

The following narrative contains my comments of the proposed DRAFT MN/DOT Transition Plan. This document includes some general comments up front, with specific and itemized comments on individual sections of the draft State Transition Plan that follow my general comments. This document addresses the body of the draft STP only. I will submit individual comments for each Appendix under separate cover.

General Comments:

I applaud MN/DOT for moving forward to develop a State Transition Plan (STP). However, there is no mention anywhere in this Plan why there has been no STP since one has been required, by law, since 1992. Without this information I consider this plan to be incomplete.

I applaud the support of the Commissioner of MNDOT, Tom Surell, for providing the leadership and resources needed to adequately allow the process to begin in a timely manner. I also applaud the Commissioner for supporting all the work necessary to not only meet Minnesota's obligations under the law for ensuring accessibility of programs and services of MN/DOT, but for supporting the idea that this can only happen with a complete, fully inclusive and transparent process, with input from the disability community. Even with this leadership, I am saddened that there has been little outreach to the wider non-disabled community about MN/DOT's plan and efforts attempting to complete this Plan.

Without the guidance of a transition plan, the MN/DOT has not had adequate oversight of its ADA required accessibility needs within its programming, projects or services for over 20 years. Although the Transition plan process includes plans for continued self-evaluations to ensure accessibility of its programs and services, there are no clearly identified timelines established in this draft as to when such self-evaluations will be completed.

Likewise, there is no mention of expected costs of addressing the ADA deficiencies anywhere in this draft.

Clearly, with such a long period of living without the benefit of having a Transition plan in place, there are many already known deficiencies the department is well aware of. Yet there is not a single mention of these already known deficiencies in this draft plan. Instead, an acknowledgement of noting its total list of deficiencies is deferred until the entire self-evaluation is completed. (Even with this, the draft plan lacks a clear expected date of completion of the complete self-evaluation.)

I am saddened to not find a single mention of any PLAN , temporary or long-term, on addressing the known deficiencies that exist. Nor are there any identified plans for addressing the costs that are surely going to be discovered through this process of self-evaluation. Even though the total cost is not known at this point in time, a plan for addressing costs certainly must be included in any comprehensive Transition Plan. If the intention to address cost is not a part of the final comprehensive Transition Plan, I will consider this entire project a failure.

Likewise, the finalized timeline for addressing EVERY ADA accessibility deficiency should not be held hostage until MN/DOT completes all phases of its self assessments.

I hope the State Transition Plan (STP) process is not only being conducted because of the law requiring it be done, but because it is the right thing to do for ALL citizens of Minnesota.

Aside from the cost and timeline omissions in this draft plan, and realizing this PLAN was completed quickly to meet a self-imposed deadline, I am still surprised at the number of missing words, missing punctuation and of the sections that sometimes are unclear or confusing to the reader. In my opinion, with plans for how critical deficiencies will be addressed, paid for and a timeline for their completion, this plan is woefully deficient in its current form.

As this document is to become official policy of the State of Minnesota and of the Minnesota Department of Transportation, I urge ample time and careful review be given to the final document to ensure misspellings, grammatical errors and inappropriate words are corrected, added or omitted as appropriate and as needed prior to the presentation of its final form.

Please accept my specific itemized comments on the draft State Transition Plan (STP) on the pages that follow:

Missing Table of Contents:

A Table of Contents appears to be missing. It would be quite helpful for a Table of Contents to be included to help the reader locate information in a timely and efficient manner.

Additionally, the MS Word format of the document might be better accessed by readers of all abilities if it were presented in an HTML format. HTML document formatting is completely accessible to all individuals with print disabilities and can easily provide a user with the options to be able to jump to sections of the document quickly and easily with the use of imbedded links to various sections and support materials referenced herein. I do however, applaud the process is being presented to the public in an accessible MS Word document format as opposed to a PDF formatted document.

There should be a “DEFINITIONS” section of this document provided early on in the document. There are abbreviations used continuously throughout this document that do not contain definitions and are difficult for the reader to understand. Many facility characteristics are referred to with a title or descriptive title yet there are no definitions of what they mean in this document. A “DEFINITIONS” section would add much clarity for the reader. (i.e., class 1 rest area, ADAG, PROWAG, etc.)

Comments for Identified Sections of the Draft Transition Plan

Introduction:

General comments about this section:

There are many Titles, Acts, laws and regulations and policies mentioned here but they lack any link to the actual original citation. I recommend all referenced titles, acts, laws, regulations or policies have links to their actual citation of where it can be located on the Internet. This would help the reader locate the actual item referenced to read it for themselves or to be able to cite its location for review.

Also, there are mentions of various titles, acts and laws given in this opening with no tie into how they apply to MN/DOT. Although it may be obvious to the writers of the document, it may not be so obvious to any reader of this document. I suggest there be a transition paragraph added between the mentioning of the Titles, acts and laws that relate how each mentioned Title, Act and law relates specifically to the work MN/DOT does. As the titles, acts and laws relate in several ways to MN/DOT, i.e., MN/DOT Policies, MN/DOT's departmental structural design, specific staffing necessary to comply with the titles, acts and laws, etc. this section should be quite extensive. This also gives the reader a better sense as to "why" and "how" MN/DOT responds to each title, act and law. The manner in which the paragraphs end rather abruptly and start a completely different aspect makes it difficult for the reader to follow, i.e.,

discussion about the titles, acts and laws paragraph ends with next paragraph talking about HISTORY – no transition given.

Specific comments:

In first paragraph, the sentence:

“Because Mn/DOT provides public transportation services and programs, the organization is committed to comply with this section of the Act as it specifically applies to state public service agencies and state transportation agencies. “

The word “COMMITTED” is not appropriate here. REQUIRED is a better word as MN/DOT is required to follow Title II. An additional sentence providing MN/DOT’s commitment would be totally appropriate, and I encourage it, but to “dismiss” the requirement of the STP being created, inadvertently or on purpose, a “commitment” in this sentence is misleading. If the intention is to create a transparent process and STP, this change needs to be made.

In section titled: Mn/DOT History:

General comment: This section discusses the initial work MN/DOT instituted to comply with the new law, however there is a gap in the history from those early years of 95 to 2006. Let’s be transparent! The State Transition Plan was **NOT completed, or if it was completed initially, there is no current record of it. It needs to be mentioned that in researching the initial availability of a STP, the FHWA also did not have a STP for the state of Minnesota on file. To be honest, and to be completely transparent with the citizens of

Minnesota, there needs to be a sentence or two describing the actions which precipitated MN/DOT to even instigate a plan. Who first noticed a STP did not exist? Was it internal or external? Who, what, where and how? when did MN/DOT realize there was no plan? THIS IS CRITICAL AND THE RIGHT STEP TO MAKE IF MN/DOT WANTS TO BE TRULY HONEST AND TRANSPARENT! The manner in which this HISTORY section reads discusses actions from 1990 through 1995 then there is nothing mentioned about actions of MN/DOT until the writing of this transition plan. There is a huge gap here that needs to be accounted for. Obviously something happened during this time, but what?

In sentence:

“All of these curb ramp projects be completed by 1995.”

This sentence doesn't make grammatical sense. It appears as if it were cut and pasted from another document without being updated for grammatical structure to match the new document. This kind of grammatical error should have been caught by a careful editing of this document prior to its publication in the State Register.

In the sentence/paragraph:

“During the same time-frame districts identified other needed improvements to achieve ADA Title II compliance. These improvements were focused primarily on accessibility to Mn/DOT buildings and rest area facilities. Additional accessibility improvements were scheduled to be addressed when new facilities

and roadways were built or current facilities and infrastructure were slated for rehabilitation and reconstruction.”

Exactly what “improvements” are being referenced here? And, what sections of the Title are being referenced?

In addition, who in “the districts” had responsibility to do this work? Was it a specific job classification, level, administrative staff, engineers or line staff? Were they specifically trained to do this work? What were they looking for? How often were these “other needed improvements” made? Is there a list of them by quarters, years, every 5 years ? Where did the list of needed improvements get collected? What was done with these lists of needed projects?

In sentence:

“In September 2006, Mn/DOT’s Affirmative Action Office was asked to assess agency Title II compliance and determine needs in this area.”

Who asked the AA office to assess Title II compliance? Why was this done at this time in 2006? Who was responsible for assessing Title II compliance from 1995 through 2006? Was it done and if so, how was it recorded and how were the actions/findings documented?

In sentence:

“The following actions were taken to make this assessment:

An ADA Coordinator was designated.

- A notice of ADA requirements was drafted to provide information about the rights and protections of the ADA to employees and applicants and also participants and users in agency services, programs and activities. A grievance/complaint process was established to address correct user concerns related to inaccessible pedestrian and transportation facilities that fell under Mn/DOT's jurisdiction."

Since Sept. 2006 was the first mentioning that an ADA Coordinator was designated, does this mean MN/DOT was out of compliance with the law (ADA, Title II) from 01995 without a designated ADA Coordinator? this sentence implies such.

Likewise, was this the first time a Grievance Process has been established regarding handling of ADA complaints? This sentence makes it sound as such.

In paragraph which starts with:

"In 2007 an internal agency ADA Advisory Council was formed."

There is no mention of a designated individual with a disability on this Council to represent the disability community. If there are committee's established to guide the department on disability needs there must be representation of the disability community actual present.

Further, there seems to be a disconnect between the "internal" and "external" committees. How do they work together? Do they even work together? What are their responsibilities? Who selects member representation? How was these committee's advertised for membership to help guide the department? What community

agencies and/or disability groups are represented on both committees?

**In section titled: Program Location and Support
Staffing**

Grammatical mishap: word missing:

“The Title II coordinator will be located in Affirmative Action Office and will responsible for addressing complaints as they are received...” should be:

“The Title II coordinator will be located in Affirmative Action Office and will {BE} responsible for addressing complaints as they are received...”

What exact role does the “Title II Coordinator” have that are different from the ADA Coordinator that is required by law? Will there be two individuals who represent these positions?

I would also urge the ADA Coordinator be easily and prominently located on MN/DOT’s home page of its’ web site. The community should not have to hunt to locate the name and contact information of the ADA Coordinator.

In the sentence:

“The ADA Implementation Coordinator is currently under the direction of the Employee and Corporate Service Division and will remain part of that division until June 30, 2009 when a permanent location is identified.”

{Is date corrector should it be 2010?}

Also, this is now a third individual with ADA responsibilities. Is this correct? Seems like there could be an entire ADA department within MN/DOT that could oversee all ADA implementations, updates, compliances, etc.

In relationship to grievance procedure:”

“All complaints should be presented in writing to Mn/DOT’s ADA coordinator.”

This is inconsistent with later sections containing similar information.

Additionally, I strongly feel **There should be a provision and mechanism for people to initiate complaints via OTHER METHODS other than only in a written format! A special phone number, which should have equal weight as if received as a written complaint, could easily be created to collect non-written complaints or concerns. For some citizens, the act of WRITING a complaint is too cumbersome and this needs to be addressed with a phone mechanism available for moving a complaint officially forward on the behalf of someone who cannot “write,” or there should be other methods available to express concerns or complaints.

Additionally, there should be a means for filing an official complaint via a accessible form on the MNDOT-ADA section of the web site. Again, in today's technologically advanced abilities there is no reason why this cannot, nor should not, be provided. The point is to make it as barrier-free for citizens with disabilities to notify MN/DOT about issues, concerns and complaints in the least barrier laden method.

Regarding "accessible websites"

This section refers to web site rules created by MN/DOT but does not identify them. These need to be outlined in the appendices and should be open to review by citizens for comment periodically to ensure barriers are not being unintentionally created.

IN ADDITION, THE MINNESOTA Legislature, during the last session, CREATED A NEW LAW regarding WEB COMPLIANCE for all state agencies. It states ALL STATE AGENCY WEB SITES MUST COMPLY WITH "WC3 STANDARDS" AND "WEB AIM 2.0 STANDARDS." Since this is state law now, this should be reflected in this section to ensure MN/DOT is in compliance with this new regulation/law.

ALSO, SINCE MN/DOT IS REQUIRED TO FOLLOW TITLE II, SOME MENTION OF THE RULES/GUIDELINES FOR STATE AND LOCAL GOVERNMENT WEB SITES SHOULD BE INCLUDED IN THIS SECTION. IT ALSO CONTAINS ACCESSIBILITY GUIDANCE. (see ADA Toolkit for State and Local Governments, specifically Chapter 5, "Web Site Guidance".

There is a general lack of corresponding policy or regulation reference given throughout the draft Transition plan. There needs to be a section containing all policy related content, with links to sites for reference. **The point of including all these references into the STP is to REDUCE the need for citizens to request information individually. If all information is made available up front, no one needs to have to request documentations or policies individually requiring additional staff time and wasting valuable staff resources. Additionally, if the policies and references are listed routinely, there would be no need to have to request documents in alternative formats. If the documents are offered in an accessible form to begin with, there is no need to request it in a different format later!

In section titled : “Rest Areas “Self Evaluation”

There is a statement identifying part of the TITLE II regulations as follows:

“Mn/DOT, as required by Title II of ADA, must conduct a self-evaluation of physical assets and current policies and practices. “

Where is this inventory?

What is the intent of this inventory?

This is only part of the TITLE II requirement of MN/DOT and not being completely open, honest and transparent. Identify what is to be done with the inventory that is required...

Who has input into this inventory, when is it to be updated in the future?

Fixed Work Sites

In the statement:

“The 46 buildings are currently compliant, however in the coming year Mn/DOT will evaluate these buildings for potential accessibility opportunities.”

What does “potential accessibility opportunities” mean exactly? This can be seen or interpreted by the disability community as being misleading as it is vague, unclear and ambiguous. PLEASE BE CLEAR as to what this means, exactly!

When will this be done? This STP is a plan with dates and timelines to be included, yet there is only mention that it “will be done in the future...” provided in the draft STP.

At the end of this section, the reader is left confused about Priority 1 and Priority 2 items...

What is the intention of prioritizing in the first place? Who has created this policy, how is one declared a priority 1 versus a priority 2? Why is this designation being made? Does it relate to what gets addressed first? BE CLEAR, otherwise this is also simply seen as being misleading information and misleading actions by MN/DOT

Did the community have any input into the prioritization process? Why or why not?

In this section:

“Priority one buildings are those building that have employee use and a high potential for public use. Priority two building is those

buildings that have employee use and moderate potential for public use.

First of all, grammatical issue here: “Priority two building is those...” should be Priority two buildings are those...

Secondly, the reasons are unclear as to why this designation is even needed.

Thirdly, the section:

“A list of the identified buildings can be found in Appendix B.”

Again, instead of making the reader jump to another section of the document to identify this information, at least a summary of the information should be identified here! For PWD’s, it can be extremely difficult to flip back and forth to an identified section to locate basic information that could be easily summarized in the body of the report. A table is a good option for this purpose. Should the reader want to after glancing at the summary of information, the reader can easily locate the Appendix if need be.

In the section:

“Historic Rest Areas & Waysides:”

In all the other sections here there are specific numbers of identified buildings. There should also be a specific number of historic sites listed here that the state has identified .

In this sentence:

“Mn/DOT staff resurveyed all Class I rest areas by 1994 using ADAAG and recorded actual conditions and identified corrective measures required to comply. (See Appendix B)”

There needs to be at least a summary of the findings here in the body of the report. It seems unfair to require the reader to go to an appendix to ascertain the minimal information regarding this information. A summarizing table makes sense here and would provide the appropriate information needed by a reader **WITHOUT** requiring one to leave this area and refer to an appendix. This is cumbersome, especially for someone that uses a screen reader to read print material!

Also, this sentence doesn't make much sense; Did ADOC provide the staff to conduct inventories? Without reference as to what ADOC is, one could think that is an agency the work was contracted out to conduct. What guidelines were used? What were the findings in general terms; all passed, half failed to meet basic compliance, or no deficiencies were found...

Also, since the “ADAAG” is mentioned here, an explanation of what that means, what it is and why it was used needs to be indicated here.

Likewise, “Class 1 Rest Area” needs to be defined; what does that mean? Who created that designation? Why is it important? What characteristic does a “Class 1 Rest Area” contain?

In section:

“In 2007, Mn/DOT retained a consultant to conduct a comprehensive assessment of the physical condition of (49) Class I rest areas. The consultant found accessibility deficiencies at (46) of the rest areas evaluated. Mn/DOT estimates it would cost \$1.9M-2.5M to correct the accessibility deficiencies found at Class I rest areas.”

Again, this leaves the story incomplete. What does this mean? What are the plans for remedying these deficiencies? Simply stating the cost to bring the facilities up to accessibility and ADA standards does not meet the intention of a STP. What is the next step? What has highest priority? What are expected plans/dates for bringing these up to ADA standards? Even if it is a guesstimate is better than just leaving this section hanging without any plan for addressing the deficiencies.

Accessible Pedestrian Signals (APS)

In the section:

“As part of the inventory Mn/DOT each intersection received a rating to determine the priority for conversion to an APS signal. “

This sentence doesn't make sense; is there a word or words missing or extra words inserted here?

Also, this section is a little incomplete. It references the prioritization of intersections and that each has been given a score but it doesn't indicate where the list is located for review. Assuming this is in an appendix, it would be great to include a summary table here in the body of the Plan with the following information:

***How many total MN/DOT controlled intersections are there?**

***How many currently have APS?**

***How many intersections reflect the top 25 percent of the total scored intersections? Or:**

***include a list of groups of scored intersections according to priority score, i.e., 100-85 are XX; 84-60 are XX; 59-40 are XX; etc. use whatever score breaks seem most appropriate.**

Again, this is a PLAN to address deficiencies, so how is MN/DOT going to address the top scores rated the highest priority for APS installation? Ten percent each year as a goal? 15 percent as a goal per year? 50 percent by the year 2017 with all being up to ADA minimal standards by 2025? (These numbers are provided as examples for illustration of my suggestion, not intended to be specific recommendations.)

In other words, this draft omits important information which should be included in a STP! Who will have input into creating these priorities?

The implied PLAN for addressing how intersections are to be handled in the future is beautiful!! It clearly identifies which intersections will be outfitted with APS's with respect to new

construction and reconstruction projects, but what about citizen requests? How will these be handled?.

I also appreciate the reference to PROWAG! However, what is PROWAG? What does it mean, why is it important? Definitions?

With a little more information, i.e., table of summarized information, definitions, etc., this will be a great section.

Curb ramp and sidewalks

Grammatical issue:

“An inventory form was developed by to record data for each intersection on the state highway system.”

An extra word here??

A suggestion to make this good section even better:

Instead of referring the reader to another appendix for the elements of collected data on curbs and sidewalks, it would be nice to include a short list of the top elements for curbs, and the top elements of sidewalks that the tool includes. I realize the tool is quite comprehensive but a summarization, even a short listing of the kinds of data that are to be collected would be a nice addition to this section.

Who will be completing this inventory? When will it be completed? How will the deficiencies be handled? Repaired immediately? Put

on a waiting list? Who will have input as to prioritizing this deficient data?

Otherwise, another section with great potential.

What about cost implications of fixing curb ramps or bringing deficient ramps up to code?

Transit

This first paragraph concerns me a little. An example, as follows:

“that ADA trip requests in Duluth, East Grand Forks, La Crescent, Mankato, Moorhead, Rochester, and St. Cloud are not denied at a higher rate than other trip requests.”

The way this is stated leads one to believe the individual who wrote this section doesn't fully understand the actual regulation of ADA. There should be no ADA trip denials at all, period. The FHWA and the FTA monitor ADA rides and are deeply concerned if there is a single ADA denial. The law states there are to be no ADA trip denials! Therefore, there should be no more trip denials in the rural areas than in the metro areas.

With respect to the statement:

“that system advertising and information is produced in a variety of formats”

This statement needs to be followed through. Currently there is no means of communicating to the users of Metro Mobility other than the web site. Many individuals with disabilities do not have access to a computer on a regular or routine basis. There is no means of regular communication with users of the service and therefore, no regular means of providing news or changes in policy to riders. If this responsibility of monitoring effective communication to riders is seriously being undertaken, there needs to be regular means of communication of users of the system, and made available in alternative formats! I believe this section needs to reflect a much stronger oversight role for MN/DOT with respect to Para-transit operations and procedures. Regulations should be written requiring at least yearly communication with users of the system, at a minimum. I strongly believe this needs to be added as part of the MN/DOT oversight responsibilities and it clearly needs to be written clearly of the expectations and how the oversight will be monitored.

In the section:

**“Some older bus garages and administrative facilities are not fully ADA accessible, but the noncompliant elements do not provide a barrier to the services provided to the general public. As facilities are replaced or receive major remodeling they will be required to be constructed to current ADA standards and Minnesota Building code.
“**

This is not adequate for a transition plan. There needs to be a specific inventory listing of which facilities are not currently ADA compliant, for starters. Secondly, there needs to be a plan on how

MN/DOT is going to address the deficiencies, with dates! A “PLAN” should not merely identify that there are “facilities that currently do not meet ADA requirements...” but should be as specific as possible, including listing of the facilities, aAND include a PLAN on how the department is planning on remedying the situation! Best guesses are fine here, but to simply say there are problems is not adequate for a Transition plan. Even if the elements are not current barriers to the service by users of the system, what about employees with disabilities that need access to those areas?**

In the section that begins with:

“With respect to vehicle purchases”

I would like to suggest that an emphasis be placed on EXCEEDING THE MINIMAL STANDARDS! Yes, every vehicle is accessible and meets “ADA requirements”, however, there needs to be some emphasis on COMFORT, RIDEABILITY, NOISE LEVELS INSIDE THE VEHICLES, etc. These elements are not currently part of the minimal requirements of the ADA however reflect how the State of Minnesota treats its citizens with disabilities. Some of the vehicles clearly exceed the safety noise levels of OSHA, which affects the riders as well as the drivers! Some of the vehicles, although fully accessible, are so jarring and uncomfortable to ride in, any short ride might result in a greater level of injury to a weak back or spine. Some individuals with disabilities cannot ride Para transit vehicles because they risk greater injury! This needs to be monitored and remedied!

Because there are no specific noise standards set forth as part of the minimal requirements of the ADA, these are always side-stepped or overlooked. Some noise levels are so loud, even riding on a vehicle for a short period of time is painful! This needs to be considered as part of MN/DOT's oversight responsibilities. We can, and should, strive to EXCEED the MINIMAL standards of the ADA whenever and where ever possible. This includes comfort of riders, at least to some degree!

In the section:

“The location of all pedestrian bridges and underpasses within Mn/DOT's right-of-way has been documented by the department. (Appendix F) The next step will be to assess the accessibility for each facility.”

Again, there needs to be a summary of minimal information in the body of the plan! How many are not or do not meet ADA standards, how many meet some standards of accessibility, and how many are fully compliant... Then, again, a PLAN needs to be given as to how the department plans to address the deficiencies! This needs to be in the body of the PLAN, including the expected costs of addressing each deficiency and an expected or target date for completing bringing the facilities up to ADA minimal standards?

In the same section:

“The Office of Bridge will be responsible for determining the accessibility of the pedestrian bridges in their jurisdiction by the end

of 2010. Once the accessibility portion of the Pedestrian Bridges is complete Appendix F will be updated.”

This section needs a more specific date or timeline for completion of its inventory. I don't believe simply “updating the Appendix” is adequate, nor is “once the Office of Bridges completes its inventory” is adequate either! There needs to be a better and clear plan for how the office of bridges will disseminate the information, i.e., list the findings on the ADA part of the MN/DOT web site, etc. Also, there needs to be a way for citizens to know there have been additions or updates to the items identified! I suggest the ADA section of the MN/DOT web site be used for this purpose.

Also, how are the costs going to be planned for as deficiencies are taken care of? Who is responsible for the costs?

****I also believe EACH AND EVERY item that requires monitoring or pieces of work to be yet completed, be treated as “ACTION ITEMS”, and be summarized at the end of the STP! With the “ACTION PLANS” being clearly listed (with dates), the community can monitor the progress of the work. Not only can the community monitor the work but the department will more clearly have a single centralized location of the work to be completed. This will prevent anything from falling through the cracks or being overlooked!**

In other words, I would like to see the State Transition Plan include a section of “ACTION ITEMS” where every pending item gets listed.

This could be an Excel Spreadsheet. It should contain the item, cost, date of completion, who is responsible, date expected to be completed. Again, another way to say this is the STP needs to have measurable objectives so the community, as well as the department, can effectively monitor the progress!

In this same section:

“Those that do not meet accessibility requirements according to PROWAG will be replaced as necessary.”

This is not adequate. What is the PLAN for replacing sub-standard or sub-ADA bridges? Is there a prioritization process? Will it be brought up to ADA standards within XX number of years? What is the exact process? At least a Plan must be in place and identified to let the community know how these issues will be handled. What is given here is a “no-brain-er,” or what is expected by LAW. But what is the PLAN by MN/DOT to handle identified deficiencies??

In the continuing section:

“Bridges and underpasses that are compliant with the standards that were in place when they were built will need further discussion to determine the feasibility of compliance with PROWAG and the future of the structure in general.”

What exactly does this mean? This is not a PLAN but a bypass of the required PLAN. A statement such as this, broad in nature and content, is nothing more than confusing gibberish. What exactly does this mean in English? Please clarify. Can be given about any ADA element. WHAT IS THE PLAN???

For the record, one cannot “determine the feasibility of compliance”, even MN/DOT! Compliance with the law must be followed, no if’s, ands, or buts.

In the section titled, “Policies”:

This statement:

“A listing of policies and procedures that Mn/DOT will be reviewing and updating can be found in Appendix G.”

Again, a summary of the identified information from the study needs to be given here. Even a summary table would suffice, but again, referring the reader to an appendix which is nothing more than a list, doesn’t tell the community what the plan is. How many policies were reviewed? How many were found to be completely out of step with the ADA requirements? How many had elements that need to be updated? How many policies reviewed were adequate and met ADA standards? THEN, and this step is important, **WHAT IS THE PLAN** for addressing these policies? Who will distribute the policies that need to be updated to their respective departments? Who will monitor the progress of the process? How long will each department have to update the policy? What is the plan for the work of updating a policy? Will the community be included in the process at all? How will the work be monitored so the community can follow the process and monitor the updates? Again, this would be another good use of listing each policy as an **“ACTION ITEM”** for monitoring its progress.

In the section titled, “Maintenance”:

In reference to the items:

“As part of the policy review identified in the Transition Plan Mn/DOT is examining its current policies and procedures to improve maintenance for pedestrian facilities. The estimated time frame for the policy is a year and a half.”

I commend that the plan has a timeline!! However, a specific year and month should be identified! “A year and a half” is much too ambiguous.

Additionally, with respect to: “examining its current policies and procedures to improve maintenance for pedestrian facilities “ WHAT IS THE procedure that is being followed. The STP should contain this process, clearly defined steps the department is following to identify deficiencies. Additionally, what is the process for when a procedure is identified that needs to be updated? How will the community know the process has being updated? Or for that matter, how will the community be able to have input into the review and updating of policies? How will the community know something was updated and that it was updated timely? And, finally, how will the new procedures be communicated to the community at large?

In the section titled, “Correction Program”:

In the statement:

“The Minnesota Department of Transportation is committed to addressing the issues identified in the self evaluation.”

How quickly? When? When will the “Self Evaluation” be completed? And when and where will the self evaluation be provided for the community to see or follow?

With reference to:

The priority to address barriers is determined by criteria of each self evaluation with funding to be identified by each individual program.

This is very unclear and confusing. First, exactly how many “self evaluations” are being conducted? This statement leads the reader to believe multiple evaluations are being conducted!?!

Secondly, in several places throughout the document there are statements that the department is committed to addressing all barriers; it might be nice to reflect that statement at the top of any “CORRECTION PLAN!” Then, with that overall guiding principle being restated, reminding the community of the departments’ goal, to comply with the ADA completely. It would be nice to restate to the community the reassurance that the total cost to correct every compliance issue will likely be extremely costly. Because of this, a comprehensive plan will be followed to meet this obligation. Then restate the PLAN!

Will the community be involved with the priority plan? How will the community be involved? Who else will be involved with the priority setting? What end date will be established to have 25 percent of the work completed?; 50 percent of the work completed?; 75 percent of the work completed?; all of the work completed?

Again, this is a “PLAN“ and, as such, a best “guess” is adequate as long as it is reasonable.

As for “respect to the funding:” it would be nice to restate the part of the law that basically warns states cannot use the cost used as the sole factor in guiding how and what is corrected and updated to be ADA compliant.

Every effort should be made to include a date that all compliance issues will be completed.

With respect to:

“ with specific funding being first identified by the department responsible for that project..”

This doesn’t make any sense. It is confusing and unclear. What does this mean? If a department doesn’t identify funding does this mean it can avoid having to pay for updating something? This makes it sound as such!

Having said that, the fact is, funding costs need to be identified in the Transition Plan! The cost of doing the updates and bringing items into ADA compliance needs to be in the Transition Plan. Including when it will be completed by.

With respect to:

“All new construction, reconstruction, and alteration projects in Mn/DOT’s right of way are required provide for accessibility needs in the project’s scope per ADA requirements.”

This statement is unclear and confusing. Correct the missing word “TO”, I think that is the word that is missing, but not sure. Secondly, if the current process the department follows regarding All new construction, reconstruction, and alteration projects were adequate, there would not be so many ADA compliance issues that were “MISSED” or “OMITED during the past 20 plus years! I believe a re-commitment to these ideals needs to be offered, and that a re-evaluation of the ADA Scoping Process needs to be addressed and outlined here in the Transition plan!

Since the ADA has been law for the past 20 plus years, we shouldn’t have as many ADA compliance issues **IF**** the process was adequate... Even without a Transition plan in place! Not mentioning that the ADA scoping process needs to be evaluated and re-confirmed as a vitally important piece of the ADA process, and NOT mentioning it in this Transition plan, would be a travesty, not to mention a missed opportunity!**

Towards the “re-evaluation of the ADA scoping process:” how can the disability community be involved with this process? At a minimum it should be involved by having the plan available for review through this STP! Too many projects slip by the process and get completed and end up missing an important ADA elements! If the process was adequate, this would not happen as frequently as it does. In addition, having this process in place would be less costly to the department overall as the projects would be completed correctly

the first time without having to re-do parts of the project to include missed elements.

What is the plan for scoping. It needs to be identified here, step by step.

Who scopes the projects?

Does every project get an ADA scoping process?

Is every project signed off on? Who signs off on ADA compliance details?

What kind of training and updating to the rules and requirements is offered by MN/DOT?

With respect to:

“The funding and schedule of roadway improvements is laid out in Mn/DOT’s Statewide Transportation Improvement Plan (STIP).”

Again, it is not adequate to simply refer to another policy in this plan. At a minimum, provide a summary of the plan being referred to in the Transition Plan! A reader should not have to hunt for another policy or process just to confirm it. The redundancy ends up being most beneficial for everyone.

In the section titled, “Training”:

General comment:

I am pleased to know there is importance placed on training. Having said that however, This section is again is missing word(s), making it difficult to read or understand. The rest of the paragraph is confusing as well.

Examples:

“As part the adoption of Public Rights of Way Accessibility Guidance and the Transition Plan Mn/DOT will be conducting department wide training on both design and policy.”

This is a very confusing sentence. Besides missing word(s), it is missing punctuation that could make it easier to read or understand.

Who will be conducting training? And, to whom? The public, staff, partners? Who designed the training? Did the public or disability community advocates have any input into the training content? Why or why not?

To be consistent, “PROWAG” is used but not defined anywhere. What does it mean and why is it important?

In the section:

“Training on ADA and Title II will be offered to both Mn/DOT staff and external partners at both an introductory and advanced levels.”

What kind of training? On implementation?, basic understanding? Legal responsibilities?, minimal requirements? Who are “external partners? Did ADA stakeholders help design the training content?

In section:

“The training will be topically based on policy, mobility experience, and design. As appropriate Mn/DOT will work with educational institutions and advocacy groups to identify needs and develop curriculum.”

The “topically” sentence needs to be written differently. Does this mean only “surface” mentioning of issues or content will be covered or does it mean that specific topics will define the course content? Confusing!

“As appropriate” – What does this mean? Appropriate to whom? The community or MN/DOT, or the audience?

With respect to “training,” how often will training be offered? Will “external partners” be required to participate or will it be volunteer attendance? Will the schedule be listed somewhere on the web site? Can the public attend some of these trainings?

Did people with disabilities get to provide input into the content of the training materials?

Will the disability community be involved with the training at all? Or have input into the content of the training? “NOTHING ABOUT US WITHOUT US!”

General closing comments:

The draft Plan ends rather abruptly. There should be a closing section. Listing the ADA Coordinator would be a nice piece to end with, contact information, web site address, important upcoming dates, meeting dates of the ADA stakeholder advisory committee, or other public meeting information.

I believe the draft plan also needs to have a plan in place as to when and how the plan will be updated formally again in the future. Another process in 5 years? 7 years? 10 years?

How will complaints or grievances be communicated to the public? Via the web site? In a quarterly report on the web site?

How can the public follow the process of the implementation of the draft plan? Or have other opportunities for input into the MN/DOT community process? Future E-mail list sign ups?

Then end with a closing paragraph recommitting MN/DOT's commitment to meeting the ADA accessibility requirements and keeping the process "living" and updated as necessary... but give a time commitment as to what that updating plan is; a timeline for renewal or review.

MNDOT Draft Transition Plan Appendix A Comments

}NOTE**:**

Comments are made after each numbered section of this Grievance procedure...}

Appendix A

How to file a Grievance

- **{**Comment**:**

It should be made clear that this is how one files a grievance with MN/DOT ONLY. Without such designation or clarification the reader can think the complaint is being made to the DOJ or some other formal federal agency.}

The procedure to file a grievance is as follows:

- 1. A formal written grievance should be filed on the ADA Grievance Form. An oral grievance can be filed by contacting the ADA Title II Coordinator. The oral grievance will be reduced to writing by the ADA Coordinator utilizing the ADA Grievance Form. Additionally, individuals filing a grievance are not required to file a grievance Mn/DOT, but may instead exercise their right to file a grievance with the Department of Justice.**
- **The name, address, and telephone number of the person filing the grievance.**

- The name, address, and telephone number of the person alleging the ADA violation, if other than the person filing the grievance.
- A description and location of the alleged violation and the remedy sought.
- Information regarding whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court.
- If a complaint has been filed, the name of the agency or court where the complaint was filed, and the date the complaint was filed.
- **{**Comment**:**

In sentence:

“A formal written grievance should be filed on the ADA Grievance Form.”

There is no reason why there cannot be a web form automating the process of completing a complaint. A link could be inserted here as an option.

“The oral grievance will be reduced to writing by the ADA Coordinator utilizing the ADA Grievance Form.”

The word “REDUCED” is inappropriate here. Perhaps “TRANSCRIBED” is a better choice.}

“Additionally, individuals filing a grievance are not required to file a grievance Mn/DOT,”

Grammatical issue: word missing!

“but may instead exercise their right to file a grievance with the Department of Justice. “

Again, a link to the department of Justice web site could be inserted here as a matter of convenience for citizens.}

2. The grievance will be either responded to or acknowledged within 10 working days of receipt. If the grievance filed does not concern a Mn/DOT facility, it will be forwarded to the appropriate agency and the grievant will be notified.

- **{**Comment**:**

It is unclear by the wording here if MN/DOT refers the complaint on to another agency because the complaint is not found to be one of the facilities under jurisdiction of MN/DOT, what exactly is MN/DOT's responsibility to respond to the initial complaint once it is referred away. Please be clear here. I hope it is the intent of MN/DOT to remain the leader of the State in remaining as the major agency that oversees all complaints urging them to a satisfactory end with other agencies it partners with. As the initial complaint was lodged with MN/DOT, MN/DOT should remain the responsible party to communicate to the grievant. It can recommend to any partner agency a course of action to remedy

the situation if there seems to be a clear violation, and should do so! Regardless, MN/DOT should not wash its hands of correspondence with the grievant once it forwards the complaint to another agency.}

3. Within 60 calendar days of receipt, the ADA Title II Coordinator will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, the ADA Title II Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach a resolution of the grievance. Any resolution of the grievance will be documented in Mn/DOT's ADA Grievance File.

- **{**Comment**:**

In first sentence,

Replace “the ADA Title II Coordinator “ with “the MN/DOT ADA Title II Coordinator”.

replace words “conduct the investigation” with “CONDUCT AN INVESTIGATION”.

In second sentence:

Replace “the ADA Title II Coordinator” with the MN/DOT ADA Title II Coordinator”.

There needs to be a distinction made between ADA coordinators as every agency must have an ADA Coordinator. If MN/DOT needs to

refer a complaint to a partner agency, that ADA coordinator must be involved along with other personnel as necessary.

4. If a resolution of the grievance is not reached, a written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by the ADA Title II Coordinator and a copy forwarded to the grievant no later than 90 days from the date of Mn/DOT's receipt of the grievance.

- **{**Comment**:**

The entire sentence known as “4” above should be rewritten:

4. Within no later than 90 days from the date of Mn/DOT's receipt of the “ORIGINAL” grievance, a written SUMMARY, INCLUDING ANY determination OF FINDING(S) REGARDING THE INVESTIGATION, {OMIT to the} validity of the complaint and ANY description of the resolution TAKEN OR RECOMMENDED, if appropriate, shall be issued by the MN/DOT ADA Title II Coordinator and a copy forwarded to the ORIGINAL grievant.

In other words, the MN/DOT ADA Coordinator should be acting as the coordinator, investigator, recommender of action of the complaint!

5. The grievant may appeal the written determination. The request for reconsideration shall be in writing and filed with the Minnesota Department of Transportation Ombudsman within 30 days after the ADA Title II Coordinator's determination has been mailed to the

grievant. Mn/DOT's Ombudsman shall review the request for reconsideration and make a final determination within 90 days from the filing of the request for reconsideration.

- **{**Comment**:**

Rewrite first sentence:

The grievant may disagree with the findings and/or recommendations of the MN/DOT ADA Coordinator and file a written appeal to the MN/DOT Ombudsman . (A direct link to the contact info for the MN/DOT Ombudsman should be included here!)

The second sentence:

Mn/DOT's Ombudsman shall review the request for APPEAL AND reconsideration OF FINDINGS. The MN/DOT Ombudsman will review all aspects of complaint and make a final determination within 90 days from the filing of the request for APPEAL and reconsideration.

6. If the grievant is dissatisfied with Mn/DOT's handling of the grievance at any stage of the process or does not wish to file a grievance through the Mn/DOT's ADA Grievance Procedure, the grievant may file a complaint directly with the United States Department of Justice or other appropriate state or federal agency.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation; the health and safety of others; and the degree to which an

accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to Mn/DOT. Accordingly, the resolution by Mn/DOT of any one grievance does not constitute a precedent upon which Mn/DOT is bound or upon which other complaining parties may rely.

- **{**Comment**:**

The first sentence is OK as is.

The second sentence that begins with “The resolution of...” I would ask this part of number 6 be completely omitted. It is irrelevant, unnecessary and will be seen as a total “cop out” by the disability community.

I would recommend however, that it would be appropriate to include some statement about the high standard of practice that is required and expected of every MN/DOT employee/representative, be they MN/DOT’s ADA Coordinator, MN/DOT’s Ombudsman or any other official representing MN/DOT. By including the original sentence, it will be interpreted, rightly or wrongly, that MN/DOT is already setting up potential “excuses” it might use to avoid having to respond to otherwise legitimate complaints.

File Maintenance

Mn/DOT’s ADA Coordinator shall maintain ADA grievance files for a period of three years.

- **{**Comment**:**

Isn’t there value in keeping these documents indefinitely? I would hope MN/DOT has learned a lesson from not being able to find any

history of previous Transition Plans that may have been written in the past but discarded at some point believing them not important. What harm is there in keeping these files indefinitely? Unless you expect to receive a great deal of complaints, I would assume the actual number of complaints will be relatively small in subsequent years, especially in lieu of a well-written Transition Plan that takes many of these ADA responsibilities clear from now on.

Appendix B

Mn/DOT Work Sites

Priority One Sites

{COMMENTS**:**

This appendix would be more valuable if there were a clear definition of what constitutes a **Priority 1** versus a **Priority Two** facility. Simply looking at the name of the facility doesn't help.

Also, if this table could also include which facility is currently out of compliance with **ADA**, what are the plans to address the deficiency including cost, expected date of work to be done. And when was the latest inventory/assessment completed.

Aside from simply identifying the facility by name, this Appendix has little value to any outside reader.}

Appendix C

Rest Area Facility Condition Assessment

}COMMENTS**:**

I applaud MNDOT for producing this inventory of cost estimates for deficient rest area facilities. I think however, this is only part of what should be included within the Transition Plan. The next step is missing. It should be a plan on when each of the deficient facilities will be scheduled to be corrected and brought up to ADA standards. All transition plans must be plans on how to fix identified deficiencies. This is missing from this appendix.

Who will make the schedule?. Who will help prioritize the work to be completed? Will the public have any input into the process? How? How about the disability community, will they have input into the prioritizing of the work to be completed? What is the expected date that all ADA deficiency work is to be completed by?

I would also like to have additional information added to this table; When was the inventory conducted, and when was the cost estimate conducted?

Also, when was the determination made that the last three facilities were deemed ADA compliant with no deficiencies?

I am concerned that greater than 93 percent of all rest area facilities are out of compliance with the ADA right now! Please add a PLAN on how MNDOT is going to address this situation as quickly as possible! }

Appendix D

Statewide APS Prioritization Summary

{**COMMENTS**:

- ✓ I applaud MNDOT for having completed the APS Inventory and scoring of MNDOT controlled roads and intersections. Having said that, I wonder what kind of training staff received before individuals were dispersed into communities to conduct the inventory scoring. The process followed needs to be identified in detail in this plan. Any print materials used in the training of staff, guidelines, and all other training materials should be referenced as well.
- ✓ I would also like to see a random sample scoring sheet of several entries in each district. To be able to compare a low scoring intersection against a high scoring intersection would be valuable information for the community to know as examples of how and why certain intersections received their scores.
- ✓ I would also strongly ask that a copy of the scoring tool be referenced in this Transition plan as well.
- ✓ There should also be a historical narrative as to how the tool was created, tested and adopted by MNDOT. Were disabled community members involved in developing the tool? Why or why not?
- ✓ More importantly, this plan needs to include a major section on how MNDOT plans on using this information. Now what? What criteria will be used to help MNDOT decide how they will approach dealing with the neglect or omission of installation of APS since 1995? If a plan already exists, the plan needs to be included . If a plan already exists, who developed it and were disabled citizens involved with the process?
- ✓ There is no indication of cost to outfit an intersection with APS's anywhere in this plan.

- ✓ information regarding the current technology needs to be discussed about the features of APS's and what features will be routinely installed with each installation. I strongly urge, beg and plead that all APS installations, AT A MINIMUM, receive the added feature of a verbalization of the intersection one is about to cross, and that where an intersection is not completely square, added information regarding the anomaly must be indicated verbally during the appropriate cycle when a button has been pushed to receive that information (which is usually a longer held in push button on initial push), i.e., "This intersection is the merging of three streets and not even or square." Or "There is a small raised concrete island in the middle of this crossing." Or "This crossing has a diagonal street that intersects the crossing approximately two thirds through the crosswalk."
- ✓ A detailed plan (Handbook or Guidebook, should be created and made available for other MNDOT partners who also are responsible for installing APS so the installation can be as uniform across the state as possible.
- ✓ I strongly believe this Transition Plan should contain a scoring summary table that condenses this information into understandable sections, i.e., number of intersections with scores under 40; with scores 41 to 60; with scores between 61 to 100; with scores between 101 to 150 and with scores over 151! This kind of information will be much better understood by citizens as to exactly how much work is needed to bring any district into compliance with the ADA. It will also aid MNDOT to help identify exactly how much financial resources are needed to bring districts into compliance.}

Appendix G

Policies and Procedures under Review by Mn/DOT

{COMMENTS**:**

I suggest each of these policies listed here have a link added to the actual policy location on the Internet. There should be no reason why these documents are not available to the public already anyway, so adding a link for readers to read the policy in its entirety would be helpful to citizens wanting to review the policies also. }