

# City of Grand Rapids

## ADA Transition Plan

March 2018



CITY OF  
**GRAND RAPIDS**  
IT'S IN MINNESOTA'S NATURE

## Certification

The City of Grand Rapids complies with all applicable provisions of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its services, programs, or activities. Upon request, accommodation will be provided to allow individuals with disabilities to participate in all City of Grand Rapids services, programs, and activities. The City has designated coordinators to facilitate compliance with the Americans with Disabilities Act of 1990, and to coordinate compliances with Section 504 of the Rehabilitation Act of 1973 as mandated by the U.S. Department of Housing and Urban Development regulations. For information, contact the Human Resources Director or City Administrator, 420 North Pokegama Avenue, Grand Rapids, MN 55744; 218.326.7600. Upon request, this information can be available in Braille, large print, audio tape and/or electronic format, or TTY.

Adopted by the Grand Rapids City Council on March 12, 2018

Dale Adams, Mayor \_\_\_\_\_

Tom Pagel, City Administrator \_\_\_\_\_

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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 Grand Rapids 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](#), City of Grand Rapids has conducted a self-evaluation of its facilities within public rights of way and buildings 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.

Public Rights of Way Accessibility Guidelines (PROWAG) is developed by the Access Board and are guidelines that address accessibility in the public right-of-way. Sidewalks, street crossings, and other elements of public rights-of-way are all covered in the PROWAG Guidelines. The City of Grand Rapids Transition Plan primarily adheres to PROWAG.

MnDOT Technical Memorandum 15-025-TR-01 was issued by MnDOT in 2015 and extends the expiration of Technical Memorandum 10-02-TR-01 Adoption of Public Rights of Way Accessibility Guidance to MnDOT staff, cities and counties. This memorandum makes PROWAG the primary guidance for accessible facility design for all MnDOT projects.

Technical Memorandum 10-SA-01 is to clarify ADA requirements as they apply to local Federal-aid projects and State-aid projects. The memorandum states that Local Federal-aid projects must provide pedestrian curb ramps and detectable warning systems on all new and existing curb ramps within the project limits even if the proposed work can be done without disturbing the existing sidewalks or pedestrian ramps. Project plans that do not adhere to these requirements will not be approved by MnDOT. MnDOT, however, will not review State-aid project plans for accessibility requirements because the responsibility to provide accessible facilities per guidance falls on the local agency.

Technical Memorandum 15-01-T-01 is to provide guidance as it relates to pedestrian crossing facilitation. The memorandum includes sections on curb ramp installation and provides guidance for various crosswalk configurations including those where sidewalks may only be on one side of the road or at crossings where there is no sidewalk.

## Agency Requirements

In the Americans with Disabilities Act (ADA), the term disability is defined, with respect to an individual, as;

- A physical or mental impairment that substantially limits one of more of the major life activities of such individual;
- A record of such an impairment; or
- Being regarded as having such impairment.

When addressing accessibility needs and impairments, it is important to note that ADA does not supersede or take precedence over state or local law, such as the Minnesota Human Rights Act, that may offer greater or equivalent protections.

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

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- 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.

## Self-Evaluation

### Overview

The City of Grand Rapids is required, under Title II of the Americans with Disabilities Act (ADA) and 28CFR35.105, to perform a self-evaluation of its current transportation and building infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the City implements these policies. The goal of the self-evaluation is to verify that, in implementing the City's policies and practices, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The self-evaluation also examines the condition of the City's Pedestrian Circulation Route/Pedestrian Access Route) (PCR/PAR) and identifies potential need for PCR/PAR infrastructure improvements. This will include the sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and transit facilities that are located within the City's rights of way. Any barriers to accessibility identified in the self-evaluation and the remedy to the identified barrier are set out in this transition plan.

### Summary

In 2017, City of Grand Rapids conducted an inventory of all City policies and facilities including pedestrian facilities within its public right of way. Facilities evaluated included the following:

- City Practices
  - Employment
  - Communications
  - Accessibility
- Pedestrian Facilities in the Right of Way
  - 30.73 miles of sidewalks
  - 848 curb ramps
  - 13.21 miles of trails (hard surface)
  - 3 pedestrian crossings
  - 1 traffic control signals
- Building Facilities
  - Airport Maintenance
  - Airways Aviation
  - Animal Shelter
  - Cemetery Chapel
  - Cemetery Office
  - Cemetery Rest Room
  - Central School
  - City Hall

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- Civic Center
- Fire Hall
- Forest Lake Warming Shack
- Golf Course Club House
- Golf Course Restrooms (On-course)
- Library
- Library Energy Center
- Murphy Warming Shack
- Public Works
- Southwest Warming Shack
- Sports Complex
- Park Facilities
  - Am. Legion Memorial Park
  - Angel of Hope
  - Blandin Beach
  - Central School
  - Crystal Lake
  - Grussendorf Park
  - Hale Lake Landing
  - Hillside Park
  - Isaac Walton Landing
  - Lost Creek Park
  - Maplewood Park
  - McGowans Park
  - Veterans Memorial Park
  - Willow Park
  - McKinney Lake Landing
  - Newtons Sliding Hill
  - Oakland Park
  - Pokegama Golf Course
  - Remer-DeSchepper Park
  - River Front Trail
  - Skogebo Park
  - Sports Complex
  - Steamboat Landing
  - Sylvan Landing
  - Sylvan Point Trails
- City Owned Parking Lots
  - Block 19 Lot
  - Block 37 Lot
  - Kremer Lot
  - Mall Parking
  - NE Ogles Lot
  - North Mall Lot
  - North Ogles Lot
  - Brewed Awakenings
  - Crystal Lake
  - Old Hospital Lot
  - Professional Building Lot
  - Professional Lot East
  - West Mall Lot

A detailed evaluation on how these facilities relate to ADA standards is found in the appendices and will be updated periodically as the facilities are updated or changed.

## Policies and Practices

### Previous Practices

Since the adoption of the ADA, the City of Grand Rapids 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.

### Policy

City of Grand Rapids goal is to continue to provide accessible pedestrian design features as part of the City's capital improvement projects. The City has established ADA design standards and procedures as listed in Appendix E. These standards and procedures will be kept up to date with nationwide and local best management practices.

The City will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with 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. (Chapter 58, Section 58-7 of the City Municipal Code)

Requests for accessibility improvements can be submitted to the Matt Wegwerth, City Engineer. Contact information for Matt Wegwerth is located in Appendix A.

### ADA Coordinator

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

## Improvement Schedule

### Priority Areas

City of Grand Rapids has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their immediate impact and

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 identified in each Department's self-evaluation are as follows:

- City Practices (Administration)
  - Create a grievance form on the website
  - Create a list of available interpreters
  - Online employment applications
- Public Right of Way (Engineering)
  - Sidewalks and curb ramps in the Central Business District
  - Curb ramps around schools or other public facilities that generate high volumes of pedestrian traffic
- Building Facilities (Facilities Maintenance)
  - Building parking lots (including stalls, surface markings and signage)
  - Review and relocate interior room signage and dispensing fixtures
  - Install door hardware that meets requirements (lever handles)
- Park Facilities (Park and Recreation Department)
  - Install accessible equipment where appropriate
  - Improve access to ground level components

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 the City of Grand Rapids. The City will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes.

## Implementation Methodology

### City Practices

With the completion of the Transition Plan, the City of Grand Rapids' practices and policies are currently up to date as related to ADA policies. Improvements can be made to online applications and form submission, and these will be reviewed first. If areas are identified in the future as being non-compliant, a schedule will be implemented to correct the issues.

## Right of Way

The City of Grand Rapids 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 Grand Rapids staff. The City CIP, which includes a detailed schedule and budget for specific improvements, is included in Appendix M.

## Building Facilities

The City of Grand Rapids will utilize two methods for upgrading buildings to meet current ADA standards. The first and most comprehensive of the two methods are the scheduled building improvements plan as part of the Capital Improvement Plan. All ADA related facilities impacted by these projects will be upgraded to current ADA accessibility standards. For example, all new or remodeled buildings will be built or upgraded to meet the latest ADA standards. The second method is the stand alone 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 Grand Rapids staff and approved by City Council. These projects will most likely arise from a need to upgrade a specific facility based on input from the public.

## Park Facilities

The City of Grand Rapids will utilize two methods for upgrading park facilities to meet current ADA standards. The first and most comprehensive of the two methods are the scheduled park improvements plan as part of the Capital Improvement Plan. All ADA related facilities impacted by these projects will be upgraded to current ADA accessibility standards. For example, if a new playground or restroom were scheduled to be built or remodeled, it will be built or upgraded to meet the latest ADA standards. The second method is the stand alone ADA accessibility improvement project. These projects will be incorporated into the Capital Improvement Program (CIP) on a case by case basis as determined by the Park and Rec Board and approved by City Council. These projects will most likely arise from a need to upgrade a specific facility based on input from the public.

## Public Outreach

City of Grand Rapids 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 City of Grand Rapids.

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

- Public Hearing on the ADA Transition Plan was held at 5:30, on March 12, 2018, at the regularly scheduled City Council meeting. There were no members of the public that spoke at the public hearing.
- Document was submitted to local accessibility committee for review and comment. The comments received are shown in Appendix C
- Document was placed on the City's website from February 12, 2018 to March 12, 2018 for review and comment. City staff did not receive any feedback during this time. Once adopted, the final plan will be posted on the City website

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 City of Grand Rapids 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 every 3-5 years, with a future update schedule to be developed as necessary. With each main body update, a public comment period will be established to continue the public outreach.

## Appendices

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## Appendix A – Contact Information

### *ADA Title II Coordinator*

Name: Tom Pagel, City Administrator  
Address: 420 N Pokegama Avenue  
Grand Rapids, MN 55744  
Phone: 218.326.7625  
E-mail: [tpagel@ci.grand-rapids.mn.us](mailto:tpagel@ci.grand-rapids.mn.us)

### *Public Right of Ways ADA Implementation Coordinator*

Name: Matt Wegwerth, City Engineer  
Address: 420 N Pokegama Avenue  
Grand Rapids, MN 55744  
Phone: 218.326.7625  
E-mail: [mwegwerth@ci.grand-rapids.mn.us](mailto:mwegwerth@ci.grand-rapids.mn.us)

### *ADA Technical Team*

Name: Nathan Morlan, Facilities Maint. Mgr.  
Address: 500 SE 4<sup>th</sup> Street  
Grand Rapids, MN 55744  
Phone: 218.326.7628  
E-mail: [nmorlan@ci.grand-rapids.mn.us](mailto:nmorlan@ci.grand-rapids.mn.us)

Name: Dale Anderson, Park and Rec Dir.  
Address: 1401 NW 3<sup>rd</sup> Avenue  
Grand Rapids, MN 55744  
Phone: 218.326.2500  
E-mail: [danderson@ci.grand-rapids.mn.us](mailto:danderson@ci.grand-rapids.mn.us)

Name: Travis Cole, Building Official  
Address: 420 N Pokegama Avenue  
Grand Rapids, MN 55744  
Phone: 218.326.7651  
E-mail: [tcole@ci.grand-rapids.mn.us](mailto:tcole@ci.grand-rapids.mn.us)

Name: Jeff Davies, Public Works Director  
Address: 500 SE 4<sup>th</sup> Street  
Grand Rapids, MN 55744  
Phone: 218.326.7480  
E-mail: [jdavies@ci.grand-rapids.mn.us](mailto:jdavies@ci.grand-rapids.mn.us)

Name: Rob Mattei, Community Dev. Dir.  
Address: 420 N Pokegama Avenue  
Grand Rapids, MN 55744  
Phone: 218.326.7622  
E-mail: [rmattei@ci.grand-rapids.mn.us](mailto:rmattei@ci.grand-rapids.mn.us)

Name: Lynn DeGrio, Human Resources Dir.  
Address: 420 N Pokegama Avenue  
Grand Rapids, MN 55744  
Phone: 218.326.7606  
E-mail: [ldegrio@ci.grand-rapids.mn.us](mailto:ldegrio@ci.grand-rapids.mn.us)

## Appendix B – 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.

## Appendix C – Public Outreach

Insert Summary of Public Outreach here:

Insert Outreach agenda's and sign in info, as well as notification and invite strategy.

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## Appendix D – Grievance Procedure

As part of the ADA requirements the City 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, City of Grand Rapids will not discriminate against individuals in City services, programs, or activities.

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

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

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

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact the office of ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

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

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

## **City of Grand Rapids 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 Grand Rapids**. 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:

**Matt Wegwerth, City Engineer  
ADA Coordinator  
420 N Pokegama, Grand Rapids, MN 55744**

Within 15 calendar days after receipt of the complaint, **Matt Wegwerth** or **his** designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, **Matt Wegwerth** 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 Grand Rapids** and offer options for substantive resolution of the complaint.

If the response by **Matt Wegwerth** 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.

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All written complaints received by **Matt Wegwerth** or **his** designee, appeals to the **City Administrator** or **his** designee, and responses from these two offices will be retained by the **City of Grand Rapids** for at least three years.

### City of Grand Rapids Sample Grievance Procedure

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

#### Internet

Visit the City of Grand Rapids website (website) and click the “ADA” link to the ADA Grievance Form. Fill in the form online and click “submit.” A copy of the ADA Grievance Form is included in this Appendix.

#### Telephone

Contact the pertinent City staff person listed in the **Contact Information** section of Appendix A 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 A to request a paper copy of the county’s grievance form, complete the form, and submit it to the Responsible Party. A staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

The ADA Grievance Form will ask for the following information:

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

The **name, address, telephone number, and email address** for the person alleging an ADA violation (if different 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**.

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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 Grand Rapids 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 Grand Rapids 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 City of Grand Rapids.

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

### File Maintenance

The City shall maintain ADA grievance files 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.

See grievance form on next page.

## 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 address on page 3.

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: \_\_\_\_\_

## City of Grand Rapids ADA Transition Plan

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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: \_\_\_\_\_

## City of Grand Rapids ADA Transition Plan

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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: \_\_\_\_\_

Return to: City of Grand Rapids  
Attn: Matt Wegwerth, ADA Coordinator  
420 North Pokegama Avenue  
Grand Rapids, MN 55744

## Appendix E – 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 policies, practices and programs*

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

## *Design Standards*

City of Grand Rapids has PROWAG, as adopted by the Minnesota Department of Transportation (MnDOT), as its design standard. A copy of this document is included in Appendix M.

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## Appendix F – City ADA Policies (Communications, Employment)

### *Job Description*

The City of Grand Rapids' job descriptions include special statements under the qualification requirements that include:

*“Reasonable accommodations may be made to enable individuals with disabilities to perform essential job functions”*

### *Job Applications*

The City allows submission of paper job applications and online fillable PDF job applications to applicants. Accommodations to peoples with disabilities for people applying for positions include the use of TTY/Voice communications.

Certain areas within the job application also indicate whether or not the person applying has a disability that is in need of special accommodations, in the City identifies the need for accommodation and makes the accommodation for the person in need.

### *Communication*

The City makes it a priority to make accommodations for any person with a disability at City activity and functions. 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 the City of Grand Rapids, should contact the ADA Title II Coordinator as soon as possible but no later than 48 hours before the scheduled event.

### *Neighborhood/Stakeholder/Public Meetings*

Any public meeting, hearing, or comment period held by the City of Grand Rapids is accessible. The City will provide qualified interpreters upon request and will provide documents in an accessible format or other alternative formats, such as large print upon request. All public notices shall contain contact information for accommodation requests.

Public meetings, trainings, programs and other events must be held at accessible locations and indicated in the meeting notice.

## Appendix G – Self-Evaluation Results – City Practices

### *Overview*

The self-evaluation of the City’s programs, activities and services involved the participation of all city departments that provides public services and activities. In-person interaction is one of the primary functions of most city departments. The City of Grand Rapids has fully embraced the use of electronic communication tools, like the city website and email, to interact and provide information to citizens and applicants for city positions. The city Human Resources Department has established procedures and has effectively established effective communication with people with disabilities citywide.

### *Website Accessibility*

A primary way the City of Grand Rapids uses to communicate with its citizens is through the use of the City website. The City strives to make the website accessible to all people and has specific information regarding website accessibility listed at <http://www.cityofgrandrapidsmn.com/engineering-public-works/ada-transition-plan>. At this location, people can find ways to communicate to the City of Grand Rapids which format, indicate accessibility problems they may be having, and provides accessibility assistance using multiple TTY/voice communication services and supportive assistance technologies.

### *Employment Practices*

The City of Grand Rapids uses the paper application process for hiring, with the electronic fillable version that can be submitted via email. Employment processes within the City are specifically formulated to follow ADA procedures by effectively requesting if the applicant has disabilities that may need special accommodations during the interview/application process. Job description also include policies that reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### *Training*

The City offers ongoing training to all of its employees regarding accommodation to people with disabilities and will continue to offer and implement this training.

### *Plan Management*

This plan is meant to be a living document that will received routine updates.

### *Human Rights Commission*

The nine-member Grand Rapids Human Rights Commission was established by ordinance of the City Council in 2004. The goal of the commission is to work with the community to promote

human rights and dignity, eliminate hate, prejudice and discrimination, and respect diversity. All citizens are encouraged to become involved in promoting human rights in our community.

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## Appendix H – Self-Evaluation Results – Public Right of Way

### *Summary*

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

- 13.65% of sidewalks met accessibility criteria
- 44.22% of curb ramps met accessibility criteria
- 52.46% of trails met accessibility criteria
- 100% of pedestrian crossings met accessibility criteria
- 0% of traffic control signals had push buttons that are accessible, or had the pedestrian indications on recall
- 0% of traffic control signals had APS

Detailed self-evaluation results:

***Sidewalks:*** All sidewalks constructed prior to 2010 are deemed to be non-compliant because of wide joints. Some may meet the slope requirements but the use of the ½” round jointer was prevalent up until 2010. The City has a total of 30.73 miles of sidewalk, of which 3.69 miles are compliant.

***Curb Ramps:*** All pedestrian curb ramps within the City were reviewed to determine if they are compliant. The City owns 848 total ramps; 375 ramps are compliant and 473 ramps are non-compliant.

***Trails:*** The City reviewed all hard surface trails (asphalt and concrete) within the City. Of the 13.21 miles of trail, 6.93 miles are compliant. Excluded from the evaluation are all grass and earthen trails, as these would not meet the requirements of a safe and stable surface.

***Pedestrian crossings:*** The City currently maintains 3 pedestrian crossings, which include push buttons and flashing signs. All 3 of the facilities are compliant.

***Traffic control signals:*** The City owns and operates 1 traffic signal and it is noncompliant.

## Appendix I – Self-Evaluation Results – Building Facilities

A comprehensive overview of all public areas in City of Grand Rapids facilities was performed in 2017. The results of the evaluations are shown in the appendix below.

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## Appendix J – Self-Evaluation Results – Parking Lot Facilities

A comprehensive overview of all public areas in City of Grand Rapids facilities was performed in 2017. The results of the evaluations are shown in the appendix below.

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## Appendix K – Self-Evaluation Results – Park Facilities

A comprehensive overview of all public areas in City of Grand Rapids facilities was performed in 2017. The results of the evaluations are shown in the appendix below.

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## Appendix L – 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 2011 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: +/- \$4,000 per corner

Intersection corner ADA improvement as part of adjacent capital project: +/- \$1,500 per corner

Sidewalk / Trail ADA improvement retrofit: +/- \$5.00 per SF

Sidewalk / Trail ADA improvement as part of adjacent capital project: +/- \$3.50 per SF

Parking lot improvement retrofit: +/- \$500 per lot

Building signage improvement retrofit: +/- \$500 per building

Building door hardware retrofit: +/- \$500 per building

Park accessible equipment retrofit: +/- \$20,000 per park

Park accessible route retrofit: +/- \$25,000 per park

#### *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:

- City Practices – No external costs are associated with these priorities
- Public Right of Way
  - Central Business District:
    - 51 total pedestrian ramps at 38 corners are non-compliant
      - 8 corners can be replaced in conjunction with a CIP project (+/- \$12,000)
      - 30 corners can be replaced as a retrofit project (+/- \$120,000)
    - 3.35 miles of sidewalk are non-compliant

- 0.19 miles of sidewalk can be replaced in conjunction with a CIP project (+/- \$21,000)
- 3.16 miles of sidewalk can be replaced as a retrofit project (+/- \$500,500)
- School Zones (1 block radius of schools)
  - 68 total pedestrian ramps at 62 corners are non-compliant
    - 3 corners can be replaced in conjunction with a CIP project (+/- \$4,500)
    - 59 corners can be replaced as a retrofit project (+/- \$236,000)
  - 2.52 miles of sidewalk are non-compliant
    - 0.18 miles of sidewalk can be replaced in conjunction with a CIP project (+/- \$20,000)
    - 2.34 miles of sidewalk can be replaced as a retrofit project (+/- \$371,000)
- Building Facilities
  - Building parking lots (including stalls, surface markings and signage)
    - 19 parking lots can be upgraded at a cost of (+/- \$9,500)
  - Review and relocate interior room signage and dispensing fixtures
    - 11 buildings can be improved at a cost of (+/- \$5,500)
  - Install door hardware that meets requirements (lever handles)
    - 8 buildings can be upgraded at a cost of (+/- \$4,000)
- Park Facilities
  - Install accessible equipment where appropriate
    - 5 parks can be upgraded at a cost of (+/- \$100,000)
  - Improve access to ground level components
    - 5 parks can be upgraded at a cost of (+/- \$125,000)

### *Entire Jurisdiction*

Based on the results of the self-evaluation, the estimated costs associated with providing ADA accessibility within the priority areas is \$1,529,000. This amount signifies a significant investment that the City of Grand Rapids 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 Grand Rapids budget for improvements to the public infrastructure. See website for an updated Capital Improvement Plan.

## Appendix M – Supporting Documents

A list of supporting documents that are included in the ADA Transition Plan:

- City’s Capital Improvement Plan (see City website)
- Public Rights-of-Way Accessibility Guidelines (PROWAG)
- Prosecution of Work Special Provisions
- MnDOT Standard Driveway and Sidewalk Details
- MnDOT Pedestrian Curb Ramp Details

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