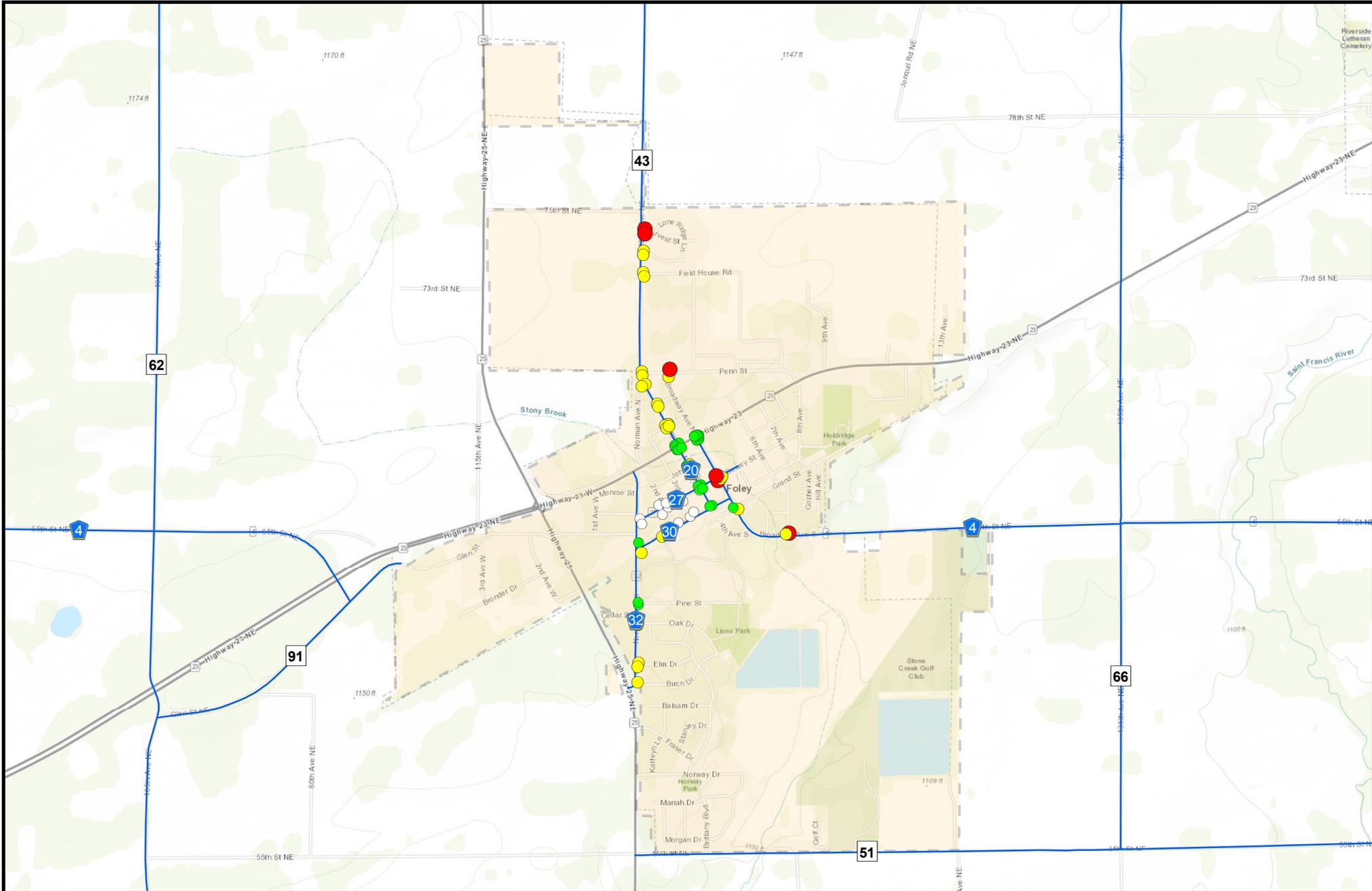


Pedestrian Ramps at Signalized Intersection Corners

A total of 43 pedestrian ramps at signalized intersection corners were inventoried and classified as follows.

- Tier 1: largely or fully compliant = 15 (35%)
- Tier 2: substantially compliant and working well = 19 (44%)
- Tier 3: several elements are not compliant = 9 (21%)





0 0.2 0.4 Miles



Legend

● Tier 1: Good (27)	● Tier 3: Poor (6)	— County Roads
● Tier 2: Fair (28)	○ Unverified (12)	 City of Foley

Benton County

ADA Transition Plan

City of Foley

Figure 1
Sep, 2018



0 0.06 0.12 Miles



Legend

● Tier 1: Good (0)	● Tier 3: Poor (3)	— County Roads
● Tier 2: Fair (5)	 Unverified (0)	 City of Gilman

Benton County

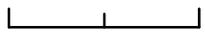
ADA Transition Plan

City of Gilman

Figure 2
Sep, 2018



0 0.2 0.4 Miles



Legend

● Tier 1: Good (2)	● Tier 3: Poor (1)	— County Roads
● Tier 2: Fair (15)	 Unverified (0)	 City of Rice

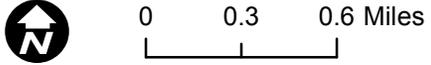
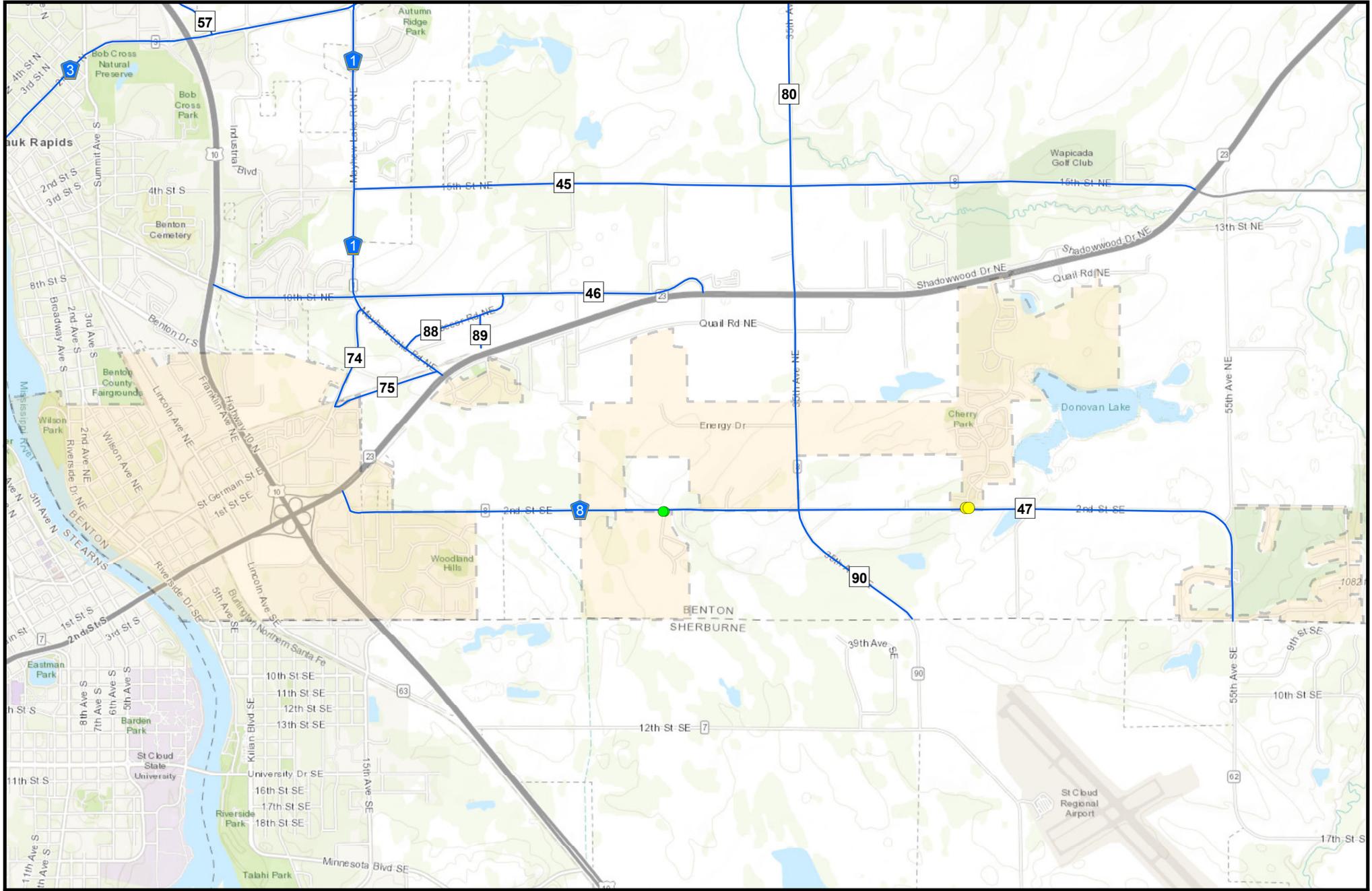
Benton County

ADA Transition Plan

City of Rice

Figure 3
Sep, 2018

Source: Benton County, MnDOT, ESRI



Legend			
●	Tier 1: Good (2)	●	Tier 3: Poor (0)
●	Tier 2: Fair (2)	○	Unverified (0)
		—	County Roads
			City of Saint Cloud

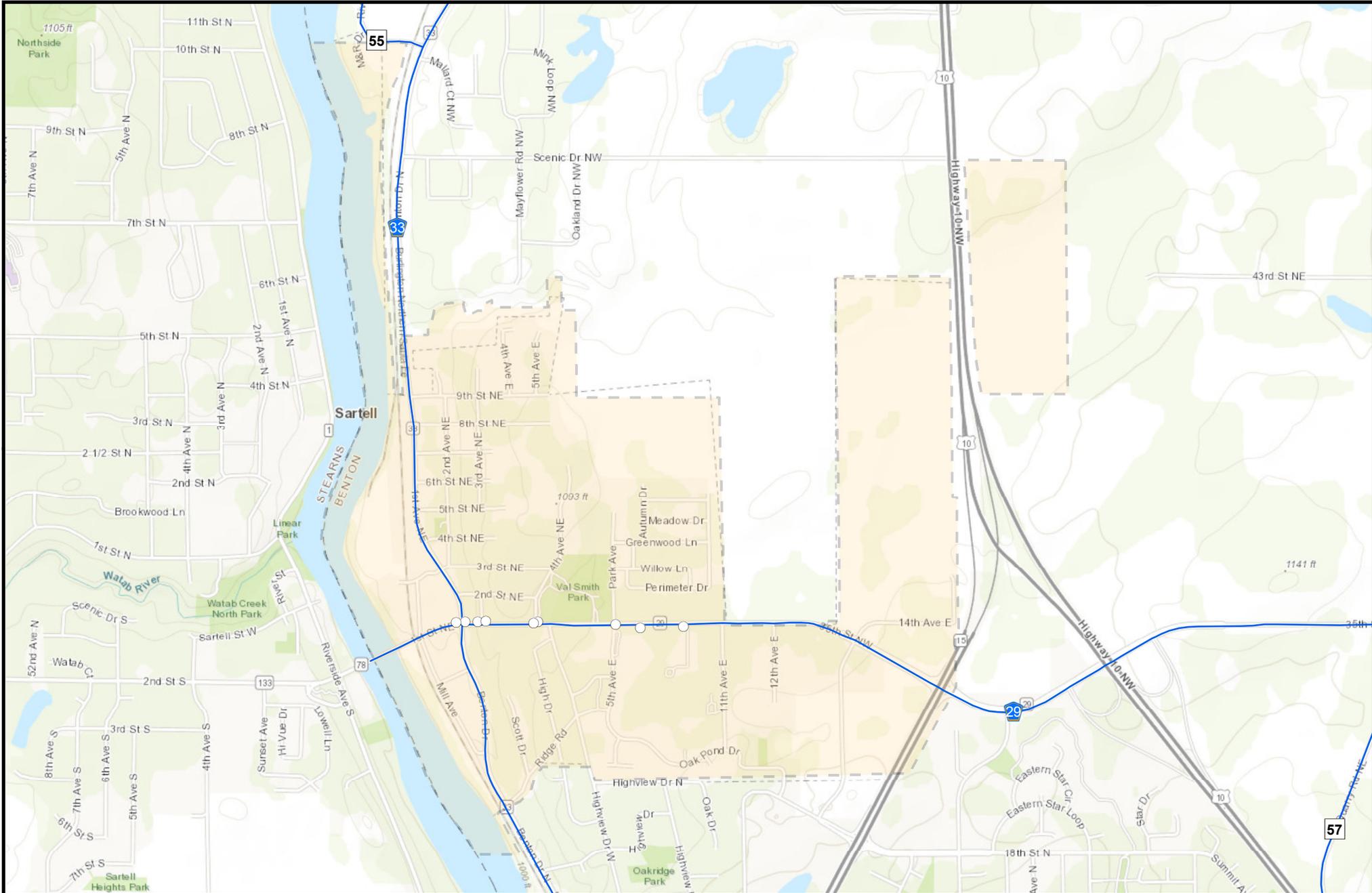
Benton County

ADA Transition Plan

City of Saint Cloud

Figure 4
Sep, 2018

Source: Benton County, MnDOT, ESRI



0 0.3 0.6 Miles



Legend

- Tier 1: Good (0)
- Tier 2: Fair (0)
- Tier 3: Poor (0)
- Unverified (9)
- County Roads
- City of Sartell

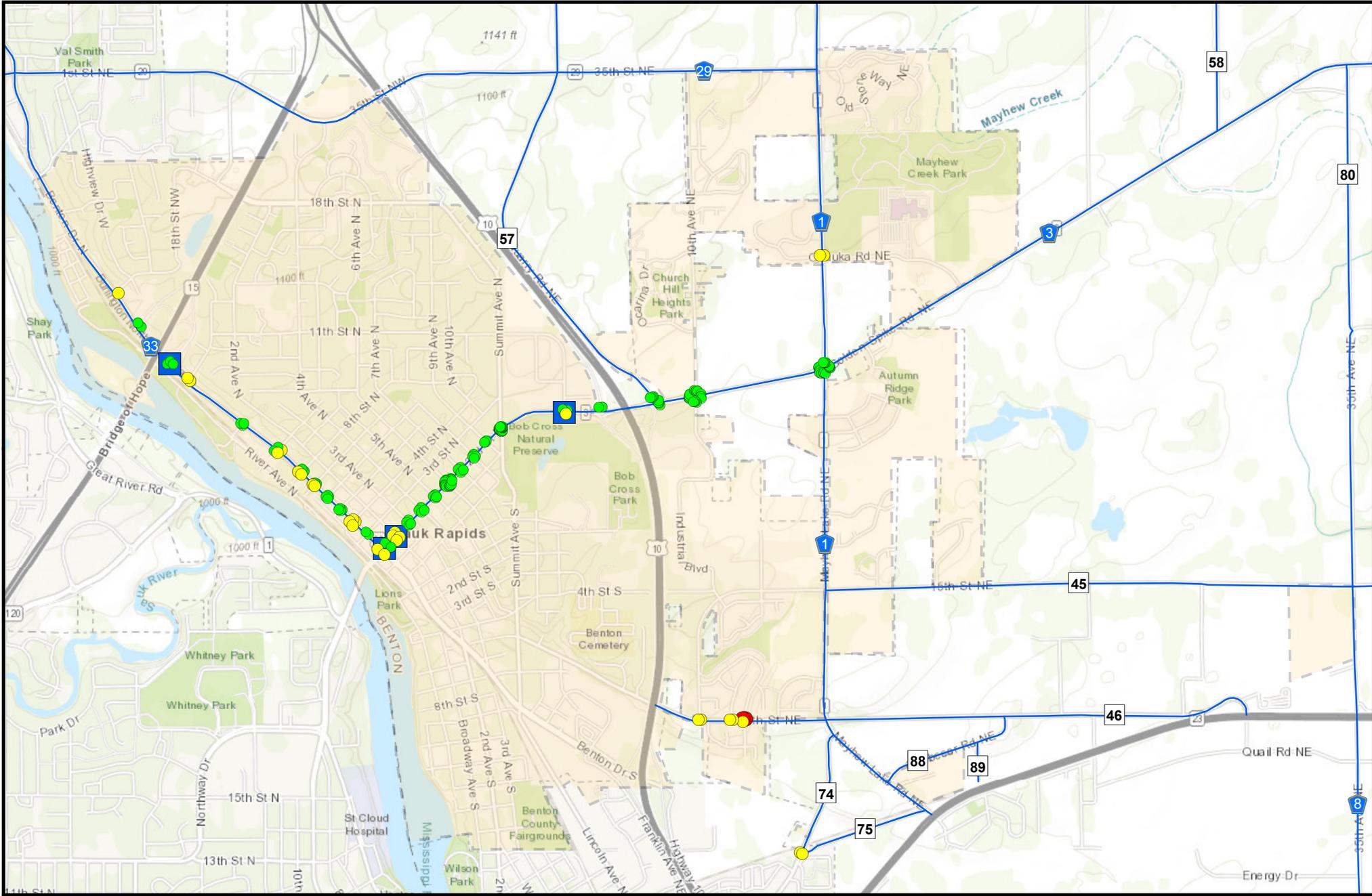
Benton County

ADA Transition Plan

City of Sartell

Figure 5
Sep, 2018

Source: Benton County, MnDOT, ESRI



0 0.3 0.6 Miles

Legend

- Tier 1: Good (127)
- Tier 2: Fair (29)
- Tier 3: Poor (2)
- Unverified (0)
- County Roads
- Signaled Intersection (4)
- City of Sauk Rapids



Benton County
 ADA Transition Plan
City of Sauk Rapids

Figure 6
 Sep, 2018

Source: Benton County, MnDOT, ESRI

Appendix C – Agency ADA Design Standards and Procedures

Design Procedures

Intersection Corners

BCPW intends to construct or upgrade curb ramps to achieve compliance as part of its Highway Capital Improvement Plan 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 of whether full compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgment of County staff.

Sidewalks / Trails

BCPW will coordinate with cities; who are generally responsible for sidewalks and trails located within in county right of way, to evaluate and attempt to construct or upgrade sidewalks and trails to achieve compliance as part of Highway Capital Improvement Plan 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 of whether full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of County staff.

Traffic Control Signals

BCPW will attempt to construct or upgrade traffic control signals to achieve compliance as part of Highway Capital Improvement Plan 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 of whether 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 County staff.

Bus Stops

BCPW staff coordinate with Metro Bus upon request for new bus stops that will be made ADA compliant to the extent practical and feasible.

Other policies, practices and programs

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

Design Standards

BCPW generally follows the guidelines identified in the *Guidelines for Accessible Public Rights-of-Way (PROWAG)* most recent version, when practical and feasible.

Appendix D – Contact Information

Benton County Public Works

ADA Title II Coordinator & Implementation Coordinator

Name: Chris Byrd, P.E.
Or Current County Engineer

Address: 7752 Highway 25 NE
Foley, MN 56329-0129

Phone: 320.968.5054

Fax: 320.968.5333

E-mail: cbyrd@co.benton.mn.us

Appendix E – Public Outreach Material

The following pages include poster boards that were used at the Public Open House.



What is an ADA Transition Plan?

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability.

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

Benton County Public Works must meet these general requirements for individuals with disabilities:

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

Benton County Public Work's goal is to provide ADA-accessible pedestrian design features as part of the County's capital improvement projects (CIP). These standards and procedures will be kept up to date with nationwide and local best management practices.



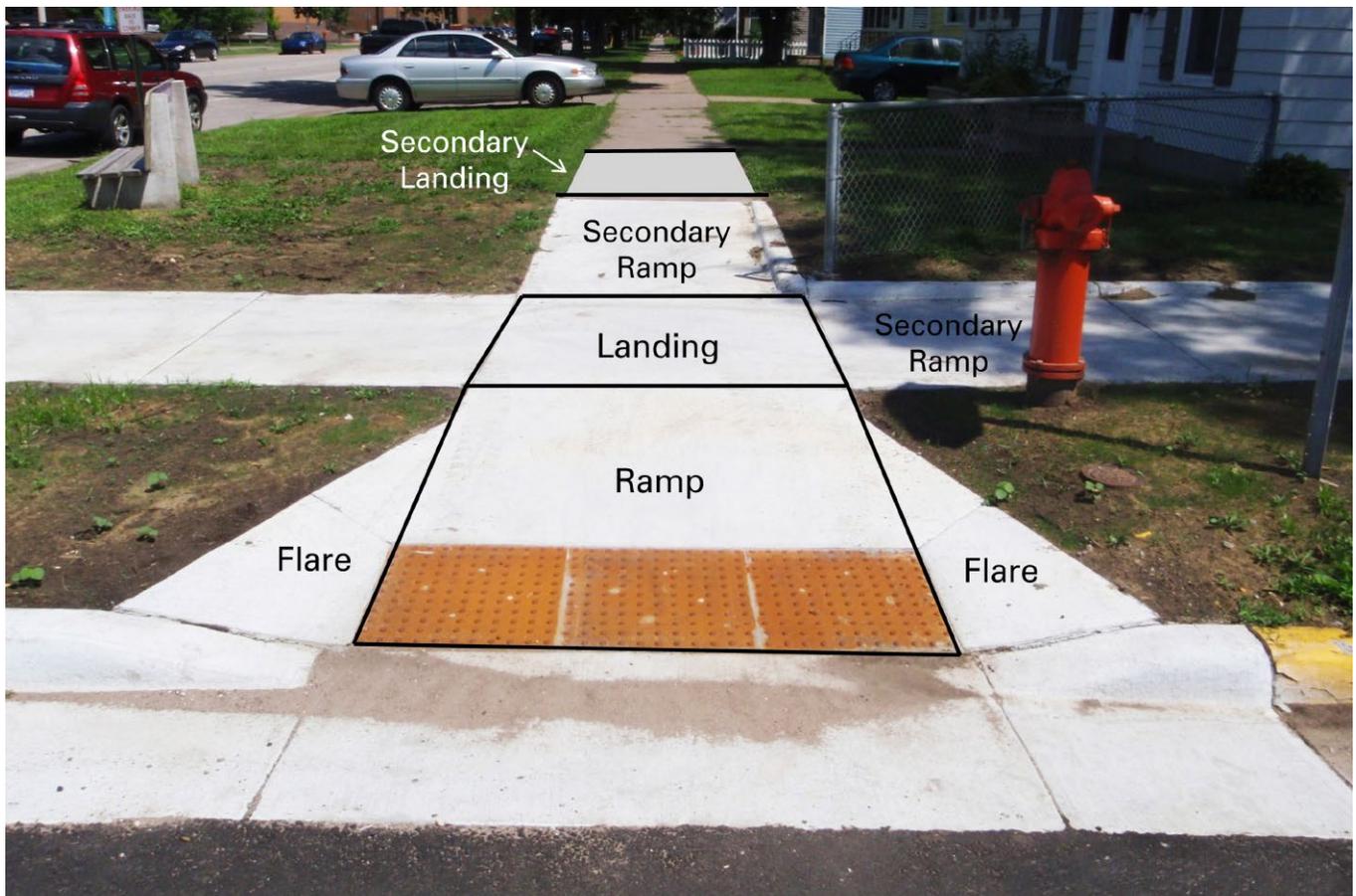
ADA Improvement Plan

Benton County Public Work's ADA improvements are based on projects identified in the County capital improvement projects (CIP) listing and will be addressed using the following criteria:

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

Benton County Goals:

- After 5 years, items identified in the County Improvement Plan will be ADA-Compliant.
- After 20 years, 80 percent of accessibility features within the jurisdiction of the County will be ADA compliant.



Curb Ramp Elements

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

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



ADA Coordinator

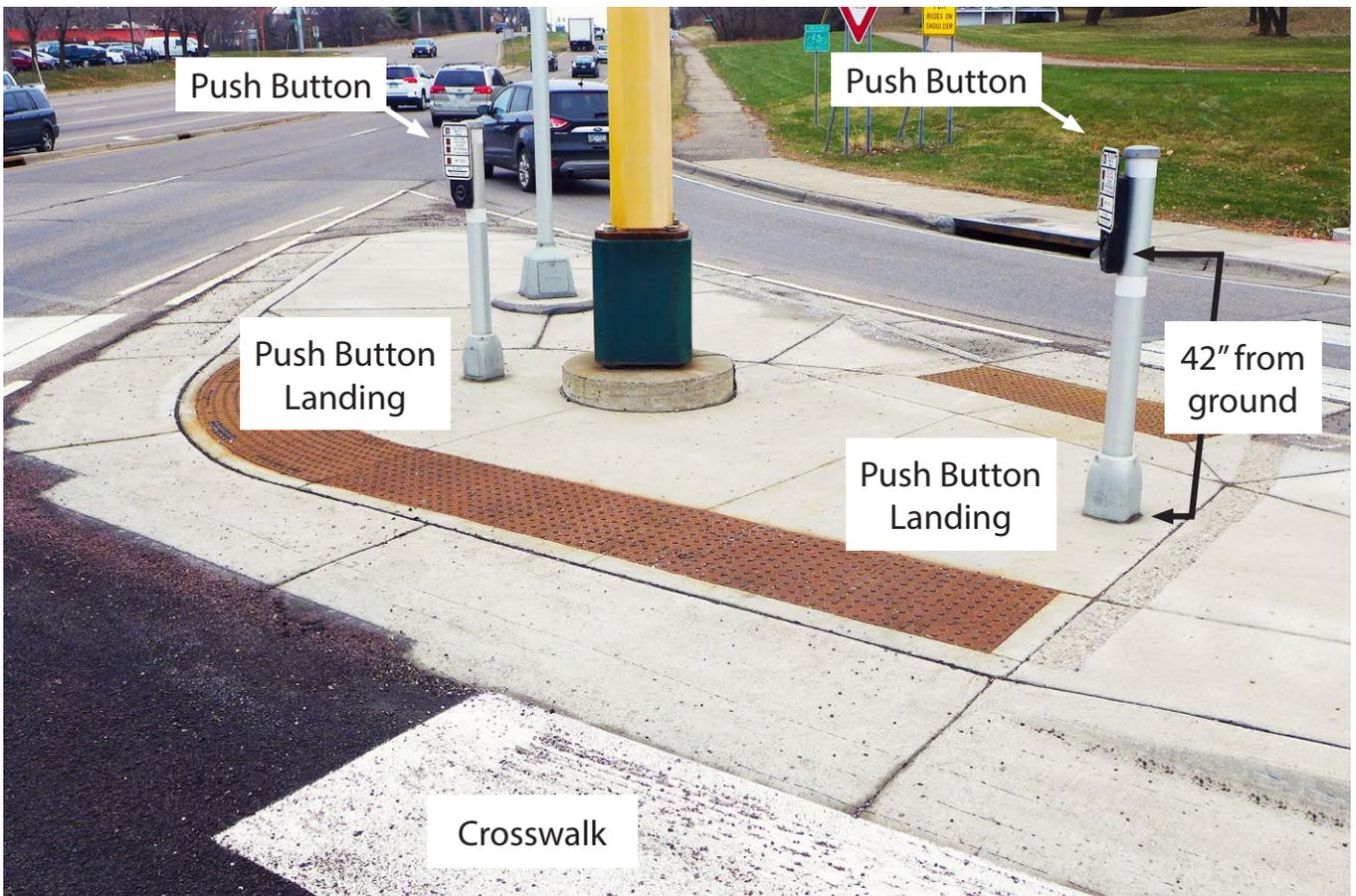
Benton County has identified an ADA Title II Coordinator to oversee County Public Works policies and procedures:

Chris Byrd, P.E.

Benton County
7752 Highway 25 NE
Foley, MN 56329-0129

Phone: 320.968.5054
Fax: 320.968.5333
E-mail: cbyrd@co.benton.mn.us

More information is available at:
[**www.co.benton.mn.us**](http://www.co.benton.mn.us)



Accessible Pedestrian Signals

An accessible pedestrian signal and pedestrian push button is an integrated device that communicates information about the WALK and DON'T WALK intervals at signalized intersections in non-visual formats such as audible tones and vibrotactile surfaces to pedestrians who are blind or have low vision. The push button has a locator tone for detecting the device and a tactile arrow to indicate which pedestrian street crossing is served by the device.

ADA guidelines require accessible pedestrian signals and pedestrian push buttons to be provided whenever new pedestrian signals are installed.



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), Benton County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Effective Communication: Benton County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Benton County'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: Benton County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Benton County 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 program, service, or activity of Benton County Public Works, should contact the office of Chris Byrd, Benton County Public Works, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require Benton County Public Works to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Benton County Public Works is not accessible to persons with disabilities should be directed to Chris Byrd, Benton County Public Works.

Benton County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Appendix F – ADA Public Notice

As part of the ADA requirements the 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, Benton County will not discriminate against qualified individuals with disabilities on the basis of disability in County services, programs, or activities.

Employment: The County 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 County 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 County'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 County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all County programs, services, and activities. For example, individuals with service animals are welcomed in County 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 County Public Works program, service, or activity, should contact the office of the ADA Coordinator (see **Appendix D**) as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

The County 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 G – Grievance Procedure

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

Benton County Public Rights of Way

Grievance Procedure under The Americans With Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Benton County Public Works. County rules and regulations govern employment-related complaints of disability discrimination.

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

The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA Coordinator. Contact information can be found in **Appendix D** of this document.

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

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

Within thirty calendar days after receipt of the appeal, the County Administrator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions.

Within thirty calendar days after the meeting, the County Administrator or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or their designee, appeals to the County Administrator or his/her designee, and responses from these two offices will be retained by the County in accordance with state and federal law.

Benton County Public Rights of Way Grievance Procedure

Those wishing to file a formal written grievance with Benton County Public Works may do so by one of the following methods:

- Internet
Visit the Benton County website at <https://www.co.benton.mn.us/> for the ADA Complaint Form. A copy of The ADA Complaint Form is included with this document in **Appendix H**.
- Telephone
Contact the ADA Coordinator as specified in **Appendix D** to submit an oral complaint. The ADA Coordinator will prepare and submit the complaint form on behalf of the person filing the grievance.
- Paper Submittal
Contact the ADA Coordinator as specified in **Appendix D** to request a paper copy of the complaint form, complete the form, and submit it to the ADA Coordinator.

The ADA Complaint Form will ask for the following information:

- The name, address, telephone number, and email address for the person filing the grievance
- The name, address, telephone number, and email address for the person alleging an ADA violation (if different than the person filing the grievance)
- A description and location of the alleged violation and the nature of a remedy sought, if known by the complainant.
- If the complainant has filed the same complaint or grievance with the United States Department of Justice (DOJ), another federal or state civil rights agency, a court, or others, the name of the agency or court where the complainant filed it and the filing date.

If the grievance filed does not concern a Benton County Public Works facility, BCPW staff will work with the complainant to contact the agency that has jurisdiction.

A BCPW staff person will conduct an investigation necessary to determine the validity of the alleged violation. As a part of the investigation, the staff person may conduct an engineering study to help determine the response. The staff person will take advantage of department resources and use engineering judgment, data collected, and any information submitted by the resident to develop a conclusion. A staff person will be available to meet with the complainant to discuss the matter as a part of the investigation and resolution of the matter. BCPW will document each resolution of a filed complaint and retain such documentation in the department's ADA Complaint file in accordance with state and federal law.

BCPW will consider all specific complaints within its particular context or setting. Furthermore, the County 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 Benton County.

Accordingly, the resolution by BCPW of any one complaint does not constitute a precedent upon which the County is bound or upon which other complaining parties may rely.

File Maintenance

BCPW shall maintain ADA Complaint files in accordance with state and federal law.

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

For more information, contact:

U.S. Department of Justice Civil Rights Division
950 Pennsylvania Avenue, N.W. Disability Rights Section - NYAV Washington, D.C. 20530
www.ada.gov
(800) 514-0301 (voice – toll free)
(800) 514-0383 (TTY)

Title II may also be enforced through private lawsuits in Federal court. It is not necessary to file a complaint with the DOJ or any other Federal agency, or to receive a "right-to-sue" letter, before going to court.

Appendix H – Complaint Form

See the following two pages for the complaint form.

**Benton County Public Rights of Way
Title II of the Americans with Disabilities Act and
Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form**

The public is strongly encouraged to contact the ADA Coordinator to discuss any concerns regarding County transportation facilities prior to starting the grievance process. It is anticipated most accessibility issues, once identified, will be satisfactorily resolved by the ADA Coordinator without the need for completion of the formal complaint form.

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

Complainant Name:

Street Address:

City, State and Zip Code:

Telephone (Home):

Telephone (Business):

Person Discriminated Against: (if other than the complainant)

Address:

City, State, and Zip Code:

Telephone (Home/Business or Both):

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

Name:

Street Address:

City:

County:

State and Zip Code:

Telephone Number:

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

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

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

Yes No

If Yes: what is the status of the grievance?

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes No

If Yes: Agency or Court:

Contact Person:

Street Address:

City, State, and Zip Code:

Telephone Number:

Date Filed:

Do you intend to file with another agency or court?

Yes No

If Yes: Agency or Court:

Address:

Telephone Number:

Signature: -----

Date:-----

Return to: ADA Coordinator as specified in **Appendix D.**

NOTICE OF RIGHTS

In accordance with the Minnesota Government Data Practices Act, Benton County Public Works 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 Benton County 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:

Benton County officials, staff or designee(s)

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

Benton County staff may be unable to respond to or evaluate your request.

MINN. STAT. §13.04(2)