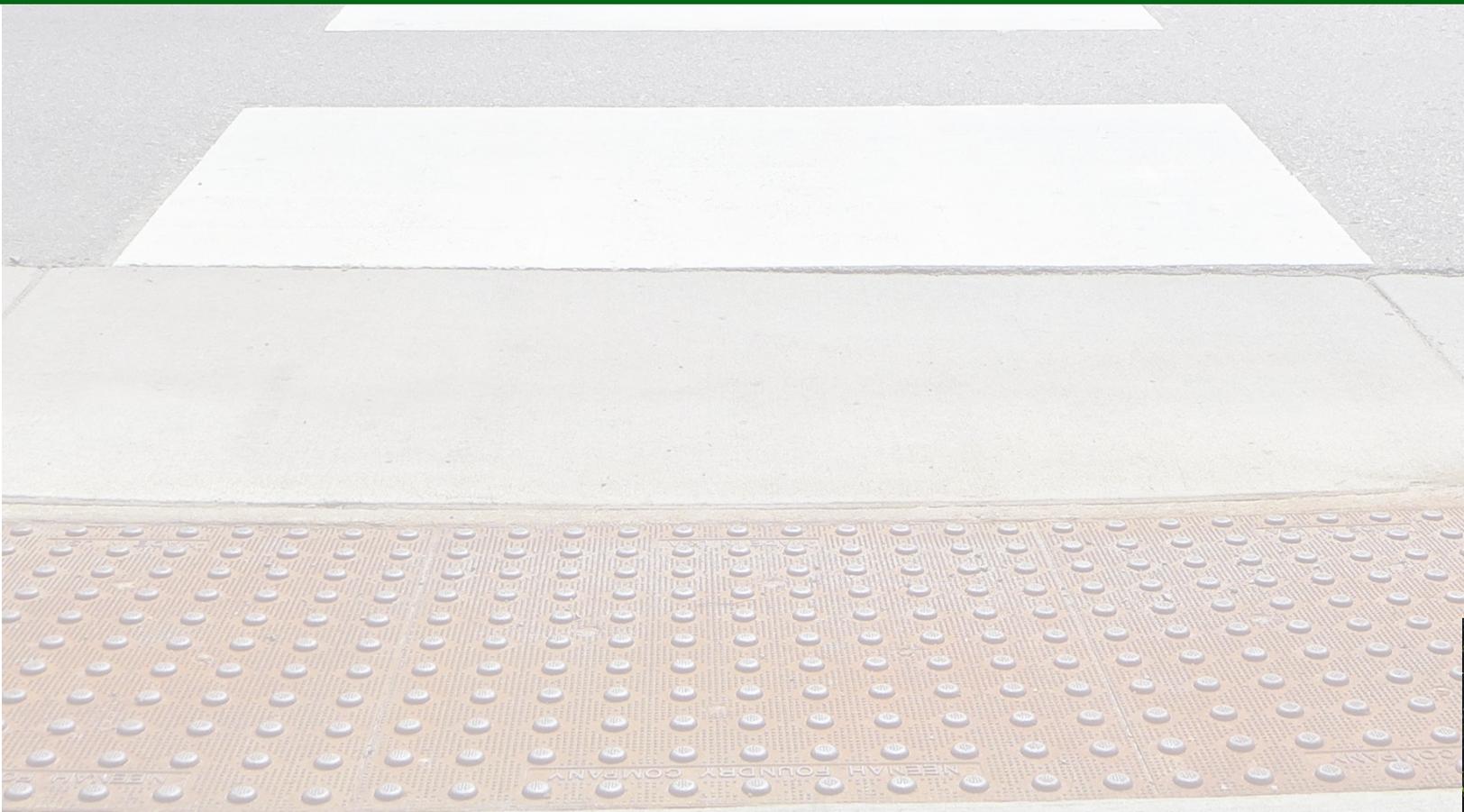




# City of Andover ADA Transition Plan C.P.19-17



# TABLE OF CONTENTS

INTRODUCTION .....	1
Transition Plan Need and Purpose.....	1
ADA and its Relationship to Other Laws .....	1
Agency Requirements .....	2
SELF-EVALUATION CONDITION ASSESSMENT.....	3
Overview .....	3
Summary .....	3
POLICIES AND PRACTICES.....	4
Previous Practices .....	4
Policy .....	4
ADA COORDINATOR.....	5
IMPROVEMENT SCHEDULE .....	5
Priority Areas .....	5
External Agency Coordination .....	5
Schedule.....	5
IMPLEMENTATION SCHEDULE .....	7
Methodology.....	7
PUBLIC OUTREACH.....	8
GRIEVANCE PROCEDURE.....	8
MONITOR THE PROGRESS.....	8
APPENDICES	
A. Glossary of Terms	
B. Self-Evaluation & Prioritization Summary	
C. Agency ADA Design Standards and Procedures	
D. ADA Coordinator	
E. ADA Public Notice	
F. Public Outreach Materials	
G. Grievance Procedure	
H. Complaint Form	

# INTRODUCTION

## Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA consists of five titles outlining protections in the following areas:

- I. Employment
- II. State and local government services
- III. Public accommodations
- IV. Telecommunications
- V. Miscellaneous Provisions

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

As required by Title II of [ADA, 28 CFR. Part 35 Sec. 35.105](#) and [Sec. 35.150](#), the City of Andover has conducted a self-evaluation of its facilities within public rights of way and has developed this Transition Plan detailing how the organization will ensure that those facilities are accessible to all individuals. A glossary of terms is included in **Appendix A**.

This Transition Plan has been created to specifically cover accessibility within the public rights of way and does not include information on City programs, practices, or building facilities not related to public rights of way.

## ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the [Architectural Barriers Acts of 1968](#) and [Section 504 of the Rehabilitation Act](#) of 1973.

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

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

## Agency Requirements

Under Title II, the City of Andover must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities ([28 CFR Sec. 35.150](#)).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability [[28 CFR Sec. 35.130 \(a\)](#)].
- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result [[28 CFR Sec. 35.130\(b\) \(7\)](#)].
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective [[28 CFR Sec. 35.130\(b\)\(iv\) & \(d\)](#)].
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others [[28 CFR Sec. 35.160\(a\)](#)].
- Must designate at least one responsible employee to coordinate ADA compliance [[28 CFR Sec. 35.107\(a\)](#)]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [[28 CFR Sec. 35.107\(a\)](#)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [[28 CFR Sec. 35.106](#)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [[28 CFR Sec. 35.107\(b\)](#)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

# SELF-EVALUATION CONDITION ASSESSMENT

## Overview

The City of Andover is required, under Title II of the Americans with Disabilities Act (ADA) and [28 CFR 35.105](#), to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the City implements these policies.

The goal of the self-evaluation is to verify that, in implementing the City's policies and practices, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

The self-evaluation also examines the condition of the City's Pedestrian Circulation Route/Pedestrian Access Route) (PCR/PAR) and identifies potential need for PCR/PAR infrastructure improvements. This includes consideration of the sidewalks, bicycle/pedestrian trails, and curb ramps that are located within the City rights of way. Additionally, City sidewalk and trails, along with curb ramps associated with them located within County rights of way were evaluated.

## Summary

In 2019, the City of Andover conducted an inventory of pedestrian facilities within its public right of way, and City sidewalk and trails, along with curb ramps associated with them, located within County rights of way consisting of the evaluation of the following facilities:

- Pedestrian ramps at intersections and mid-block crossings that include trail or sidewalk facilities
- Sidewalks and trails adjacent to roadways

Pedestrian ramps were assessed and categorized into three condition rating tiers. The ramps were each assigned a tier category based on level of compliance and pavement condition.

- Tier 1: largely or fully compliant
- Tier 2: substantially compliant and working well
- Tier 3: several elements are not compliant

Sidewalks and trails adjacent to roadways were assessed and categorized into three condition rating tiers. The segments were assigned a score based on the number and severity of deficiencies noted in the field inspection.

- Tier 1: largely or fully compliant; score less than 1
- Tier 2: substantially compliant score; score of 1 but less than 3.
- Tier 3: several elements are non-compliant; score of three or greater.

See Appendix A – Glossary of Terms for tier definitions for pedestrian ramps, sidewalks and trails.

A detailed evaluation on how these facilities relate to ADA standards including maps showing how the pedestrian ramp, sidewalk and trails are categorized can be found at [www.andovermn.gov/136/Engineering](http://www.andovermn.gov/136/Engineering), detailed in **Appendix B**, and will be updated periodically.

## POLICIES AND PRACTICES

### Previous Practices

Since the adoption of the ADA, the City of Andover has striven to provide accessible pedestrian features as part of the City capital improvement projects. As additional information was made available as to the methods of providing accessible pedestrian features, the City has updated their procedures to accommodate these methods. Recently, more standardized design and construction methods have evolved. This has resulted in the ability of local agencies to receive additional exposure and training on accessible features. This has improved the City of Andover staff's ability to understand available options and to explore the feasibility of implementing accessibility improvements.

### Policy

The City approved their Sidewalk/Trail Inspection and Maintenance Policy on May 15, 2007. The City also has a Snow and Ice Removal policy that addresses winter maintenance. The existing City policies did not specifically address ADA requirements. This Transition Plan specifically addresses ADA requirements for pedestrian facilities and may be used to supplement the existing City policies.

The City of Andover will inspect, inventory and plan for any required improvements of facilities located in the public right-of-way, to ensure compliance with the ADA. The City's goal is to continue to provide accessible pedestrian design features as part of the Street Reconstruction and Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Programs' projects. The City has established ADA design standards and procedures as detailed in **Appendix C**. These standards and procedures will be kept up to date with nationwide and local best management practices.

The City of Andover will consider and respond to all public right of way accessibility improvement requests. Requests should be sent to the ADA Coordinator as specified in **Appendix D**. All accessibility improvements that are deemed reasonable will be scheduled consistent with transportation priorities. The City will coordinate with external agencies as necessary to ensure that all new or altered pedestrian facilities within the City jurisdiction are ADA compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public right of way will continue to follow the policies set forth by the City. The City will maintain and update the facility database to reflect improvements to inventoried facilities and measure progress.

## ADA COORDINATOR

In accordance with [28 CFR 35.107\(a\)](#), the City of Andover has identified an ADA Title II Coordinator to oversee the City policies and procedures within the public right of way. It is the responsibility of the ADA Coordinator to implement this policy. Contact information for this individual is in **Appendix D**.

## IMPROVEMENT SCHEDULE

### Priority Areas

The City of Andover has established a tiering system to help prioritize ADA improvements based on the level of compliance and condition of pedestrian facilities. In addition to the tiering system, the City may consider new construction and reconstruction projects a higher priority than mill and overlay projects for pedestrian facility improvements; within the project limits, due to the cost effectiveness of replacing the facilities with new and reconstruction projects. Additional priority will be given to any location where an improvement project or alteration was constructed after January 26, 1991, and accessibility features were omitted.

### External Agency Coordination

Anoka County is responsible for some pedestrian facilities within the jurisdiction of the City of Andover. There are currently no transit facilities in the City right of way. The City will coordinate with Anoka County to facilitate the elimination of accessibility barriers along their routes and/or associated with their services.

### Schedule

The City of Andover has set the following schedule goals for improving the accessibility of its pedestrian facilities within the City jurisdiction:

## Pedestrian Ramps

- **Ramps with condition ratings in Tier 1.** These ramps are considered largely or fully compliant and work on these facilities is not necessary at this time.
- **Ramps with condition ratings in Tier 2.** These ramps are considered serviceable and are not in need of immediate action. Improvements for these facilities will be addressed on a case by case basis in conjunction with adjacent street construction projects whenever feasible. Engineering staff will re-evaluate these ramps in advance of planned street improvement projects and prioritize limited funding to address those ramps with deficiencies that substantially affect accessibility. Staff will use the Street Reconstruction Program to coordinate these improvements.
- **Ramps with condition ratings in Tier 3.** Any of these ramps identified as an existing hazard or compliance issue that staff believes needs to be addressed by a set date shall have a work order initiated or be incorporated into a project in the Street Reconstruction or the Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Programs.
- The City contracts for the replacement of 6-10 pedestrian ramps per year. This work is included in the Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Program. Continuing this level of investment would result in replacement of all Tier 3 ramps in City right of way within in 6-10 years.
- The replacement of pedestrian ramps which serve City trails and sidewalks in county highway right of way will be coordinated with Anoka County with a City priority of replacing the Tier 3 ramps within 6-10 years. This would require a level of investment similar to the current annual City investment for pedestrian ramps replacement. It should be noted; Anoka County currently upgrades pedestrian ramps as part of its highway reconstruction projects.
- Pedestrian ramps with truncated domes that are less than the full width of the sidewalk or trail leading up to them and have a Tier 1 or Tier 2 rating, will only be replaced as part of programmed projects where engineering staff determines at the time of their inspection the ramps have deficiencies that substantially affect accessibility (excluding truncated dome widths). All replacement or new pedestrian ramps will have truncated domes installed that meet the guidelines or standards in effect at the time engineering plans are approved.

## Sidewalks and Trails

- **Sidewalks and Trails with priority ratings in Tier 1.** These facilities have minor pavement deficiencies and work on these facilities is not necessary at this time.
- **Sidewalks and Trails with condition ratings in Tier 2.** These sidewalks are considered serviceable and are not in need of immediate action. Improvements for these facilities will be addressed on a case by case basis. Engineering staff will re-evaluate these sidewalks and trails in advance of planned street projects and prioritize limited funding to address sidewalks and trails with deficiencies that substantially affect accessibility. Staff will use the Street Reconstruction Program or the Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Program to coordinate these improvements.
- **Sidewalks and Trails with condition ratings in Tier 3.** Any of these sidewalk locations identified as an existing hazard or compliance issue that staff believes needs to be addressed by a set date shall have a work order initiated or be incorporated into a project in the Street Reconstruction Program or the Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Program.
- Sidewalks and Trails are typically allotted \$150,000-\$300,000 on an annual basis for trail and sidewalk replacement projects. These funds will generally be prioritized to address the deficiencies with the Tier 3 sidewalks and trails.

After 20 years, the City of Andover has a goal for 80% of accessibility for pedestrian features within the jurisdiction to be ADA compliant. The remaining 20% would include the Tier 2 locations that have not had an adjacent road reconstruction project within the twenty-year period.

## IMPLEMENTATION SCHEDULE

### Methodology

The City of Andover will utilize two methods for upgrading pedestrian facilities to the current ADA standards. The first and most comprehensive of the two methods are the programmed improvement projects in the City capital improvement plan. All Tier 3 pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards whenever feasible. All Tier 2 pedestrian facilities will be re-evaluated by engineering staff prior to the scheduled Street Reconstruction and Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Programs' projects to determine whether the existing deficiencies substantially

affect accessibility of the facilities. The second method includes standalone sidewalk and trail ADA accessibility improvement projects. These projects will be incorporated into the Street Reconstruction or the Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Programs or may be completed as a stand-alone ADA contract as recommended by the City of Andover staff and ordered by the City Council. The City Street Reconstruction and Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Programs are updated on an annual basis and include a schedule and budget for improvements.

## PUBLIC OUTREACH

The City of Andover recognizes that public participation is an important component in the development of this plan. The PowerPoint presentation from the public outreach is included in **Appendix F**.

Public outreach for the creation of this document consisted of the following activities:

- City Council Presentation – November 19, 2019 at the Andover City Hall
- The City’s ADA Title II Coordinator will continue to be available for questions or discussion.

## GRIEVANCE PROCEDURE

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities regarding the ADA. A draft of this public notice is provided in **Appendix E**. If users of City of Andover facilities and services believe the City has not provided reasonable accommodation, they have the right to file a grievance.

In accordance with [28 CFR 35.107\(b\)](#), the City has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens’ complaints, concerns, comments, and other grievances. This grievance procedure is outlined in **Appendix G**, with a Complaint Form in **Appendix H**.

## MONITOR THE PROGRESS

This document, including the Appendices, will be updated as conditions within the City evolve. The City will maintain the ADA Transition Plan information on its website [www.andovermn.gov/136/Engineering](http://www.andovermn.gov/136/Engineering). Reporting on facility accessibility improvements will be included in Street Reconstruction Program updates and other presentations to the City Council.

## APPENDICES

- A. Glossary of Terms
- B. Self-Evaluation & Prioritization Summary
- C. Agency ADA Design Standards and Procedures
- D. ADA Coordinator
- E. ADA Public Notice
- F. Public Outreach Materials
- G. Grievance Procedure
- H. Complaint Form

## Appendix A – Glossary of Terms

**ABA:** See Architectural Barriers Act.

**ADA:** See Americans with Disabilities Act.

**ADA Transition Plan:** The City of Andover’s transportation system plan that identifies accessibility needs within the public right of way, the process to fully integrate accessibility improvements into the City Capital Improvement Plan, and ensure all transportation facilities, services, programs, and activities within the public right of way are accessible to all individuals.

**ADAAG:** See Americans with Disabilities Act Accessibility Guidelines.

**Accessible:** A facility that provides access to people with disabilities using the design requirements of the ADA.

**Accessible Pedestrian Signal (APS):** A device that communicates information about the WALK phase in audible and vibro-tactile formats.

**Alteration:** A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

**Americans with Disabilities Act (ADA):** The Americans with Disabilities Act; Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

**Americans with Disabilities Act Accessibility Guidelines (ADAAG):** contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

**APS:** See Accessible Pedestrian Signal.

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

**Capital Improvement Plan (CIP):** The City’s five-year plan for all capital investments which is updated on an annual basis. This includes transportation programs that address ADA improvements within the City’s public rights of way.

**Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Program:** This program includes a five-year plan for funding repair or replacement of curb, sidewalks and pedestrian ramps. The projects in this program are often, but not always, bid concurrently with the annual Street Reconstruction Program projects. Identified Improvements are based upon infrastructure inspections as well as the ADA Transition Plan.

**Detectable Warning:** A surface feature of truncated domes built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

**DOJ:** See United States Department of Justice

**Federal Highway Administration (FHWA):** A branch of the US Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

**FHWA:** See Federal Highway Administration

**Pedestrian Access Route (PAR):** A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

**Pedestrian Circulation Route (PCR):** A prepared exterior or interior way of passage provided for pedestrian travel.

**PROWAG:** An acronym for the *Public Rights-of-Way Accessible Guidelines* issued in 2005 by the U. S. Access Board. This guidance addresses roadway design practices, slope, and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.

**Right of Way:** A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks and trails creating public pedestrian access within a public entity's jurisdictional limits.

**Section 504:** The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

**Street Reconstruction Program (SRP):** The SRP includes a five-year plan for funding new construction, reconstruction, mill and overlays, trails, curb and pedestrian ramp replacements and other project types on the City's transportation system. Identified Improvements are based upon infrastructure inspections as well as the ADA Transition Plan.

**Tier Rating for Pedestrian Curb Ramps:**

Tier 1: largely or fully compliant. Condition rating 1 or 2 and all elements compliant.

Tier 2: substantially compliant and working well. Condition Rating 1 or 2 and no more than two elements are non-compliant.

Tier 3: more than two elements not compliant.

**Tier Rating for Sidewalks and Trails:**

Score =  $[(\text{low severity} \times 1 + \text{medium severity} \times 5 + \text{high severity} \times 10) / \text{Length}] \times 100$

Tier 1: largely or fully compliant; score less than 1.

Tier 2: substantially compliant score; score greater than or equal to 1 but less than 3.

Tier 3: several elements are non-compliant; score of three or greater.

**Uniform Accessibility Standards (UFAS):** Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

**United States Access Board:** An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally funded facilities.

**United States Department of Justice (DOJ):** The United States Department of Justice (often referred to as the Justice Department or DOJ), is the United States federal executive department responsible for the enforcement of the law and administration of justice.

## Appendix B – Self-Evaluation and Prioritization Summary

The City of Andover is committed to making investments to improve accessibility within the City public right of way. A systematic approach to providing accessibility will be taken to absorb the cost into the City of Andover’s program for improvements to the public right of way. The City will prioritize limited funding to most cost effectively improve accessibility while also meeting other needs of its transportation system through its Street Reconstruction or Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Programs.

A summary of pedestrian curb ramps, sidewalks and trails evaluated follows. See Appendix A – Glossary of Terms for Tier Rating definitions. The maps included in the following pages can also be found at [www.andovermn.gov/136/Engineering](http://www.andovermn.gov/136/Engineering).

### Pedestrian Curb Ramps

#### Condition Rating for Pedestrian Ramps within City Rights of Way (222)

Zone	Tier 1	Tier 2	Tier 3	Unverified	Total
1	14	19	14	1	48
2	4	6	13	3	26
3	2	0	0	2	4
4	2	2	1	0	5
5	4	1	0	1	6
6	21	3	3	2	29
7	29	19	18	5	71
8	8	10	6	4	28
9	3	1	1	0	5
<b>TOTAL</b>	<b>87</b>	<b>61</b>	<b>56</b>	<b>18</b>	<b>222</b>

*Unverified: not able to assess due to construction activity.*

#### Condition Rating for Pedestrian Ramps within County Rights of Way (250)

Zone	Tier 1	Tier 2	Tier 3	Unverified	Total
1	34	27	9	18	88
2	29	11	28	0	68
3	0	0	0	0	0
4	2	6	2	0	10
5	0	2	2	0	4
6	2	1	1	0	4
7	14	12	5	3	34
8	28	4	2	0	34
9	8	0	0	0	8
<b>TOTAL</b>	<b>117</b>	<b>63</b>	<b>49</b>	<b>21</b>	<b>250</b>

*Unverified: not able to assess due to construction activity.*

# Sidewalks and Trails

## Condition Rating for Sidewalks and Trails (43 miles)

Tier	Miles
1	31
2	7
3	3
Unverified	2
<b>TOTAL</b>	<b>43</b>

*Unverified: not able to assess due to construction activity*



# ADA Transition Plan

## City of Andover

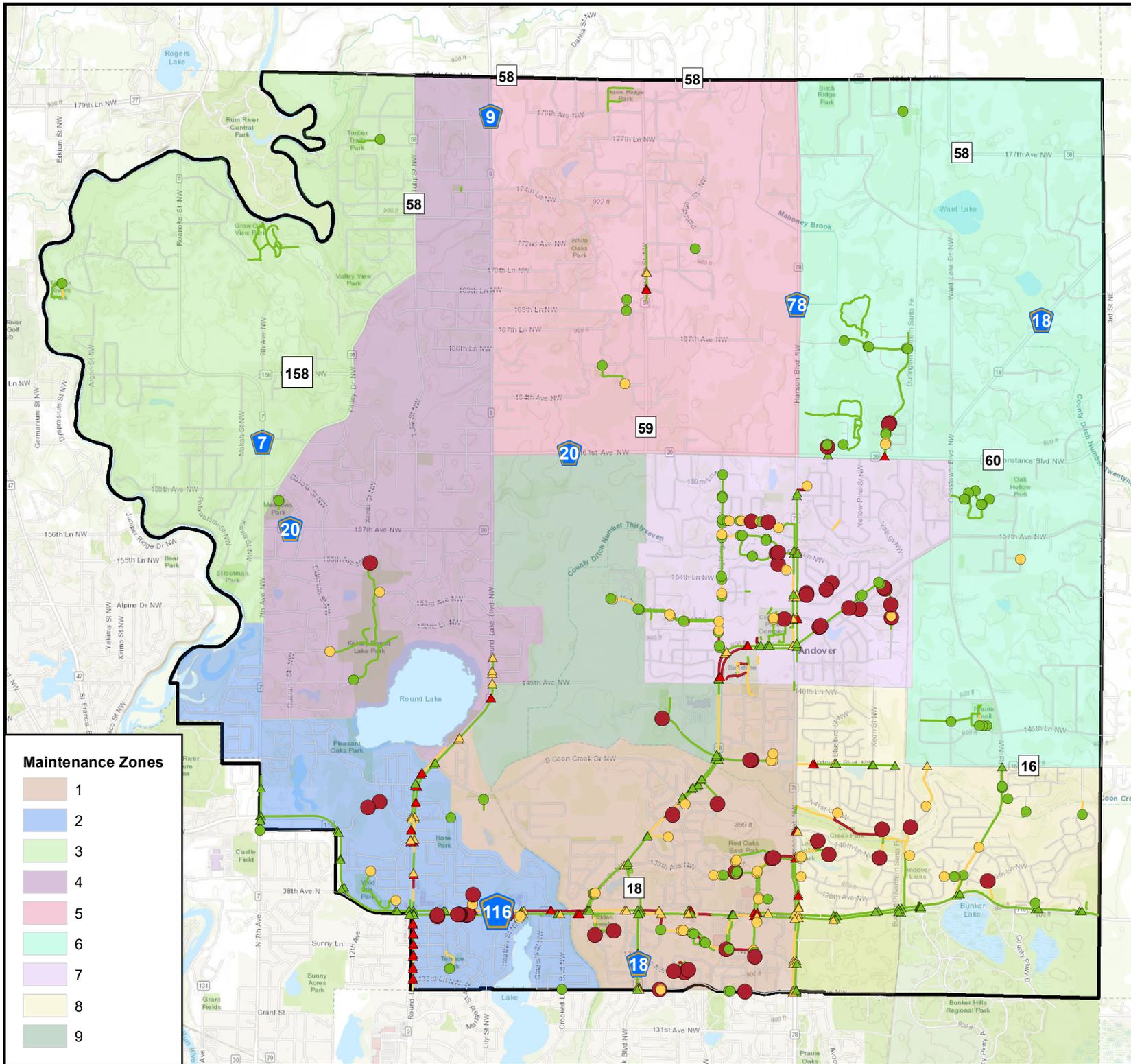
**Legend**

- City Roads
- Boundary
- Ped Ramps (City)**
  - Tier 1
  - Tier 2
  - Tier 3
- Ped Ramps (County)**
  - Tier 1
  - Tier 2
  - Tier 3
- Sidewalk Tier**
  - Tier 1
  - Tier 2
  - Tier 3
  - Unverified

0 2,250 4,500 Feet

### City Wide Map

Figure 1  
Mar 2020





# ADA Transition Plan City of Andover

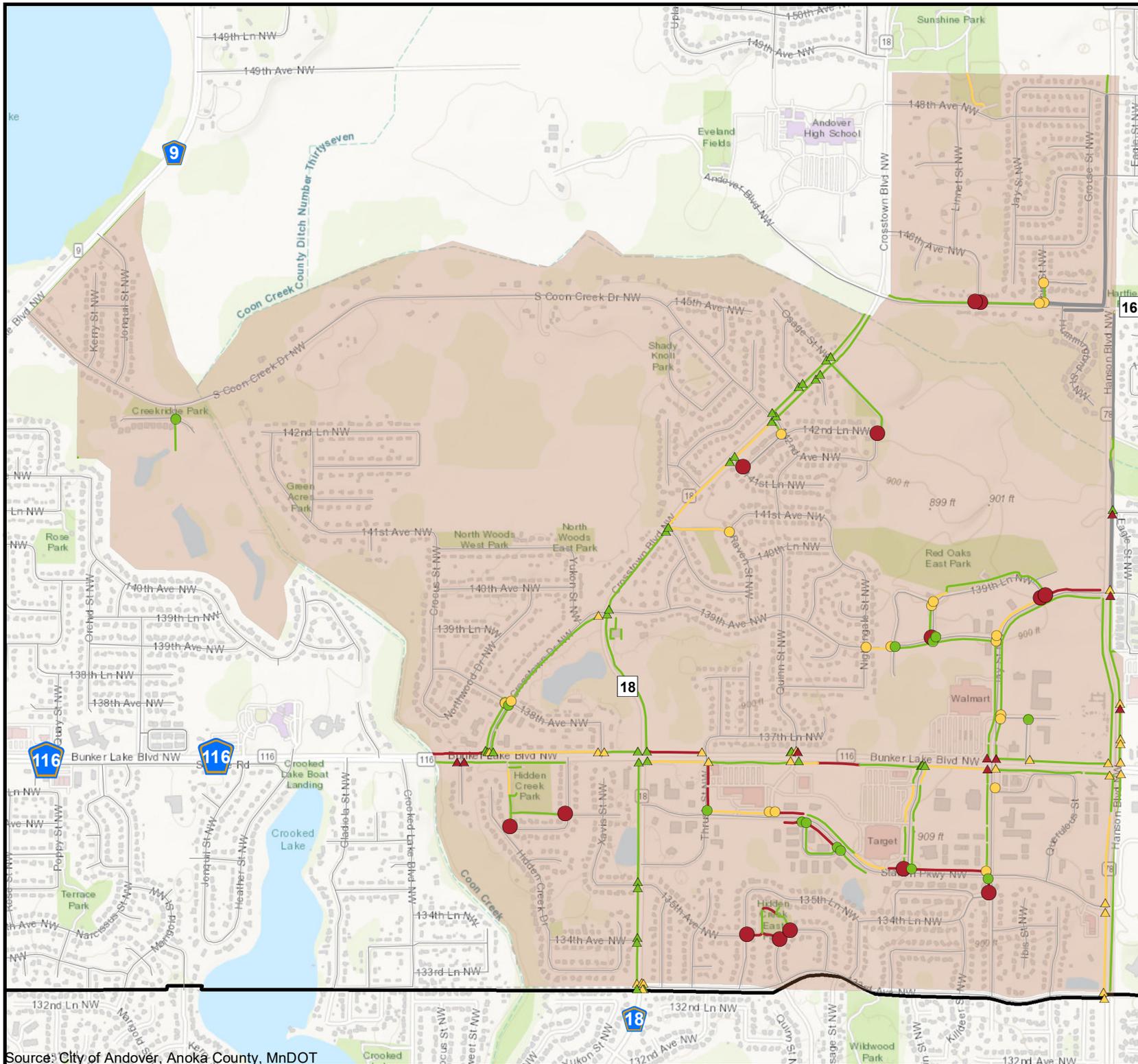
**Legend**

- Road Centerlines
- Maintenance Zone 1
- City Limits
- Ped Ramps (City)**
  - Tier 1
  - Tier 2
  - Tier 3
- Ped Ramps (County)**
  - Tier 1
  - Tier 2
  - Tier 3
- Sidewalk Tier**
  - Tier 1
  - Tier 2
  - Tier 3
  - Unverified

0 750 1,500 Feet

## Zone 1

Figure 2  
Mar 2020





# ADA Transition Plan

## City of Andover

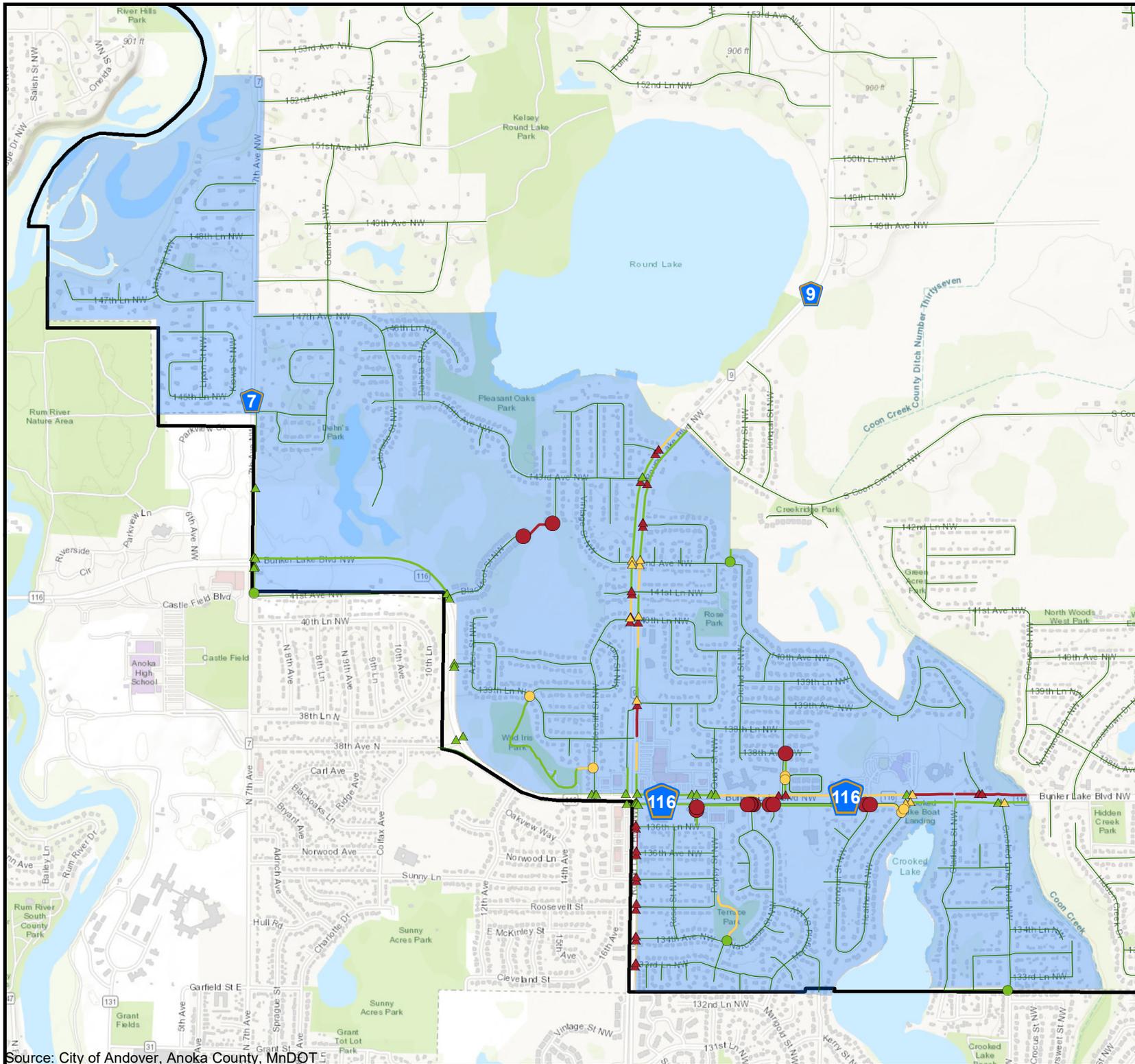
### Legend

- Road Centerlines
- Maintenance Zone 2
- City Limits
- Ped Ramps (City)**
  - Tier 1
  - Tier 2
  - Tier 3
- Ped Ramps (County)**
  - Tier 1
  - Tier 2
  - Tier 3
- Sidewalk Tier**
  - Tier 1
  - Tier 2
  - Tier 3

0 900 1,800 Feet

### Zone 2

Figure 3  
Mar 2020



Source: City of Andover, Anoka County, MNDOT



# ADA Transition Plan City of Andover

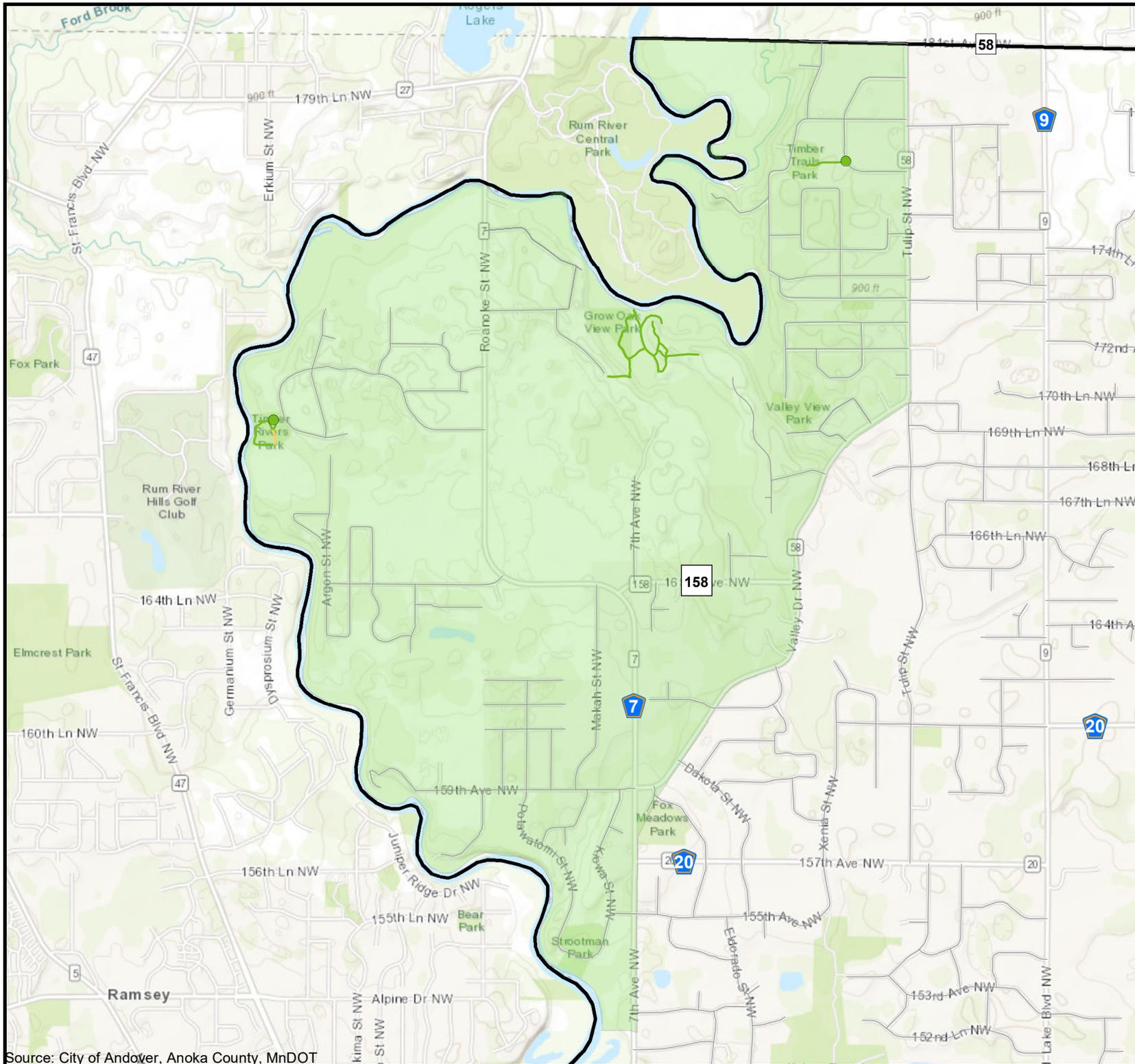
## Legend

- Road Centerlines
- Maintenance Zone 3
- City Limits
- Ped Ramps (City)**
  - Tier 1
  - Tier 2
  - Tier 3
- Ped Ramps (County)**
  - Tier 1
  - Tier 2
  - Tier 3
- Sidewalk Tier**
  - Tier 1
  - Tier 2
  - Tier 3

0 1,250 2,500 Feet

## Zone 3

Figure 4  
Mar 2020





# ADA Transition Plan City of Andover

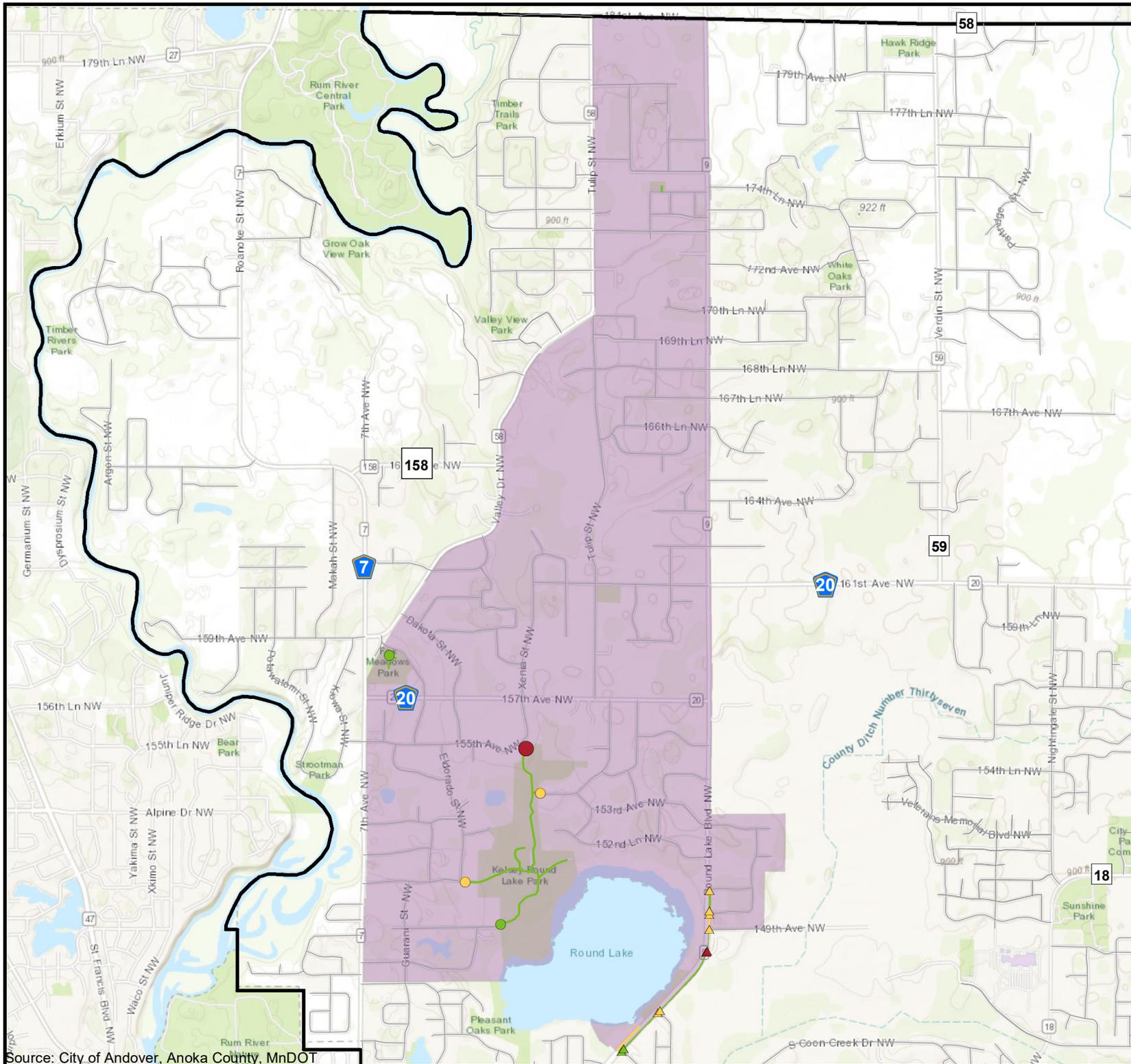
## Legend

- Road Centerlines
- Maintenance Zone 4
- City Limits
- Ped Ramps (City)**
  - Tier 1
  - Tier 2
  - Tier 3
- Ped Ramps (County)**
  - Tier 1
  - Tier 2
  - Tier 3
- Sidewalk Tier**
  - Tier 1
  - Tier 2
  - Tier 3

0 1,250 2,500 Feet

## Zone 4

Figure 5  
Mar 2020



Source: City of Andover, Anoka County, MnDOT



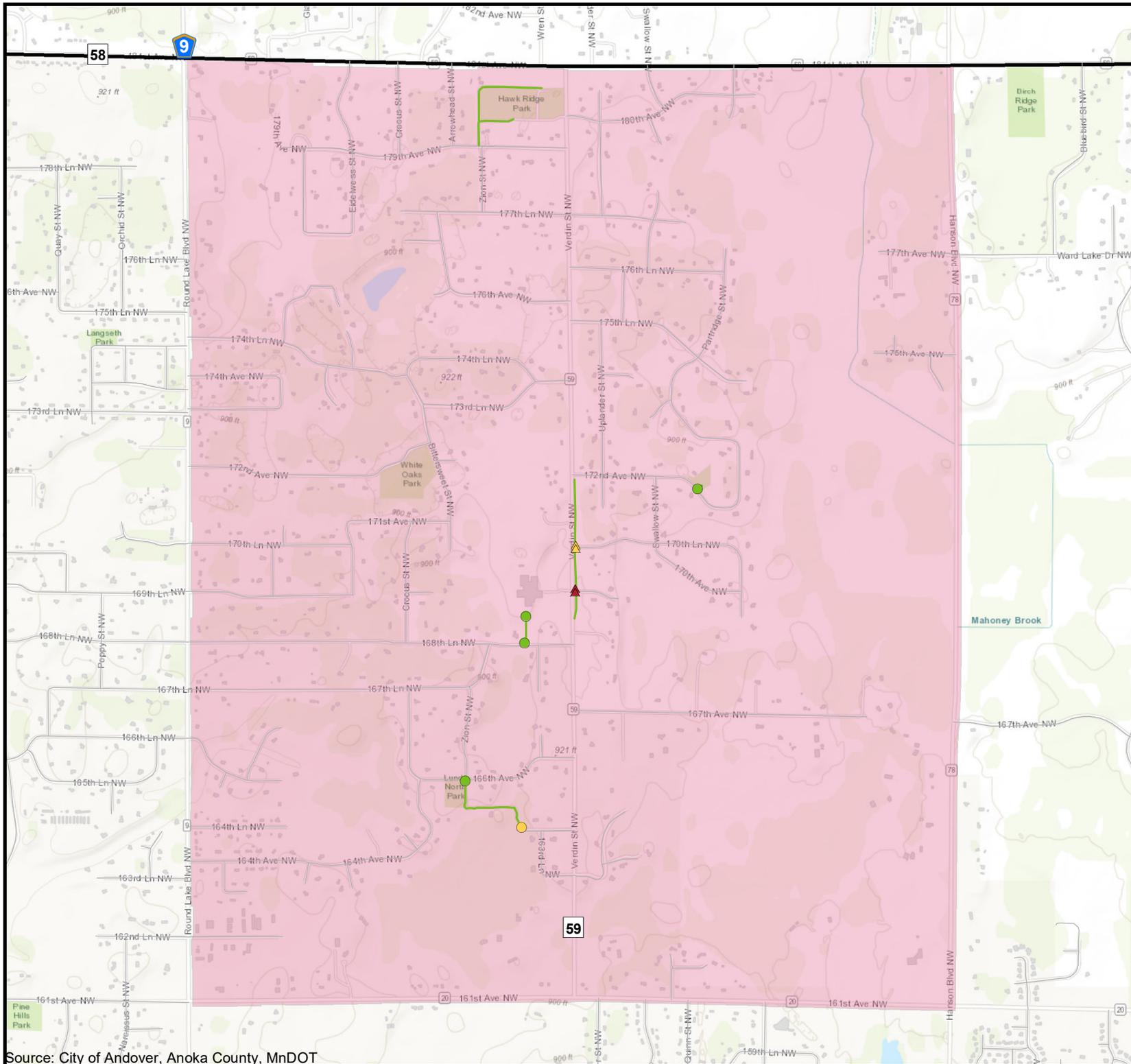
# ADA Transition Plan City of Andover

## Legend

- Road Centerlines
- Maintenance Zone 5
- City Limits
- Ped Ramps (City)**
  - Tier 1
  - Tier 2
  - Tier 3
- Ped Ramps (County)**
  - Tier 1
  - Tier 2
  - Tier 3
- Sidewalk Tier**
  - Tier 1
  - Tier 2
  - Tier 3

0 900 1,800 Feet

**Maintenance  
Zone 5**  
Figure 6  
Mar 2020





# ADA Transition Plan

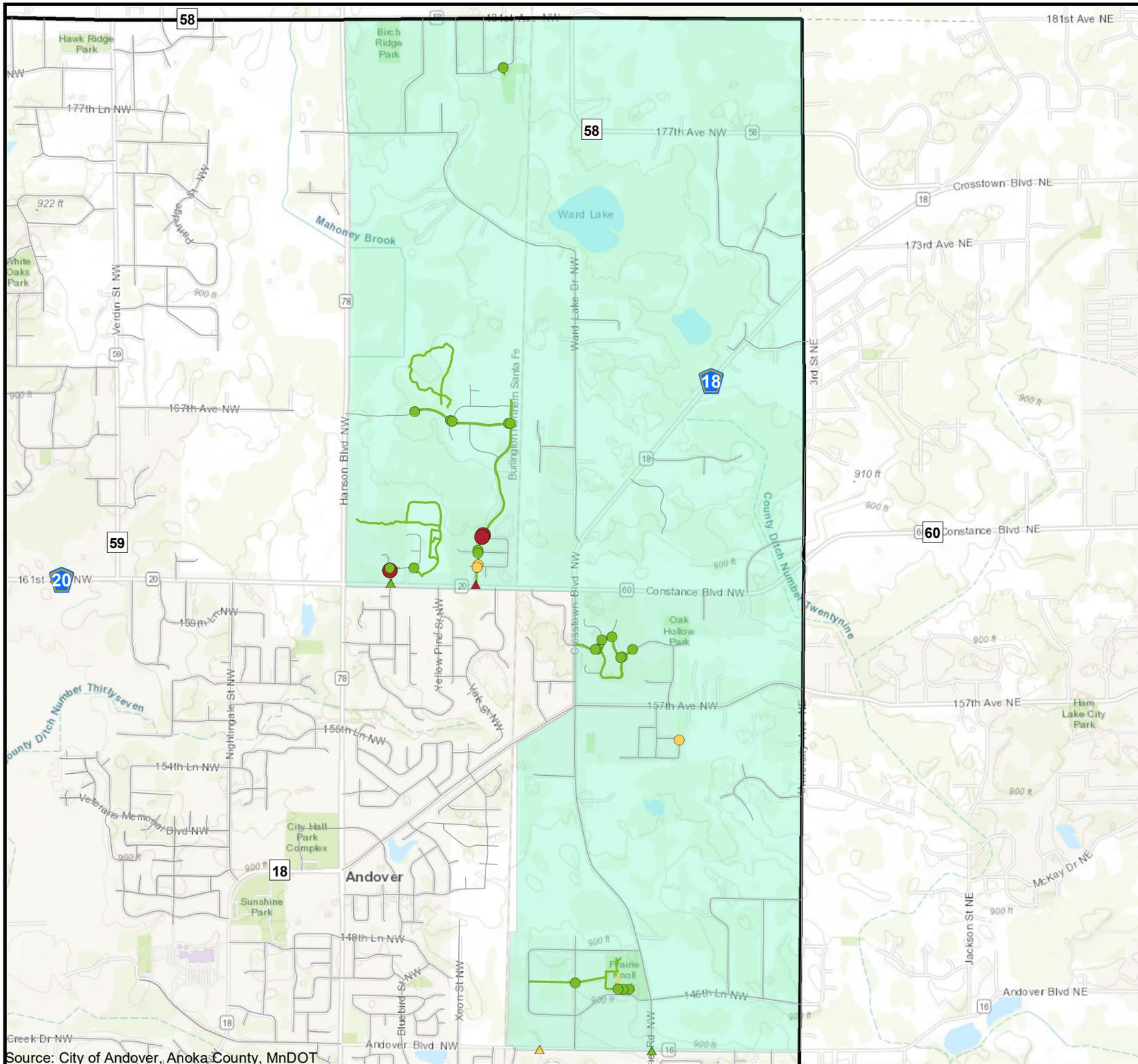
## City of Andover

### Legend

- Road Centerlines
- Maintenance Zone 6
- City Limits
- Ped Ramps (City)**
  - Tier 1
  - Tier 2
  - Tier 3
- Ped Ramps (County)**
  - Tier 1
  - Tier 2
  - Tier 3
- Sidewalk Tier**
  - Tier 1
  - Tier 2
  - Tier 3

0 1,500 3,000 Feet

**Maintenance  
Zone 6**  
Figure 7  
Aug 2019



Source: City of Andover, Anoka County, MnDOT

# ADA Transition Plan

## City of Andover

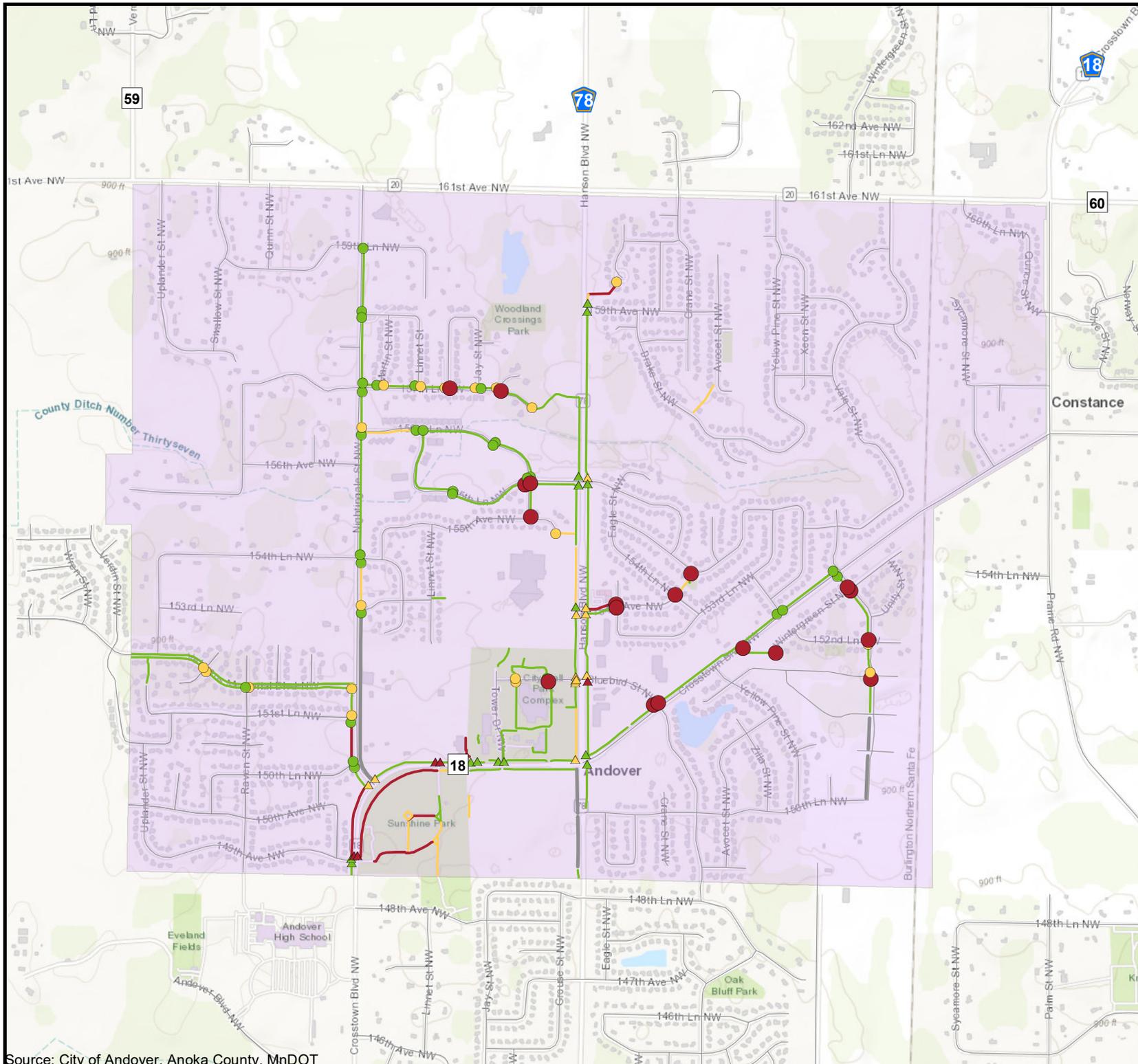


### Legend

- Road Centerlines
- Maintenance Zone 7
- City Limits
- Ped Ramps (City)**
  - Tier 1
  - Tier 2
  - Tier 3
- Ped Ramps (County)**
  - Tier 1
  - Tier 2
  - Tier 3
- Sidewalk Tier**
  - Tier 1
  - Tier 2
  - Tier 3
  - Unverified

0 750 1,500 Feet

**Maintenance Zone 7**  
Figure 8  
Mar 2020





# ADA Transition Plan

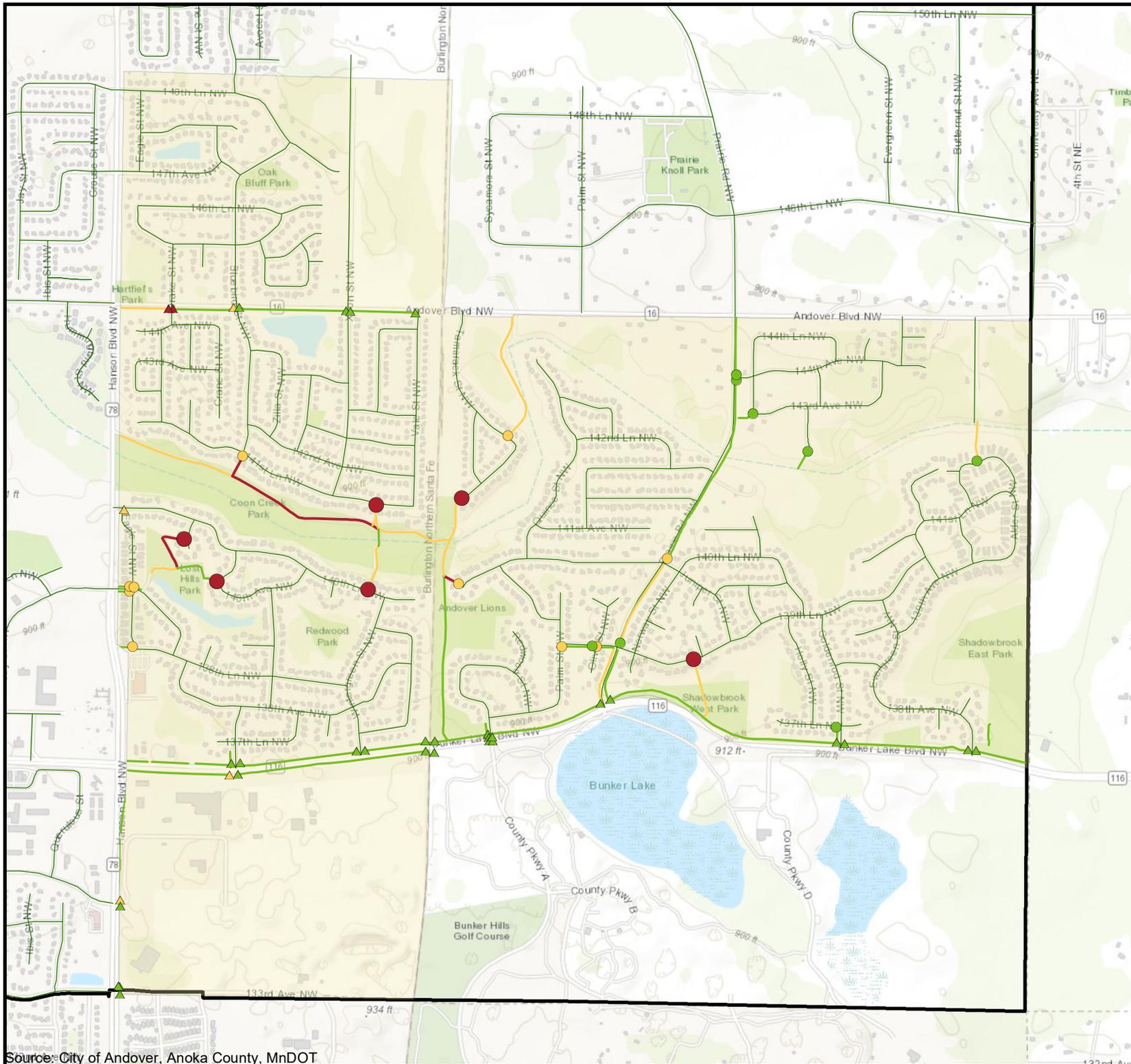
## City of Andover

### Legend

- Road Centerlines
- Maintenance Zone 8
- City Limits
- Ped Ramps (City)**
  - Tier 1
  - Tier 2
  - Tier 3
- Ped Ramps (County)**
  - Tier 1
  - Tier 2
  - Tier 3
- Sidewalk Tier**
  - Tier 1
  - Tier 2
  - Tier 3

0 750 1,500 Feet

**Maintenance  
Zone 8**  
Figure 9  
Mar 2020





# Appendix C – Agency ADA Design Standards and Procedures

## Design Procedures

### Intersection Corners

The City of Andover intends to construct or upgrade curb ramps to achieve compliance as part of its Street Reconstruction or Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Programs. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of any project. Those limitations will be noted, and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgment of City staff.

### Sidewalks and Trails

The City of Andover will construct or upgrade sidewalks and trails to achieve compliance as part of its Street Reconstruction or Curb, Sidewalk and Pedestrian Ramp Repair and Replacement Programs. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of any project. Those limitations will be noted, and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City staff.

### Bus Stops

The City of Andover staff will coordinate with any transit agencies upon request for bus stops within City rights of way and require that they be made ADA compliant to the extent practical and feasible.

### Other policies, practices and programs

Policies, practices and programs not identified in this document will follow the applicable ADA standards.

### Design Standards

The City of Andover engineering department generally follows the guidelines identified in PROWAG when practical and feasible.

## Appendix D – ADA Coordinator

### Public Right of Ways

### ADA Title II Coordinator & Implementation Coordinator

Name: David Berkowitz, P.E.  
Or current Director of Public Works / City Engineer

Address: 1685 Crosstown Boulevard  
Andover, MN 55304

Phone: 763.767.5133

Fax: 763.755.8923

E-mail: [D.Berkowitz@andovermn.gov](mailto:D.Berkowitz@andovermn.gov)

## Appendix E – ADA Public Notice

As part of the ADA requirements the City engineering department has posted the following notice outlining its ADA requirements:

### Public Notice

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City of Andover will not discriminate against qualified individuals with disabilities on the basis of disability in City services, programs, or activities.

**Employment:** The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

**Effective Communication:** The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The City will make all reasonable modifications to engineering department policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. For example, individuals with service animals are welcomed in City offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City engineering department program, service, or activity, should contact the office of the ADA Coordinator for Public Rights of Way (see **Appendix D**) as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

# Appendix F – Public Outreach Materials



## City of Andover ADA Transition Plan

# What is an ADA Transition Plan?

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- The Americans with Disabilities Act (ADA), enacted on July 26, 1990
- Prohibits discrimination based on disabilities
- Requires access to all public facilities, including pedestrian facilities such as sidewalks and crossings



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# Requirements

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- **Access to all public facilities**
- **Modification of policies that deny equal access**
- **Effective communication procedures**
- **An ADA Coordinator**
- **Public notice of requirements**
- **Grievance process**



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# City of Andover - ADA Criteria

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- All new construction and reconstruction projects will conform to current ADA practices
- Public requests will be evaluated by City staff and addressed consistent with City priorities for street investments



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# City of Andover - ADA Goals

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- After 5 years, items identified in the Street Reconstruction Program will be ADA-Compliant
- Replacement of 6 - 10 pedestrian ramps per year as part of the curb replacement program.
- After 20 years, 80% of accessibility features within the jurisdiction of the City will be ADA compliant



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# City of Andover - Self Evaluation

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- **247 pedestrian ramps within City rights of way**
- **252 pedestrian ramps associated with City trails within Anoka County highway rights of way**
- **45 miles of sidewalks and trails (including those within Anoka County highway rights of way)**



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# Condition Rating Tiers - Self Evaluation

**Tier 1: largely or fully compliant**

**Tier 2: substantially compliant; working well**

**Tier 3: several elements not compliant**

**Unverified: not evaluated due to construction**



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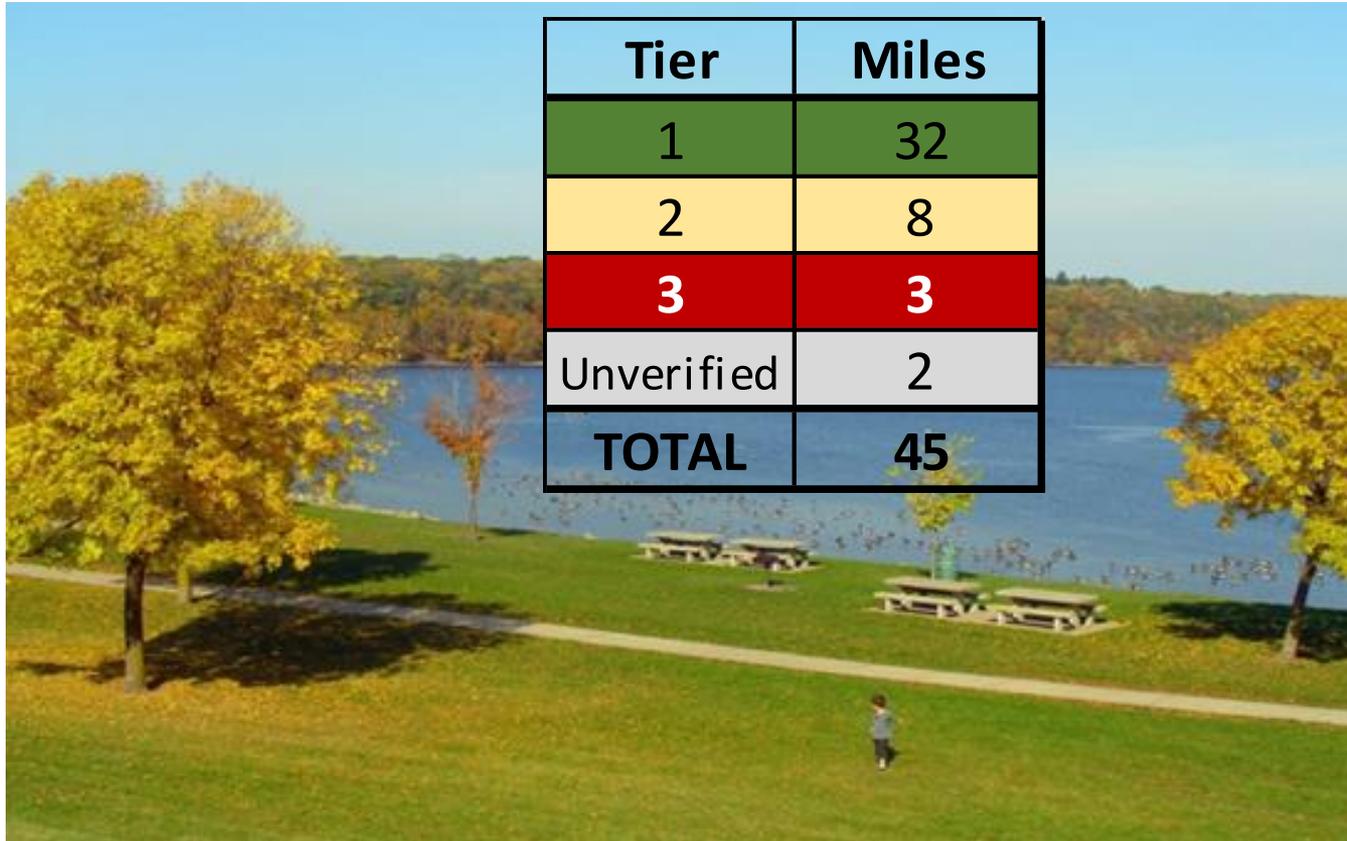
# City Pedestrian Ramp Summary

Zone	Tier 1	Tier 2	Tier 3	Unverified	Total
1	21	30	17	1	69
2	4	6	14	3	27
3	2	0	0	2	4
4	2	2	1	0	5
5	4	1	0	1	6
6	21	3	3	2	29
7	32	19	18	5	74
8	8	10	6	4	28
9	3	1	1	0	5
<b>TOTAL</b>	<b>97</b>	<b>72</b>	<b>60</b>	<b>18</b>	<b>247</b>

# Pedestrian Ramps in County Rights of Way

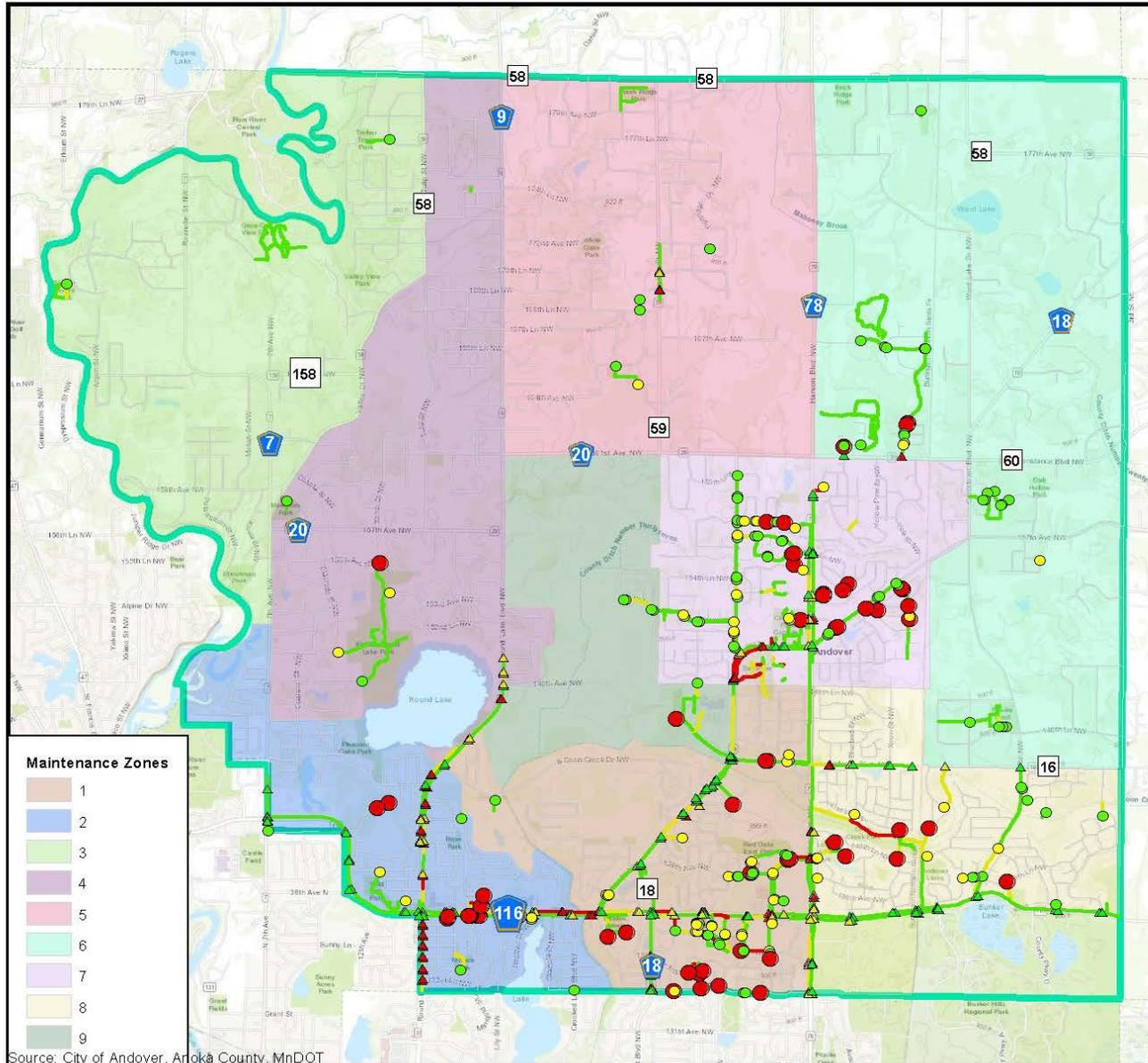
Zone	Tier 1	Tier 2	Tier 3	Unverified	Total
1	34	28	10	18	90
2	29	11	28	0	68
3	0	0	0	0	0
4	2	6	2	0	10
5	0	2	2	0	4
6	2	1	1	0	4
7	14	12	5	3	34
8	28	4	2	0	34
9	8	0	0	0	8
<b>TOTAL</b>	<b>117</b>	<b>64</b>	<b>50</b>	<b>21</b>	<b>252</b>

# City Sidewalks and Trails



Tier	Miles
1	32
2	8
3	3
Unverified	2
<b>TOTAL</b>	<b>45</b>

# Pedestrian Ramps, Sidewalks and Trails



**Maintenance Zones**

1
2
3
4
5
6
7
8
9

  
**ADA Transition Plan**  
 City of Andover

**Legend**

- City Roads
- Boundary
- Ped Ramps (City)**
  - Tier 1
  - Tier 2
  - Tier 3
- Ped Ramps (County)**
  - Tier 1
  - Tier 2
  - Tier 3
- Sidewalks & Trails**
  - Tier 1
  - Tier 2
  - Tier 3

0 2,250 4,500 Feet

**City Wide Map**  
Figure 1  
Aug 2019

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Source: City of Andover, Anoka County, MnDOT

# Questions / Comments?



## Appendix G - Grievance Procedure

Prior to filing a grievance, the public is strongly encouraged to contact the Public Rights of Way ADA Coordinator to discuss any concerns regarding City facilities located within the public right of way. The ADA Coordinator role is designed to provide a point of contact for the public to address concerns. It is anticipated that most concerns identified will be able to be resolved by the ADA Coordinator. Contact information for the ADA coordinator can be found in Appendix D of this document.

### City of Andover - Public Rights of Way

#### Grievance Procedure under The Americans With Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits within the public right of way by the City of Andover Engineering Department. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA Coordinator. Contact information can be found in **Appendix D** of this document.

Within fifteen working days after receipt of the complaint, the ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within fifteen working days of the meeting, the ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, or audio tape. The response will explain the position of the ADA Coordinator and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 30 calendar days after receipt of the response to the City Administrator or her/his designee.

Within thirty calendar days after receipt of the appeal, the City Administrator or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within thirty calendar days after the meeting, the City Administrator or their designee will respond in writing,

and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or their designee, appeals to the City Administrator or their designee, and responses from these two offices will be retained by the City in accordance with state and federal law.

## City of Andover Public Rights of Way Grievance Procedure

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

- Internet  
City of Andover website [www.andovermn.gov/136/Engineering](http://www.andovermn.gov/136/Engineering), for a fillable pdf of the ADA Complaint Form. A copy of the ADA Complaint Form is included with this document in **Appendix H**.
- Telephone  
Contact the Public Rights of Way ADA Coordinator as specified in **Appendix D** to submit an oral grievance. The Public Rights of Way ADA Coordinator will prepare and submit the complaint form on behalf of the person filing the grievance.
- Paper Submittal  
Contact the Public Rights of Way ADA Coordinator as specified in **Appendix D** to request a paper copy of the complaint form, complete the form, and submit it to the ADA Coordinator.

The ADA Complaint Form will ask for the following information:

- The name, address, telephone number, and email address for the person filing the grievance
- The name, address, telephone number, and email address for the person alleging an ADA violation (if different than the person filing the grievance)
- A description and location of the alleged violation and the nature of a remedy sought, if known by the complainant.
- If the complainant has filed the same complaint or grievance with the United States Department of Justice (DOJ), another federal or state civil rights agency, a court, or others, the name of the agency or court where the complainant filed it and the filing date.

If the grievance filed does not concern a City of Andover pedestrian facility within the public right of way, the City will work with the complainant to contact the agency that has jurisdiction.

A City of Andover staff person will conduct an investigation necessary to determine the validity of the alleged violation. As a part of the investigation, the staff person may conduct an engineering study to help determine the response. The staff person will take advantage of department resources and use engineering judgment, data collected, and any information submitted by the resident to develop a conclusion. A staff person will be available to meet with the complainant to discuss the matter as a part of the investigation and resolution of the matter. The City will document each resolution of a filed grievance and retain such documentation in the department's ADA Grievance file in accordance with state and federal law.

The City will consider all specific grievances within its particular context or setting. Furthermore, the City will consider many varying circumstances including: 1) the nature of the access to services, programs, or facilities at issue; 2) the specific nature of the disability; 3) the essential eligibility requirements for participation; 4) the health and safety of others; and 5) the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to the City of Andover.

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

#### File Maintenance

The City shall maintain ADA grievance files in accordance with state and federal law.

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

For more information, contact:

U.S. Department of Justice Civil Rights Division  
950 Pennsylvania Avenue, N.W. Disability Rights Section - NYAV Washington, D.C. 20530  
[www.ada.gov](http://www.ada.gov)  
(800) 514-0301 (voice – toll free)  
(800) 514-0383 (TTY)

Title II may also be enforced through private lawsuits in Federal court. It is not necessary to file a complaint with the DOJ or any other Federal agency, or to receive a "right-to-sue" letter, before going to court.

## Appendix H – Complaint Form

See the following three pages for complaint form.

**City of Andover Public Rights of Way  
Title II of the Americans with Disabilities Act and  
Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form**

Prior to filing a grievance, the public is strongly encouraged to contact the Public Rights of Way ADA Coordinator to discuss any concerns regarding City pedestrian facilities within the public right of way. The ADA Coordinator role is designed to provide a point of contact for the public to address concerns. It is anticipated that most concerns identified will be able to be resolved by the ADA Coordinator. Contact information for the ADA coordinator can be found in Appendix D of this document.

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the ADA Coordinator as specified in **Appendix D**. Attach additional sheets if necessary.

Complainant Name:

Street Address:

City, State and Zip Code:

Telephone (Home):

Telephone (Business):

Person Discriminated Against: (if other than the complainant)

Address:

City, State, and Zip Code:

Telephone (Home/Business or Both):

**Government, or organization, or institution which you believe has discriminated:**

Name:

Street Address:

City:

County:

State and Zip Code:

Telephone Number:

When was the issue discovered/when did the problem occur? (Date):

Describe the issue in detail, providing the name(s) where possible of the individuals who have been contacted. (Add additional pages if necessary):

Have prior efforts been made to resolve this complaint through the grievance procedure?

Yes  No

If Yes: what is the status of the grievance?

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes  No

If Yes: Agency or Court:

Contact Person:

Street Address:

City, State, and Zip Code:

Telephone Number:

Date Filed:

Do you intend to file with another agency or court?

Yes  No

If Yes: Agency or Court:

Address:

Telephone Number:

Signature: -----

Date:-----

**Return to:** ADA Coordinator as specified in **Appendix D**.

## NOTICE OF RIGHTS

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

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

### **The purpose and intended use of the requested information is:**

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

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

The City of Andover officials, staff or designee(s)

### **Furnishing the above information is voluntary, but refusal to supply the requested information will mean:**

The City of Andover staff may be unable to respond to or evaluate your request.

MINN. STAT. §13.04(2)