



# HUTCHINSON

A CITY ON PURPOSE.

## 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 Hutchinson 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 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 City 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 of Hutchinson programs, practices, or building facilities not related to public rights of way.**

# Self-Evaluation

## Overview

The City of Hutchinson 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

From 2016 through 2019, the City of Hutchinson conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- 31.18 miles of sidewalks
- 1151 curb ramps
- 26.51 miles of trails (does not include 4.25 miles of Luce Line State Trail)
- 0 traffic control signals (all TCS are in MnDOT ROW)
- 5 pedestrian crossings with RRFB signals (in City ROW)
- 12 public downtown parking lots

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

## Policies and Practices

### Previous Practices

Since the adoption of the ADA, City of Hutchinson 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 updated their procedures to accommodate these methods.

Recent City projects that involved ADA improvements to sidewalks/trails and pedestrian ramps include:

- L1P20-01 – Main Street Reconstruction
- L1P20-02 – Highway 7 & Montana Street Crossing Improvements
- L1P19-01 - 5th Ave S Recon SAP 133-108-006
- L2P19-02 - South Grade Rd Corridor Imp SAP 133-130-002
- L1P18-01 - Century Ave SE Recon SAP 133-125-002

### Policy

The City of Hutchinson'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 G. 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 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 and ordinances set forth by the City.

- § 90.12. Right-of-Way Patching, Restoration, and Construction
- § 90.15. Other Obligations
- City of Hutchinson Sidewalk Policy

Requests for accessibility improvements can be submitted to the City Engineer. Contact information for the City Engineer is located in Appendix A.

## Improvement Schedule

### Priority Areas

The City of Hutchinson has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their 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 as identified in the 2019 self-evaluation are as follows:

- ISD #423 Safe Routes to School Plan area
- Downtown Area
- South Business Area
- City Parks Access
- City of Hutchinson Transportation Plan (2012)

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 Hutchinson. The City will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes.

### Schedule

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

- Incorporate ADA compliant infrastructure to the maximum extent practicable on all City street improvement projects. 100% of accessibility features that are to be reconstructed will be ADA compliant, whenever feasible.
- Accessibility features within the priority areas identified will be made ADA compliant based on available resources.
- Reasonable accommodation will be made by the City to address specific ADA infrastructure on a case by case basis and as resources are available.

### ADA Coordinator

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

## **Implementation Schedule**

### **Methodology**

The City of Hutchinson 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 City of Hutchinson staff. The City CIP, which includes a detailed schedule and budget for specific improvements, is included in Appendix F.

### **Public Outreach**

The City of Hutchinson 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 Hutchinson.

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

- City of Hutchinson Website Posting
- Hutchinson City Council Presentation

This document was also available for public comment. A summary of comments received and detailed information regarding the public outreach activities are located in Appendix C.

### **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 D. If users of the City of Hutchinson 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 D.

### **Monitor the Progress**

This document will continue to be updated as conditions within the City evolve.

The appendices in this document will be updated periodically, while the main body of the

document will be updated every 5 years with a future update schedule to be developed at that time. With each main body update, a public comment period will be established to continue the public outreach.



## **Appendices**

**A. Contact Information**

**B. Glossary of Terms**

**C. Public Outreach**

**D. Grievance Procedure**

**E. Self-Evaluation Results – Public Right of Way**

**F. Schedule/Budget Information – Public Right of Way**

**G. Agency Design Standards and Procedures**

**H. Maintenance of ADA Facilities in Public Right of Way**

**I. City Public Parking Lots Handicapped Parking Self Evaluation**

## **Appendix A – Contact Information**

### **ADA Title II Coordinator**

Name: City Administrator  
Address: 111 Hassan Street SE  
Hutchinson, MN 55350  
Phone: 320.234.5650  
Fax: 320.234.4240  
E-mail: [mjaunich@ci.hutchinson.mn.us](mailto:mjaunich@ci.hutchinson.mn.us)

### **Public Right of Ways ADA Implementation Coordinator**

Name: City Engineer  
Address: 111 Hassan Street SE  
Hutchinson, MN 55350  
Phone: 320.234.4209  
Fax: 320.234.4240  
E-mail: [kexner@ci.hutchinson.mn.us](mailto:kexner@ci.hutchinson.mn.us)

## Appendix B – Glossary of Terms

**ABA:** See Architectural Barriers Act.

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

**ADA Transition Plan:** City of Hutchinson’s plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the City’s Capital Improvement Plan, and ensures all transportation facilities, building, 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 City of Hutchinson includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the City’s transportation system and facilities.

**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 C – Public Outreach**

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

- Public Meeting – A Public Meeting on the ADA Transition Plan held on August 24, 2021 at the regularly scheduled City Council meeting.
- Notice on City Facebook Page – A notice was published prior to the public meeting on the City Facebook page in August 2021, giving the time and the date of the public meeting on the plan. It also provided the City website information to access the electronic version of the plan for review.
- The draft plan was posted on the City website prior to the public meeting.

## **Appendix D – Grievance Procedure**

### **Overview**

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



## **NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT**

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the City of Hutchinson 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, of the City of Hutchinson should contact the office of the City Administrator, 111 Hassan Street SE, Hutchinson, MN 55350 or (320)234-5650 as soon as possible but no later than 48 hours before the scheduled event.

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

Complaints that a program, service, or activity of the City of Hutchinson is not accessible to persons with disabilities should be directed to the office of the City Administrator, 111 Hassan Street SE, Hutchinson, MN 55350 or (320)234-5650.

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.

**City of Hutchinson**  
**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 Hutchinson. The City of Hutchinson'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 his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Office of the City Administrator**

**111 Hassan Street SE**  
**Hutchinson, MN 55350**

Within 15 calendar days after receipt of the complaint, City Administrator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, City Administrator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Hutchinson and offer options for substantive resolution of the complaint.

If the response by the City Administrator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Administrator or his/her designee.

Within 15 calendar days after receipt of the appeal, the City Administrator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Administrator 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 City Administrator or his/her designee, appeals to the City Administrator or his/her designee, and responses from the City of Hutchinson will be retained by the City of Hutchinson for at least seven years.



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 Hutchinson.

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

#### File Maintenance

The City shall maintain ADA grievance files for a period of seven years.

Complaints of 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 - NYA  
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.



**Title II of the Americans with Disabilities Act  
Section 504 of the Rehabilitation Act of 1973  
Discrimination Complaint Grievance Form**

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant: \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone (Home/mobile): \_\_\_\_\_ (Work): \_\_\_\_\_

Person Discriminated Against (if other than the complainant): \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone (Home/mobile): \_\_\_\_\_ (Work): \_\_\_\_\_

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

When did the discrimination occur (date/ period of time): \_\_\_\_\_

Describe the acts of discrimination and/or alleged violation providing the name(s) where possible, of the individuals who discriminated (attached additional pages if necessary):

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

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:\_\_\_\_\_

Address:\_\_\_\_\_

City, State and Zip Code:\_\_\_\_\_

Telephone:\_\_\_\_\_

Date Filed:\_\_\_\_\_

Do you intend to file with another agency or court?

Yes\_\_\_ No\_\_\_

Agency or Court:\_\_\_\_\_

Address:\_\_\_\_\_

City, State and Zip Code:\_\_\_\_\_

Telephone:\_\_\_\_\_

Signature:\_\_\_\_\_

Date:\_\_\_\_\_

## **Appendix E – Self-Evaluation Results – Public Right of Way**

This initial self-evaluation of pedestrian facilities yielded the following results:

- 54% of sidewalk and trail segments met accessibility criteria
- 33% of curb ramps met accessibility criteria
- 1% intersection crossings did not have any curb ramps
- 100% of traffic control signals (MnDOT owned) had push buttons that are accessible, or had the pedestrian indications on recall
- 100% of pedestrian crossing signals (RRFB) met accessibility criteria

### **Insert detailed self-evaluation results here:**

Detailed self-evaluation information is available for the following infrastructure upon request:

- Ped ramps
- Sidewalks
- City Parking Lots
- RRFBs locations

## Appendix F – Schedule / 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 2011 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: +/- \$4,000 per corner

Sidewalk / Trail ADA improvement retrofit: +/- \$8.00 per SF

#### 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:

- ISD #423 Safe Routes to Schools areas
  - \$758,080
- Downtown Area
  - \$324,544
- South Business Area
  - \$277,920
- City Parks Access
  - \$36,000

#### Entire Jurisdiction

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility within the entire jurisdiction is \$1,396,544. This amount signifies a significant investment that the City of Hutchinson is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken in order to absorb the cost into the City of Hutchinson budget for improvements to the public right of way. The City of Hutchinson will continue to incorporate ADA accessibility standards for all projects part of the City of Hutchinson's 5 year Capital Improvement Plan. The City of Hutchinson's 5 year Capital Improvement Plan is available upon request at Hutchinson City Center.

# **Appendix G – 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**

Currently there are no designated bus stops in the City of Hutchinson. Should bus stops get installed in the future, the City will ensure these facilities meet all appropriate accessibility standards.

### **Other Transit Facilities**

Currently there are no additional transit facilities in the City of Hutchinson. When and if they are constructed, the City will work to ensure 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 Hutchinson has 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 H – Maintenance of ADA Facilities in Public Right of Way Policy

## Maintenance

### Sidewalks/Curb Ramps/Trails

Sidewalk, curb ramp, and trail maintenance within the City of Hutchinson corporate limits is generally the responsibility of the adjacent landowner to maintain. A copy of the City's ordinances pertaining to sidewalk, trail, and curb ramp maintenance can be found after this section. Maintenance activities performed by adjacent landowners generally includes, but is not limited to snow removal, mowing adjacent to sidewalk/trail/boulevard, replacing cracked sections in which a lip of greater than ¼" is present, tapering lips less than ¼". The City is responsible for replacing non-compliant curb ramps within the public right of way. These are generally upgraded to current ADA standards when capital improvement projects are done on the adjacent street or streets.

The City of Hutchinson also has permits in place that landowners must obtain through the City for replacement or retrofitting of existing sidewalks. The permits require that City staff review plans, perform a pre-construction inspection of the forms/grade, and a site inspection after work is completed to ensure the private contractor has performed and constructed the work within ADA guidelines.

### City Ordinances Pertaining to Maintenance

#### § 90.12. Right-of-Way Patching, Restoration, and Construction

(C)*Sidewalk, Curb and Gutter; Construction.* Methods of procedure:

- (1) *Primary responsibility.* It is the primary responsibility of the owner of property upon which there is abutting any sidewalk to keep and maintain that sidewalk in safe and serviceable condition.
- (2) *Notice; no emergency.* Where, in the opinion of the City Engineer, no emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. The notice shall require completion of the work within ninety (90) days, and shall be mailed to the owner or owners shown to be owners on the records of the county officer who mails tax statements.
- (3) *Notice; emergency.* Where, in the opinion of the City Engineer, an emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. The notice shall require completion of the work within ten days,



and shall be mailed to the owner or owners shown to be owners on the records of the county officer who mails tax statements.

- (4) *Failure of owner to reconstruct or make repairs.* If the owner of the abutting property fails to make repairs or accomplish reconstruction as herein required, the City Engineer shall report that failure to the Council and the Council may order the work to be done under its direction and the cost thereof assessed to the abutting property owner as any other special assessment.
- (5) Abutting or affected property owners may contract for, construct or reconstruct roadway surfacing, sidewalk or curb and gutter in accordance with this section if advance payment is made therefor or arrangements for payment considered adequate by the City are completed in advance.
- (6) With or without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, M.S. Ch. 429, as it may from time to time be amended.

**§ 90.15. Other Obligations.**

- (A) *Compliance with Other Laws.* Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the City or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minnesota Statutes, Section 216D.01-.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.
- (B) *Prohibited Work.* Except in an emergency, and with the approval of the City, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.
- (C) *Interference with Right-of-Way.* A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with City parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.
- (D) *Trenchless excavation.* As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes Chapter 216D and Minnesota Rules Chapter 7560 and shall require potholing or open cutting over existing

underground utilities before excavating, as determined by the City Engineer.

(E) *Obstructions in Right-of-Way.* It is a misdemeanor for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any street without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of that permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

(1) *Fires.* It is a misdemeanor for any person to build or maintain a fire upon a right-of-way.

(2) *Dumping in Streets.*

(a) It is a misdemeanor for any person to throw or deposit in any street any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemical thereon, except for leaves raked into the gutter line specifically for and in compliance with a municipal leaf pick up program.

(b) It is a violation of this section to haul any material of this type, inadequately enclosed or covered, thereby permitting the same to fall upon streets.

(c) It is also a violation of this section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the City.

(3) *Signs and Other Structures.* It is a misdemeanor for any person to place or maintain a sign, advertisement or other structure in any street without first having obtained a written permit from the City. In a district zoned for commercial or industrial enterprises, special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon terms and conditions as may be set forth in the zoning or construction provisions in Title XV of this code of ordinances.

(4) *Placing Snow or Ice in a Roadway or on a Public Sidewalk or Trail.*

(a) It is a misdemeanor for any person not acting under a specific contract with the City, or without special permission from the City Administrator, to remove snow or ice from private property and place the same in any roadway. Snow or ice on driveways, sidewalks and the like shall not be pushed across traveled portions of roadways and may only be stored on private property or on rights-of-way

adjacent to the private property. The City may assess the cost of removal of snow or ice against the affected property owner pursuant to the provisions of § 90.32, (C) of this chapter.

(b) Where permission is granted by the City Administrator, the person to whom that permission is granted shall be initially responsible for payment of all direct or indirect costs of removing the snow or ice from the street or sidewalk. If not paid, collection shall be by civil action or assessment against the benefitted property as any other special assessment.

(F) *Uses of Right-of-Way.* Purpose: Rights-of-way provide many public benefits, including providing for placement of utilities, roadway safety and maintenance, and access to and protection of private property. Therefore, the City of Hutchinson regulates utilization of rights-of-way to retain these and other public benefits of rights-of-way.

(6) Other uses of rights-of-way.

(a) No use of rights-of-way shall cause a nuisance, hazard, danger, or sight obstruction for any traffic, vehicles, pedestrians, or bicyclists using the right-of-way. The City may at its discretion remove, or order to be removed, at the owners expense, any property causing such nuisance, hazard, danger or sign obstruction and/or require appropriate warnings be placed.

# Appendix I – Handicapped Parking Self Evaluation

## Downtown Parking Lots

Evaluation Date: January 6, 2020

Self-evaluations for each of the 12 downtown public parking lots is available upon request. The evaluations were done using the following form.

### Parking

1. Parking areas associated with building facilities shall provide accessible parking spaces in accordance with the following table.

Total Parking Spaces in Lot	Required Min. Number of Accessible Spaces	Van Accessible Spaces Required
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1,000	2 Percent of Total	1 for every 6 accessible spaces
1,001 and Over	20 Plus 1 for each 100 over 1000	1 for every 6 accessible spaces

Yes No

Notes \_\_\_\_\_

2. Each accessible parking space is at least 8 feet wide. Yes No

Notes \_\_\_\_\_

3. Each accessible space shall have a sign showing the International Symbol of Accessibility and notification that violators are subject up to a \$200.00 fine. Yes No

Notes \_\_\_\_\_

4. Each sign shall be centered at the head end of the space and mounted between 60 inches to 66 inches above the parking surface measured to the bottom of the sign. Yes No

Notes \_\_\_\_\_

5. One in six accessible parking spaces shall be van accessible (having a height clearance of 98 inches minimum) Yes No N/A

Notes \_\_\_\_\_

6. Where not all accessible spaces have the 98 inch minimum clearance, van accessible spaces shall provide a sign indicating "van accessible". Yes No N/A

Notes \_\_\_\_\_

7. All accessible parking spaces shall have an adjacent access aisle measuring a minimum of 8 feet in width. Two parking spaces can share the same access aisle. Yes No

Notes \_\_\_\_\_

8. Van accessible parking spaces that are angled shall have the access aisle located on the passenger side of the parking space. Yes No N/A

Notes \_\_\_\_\_

9. Each access aisle shall be provided with a sign indicating "No Parking". Yes No N/A

Notes \_\_\_\_\_

10. Access aisle signs shall be centered at the head end of the access aisle and mounted between 60 and 66 inches above the surface of the access aisle measured to the bottom of the sign. Yes No N/A

Notes \_\_\_\_\_

11. Where the access aisle sign would obstruct a curb ramp or pedestrian route, the no parking designation shall be provided on the surface of the access aisle. Yes No N/A

Notes \_\_\_\_\_

12. Where the parking space and access aisle are located in an enclosed structure or otherwise protected from the elements, the no parking designation shall be permitted to be provided on the surface of the access aisle. Yes No N/A

Notes \_\_\_\_\_

13. The slope of each accessible parking space and access aisle shall not exceed 1:48. Yes No

Notes \_\_\_\_\_

14. Each access aisle shall connect to an accessible route. Yes No N/A

Notes \_\_\_\_\_

15. Accessible spaces shall be located as near as possible to an accessible building entrance. Yes No N/A

Notes \_\_\_\_\_