

I've cited a quote from the Minnesota Department of Transportation (MnDOT) Transition Plan, pages 1 through 3. I've stated several points with regard to this quote. I will send you more comments between now and December 23rd with regard to other concerns I have with the Minnesota Department of Transportation (MnDOT) Transition Plan. To have said that, I think the Transition plan is a good first step process for ongoing dialog between people with disabilities and MDOT.

Also in 2007, Mn/DOT updated its policy and procedures to more effectively respond to requests for Accessible Pedestrian Signals (APS.) The policy and procedures required the installation of APS at every signalized intersection and pedestrian signal installation in both new and reconstruction projects.

#### Comments:

1. The above cited paragraph is misleading. Again in 2009, I ve filed for installation of an Audible Pedestrian Signal System at a dangerous and deadly intersection since 2005, and my requests in 2000 and again in 2005 were turned down because of the technical language city and county engineers used as a point of reference. I believe more clear information needs to be presented to clearly guide those of us who request the installation of the APS systems. APS are not installed at all pedestrian intersections. The process as what I ve experienced is lengthy, often discouraging and at times confusing. For example, one intersection I ve requested installation of a four-way APS system has one city road and one county road. My experience was made frustrating when city engineers passed the responsibility to county engineers and the county did likewise. I made my request to MNDot for help, but I was told my request for installation of an APS system falls outside MN DOT s area of

jurisdiction. So, I am forced to rely on a decision of either city or county engineers that may once again result in a denial of the installation of a four-way APS system at the intersection of concern.

2. The installation of APS at every intersection and installation of APS at new and reconstruction projects sound great on paper. In reality, the process is much more complex and efforts to install APS systems at signalized intersections do not lead to successful results. I've detailed my efforts as cited above. APS are not installed at every intersection. And I have no reason to believe APS will be installed at new and reconstructed sites too. That is, of course, not without a lot of struggle, discouragement and possible rejection.

3. The issue of installation of APS has become a topic of dispute between some organizations of people with disabilities. My concerns have been and continue to be that any controversy toward installation of APS may lead to no installation rather than installation. I've often been told the APS system is expensive. And at one intersection, a person has been killed. Had a signalized system or an APS system been installed, perhaps that person may be alive today. APS systems will give people who use wheelchairs, canes and mobility aides in general more time to cross streets safely. I am aware of the controversy between various organizations and the controversy may slow up the process to install APS systems at intersections that really need them.

4. December 23, 2009 is the cut off date, and any discussion of the Transition Plan needs to be completed prior to that date. My suggestion is for MN DOT to open up this kind of communication every year from 2009 on. My experience as an educator is that evaluation of programs or projects does not happen just once but is a fluid thing. To have only one limited period of time for comments

about a plan as important as the MN DOT Transition Plan will not address the ongoing problems, that is problems that continue to come up after the deadline date of December 23, 2009.

5. It takes years to get an APS system installed. I believe to be fair to people with disabilities, MN DOT must not set any limits on comments about the Transition Plan. That is, a period of time each year will be set aside for comments like these presented on or prior to December 23, 2009. Ideally, a two week period would work as some of us work and it takes time to read through and respond to the plan at hand.

Summary: I have offered several suggestions based on two key points. Installation of APS is not clearly described in the MN DOT Transition Plan. And secondly, APS systems are not installed at all intersections, new or reconstructed. The MN DOT Transition Plan needs to more clearly state the process. Once done, MN DOT needs to make the process of installation of APS systems at four-way lighted intersections a priority. Perhaps the ADA coordinator could help advocate for installation of APS systems when it has been noted MN DOT has not yet met the condition to install APS at all intersections. And lastly, the evaluation of the Transition Plan by people with disabilities must be an annual two week process.

For comments or questions, please contact me. Thank you for your time and attention.

Sincerely

Clarence Schadegg, M.Ed.

**This will be my final letter as today is the deadline date for all Minnesota Department of Transportation (MNDOT) comments from people with disabilities. I realize there have been statements in my previous messages to you which have raised on my part questions about the MNDOT Transition Plan. I believe MNDOT is doing a good thing with regard to the Transition Plan. It is my hope that my comments are not taken as negative but rather to help build a better and perhaps improved access for people with disabilities to any facility anywhere at anytime around Minnesota. That's a lot to want. However, people without disabilities take the things for granted that those of us with a disability have been denied access to for years. This Transition Plan seems to me a good faith effort on the part of MNDOT to remove such barriers. It will take a lot of ongoing two way communication between MNDOT and people with disabilities (PWD).**

**I again request that the window to make such comments extend beyond just December 23, 2009 and extend annually to at least two weeks each year. Perhaps MNDOT may consider a month even in order to allow more comments from PWD who live in areas that continue to be access problems.**

**With that, I've cited some statements from the MNDOT Transition Plan including Appendix C that I wanted to respond to.**

**First:**

**“Automatic door opener on existing door**

**Replace toilet partitions**

**Replace toilet partitions**

**Replace lavatory vitreous china**

**Replace Concrete Curb Cut with ADA Curb Cut**

**Remove and replace concrete sidewalk, 4' wide.”**

**Comment:**

**1. Automatic ,door openers are great. It helps those of us who use dog guides to know where the automatic door openers are placed. That is, it is hard for somebody who is a dog guide user and/or totally blind for that matter to know where the automatic door openers are located. Are automatic door openers placed in the exact same spot for each door?**

**2. Are the toilet partitions wide enough apart for a dog guide to rest while the owner uses the facility? Some bathroom stalls are far too small and some of us have to leave our dogs outside the bathroom stall door. My dog guide is at risk to be interrupted while the dog is working by passersby who may pet or talk with my dog guide. Some people are also fearful of dogs. To have my dog with me on the same side of the bathroom stall door may make it possible for**

people afraid of dogs to use the bathroom facility too. The dog guide is also safer to remain closer to the owner. In one recent situation, for example, a person leaving a department store was caught on camera kicking a dog guide. The dog that was attacked was guiding at the time. The person who was eventually arrested for that act was charged for that action.

Many times, I've interrupted people interacting with my dogs while my dogs were working. That is something I neither wanted nor offered. In at least two instances, people have hit or reacted aggressively toward one of my dog guides.

To have my dog guides close to me at all times is safe for my dog guide and safe for me as well.

3. Replacing and updating curb cuts are helpful to my dog guide while guiding me across streets. My dogs use the curb cuts to serve as a marker for the dog to line up with prior to guiding me across a street. If the curb cuts are not kept up or buried under piles of snow, then I have a more difficult time crossing from one curb cut to the next. The same holds true for curb cuts near bathroom facilities, the curb cut is not useable if it is not cleared off from snow.

Second: "With the development of this transition plan the Minnesota Department of Transportation recognizes the need to inventory all the curb ramps and sidewalk condition within Mn/DOT's public right-of-way and has developed a process to be deployed in 2010 to collect information on pedestrian facilities

within Mn/DOT's right of way. The method was developed and piloted in Mn/DOT's District 1 based in Duluth. The district undertook the task of inventorying all the intersections on the state highway system within their district in the summer of 2009. An inventory form was developed by to record data for each intersection on the state highway system. The data form included elements concerning curb ramps, sidewalks, crosswalks, curb and gutter, signs, and signals. The data form was loaded onto a handheld GPS so data could be collected in the field and locations could be displayed on aerial photos. A summer intern was trained on how to collect the data with the aid of a laser level."

#### Comments:

1. To do the following inventory is long over do and necessary. "inventory all the curb ramps and sidewalk condition within Mn/DOT's public right-of-way and has developed a process to be deployed in 2010 to collect information on pedestrian facilities within Mn/DOT's right of way."

More work needs to be done in this regard. Twice within the past week, a bus driver had to drop me off in the street because the bus stop, curb cut and corner were buried under piles of snow. This is an ongoing problem for those of us who use buses, dog guides and who need to be dropped off at designated bus stops. Most of the time, my dog guide has to guide me over piles of snow at either end of sidewalks we need to use to get to my home.

2. Crosswalks, curb cuts and designated intersection crossings for pedestrians are not always safe. In the MNDOT Transition Plan, it

was stated “An inventory form was developed by to record data for each intersection on the state highway system. The data form included elements concerning curb ramps, sidewalks, crosswalks, curb and gutter, signs, and signals...”

What will be done with the data once collected? In 2008, three people were killed as each was in the process of either crossing a street at a designated intersection or was forced to use a street because sidewalks were impassable in winter. An elderly lady was run over by a garbage truck as she was crossing a St. Paul street. An elderly man was run over by a snow plow as he was crossing a Minneapolis street. Another lady was run over as she powered her electric wheelchair along a busy highway because she was unable to use the sidewalk which was buried under deep snow.

I’ve had to walk along a busy street many times because sidewalks in my community have not been cleared of snow. My dog guide cannot guide me safely through deep snow, or over piles of snow that block either ends of the sidewalk on the blocks I have to walk to get home after work or from shopping.

KSTP recorded on camera buses and other motorized vehicles that cut people off who were crossing at cross walks. The pedestrians had the right-of-way each time and the people behind the wheel of powerful motorized vehicles nearly ran over some of the pedestrians. I’ve had to dodge vehicles as I’ve crossed at crosswalks as well as at intersection that have no crosswalks or traffic signal systems. All motorized vehicles are supposed to slow or stop to let

those of us with a dog guide and/or white cane cross safely. However, most drivers of vehicles do not slow or stop and I've had to cross at intersections while vehicles race by in front of and behind me.

I've also had to give up a job in northern Minnesota because of the transportation barriers and lack of adequate public transportation for those of us with a disability.

The inventory in Appendix E is needed. Implementation must be reviewed annually by people with disabilities.

Third: “Title II of the ADA is a section that pertains to the programs, activities and services public entities provide. 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. Title II of the 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 U.S.C. Sec. 12132; 28 C.F.R. Sec. 35.130).”

Comments:

**1. Transportation for rural to urban areas is a barrier to those of us with a disability. As stated in the MNDOT Transition Plan...“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...”**

**Improvements have been made with such mass transit programs like the north Star Corridor heavy rail system, the light rail system between Minneapolis and St. Paul and improved metropolitan transit systems for the public and for people with disabilities. The problem persists in the connection between urban mass transit and rural mass transit programs. What will MNDOT do over the next five years to bridge the gap that has existed for many decades that prevent PWD from traveling independently, using mass transit, to and from small rural communities all over Minnesota? For example, how will a person with a disability travel independently between Minneapolis and New Ulm? What type of transit system will carry PWD to and from new Ulm? Same for towns like Lutsen? Detroit Lakes? Or nature areas like the Boundary Waters?**

**Forth, I believe a total figure of one million dollars was given as the total expenditures of projects as cited in Appendix C. Yet, it seemed to me the sub totals did not add up to one million dollars. What are the actual expenditures for making all facilities fully accessible to PWD across Minnesota?**

**I have many more questions, comments and concerns about the Transition Plan. Yet, I am optimistic about this Transition Plan as I**

**believe MNDOT has demonstrated a willingness to address and help correct barriers that prevent full access to people with disabilities.**

**Thank you for allowing me to share my thoughts, questions and comments. Please contact me with questions.**

**Thank you for your time and attention.**

**Sincerely**

**Clarence Schadegg, M.Ed.**