

# Hubbard County Highway Department

## ADA Transition Plan

### Introduction

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

### 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:

1. Employment
2. State and local government services
3. Public accommodations
4. Telecommunications
5. 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, the Hubbard County Highway Department 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 Hubbard County Highway Department 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 all of those facilities are accessible to all individuals.

### 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 Hubbard County Highway Department 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 C.F.R. 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 C.F.R. 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 C.F.R. 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 C.F.R. 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 ([29 C.F.R. 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](#)]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [[28 CFR Sec. 104.8\(a\)](#)].
- 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

### Overview

The Hubbard County Highway Department is required, under Title II of the Americans with Disabilities Act (ADA) and 28 CFR35.105, 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 County implements these policies. The goal of the self-evaluation is to verify that, in implementing the County'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 County's Pedestrian Circulation Route/Pedestrian Access Route) (PCR/PAR) and identifies potential need for PCR/PAR infrastructure improvements. This will include the sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and transit facilities that are located within the County rights of way. Any barriers to accessibility identified in the self-evaluation and the remedy to the identified barrier are set out in this transition plan.

### Summary

In 2022, the Hubbard County Highway Department conducted an inventory of pedestrian facilities within its public rights of way consisting of the evaluation of the following facilities:

- 6.54 miles of sidewalks
- 123 curb ramps
- 0 miles of trails
- 2 traffic control signals
- 0 bus stops

A detailed evaluation on how these facilities relate to ADA standards is found in Appendix A and will be updated periodically.

## Practices and Procedures

### Previous Practices

Since the adoption of the ADA, the Hubbard County Highway Department has provided accessible pedestrian features as part of the County's capital improvement projects. As additional information was made available as to the methods of providing accessible pedestrian features, the County updated their procedures to accommodate these methods.

### Procedures

The Hubbard County Highway Department's goal is to continue to provide accessible pedestrian design features as part of the County's capital improvement projects. The County has established ADA design standards and procedures as listed in Appendix F. These standards and procedures will be kept up to date with nationwide and local best management practices.

The County will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The County will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the County jurisdiction are ADA compliant to the maximum extent feasible.

Maintenance of pedestrian facilities within the public right of way will continue to follow the general maintenance procedures set by the County Highway Department. Maintenance projects are prioritized based on benefit, cost and budget available.

Requests for accessibility improvements can be submitted to the County Highway Engineer. Contact information for the County Highway Engineer is located in Appendix E.

## Improvement Schedule

### Priority Areas

The Hubbard County Highway Department has identified general locations as priority areas for accessibility improvement projects. These areas have been selected due to their urban setting and proximity to public areas such as schools, government offices and medical facilities. The priority areas as identified are as follows:

- Within the urban boundaries of the Cities of Park Rapids, Nevis, Akeley, and Laporte

Further 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**

Many other agencies are responsible for pedestrian facilities within Hubbard County. The County will coordinate with those agencies and encourage the elimination of accessibility barriers along their routes.

## **ADA Coordinator**

In accordance with 28 CFR 35.107(a), the Hubbard County Highway Department has identified an ADA Title II Coordinator to oversee the County policies and procedures. Contact information for this individual is located in Appendix E.

## **Implementation Schedule**

### **Methodology**

The Hubbard County Highway Department will utilize two methods for upgrading pedestrian facilities to the current ADA standards. The first and most comprehensive method is a scheduled street and utility improvement project. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards to the maximum extent feasible. The second method is the stand-alone sidewalk and ADA accessibility improvement project. This type of project will be incorporated into the Capital Improvement Program (CIP) or Maintenance Program on a case by case basis as determined by the Hubbard County Highway Engineer. The County CIP and Maintenance Program, listing specific improvement projects, are available at the Hubbard County Highway Department.

## **Public Input**

The Hubbard County Highway Department recognizes that public input is important to help define priority areas for improvements. The County will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. Requests for accessibility improvements can be submitted to the County Highway Engineer.

## **Grievance Procedure**

If users of Hubbard County facilities and services believe the County has not provided reasonable accommodation, they have the right to file a grievance. In accordance with 28 CFR 35.107(b), the County has a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances. Contact the

County ADA Title II Coordinator for information on the grievance procedure. Contact information is located in Appendix E.

## **Monitor the Progress**

This document will continue to be updated as conditions within the County evolve. The appendices in this document will be updated periodically, while the main body of the document will only be updated when major revisions are required.

## **Appendices**

**A. Self-Evaluation Results**

**B. Budget Information**

**C. Schedule**

**D. Grievance Procedure**

**E. Contact Information**

**F. Agency ADA Design Standards and Procedures**

**G. Glossary of Terms**

## Appendix A – Self-Evaluation Results

The majority of self-evaluated results have been obtained from MnDOT’s Digital Image Controller program and additional field reviews as needed.

The evaluation of pedestrian facilities in 2022 yielded the following results:

- 62% of sidewalks met accessibility criteria
- 97% of intersections (with sidewalks) had curb ramps
- 57% of curb ramps met accessibility criteria
- 2 traffic signals with pedestrian facilities
- 0 trails
- 0 bus stops

The majority of the sidewalks were in good shape with ample accessibility. Cross slopes and joint conditions were not inspected in detail. Walks will be looked at in detail prior to any scheduled street and utility improvement projects.

There were very few intersections lacking curb ramps. However, several existing curb ramps were constructed to older design standards. Most curb ramps constructed in 2008 or later met the recently updated accessibility criteria. All other curb ramps will need to be brought into compliance to these new standards to the maximum extent feasible. They will be addressed in conjunction with street and utility improvement projects or stand-alone sidewalk and ADA accessibility improvement projects depending on schedules and budgets.

Hubbard County is responsible for one leg of one intersection and two legs of another intersection controlled by traffic signals, which include pedestrian facilities. MnDOT handles the operation and maintenance of these traffic signals.

The County does not own any trails.

There are no designated bus stops along County roads.

## Appendix B – Budget Information

### Cost Information

#### Unit Prices

Construction costs for upgrading facilities can vary depending on each individual improvement and conditions of each site. Costs can also vary on the type and size of project the improvements are associated with. Listed below are representative 2016 costs for some typical accessibility improvements based on whether the improvements are included as part of a retrofit type project, or as part of a larger comprehensive capital improvement project.

Intersection corner ADA improvement retrofit: +/- \$4,000 per corner

Intersection corner ADA improvement as part of adjacent capital project: +/- \$1,500 per corner

Traffic control signal APS upgrade retrofit: +/- \$ 15,000

Traffic control signal APS upgrade as part of full traffic control signal installation: +/- \$10,000

Sidewalk / Trail ADA improvement retrofit: +/- \$5.00 per SF

Sidewalk / Trail ADA improvement as part of adjacent capital project: +/- \$3.50 per SF

Bus Stop ADA improvement retrofit: +/- \$400 per stop

Bus Stop ADA improvement as part of adjacent capital project: +/- \$250 per stop

#### Priority Areas

Based on the results of the self-evaluation, the estimated costs associated with updating and improving ADA accessibility is \$323,990 (\$79,500 for ADA Ramps, \$244,490 sidewalk replacement).

This amount signifies a significant investment that the Hubbard County Highway Department is committed to making in the upcoming years. A systematic approach will be taken in order to absorb the cost into the Hubbard County Highway Department budget for improvements to the public right of way.

## **Appendix C – Schedule**

See current CIP for specific project information, which is available at the Hubbard County Highway Department.

## **Appendix D – Grievance Procedure**

Contact the County ADA Title II Coordinator for information on the grievance procedure.

## Appendix E – Contact Information

### ADA Title II Coordinator

Name: TBD  
Address: Hubbard County  
301 Court Ave  
Park Rapids, MN 56470  
Phone: (218) 732-2362  
E-mail: TBD

### County Highway Engineer

Name: Jed A. Nordin, Highway Engineer  
Address: Hubbard County Highway Department  
101 Crocus Hill St.  
Park Rapids, MN 56470  
Phone: (218) 732-3302  
E-mail: [jed.nordin@co.hubbard.mn.us](mailto:jed.nordin@co.hubbard.mn.us)

# **Appendix F – Agency ADA Design Standards and Procedures**

## **Design Procedures**

### **Intersection Corners**

Curb ramps or blended transitions will attempt to be constructed or upgraded to achieve compliance within capital improvement projects. 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 County staff.

### **Sidewalks / Trails**

Sidewalks and trails will attempt to be constructed or upgraded to achieve compliance within capital improvement projects. 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 County staff.

### **Traffic Control Signals**

Traffic control signals will attempt to be constructed or upgraded to achieve compliance within major capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of any project. Those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved or not, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of County staff.

### **Bus Stops**

Bus stops will attempt to be constructed or upgraded to achieve compliance within major capital improvement projects. There may be limitations which make it technically infeasible for individual bus stop locations to achieve full accessibility within the scope of any project. Those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future

work. Regardless of whether full compliance can be achieved or not, each bus stop location shall be made as compliant as possible in accordance with the judgment of County staff.

### **Other Transit Facilities**

The Hubbard County Highway Department will work with transit providers to encourage that those facilities meet all appropriate accessibility standards.

### **Other policies, practices and programs**

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

### **Design Standards**

Hubbard County Highway Department utilizes PROWAG, as adopted by the Minnesota Department of Transportation (MnDOT), as its design standard. A copy of this document is included in the following pages of this appendix.

## Appendix G – Glossary of Terms

**ABA:** See Architectural Barriers Act.

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

**ADA Transition Plan:** Mn/DOT's transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the Statewide Transportation Improvement Program (STIP), and ensures all transportation facilities, services, programs, and activities 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 vibrotactile 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 Program (CIP):** The CIP for the Transportation Department includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the county's transportation system.

**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 *Guidelines for Accessible Public Rights-of-Way* 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.

**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.