

## About the Ombudsman

As a neutral, informal, and independent resource, the Ombudsman Office services both the public and MnDOT to address issues that have been unresolved through normal processes by helping to ensure both sides are heard and creative problem solving takes place.

The Ombudsman process involves conducting informal fact-finding, educating constituents on channels of redress and bringing awareness to all necessary MnDOT parties related to the issue. This process creates an environment for generating innovative options, considering pros and cons and present options to the appropriate decision makers

### The Ombudsman WILL...

- ◆ Listen to all parties
- ◆ Ask questions to clarify the issue; determine who has been involved and what action has been taken
- ◆ Seek to understand what the parties want to see happen
- ◆ Work with the constituent and department experts to generate options for resolution
- ◆ Help all parties weigh the pros and cons of the options
- ◆ Follow up on the final option selected

### The Ombudsman WILL NOT...

- ◆ Advocate for one party or point of view
- ◆ Replace formal processes
- ◆ Provide legal advice or opinions
- ◆ Act as the final decision maker; MnDOT leadership makes final decisions

## Case Resolution Types

There are five standard outcomes of Ombudsman case resolutions:

1. **Change In Policy/Process** – change in established policy and or procedure
2. **Change/Modified Decision** – modification or complete change of an original MnDOT decision
3. **Education/ No Change** – education of the constituent and no change in decision
4. **Open** – in progress
5. **Referral** – constituent's issue is referred to responsible parties (Office, District, or other agencies/ gov't unit)

## Tools of the Trade

The Ombudsman's Office uses several methods and tools to reach case resolutions including:

- ◆ **Informal fact finding** – through direct discussions with all parties and review of pertinent documents
- ◆ **Shuttle diplomacy** – Ombudsman serves as an intermediary between the concerned parties
- ◆ **Facilitated discussion** – when the Ombudsman provides a forum for education, reduction in tension and overall understanding between two sides.
- ◆ **Mediation** – when a trained mediator is utilized to bring two or more sides together promoting a compromise/ agreement between the two.
- ◆ **Expert panels** – As a result of the improved ability, both internal and external experts are consulted to resolve issues.

## See what people are saying about the Ombudsman...

*"Thanks all. This is very helpful, exactly what an office of the Ombudsman ought to be doing. "*

- Constituent

*"Thanks to you all. Team work at its best."*

- Mn House of Representatives



*"Well Done!"*

- MnDOT District Engineer

*"Congratulations everybody. Citizen efforts do pay off and thanks to MnDOT for being a good listener."*

- Constituent

## A Message from the Transportation Ombudsman

It is my pleasure to submit the Ombudsman's Office 2014 Annual Report. In our sixth year of operation this report illustrates how our small office brings value to the organization and helps the people of Minnesota in a big way. This report provides a snap shot of the Ombudsman Program highlighting casework, Ombudsman processes, accomplishments, and our contribution to the Department.

I would like to thank everyone we work with at MnDOT for their continued commitment to resolving disputes in a collaborative way. Although there is not an easy remedy for every situation, we respect each participant's viewpoint and pledges to create a better understanding of all views. Our Office will continue to ensure that interests are addressed and options for resolving issues are considered.

Please contact me if you have any questions or comments. We welcome the opportunity to discuss our program and the services we offer with you.



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## A Message from the Minnesota Department of Transportation Commissioner

Dear Citizens of Minnesota,

I am pleased to share with you the 2014 Ombudsman Annual Report for the Minnesota Department of Transportation (MnDOT).

Established in October 2008, the Ombudsman program has reached its 6th year in operation as a neutral, informal, and independent conflict resolution resource serving both the public and MnDOT.

Since its inception, the Ombudsman has handled 875 issues. By listening to all sides of an issue, putting people first and collaborating to find solutions that meet the interest of all parties, the Ombudsman can provide options to move all parties forward with the aim of settling conflicts in a fair and timely manner.

In 2015, the Ombudsman will continue to serve as a resource for the public and MnDOT personnel to help resolve issues with the Department. The Office will also work to apply the lessons learned from the issues handled so that MnDOT practices can be improved.



**Commissioner Charles A Zelle**  
Minnesota Department of Transportation



## Ombudsman Annual Report

January 2014 - December 2014

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## Case Examples

### Student Safety

#### Issue:

A Twin Cities school district was concerned about the safety of students who travel underneath an I-35W bridge as they walk to and from one of the district's middle schools. The primary problem was the lack of visibility for drivers, pedestrians, and bicyclists at the intersection of the I-35W off-ramp and the local city road. MnDOT had previously addressed this issue by trimming back brush along the I-35W off-ramp, and the city had previously improved parts of the sidewalk. The school district was looking for a more permanent solution to this safety issue.



#### Action:

The Ombudsman worked with the school district, the city, and the MnDOT District to better understand underlying safety interests. The MnDOT District restriped the crosswalks before equipment needed to be winterized. The Ombudsman then convened and facilitated a meeting for all three groups to better understand each other's safety interests and to develop long-term solutions to the issue.

#### Resolution:

As a result of the facilitated meeting, the school district, the city, and the MnDOT District established a clear plan moving forward in which they will work together to develop further infrastructure (i.e. lighting and curb radii changes) and non-infrastructure (i.e. crossing guard) solutions to motorist, pedestrian, and bicyclist safety concerns.

### Noise Wall Versus the Skyline

#### Issue:

A homeowner was disappointed in the decision to build a noisewall along I-35E. She felt the noisewall would obstruct their view of the Minneapolis skyline which was an important part of homeownership in the neighborhood. Previous to this decision, MnDOT presented the option for a noisewall to the City and homeowners for review, comment, and a vote. Ballots were sent and a majority of the votes were in favor of a noisewall. She contacted her state representative and the Ombudsman for help.

#### Action:

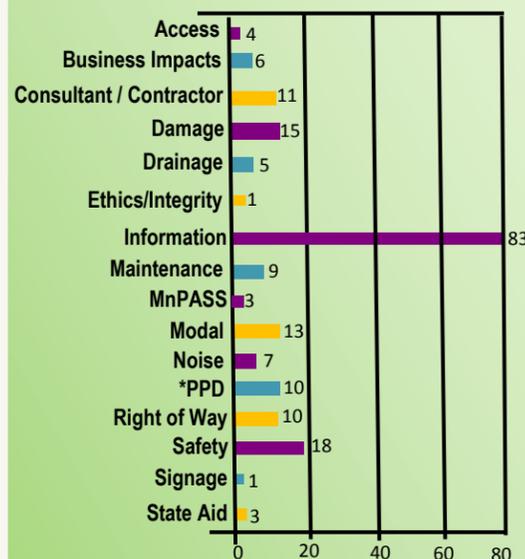
The first noisewall proposal was for a 20 foot high barrier for the entire length of the wall. After the initial vote, the results were enough that a wall of continuous 20 feet high could have been constructed. MnDOT agreed to find a solution that was satisfied all. The Ombudsman's Office came up with six more options and MnDOT presented them at a City meeting. Another neighborhood vote was taken and one of the six options was chosen.

#### Resolution:

After the second neighborhood vote, it was decided that the noise wall would be 20 feet high, but it would taper down to 6 feet high near the constituent's home. The constituent stated that even though they would prefer not to have a noise wall at all, the tapering of the noisewall was an acceptable solution. Even though, in this situation, the constituent did not get exactly what she wanted, the Ombudsman assisted in generating options and a resolution that was satisfactory to all parties affected by the noisewall.



## Case Statistical Data



### Case Distribution by Case Category:

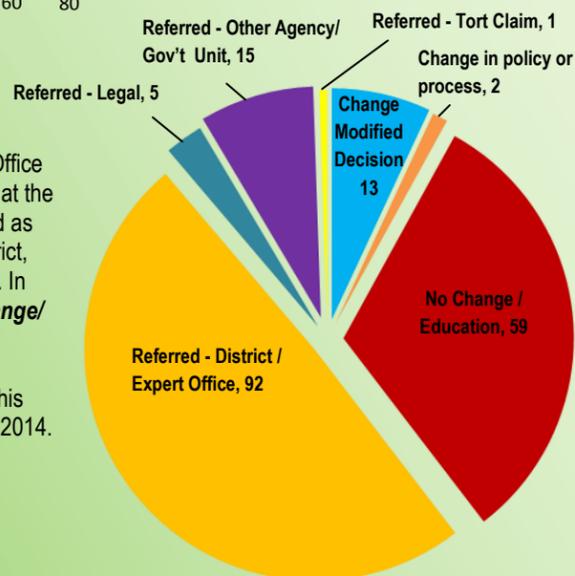
The Ombudsman handled 199 cases in 2014. This represents a 12% increase in case load when compared to the 173 cases handled in 2013. Of the cases handled in 2014, 11 carried over from 2013.

Cases are sorted into 16 topic categories. Excluding information cases, **Safety** was the top 2014 case category followed by **Damage** and **Modal** issues.

Safety cases in 2014 included speed limits, traffic signals or rumble strips concerns. Modal cases typically involved transit, passenger rail, or bike and pedestrian issues. Damage issues ranged from potholes to claims of paint getting on vehicles during road construction.

### Resolutions in 2014

Of the 199 total cases, the Ombudsman's Office resolved 187 cases. 12 cases remain open at the end of the year. Most of the cases classified as information were typically referred to a District, MnDOT Specialty Office or another agency. In 2014 both **No Change/Education** and **Change/Modified Decision** resolutions had a 6% increase from the previous year. The other resolutions remained relatively the same. This chart displays the resolution distribution for 2014.



### Case Distribution by District

This map shows the case distribution throughout the state during 2014. There were also 15 statewide cases and 21 cases out of MnDOT's headquarter Office (Central Office) located in Saint Paul.

\*A statewide case is an issue that is not related to a specific location. For example, a case involving a change in the requirements to place flags on bridges throughout the state.

## Value of the Ombudsman



As one of the only transportation agencies in the nation to house an Ombudsman, the Ombudsman's Office adds significant value to the Department. At its core, the Ombudsman builds and maintains public trust, creates management cost savings and potential litigation cost savings to the Department. With the Ombudsman's Office's assistance, decisions to resolve issues are also more sustainable because they address underlying interests, not perceived positions.

The Ombudsman's Office staff is trained in a variety of conflict resolution skills and techniques. The Office is a high benefit/ low cost option that can alleviate common bureaucracy often found in State Government.

## Accomplishments

### OUTREACH:

In 2014, the Ombudsman's Office participated in meetings with a variety of functional groups, District Operational and Specialty Offices within the Department. Externally, the office participated in legislative meetings and statewide Ombudsman cooperative meetings. The Office also conducted various site visits and meetings with constituents across the state.

### EFFICIENCY:

A major focus of the Ombudsman's Office this year has been staff efficiency in order to align with MnDOT's "Wildly Important Goal" (WIG) of *Enhancing Financial Effectiveness*.

The Office reviewed and revised its case handling protocols and implemented flow charts which enabled efficient use of staff time in resolving issues. Streamlining protocols helped the Ombudsman's Office reduce the time it takes to bring an issue to resolution even as the overall case load has increased and the amount of staff has remained the same.

The Office also developed specific charge codes to be used by case workers to track and quantify caseworkers time spent on cases. The data gathered not only aligns with the Department's WIG but also allows the office to further substantiate case worker time and value to the Department.

In 2014 the Office created the Ombudsman Customer Satisfaction Survey. This survey is sent to all participating parties after a resolution has been reached in a case. The survey allows the office to further evaluate effectiveness based on feedback and continue to enhance the program.

**The Ombudsman serves both the public and MnDOT by helping to ensure both sides are heard and creative problem solving takes place. The Ombudsman presents options and recommendations but does not make the final decision in resolving an issue. Final decision making authority rests with MnDOT's Commissioner.**

\*PPD: The issues placed within this category are outside of the other categories listed. Examples include: plans for a corridor or project, funding of a project, prioritization of a project, project scope, public participation process for the project, process and design elements contained within a project.

\*Resolution Required cases are defined as cases that require more action by an Ombud case worker than just a referral.  
\*Information cases are defined as cases referred to the Customer Relations Office or directly to a District without any additional research.