



City of Burnsville ADA Transition Plan

Draft

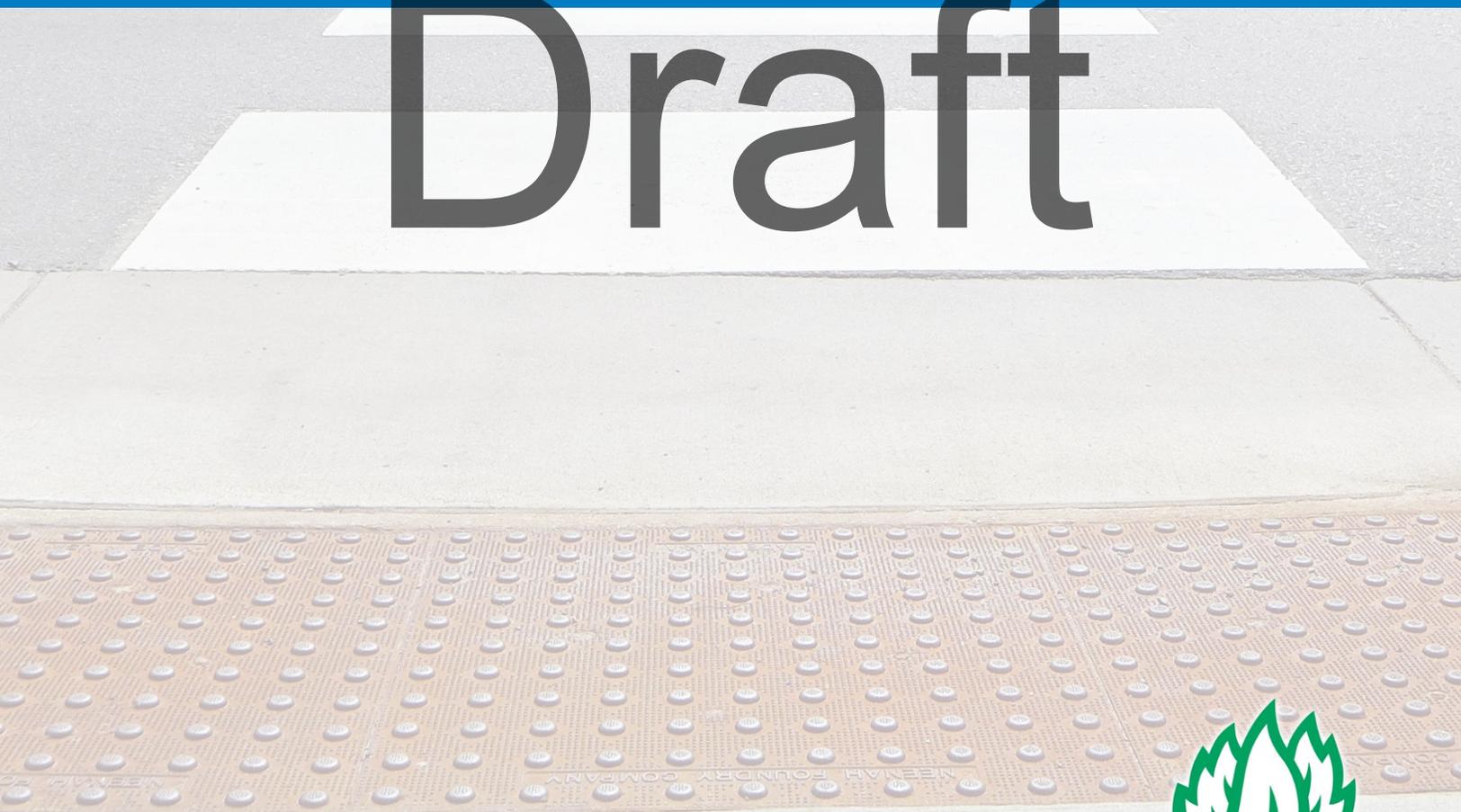


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INTRODUCTION

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:

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 City of Burnsville 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 Burnsville 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. This document serves as an update and supplement to the City’s existing Transition Plan covering buildings, services, programs and activities. A glossary of terms is included in Appendix A.

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 Burnsville 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.

This document 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.

SELF-EVALUATION CONDITION ASSESSMENT

Overview

The City of Burnsville is required, under Title II of the Americans with Disabilities Act (ADA) and 28CFR35.105, 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 will include the sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and transit facilities that are located within the City 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 2012, the City of Burnsville conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- Pedestrian Ramps at intersections that include trail or sidewalk facilities
- Traffic control signals
- Sidewalks adjacent to roadways
- Trails adjacent to roadways

A detailed evaluation on how these facilities relate to ADA standards can be found on the city's website, detailed in Appendix B, and will be updated periodically. Approximately one third of the facilities will be inventoried and assessed annually, with full system evaluations occurring every three years. Traffic signals will be reviewed every five years.

POLICIES AND PRACTICES

Previous Practices

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

Policy

The City of Burnsville will inspect, inventory and plan for any required improvements to 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 City capital improvement projects. The City has established ADA design standards and procedures as listed in Appendix C. These standards and procedures will be kept up to date with nationwide and local best management practices.

The City 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 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.

The city has adopted the following policies and procedures:

A. Pedestrian Facilities

1. This shall include sidewalks, trails and pedestrian ramps located in the public right-of-way.
2. City Staff shall inspect these facilities in conjunction with the Pavement Management Program inventory. Approximately 1/3 of the facilities shall be inventoried annually and classified.
3. The annual inspections shall be recorded in the City's asset management program. The inspection shall include documentation of inspected features and pictures for

each facility. The facilities shall be classified in the asset management system as follows:

- i. Green – Good condition and compliant.
 - ii. Yellow – Serviceable and not in need of immediate action.
 - iii. Red - Poor condition. This classification indicates an existing hazard or compliance issue that staff believes needs to be addressed by a set date.
4. All ADA related signage & pavement markings will be inspected annually and repaired or replaced as needed. The Street Superintendent shall coordinate the timing and repair or replacement of these items.

B. Traffic Signals

All city traffic signals shall be reviewed every five years for ADA compliance. Any required repairs or upgrades shall be completed in conjunction with planned signal upgrade/replacement projects as identified in the CIP.

Requests for accessibility improvements can be submitted to the ADA coordinator.

ADA COORDINATOR

In accordance with 28 CFR 35.107(a), the City of Burnsville has identified an ADA Title II Coordinator to oversee the City policies and procedures. It is the responsibility of the ADA Coordinator to implement this policy. Contact information for this individual is located in Appendix D.

IMPROVEMENT SCHEDULE

Priority Areas

The City of Burnsville has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their existing condition, proximity to specific land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments. The priority areas are identified in the self-evaluation.

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

Many other agencies are responsible for pedestrian facilities within the jurisdiction of the City of Burnsville, including Dakota County, MnDOT, and the Minnesota Valley Transit Authority (MVTA). The City will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes and/or associated with their services.

Schedule

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

- Facilities with Yellow condition ratings. These facilities are considered serviceable and are not in need of immediate action. Improvements for these facilities will be addressed in conjunction with adjacent capital improvement projects. Staff shall utilize the CIP and long range street improvement plans to coordinate these improvements.
- Facilities with Red condition ratings. Any facilities 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. The Street Superintendent shall review these areas within seven work days to determine how any required repairs/upgrades should be programmed.
 - 1) Facilities requiring expedited repairs/upgrades shall be done utilizing the Street Department Operating budget. Scheduling and completion of this work will be based on weather conditions and available budget.
 - 2) Facilities not needing expedited repairs/upgrades, that are adjacent to projects included in the CIP, shall be completed in conjunction with those projects.
 - 3) Facilities not needing expedited repairs/upgrades, and not adjacent to projects in the CIP, shall be added to the list of projects requiring expedited repair/upgrade and will be completed as funding allows.
- After 20 years, 80% of accessibility features within the jurisdiction of the City of Burnsville would be ADA compliant. The remaining 20% would include the yellow tier locations that have not had an adjacent road project within the 20 year period.

IMPLEMENTATION SCHEDULE

Methodology

The City of Burnsville will utilize two methods for upgrading pedestrian facilities to the current ADA standards. The first and most comprehensive of the two methods are the scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. The second method is the stand alone

sidewalk and ADA accessibility improvement project. These projects will be incorporated into the Capital Improvement Program (CIP) on a case by case basis as determined by the City of Burnsville staff. The City CIP includes a detailed schedule and budget for specific improvements. The total estimated cost for all non-compliant locations is included in Appendix E.

PUBLIC OUTREACH

The City of Burnsville recognizes that public participation is an important component in the development of this document. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of the City of Burnsville. Materials from public outreach activities are included in Appendix F.

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

- Comments at a public meeting.
- The City of Burnsville’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 in regards to the ADA. A draft of this public notice is provided in Appendix G. If users of the City of Burnsville 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 H, with a Grievance Form in Appendix I.

MONITOR THE PROGRESS

This document, including the Appendices, will be updated as conditions within the City evolve. With each main body update, a public comment period will be established to continue the public outreach.

APPENDICES

- A. Glossary of Terms
- B. Self-Evaluation Wegpage
- C. Agency ADA Design Standards and Procedures
- D. ADA Coordinator
- E. Cost Information
- F. Public Outreach Materials
- G. ADA Public Notice
- H. Grievance Procedure
- I. Grievance Form

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Appendix A – 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 includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the city’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.

Appendix B – Self-Evaluation Webpage

Details of the condition assessment of the traffic signals and pedestrian facilities adjacent to roadway corridors can be found at the city’s ADA Transition Plan webpage:

Insert webpage address

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Appendix C – 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 all 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 on if 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 / Trails

Sidewalks and trails will attempt to be constructed or upgraded to achieve compliance within all 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 on if 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.

Traffic Control Signals

Traffic control signals will attempt to be constructed or upgraded to achieve compliance within all 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 on if 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 City staff.

Bus Stops

All bus stops are owned and operated by MVTA. City staff will work with MVTA as appropriate to ensure that new or rehabilitated bus stops are ADA compliant to the extent practical and feasible.

Transit Facilities

Transit facilities are present within the limits of the City of Burnsville. Those facilities fall under the jurisdiction of Dakota County, MVTA, or Metro Transit. The City of Burnsville will work with MVTA or Metro Transit to ensure 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

The City of Burnsville generally follows the guidelines identified in PROWAG when practical and feasible.

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Appendix D – Contact Information

ADA Title II Coordinator

Name: Steve Albrecht
Or current Public Works Director

Address: 100 Civic Center Parkway
Burnsville, MN 55337

Phone: 952-895-4534
Fax: 952-895-4512
E-mail: steve.albrecht@burnsvillemn.gov

Public Right of Ways ADA Implementation Coordinator

Name: Steve Albrecht
Or current Public Works Director

Address: 100 Civic Center Parkway
Burnsville, MN 55337

Phone: 952-895-4534
Fax: 952-895-4512
E-mail: steve.albrecht@burnsvillemn.gov

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Appendix E –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 if 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: +/- \$7,000 per corner

Intersection corner ADA improvement as part of adjacent capital project: +/- \$4,000 per corner

Traffic control signal APS upgrade retrofit: +/- \$ 35,000

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

Priority Areas

Based on the results of the self-evaluation, the estimate costs associated with eliminating accessibility barriers within the targeted priority areas is as follows:

- Replace XX yellow and red condition locations
- Upgrade YY traffic signal systems

Entire Jurisdiction

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility within the entire jurisdiction is \$xxxx. (Note: This value does not address replacement of existing non-compliant walks or trails. Trail or walk upgrades will be undertaken as part of any reconstruction project and the cost for this work will be included in as a project cost).

This represents a significant investment that the City of Burnsville is committed to making to improve accessibility in the City. A systematic approach to providing accessibility will be taken in order to absorb the cost into the City of Burnsville budget for improvements to the public right of way.

Appendix F – Public Outreach Material

Insert materials from public outreach.

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Appendix G – Public Notice

As part of the ADA requirements the City 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 Burnsville 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 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 program, service, or activity, should contact the office of Steve Albrecht 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 H – Grievance Procedure

Prior to filing a grievance the public is strongly encouraged to contact the ADA Coordinator to discuss any concerns regarding City facilities. The ADA Coordinator role is designed to provide a point of contact for the public to address concerns. Contact information for the ADA coordinator can be found in Appendix D of this document.

City of Burnsville

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 by the City of Burnsville Public Works. 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 15 calendar 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 15 calendar 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 City 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 Manager or his/her designee.

Within 30 calendar days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after the meeting, the City Manager or his/her 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 Manager or his/her designee, and responses from these two offices will be retained by the City in accordance with state and federal law.

City of Burnsville Grievance Procedure

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

- Internet
Visit the City of Burnsville website and click the “ADA” link to the ADA Grievance Form. A copy of The ADA Grievance Form is included with this document in Appendix I.
- Telephone
Contact the pertinent City staff person listed in the Contact Information section of Appendix D to submit an oral grievance. The staff person will prepare and submit the grievance form on behalf of the person filing the grievance.
- Paper Submittal
Contact the pertinent City staff person listed in the Contact Information section of Appendix D to request a paper copy of the City’s grievance form, complete the form, and submit it to the Responsible Party. A staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

The ADA Grievance 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 Burnsville facility, the City will work with the complainant to contact the agency that has jurisdiction.

Within 60 calendar days of receipt, a City of Burnsville 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 City’s 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 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 Burnsville.

Accordingly, the resolution by the City of Burnsville 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
(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 I – Grievance Form

See following four pages for grievance form.

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City of Burnsville Public Works
Title II of the Americans with Disabilities Act and
Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on the last page.

Complainant Name:

Street Address:

City, State and Zip Code: Telephone (Home): Telephone (Business):

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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):

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Have prior efforts been made to resolve this complaint through the City of Burnsville 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: -----

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Return to:

Steve Albrecht, P.E.

Or Current Public Works Director

100 Civic Center Parkway, Burnsville, MN 55337

Steve.Albrecht@burnsvillemn.gov

NOTICE OF RIGHTS

In accordance with the Minnesota Government Data Practices Act, the City of Burnsville 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:

City of Burnsville officials, staff or designee

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

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

MINN. STAT. §13.04(2)