

I am providing comments on MnDOT's ADA Transition Plan. However, in order to do this effectively, I am also sending you a copy of the correspondence I have had with Ms Pam Tschida. This letter to Ms Tschida provides context to my comments on the transition plan.

- 1. The Transition Plan does not include curb ramps. This means the transition plan is incomplete.**
- 2. The Transition Plan should include the role and contact information for the ADA Coordinator. I believe this is required by law. Also, it would be helpful to include the State Pedestrian Coordinator's contact information as most of the problem areas are about pedestrian transportation.**
- 3. Since this plan is long overdue, and many people with disabilities probably have not had access to this plan, or know it exists, I strongly encourage you to publicize this to all the disability communities to the greatest degree possible.**
- 4. Since the transition plan is not complete, how are you making sure current projects are addressing all the ADA issues?**
- 5. MnDOT policies need to be spelled out in the plan if you refer to them. How is anyone to know what these policies are unless you have a website or a brief summary of them?**
- 6. Training staff is critical. Provide more detail and what groups at MnDOT will receive training.**

August 26, 2009

Dear,

Commissioner Sorel asked that I respond to your letter. I wasn't to thank you for following up and want to apologize for not responding earlier. We hope that this addresses the points you make in your letter and provides you with an update on Mn/DOT's actions regarding Title II of ADA.

In the past year Mn/DOT has recognized the need for a new approach and additional resources to deal with the requirements of Title II of ADA to make the State transportation infrastructure accessible to all users.

We have taken several steps starting with setting up our ADA transition as a specific Department Initiative. Our ADA Initiative includes adding staff resources, dedicating funding for infrastructure improvements, completing the ADA Transition Plan, working with stake holders to determine needs and priorities, and determining which guidelines, policies and plan require changes to incorporate ADA.

We also have identified \$4.5M in standalone ADA projects statewide for this fiscal year. While this isn't near enough funding to meet all the needs, we are committed to providing additional funds in the upcoming years for an additional \$8M.

Below are responses on your requests for actions:

Request: The Mn/DOT Statewide Transportation Plan recently produced must be changed to clearly reflect transportation needs of the entire population including people with disabilities. The plan should indicate how Mn/DOT will come into compliance with Title II of the ADA and discuss the impacts of a growing elderly population and the growing need for transit and pedestrian accessibility.

Response: Earlier this summer Mn/DOT released a Draft Statewide Transportation Plan for public comment. After the public review period, the plan was revised to more directly address ADA concerns. In the final version, which is now available at

<http://www.dot.state.mn.us/planning/stateplan/index.html> we have modified and improved the plan as a response to these comments. The section pertaining to compliance with ADA is section 8D, reads as follows:

“8D. Compliance with Americans with Disabilities Act (ADA)

State and local governments will work to make their transportation systems ADA compliant. All transportation authorizes will work to make transportation facilities complaint with the Americans with Disabilities Act (ADA). Currently, Mn/DOT’s highway project development process provides accessibility by requiring new facilities and/or modification of existing facilities to meet accessible design standards (e.g., ADA Accessibility Guidelines, Uniform Federal Accessibility Standards, and Minnesota State Building Code). Furthermore, as discussed in Chapter 8, Mn/DOT is completing an American with Disabilities Act (ADA) transition plan to identify existing physical obstacles in Mn/DOT facilities and to describe the methods that will be used to make the facilities accessible.” (page 7.8-5)

As stated, Mn/DOT is currently drafting its ADA Transition Plan. This transition plan, rather than the Statewide Transportation Plan, will indicate how the Mn/DOT transportation system will come into compliance with Title II of ADA. The Statewide Transportation Plan references the ADA Transition Plan as the appropriate plan for this issue. The ADA transition plan will be completed this year.

Request: Mn/DOT must show leadership by meeting ADA standards for design of curb ramps, sideways and traffic signals, etc. These standards should be integrated throughout all projects, including State Aid for Local Transportation projects. Had Mn/DOT take leadership in acknowledging the civil rights of people with disabilities, the Lake Street project in Minneapolis would certainly have had a different outcome. We are all paying the price for the poor design and construction of the project, from the curb ramps, the sidewalk surfaces to the pedestrian signals.

Response: Mn/DOT has taken several recent steps to meet ADA guidelines of curb ramps, sidewalks, and traffic signals. For traffic signals we have developed a policy on Accessible Pedestrian Signals and have been

upgrading existing signals to meet or exceed the minimum guidance of the Draft Public Rights of Way Accessibility Guidelines (PROWAG).

As you know, Mn/DOT is a large organization and we have been working closely with our design engineers and technical experts to review PROWAG and are very close to having the needed input. We anticipate official correspondence regarding PROWAG in the very near future.

Information on PROWAG design guidelines is available at:

<http://www.access-board.gov/PROWAG/>.

Mn/DOT's ADA transition plan will outline the steps Mn/DOT is taking to have its designs for accessibility in compliance with Title II. Mn/DOT believes the ADA transition plan will be a leadership document in that it will offer guidance that our local transportation partners can follow to make the entire transportation system consistent with accessibility requirements.

Request: Mn/DOT must develop proper and functional designs for curb ramps. Curb ramps are one of the foundations of accessibility. In Minnesota, we are forced to live with curb ramps that lack continuity, usability, and generally, are hazardous to a wide range of people.

Response: Mn/DOT recognizes that its current curb ramp standards are not always meeting the needs of person with disabilities. In conjunction with the adoption of PROWAG guidelines Mn/DOT is developing additional curb ramp designs to provide designers with the flexibility to design for a variety of intersection conditions. We have received clear feedback that diagonal curb ramps should be avoided whenever possible, and the PROWAG guidance offers more options to meet the needs no matter the constraints that may exist at an intersection.

Request: The ADA Transition Plan must be completed including an inventory of noncompliant curb ramps and other pedestrian facilities. Where is this plan? This plan would show our financial obligation into the future of fixing these ramps. Without this plan, we as citizens have no idea of this financial commitment. Please send me a copy when complete.

Response: We recognize that we are noncompliant by not having a transition plan and that this is long overdue. We have drafted an outline

for our Transition Plan and currently have technical experts writing various components to the Plan. In addition, we are working with our various functional experts (rest areas, traffic construction, design, etc.) to identify areas that have been or need to be inventoried; this information will be included in the Transition Plan as well. We will send a copy of the plan or a link to the plan when it is available for public comment. This will be in late fall 2009.

Request: The ADA Coordinator is a legally required position. I can't find anywhere on your website who this person is. Please indicate who our ADA Coordinator is and have that person contact me so I can learn more about the State's position on these issues.

Response: Thank you for bringing this to our attention as we thought the contact information was available on our website. We are correcting this immediately. The ADA Coordinator for Mn/DOT is Lynnette Geschwind, her contact information is Lynnette.geschwind@state.mn.us or 651-366-4717.

Request: The State Pedestrian Coordinator is also a legally required position. I can't find anywhere on your website who this person is. As I understand it, the former Pedestrian Coordinator was our contact at Mn/DOT for the A, B, and C parking ramps in downtown Minneapolis. As a Minneapolis resident and member of the Minneapolis Advisory Council on Disabilities, I would like to know if this is still true. And if so, I recommend this person or person recommit to conducting pedestrian work instead of parking ramp work. That seems to me how we can get points 1 through 5 accomplished. Once I know who the ADA Coordinator is, I would like to report an accessibility issue with the parking ramps.

Response: Thank you again for bringing this to our attention. We will update our website immediately to identify our Pedestrian Coordinator. The State Bicycle and Pedestrian Coordinator is Tim Mitchell, Tim's contact information is tim.mitchell@state.mn.us or 651-366-4162.

The ABC parking ramps are owned and managed by Mn/DOT. Lisa Austin is the ABC Ramp Coordinator. Lisa's contact information is lisa.austin@state.mn.us or 651-366-4193.

To report accessibility issues please complete the form at:
<http://www.dot.state.mn.us/ada/comments.html>. All requests submitted through the link will receive a response and follow up.

We are also planning additional modification to Mn/DOT's website to make it easier for citizens to get information about accessibility.

Request: I recently learned Mn/DOT is committing \$12 million to ADA projects statewide. That will not go very far to correct statewide violations when one pedestrian bridge over Central Avenue in Columbia Heights will cost approximately \$4 million. Mn/DOT needs to do better than this.

Response: Mn/DOT has committed \$12 M to ADA specific projects statewide over five years. This funding is only part of the investment being made for accessibility improvements to Minnesota's transportation system. All projects that Mn/DOT builds, from road reconstruction, to new traffic signals, to preservation projects include accessibility investments within the project. We agree that corrections for non-compliant pedestrian bridges are high cost relative to other accessibility improvements. The transition plan and input for Minnesotan's will help us prioritize the order of accessibility investments we make in the future. We continue to seek additional funds that will allow us to improve our systems in order to make travel accessible for all citizens of Minnesota.

Lastly, we do take these concerns seriously and we are happy to discuss them further if needed. Thank you again for bringing your concerns to our attention.

Sincerely,
Pamela R. Tschida
Assistant Commissioner
Mn/DOT

