



Legislation Text

File #: RES 16-88, **Version:** 2

Approving revisions to the City's Public Works Department Americans with Disabilities Act (ADA) Transition Plan.

WHEREAS, following a harsh winter in 2013, the City of Saint Paul adopted a plan to accelerate mill and overlay resurfacing of twenty of the most critical streets over a two-year period; and

WHEREAS, the City completed mill and overlay construction on city streets in the fall of 2014; and

WHEREAS, three Claimants have asserted that the City violated the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act, and the Minnesota Human Rights Act by failing to bring non-compliant curb ramps on the streets that underwent mill and overlay construction into compliance with current accessibility standards; and

WHEREAS, the City of Saint Paul Department of Public Works has an ADA Transition Plan in place, adopted by this Council on April 21, 2010, Resolution #10-394 and most recently revised October 7, 2014; and

WHEREAS, the City Attorney recommends that the Public Works ADA Transition Plan be amended, which will allow the City to resolve the differences with the Claimants rather than engage in litigation.

NOW, THEREFORE, BE IT RESOLVED,

The City Council hereby authorizes the Director of Public Works to make the following changes to its Pedestrian Curb Ramp Policy:

1. The City will delete Paragraph 4 of Page 9 of its ADA Transition Plan and Pages 10-12.
2. The City will add the following language following Paragraph 3 on Page 9 of its ADA Transition Plan:

The City of Saint Paul is required to comply with the accessibility requirements of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Minnesota Human Rights Act when it completes alterations of city streets. "Alterations" are defined by law and include projects such as new construction, reconstruction and mill and overlay projects. These laws state that whenever the City completes an alteration of a city street, it must install a new curb ramp that meets current accessibility standards at locations where no curb ramp exists, and bring all existing curb ramps into compliance with current accessibility standards.

When the City alters city streets, the City will comply with the following procedure:

1. The City will identify all intersections on altered streets that do not contain a curb ramp, and will identify all existing curb ramps on altered streets that do not comply with the accessibility standards in place at the time of the alteration.

2. The City will install new curb ramps that comply with the accessibility standards in place at the time of the alteration at any corner that does not contain a curb ramp.
3. The City will bring all existing curb ramps on altered streets into compliance with the accessibility standards in place at the time of the alteration.