

2020

Rogers ADA Transition Plan



Rogers Public Works Department
4/2/2020

Introduction

The City of Rogers is committed to breaking down barriers for residents and to be a fair, inclusive and equitable community in its practices, programs and services.

The American with Disabilities Act (ADA) enacted on July 26th, 1990, is a civil rights law prohibiting discrimination against individuals based on disability. The ADA requires public transportation agencies to develop transition plans detailing how the agencies will ensure accessibility within the public right of way. See Appendix H for more detailed information on the ADA and related regulations.

The City of Rogers Public Works Department has prepared this Americans with Disabilities Act ADA transition plan to guide its efforts to ensure pedestrian facilities located within the City's right of way meet the accessibility needs of all residents.

This plan will be used to maintain, program and construct accessible pedestrian facilities in the right of way. It provides an inventory of pedestrian ramps and traffic signals that fall under City jurisdiction for ownership and maintenance.

This plan establishes an ADA coordinator for public right of way to provide a single point of contact for the public to report and address concerns.

Additionally, a formal grievance procedure is established with this plan for the purposes of the prompt and equitable resolution of residents' complaints, concerns and comments regarding accessibility of pedestrian facilities located within the public right of way.

Self-evaluation

Overview

The City of Rogers Public Works Department performed a self-evaluation of its current transportation infrastructure policies, practices, and programs.

The goal of the self-evaluation is to review existing policies and practices to verify the City is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The self-evaluation included completing an inventory of all pedestrian curb ramps and traffic control signals that are located within the City right of way.

Existing policies and practices

The Public Works Department 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 determined to be reasonable will be scheduled, consistent with transportation priorities. The City will coordinate with external agencies as necessary to ensure that all new or altered pedestrian facilities within the City jurisdiction are ADA compliant to the maximum

extent possible. Following are descriptions of the various policies and practices the city uses to assist with ADA compliance.

Temporary Pedestrian Access Routes

Construction and temporary traffic control zones present unique challenges for pedestrians with disabilities. According to the Public Rights of Way Accessible Guidelines [PROWAG (R205)], when an existing pedestrian access route is blocked by construction or maintenance, an ADA compliant alternative pedestrian access route should be provided. The Minnesota Department of Transportation (MnDOT) and the Minnesota Manual on Uniform Traffic Control Devices (MnMUTCD) Chapter 6D offers technical guidance on this issue. MnDOT continues to update these guidelines as necessary, and the City of Rogers monitors MnDOT's evolving standards to stay in compliance. During construction, the city evaluates any temporary control zone to ensure compliance with PROWAG. The responsibility for providing compliant alternative pedestrian routes falls to the project contractor; however, staff ensures compliance by using MnDOT's pedestrian accessibility checklist (MnMUTCD Figure 6D-1) to evaluate each site.

Transportation Projects

The city's goal is to continue to provide and upgrade accessible pedestrian facilities as part of transportation projects. During the development of project plans, staff will inspect, inventory and plan for any required improvements to pedestrian facilities located in the public right of way to ensure ADA compliance. The city 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. The city's capital improvement plan (CIP) includes the following types of transportation projects

Pavement Management Program (PMP)

The majority of the City's street infrastructure is maintained through the Pavement Management Program (PMP), established by the City in 2015. The PMP is a street maintenance plan that implements the right maintenance at the right time in a road's lifecycle to reduce the overall cost of keeping the City's streets in good condition. The PMP provides a systematic approach to managing the City's transportation infrastructure, including pedestrian facilities within the right of way. The data-driven nature of the PMP makes it a useful vehicle for ADA compliance.

The City incorporates ADA accessible pedestrian features into PMP projects, including rehabilitation, sealcoating, and sidewalk maintenance. The segments of street and sidewalk are selected based on condition and budget. The PMP is updated annually to reflect current infrastructure conditions. Through this process, the city works to keep its transportation infrastructure in good condition

Municipal State Aid (MSA) Projects

The MSA system is a collection of higher traffic volume and key connecting roads in the city. MSA roads receive state funding for construction and maintenance. As a result, they are scheduled for improvements separately from the local streets.

The schedule to improve MSA streets is based on pavement condition and budget.

Bikeway, Sidewalk, and Trail Projects

One of the city’s goals is to develop a comprehensive, citywide system of bikeways, sidewalks and trails that provide local and regional connectivity, improve safety and accessibility, and enhance overall community livability. At times, it’s necessary to schedule bikeway, sidewalk and trail construction separately from street rehabilitation. These projects will incorporate pedestrian facility upgrades as necessary.

Traffic Control Signal Projects

The City is responsible for only a few traffic control signals and work with other agencies such as Hennepin County and MNDOT to address concerns and issues.

Inventory

In 2020, the City of Rogers conducted an inventory of existing pedestrian facilities within its public right of way. A map showing the location of these facilities is in the Appendix B and will be updated annually to add or remove changes.

The Public Works Department will further assess accessibility of pedestrian ramps and traffic signals in advance of CIP and PMP projects to allow for the design of ADA compliant pedestrian facilities. As resources allow, the department will gather additional data to assist in determining levels of ADA compliance of pedestrian facilities to assist in prioritizing and programming funds for projects to be added into the CIP and PMP.

What activity requires an ADA upgrade?

Activity	Upgrade Required
Construction	
<i>New construction</i> All new construction must meet ADA requirements (i.e. curb ramps, sidewalks, trails, pedestrian crosswalks, traffic signals, pedestrian tunnels/bridges and new developments).	Yes
<i>Mill and overlay/pavement reclaim</i> ADA upgrades are required on all pedestrian facilities adjacent to the street segments being worked on. All existing curb ramps will be brought into compliance. Where there is no curb ramp, curb ramps must be installed where there is existing sidewalk. Adjacent sidewalk will be removed and replaced as needed.	Yes
<i>Reconstruction</i> ADA upgrades are required on all pedestrian facilities adjacent to the street segments being worked on. This includes projects to widen roads, add vehicle or bike lanes, change horizontal or vertical alignment, replace bridges, rehabilitate	Yes

pavement, replace curb and gutter, replace traffic signals, or replace sidewalks or trails.	
Maintenance	
<i>Crack sealing</i>	No
Concrete joint sealing, surface planning or grinding	No
<i>Curb replacement</i> If the curb replacement is at an existing or proposed pedestrian ramp location, then it must meet ADA requirements. All existing curb ramps will be brought into compliance. Where there is no curb ramp, curb ramps must be installed where there is existing sidewalk.	Maybe
<i>Pothole Patching</i>	No
<i>Seal Coating</i>	No
<i>Sidewalk panel replacement</i> Accessibility upgrades should be done to the extent feasible. If only one or two panels are being replaced, there may not be an opportunity to make changes.	Maybe
<i>Sidewalk Shaving</i>	No
<i>Sidewalk panel temporary patch or ramp</i> Accessibility upgrades should be done to the extent feasible. The larger the patch section, the better the opportunity to address slope or cross slope. However, if only one or two panels are being patched, there may not be an opportunity to make changes	Maybe
<i>Utility patch</i> If the patch is located in the middle of the street, no upgrades are required. However, if the patch disturbs curb ramps or sidewalk, upgrades are required.	Maybe
Traffic	
<i>Crosswalk installation</i> Any new marked and signed crosswalk must meet ADA requirements	Yes
<i>Pavement marking modification</i> Any pedestrian-related pavement marking should meet ADA requirements.	Maybe

ADA Coordinator

In accordance with 28 CFR 35.107(a), the City of Rogers has identified an ADA Title II coordinator to oversee the City policies and procedures for public right of way. It is the responsibility of the ADA coordinator to implement this policy. Contact information for the coordinator is in Appendix D.

Implementation

Methodology

The City of Rogers is committed to improving accessibility within the city. A systematic approach to providing accessible facilities will be established to include the cost for public right of way improvements into the city's budget.

The city will use two methods for upgrading pedestrian facilities to current ADA standards. The first and most comprehensive method is the scheduled transportation projects. All pedestrian facilities affected by these projects will be upgraded to current ADA accessibility standards. The second method is ADA accessibility improvement projects. These projects will be incorporated into the capital improvement plan (CIP) on a case-by-case basis as determined by staff. The CIP includes a schedule for project improvements by year and geographic area.

Prioritization

The City will include accessibility improvements in all transportation projects planned in the CIP. The CIP is reviewed on an annual basis and will be revised as necessary to address accessibility priorities in context with the needs of the City's overall transportation system.

External Agency Coordination

Other agencies are responsible for pedestrian facilities within Rogers, including Hennepin County and MnDOT. The City will coordinate with these agencies to track and assist in removing accessibility barriers along their routes and/or associated with their services.

Schedule

Rogers has set the following schedule goals for improving accessibility of pedestrian facilities within the city:

- Traffic signals, pedestrian ramps and sidewalks will be addressed through transportation projects for scheduling and constructing improvements.
- Any facilities identified as an existing hazard or compliance issue that city staff believes needs to be addressed by a set date will have a work order initiated or it will be incorporated into a capital improvement plan project.
- The City has a 20-year goal to have a minimum of 80 percent of transportation accessibility features within the City of Rogers ADA compliant. The remaining 20 percent would include any locations that have not had an adjacent road project within the 20-year period.

Grievance Procedure

Under the Americans with Disabilities Act (ADA), each agency is required to publish its responsibilities regarding ADA accessibility. A draft public notice is provided in Appendix E. If users of Rogers transportation 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 purposes of the prompt and equitable resolution of complaints, concerns, comments and other grievances. This grievance procedure is outlined in Appendix F, with a complaint form in Appendix G.

Monitor the Progress

This document, including the appendices, will be updated as conditions within the City change. With each main update, a public outreach will be conducted to ask for the public's participation in plan updates.

Appendices

- A. Glossary of Terms**
- B. Inventory Maps**
- C. Agency ADA design standards and procedures**
- D. ADA coordinator**
- E. ADA public notice**
- F. Grievance procedure**
- G. Complaint form**
- H. Transition plan needs and requirements**

APPENDIX A – GLOSSARY OF TERMS

ADA Transition Plan – Rogers’ transportation system plan that identifies accessibility needs; outlines the process to fully integrate accessibility improvements into transportation projects; and ensures all transportation facilities, services, programs and activities are accessible to all individuals.

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 and DON’T WALK intervals at signalized intersections in non-visual (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 is civil rights legislation that was passed in 1990 and went into effect in 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): The guidelines include scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

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

Capital Improvement Program (CIP): The CIP includes an annual capital budget and a 10-year plan for funding new construction and reconstruction projects within the city’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 facilities.

Federal Highway Administration (FHWA): A branch of the United States 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.

Pavement Management Program (PMP): The PMP is a systematic approach used to schedule street improvement projects by year and geographic area.

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 United States 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 right 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.

Transportation project: A project within the right of way intended to construct or repair transportation related infrastructure, including pavement, curb and gutter, traffic signals, sidewalks, trails, bikeways and bridges.

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 – AGENCY ADA DESIGN PROCEDURES AND STANDARDS

Design Procedures

Intersection Corners

The city plans to construct or upgrade curb ramps to achieve ADA compliance as part of transportation projects. There may be limitations that make it technically infeasible for an intersection corner to achieve full accessibility within the scope of a project. Those limitations will be noted, and those intersection corners will remain on the ADA transition plan. As future projects or opportunities come up, those intersection corners will be incorporated into future work. Regardless of whether or not full compliance can be achieved, each intersection corner will be made as compliant as possible in accordance with the judgment of city staff.

Bikeways, sidewalks, and trails

The city will evaluate and attempt to construct or upgrade bikeways, sidewalks and trails to achieve ADA compliance as part of transportation projects. In general, a six-foot-wide sidewalk is desirable for accessibility and maintenance purposes. A minimum five-foot-wide sidewalk may be acceptable where physical constraints limit achieving the desired six-foot width. There may be limitations that make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of a project. Those limitations will be noted, and those segments will remain on the ADA transition plan. As future projects or opportunities come up, those segments will be incorporated into future work. Regardless of whether or not full compliance can be achieved, every bikeway, sidewalk or trail will be made as compliant as possible in accordance with the judgment of city staff.

Traffic Signals

The city will attempt to construct or upgrade traffic control signals to achieve ADA compliance as part of transportation projects. There may be limitations that make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of a project. Those limitations will be noted, and those locations will remain on the ADA transition plan. As future projects or opportunities come up, those locations will be incorporated into future work. Regardless of whether or not full compliance can be achieved, each traffic signal control location will 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

The city generally follows the guidelines identified in the Public Rights of Way Accessible Guidelines (PROWAG) when practical and feasible.

APPENDIX D – CONTACT INFORMATION

Public right of way: ADA Title II Coordinator and Implementation Coordinator

Name: Andrew Simmons

Address: 22350 South Diamond Lake Road, Rogers MN, 55374

Phone: 763-428-8580

Email: asimmons@rogersmn.gov

APPENDIX E – ADA PUBLIC NOTICE

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, the City of Rogers Public Works Department will not discriminate against qualified individuals with disabilities on the basis of disability in city transportation services, programs or activities.

EMPLOYMENT

The city does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the United States 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. This includes 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 transportation policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all transportation 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 transportation program, service or activity, should contact the office of the public right of way ADA coordinator (see Appendix D) as soon as possible, but no later than 48 hours before any 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 an 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 – GRIEVANCE PROCEDURE

Prior to filing a grievance, the public is strongly encouraged to contact the public right of way ADA coordinator to discuss any concerns regarding city transportation facilities. The ADA coordinator's 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 ADA coordinator can be found in Appendix D of this document.

PURPOSE

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act (ADA) of 1990. 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 Rogers Public Works Department. The city's personnel policy governs employment-related complaints of disability discrimination.

PROCEDURE

The complaint should be in writing and contain information about the alleged discrimination, such as name, address, phone number of complainant, 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 to the ADA coordinator by the grievant and/or their designee as soon as possible, but no later than 60 calendar days after the alleged violation. Contact information for the ADA coordinator can be found in Appendix D of this document.

Within 15 working days after receipt of the complaint, the ADA coordinator or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 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 city 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 to the city manager or his/her designee within 30 calendar days after receipt of the response.

Within 30 calendar days after receipt of the appeal, the city manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after the meeting, the city manager 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 city manager or his/her designee, and responses from these two offices will be retained by the city in accordance with state and federal law.

METHOD

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

WEBSITE

Visit the City of Rogers' ADA transition plan webpage at www.rogersmn.gov and click the link to the ADA complaint form. A copy of the ADA complaint form is included with this document in Appendix G.

TELEPHONE

Contact the ADA coordinator as specified in Appendix D to submit an oral grievance. The ADA coordinator will prepare and submit the complaint form on behalf of the person filing the grievance.

PAPER SUBMITAL

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.

INFORMATION REQUIRED

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, 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 problem 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.

PROCESS

If the grievance filed does not concern a City of Rogers transportation facility, the city will work with the complainant to contact the agency that has jurisdiction over the facility.

A city staff person will conduct an investigation to determine the validity of the alleged violation. As part of the investigation, the staff person may conduct an engineering study to help determine the response. The staff person will use department resources, engineering judgment, data collected and any information submitted by the complainant 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. The city will document each resolution of a filed complaint and retain documentation in the department's ADA complaint files in accordance with state and federal law.

The city will consider all specific complaints within its particular context or setting. Furthermore, the city will consider many varying circumstances including:

- The nature of the access to services, programs or facilities at issue
- The specific nature of the disability
- The essential eligibility requirements for participation
- The health and safety of others
- The degree to which an accommodation would constitute a fundamental alteration to the program, service, facility or cause an undue hardship to the City

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

FILE MAINTENANCE

The city shall maintain ADA complaint files in accordance with state and federal law.

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

For more information, contact:

United States Department of Justice Civil Rights Division
950 Pennsylvania Ave., 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 G – COMPLAINT FORM

See the following pages for the complaint form.



ADA Complaint Form

The City has developed a grievance procedure to ensure that accessibility concerns are resolved quickly and fairly, as outlined in the Americans with Disabilities Act (ADA).

If you have issues with the form, or to file an oral grievance, call 763-428-8580.

Complainant - Person Filing Grievance

Name: _____ Date: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Email: _____

Person Claiming Accessibility Issue (if different from above)

Name: _____
Phone Number: _____ Email: _____

Complaint

Where is the location of the problem? Please include city, street name, intersection (if applicable), facility name and/or location if other than a roadway.

What efforts have been made to resolve this complaint?

If you have documentation, copies would be helpful. Examples are letters, email messages, written notes, etc.

Has the complaint been filed with federal or state agency? Yes No

Name of Agency: _____

Contact Name: _____ Date: _____

Please attach any additional pages if you need more room.

Signature of Complainant: _____ Date: _____

Return To: Andrew Simmons, Water Resources Technician

22350 S. Diamond Lake Rd. Rogers, MN 55374

763-428-0907

asimmons@rogersmn.gov

NOTICE OF RIGHTS

In accordance with the Minnesota Government Data Practices Act, the City of Rogers is required to inform you of your rights as they pertain to the private information collected from you. The personal information we collect from you is private. Access to this information is available only to you, the agency collecting the information and other statutorily authorized agencies, unless you or a court authorizes its release.

The Minnesota Government Data Practices Act requires that you be informed that the following information, which you are asked to provide, is considered private.

The purpose and intended use of the requested information is:

To assist City of Rogers staff and designees to evaluate and respond to accessibility concerns within the public right of way.

Authorized persons or agencies with whom this information may be shared include:

City of Rogers officials, staff or designee(s)

Furnishing the above information is voluntary, but refusal to supply the requested information will mean: City of Rogers staff may be unable to respond to or evaluate your request.

MINN. STAT. 13.04(2)

APPENDIX H – TRANSITION PLAN NEEDS AND REQUIREMENTS

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

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the City of Rogers must comply with this section of the act as it specifically applies to public service agencies. Title II of ADA provides that, "...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." (42 USC. Sec. 12132; 28 CFR. Sec. 35.130)

As required by Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150, the city has conducted a self-evaluation of its facilities within the public right of way and has developed this transition plan detailing how the organization will ensure these facilities are accessible to all individuals. A glossary of terms is included in Appendix A

This transition plan has been created to specifically cover accessibility within the public right of way and does not include information on city programs, practices or building facilities not related to public right of way.

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. It marks one of the first efforts to ensure access to the built environment.

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

AGENCY REQUIREMENTS

Under Title II, the City of Rogers Public Works Department must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities (28 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.