

MnDOT's ADA Accessibility Advisory Committee

Room G14

June 20, 2013

WELCOME AND INTRODUCTIONS

Kristie Billiar welcomed members to the committee. Ron Biss, Ken Rodgers, Michelle Huettl, Todd Grugel, Kristin Jorenby, Jean Wallace, Laurel Janisch, and Kristie Billiar were in attendance. Cindy Tarshish and Lynnette Geschwind arrived later.

APPROVE AGENDA

Agenda was approved as presented.

OLMSTEAD PLANNING

The committee began meeting in February. It is composed of quite a few state agencies. The committee prepared templates and cross-agency opportunities. There are bureaucratic issues surrounding Olmstead. More coordination is necessary. A cross-agency template between MnDOT and the Department of Human Services has been created. MCODA's purpose is to focus on transit issues. The group exists under Legislative mandate and its existence was extended indefinitely by the last legislature. It is essential for the State to have multi-modal connections with local cities and counties, as well as private transit connections. How should we make cities and counties aware of this and what impact the requirements could have on them? Cities and counties currently aren't being engaged beyond commenting on existing plans.

Ken inquired if cities and municipalities meet together with the state regularly. Kristie said that parts of them do. If we want to present Olmstead information at their winter meeting, we should probably be indicating our desire to do so at this time. Todd inquired if it would be to speak regarding infrastructure. Kristie said that it would be. Cities and counties must coordinate their infrastructure with MnDOT's. Because this is part of a settlement, and the judge overseeing this situation is very persnickety, it will probably be required to move quicker than anticipated. At a recent working group meeting, Kristie inquired what the branding of Olmstead would be and how they wished to see it integrated. However, she did not receive much response. She also inquired how do we consistently discuss this across the agency, and not much response was received. Kristen said that half the agencies have no understanding about this at all. This was the result of the MEDO settlement with regard to the Cambridge State Hospital and their consistent use of restraints. The settlement provided that an Olmstead plan be developed, as well as an award of cash settlements to affected parties. A complete overhaul was made of any physical or chemical restraints used by the State. Kristin noted that the Department of Justice has expanded their investigation to other states. Housing, employment and sheltered employment are all being investigated. She suspects transportation will be reviewed next. Multi-modal connections to regional transportation are of prime concern. The Office of Transit has a mandate to identify how they would meet 100% of requested unmet needs. The last 10% may be more expensive than the previous 90%. We are uncertain where reasonability begins and ends. Within DHS, what type of transportation is available to you depends upon what program you are in. You may be allowed a Homemaker or a PCA.

They are allowed to shop with you, but not for you. Ron said that pills may not be approved, but the expense of acupuncture may be approved, including the expense of transportation. Kristin said that there is a lack of flexibility in how funds can be used. She added that scales of time and responsiveness are very different. She suspects it will be another 1 ½ years before transportation is called on this. Ken inquired if there is anything transportation can do prior to this time. The planning department will need to determine what they can do to include Olmstead in its planning. It must also plan, so as to not preclude future transportation opportunities. Ken inquired if rural areas still use a lot of volunteer transportation providers. Kristie replied that there are probably lots of volunteer drivers that help in rural communities. This also needs to be discussed with communities in the broadest sense possible.

TRANSITION PLANNING

All inventories have been completed. Kristie doesn't believe there will be lots of substantive changes. She would like to keep the transition plan in its holding pattern until the Olmstead plan has been completed. Our relationships with other agencies need to be considered. The transition plan was to be reviewed again in two years, and it was redone minimally. Part of the revision was dependent upon completion of inventory. An annual update of the inventory will need to be included as part of the transition plan.

APRIL 5 PLANNING MEETING

Todd explained that he has been out on projects throughout the state and he has noticed that PROWAG has its limitations. Some projects need to be revisited, because we had a small ADA scope. We need more flexibility to make the longer fix. Short-sighted solutions fix only the problem, but don't provide the solutions. He received lots of agreement that long term should be considered from MnDOT management, but as yet to see how projects are approached. Kristie also discussed problems with standalone sidewalks vs. those sidewalks right along the curb. Ken noted said that MnDOT's transition plan has miles of sidewalks, as will the counties, and probably eventually the cities. He inquired if there is a way for MnDOT to prepare a new model of collaboration with the unemployed to prepare sidewalks. Todd agreed the collaborative approach would be good, but it would be hard to get locals to give up their control. State highways came after the fact, they may have already had an existing sidewalk, or a need was identified by the cities. Kristie discussed the cost sharing program. Ron was interviewed for the summit, as well as three others. Kristie said that she believes the day was quite a milestone, something we couldn't have imagined even two years ago. Quality, as well as efficiency was discussed. MnDOT is trying to move to a shared services system. The maintenance staff and district design staff have become very slim. Ken inquired if there is a piece in our transition plan that addresses education and training. Kristie and Todd said that they have been providing a significant amount of training. Ron inquired if inspectors can be required to sign off on ADA projects. Todd said that projects must be signed off and inspected. Two student workers were hired to check on consistency of state inspectors.

CO-CHAIR SHIP

Kristie noted that Ken now holds the position at MnDOT previously held by Bruce Lattu. As such, he can no longer function as co-chair. A new co-chair needs to be identified. Cindy said that her biggest

concern is a lack of participation by private citizens. The committee agreed additional membership should be explored, including contacting a couple people who participate on the TAC committee. Cindy agreed to be co-chair.

RON NOMINATED CINDY TO BE THE CO-CHAIR.

Cindy announced that the ADA celebration will be held July 26 from 1:00-3:00 pm at the Elmer Anderson Building. Part of the meeting focused on clarifications for service animals and Olmstead. Service animals must be trained for a particular task and must have some type of identification.

MEMBERSHIP AND FACILITATION

Kristie noted that last summer the committee considered having Rose Marie come in and facilitate a meeting. She inquired if the committee needs its direction identified first, or if it should first find new members. Kristie noted that the committee had come to an agreement on an application. However, it was split on whether to advertise or do an open call. Ken would like the idea of a targeted application so we can determine where we want coverage, and then seek applicants. Ron agreed, some individuals dominate a meeting with their own agenda, and then you don't get anywhere. If we invite, we can get targeted individuals. Cindy agreed we should fill in with various representations. Ron said the committee's weakness is outside the metro area. Ron asked if there aren't regional disabilities centers. It was agreed that we have that as well as Centers for Independent Living. Ron asked if we could also put something in Access Press indicating a desire for members from outstate areas. Cindy could put out a blurb to Centers for Independent Living. We need to determine the outcome of the facilitation. Kristie said it would be to reaffirm our purpose, expansion if necessary, etc. The committee would like to meet the new Commissioner. Kristie agreed to pursue a targeted application process. She would also recommend an off-site meeting separate from our regular meeting. Cindy and other committee members will e-mail dates that won't work between now and the end of the year.

MnDOT UPDATES

Kristie reported that MnDOT requested \$5 million for the next two-year biennium, in addition to the stand alone funding it currently has. The concept behind this request was for scope enhancement. It provides a means to improve ADA projects, and not just fix them. The funding is to provide for things in a pinch, when money is not available. It will not be distributed through formula funds. It may come close, but we won't be constrained by that. Approximately \$2,000,000 will be spent in 2014 and \$3,000,000 in 2015. To fully scope a job, we are tweaking what we are doing. We are already talking about 2017 projects. Todd is currently spending weeks on the road, scoping projects.

In addition, staff reviewed a version of PROWAG called PRO. PRO language still doesn't give succinct language for shared trails. She doesn't have a timeline for finalization of PRO; however, Kristie hopes to have it finalized by this fall. MnDOT's biggest shift will be around APS threshold requirements. Previously they had to be updated whenever there was a software update. The threshold was bizarre, in that there may only be a software patch and they would need to be updated. MnDOT provided many comments regarding this, but no changes have yet been made. By the end of this construction season,

one-third of all MnDOT systems will be APS. Maintaining two percent slope design in crosswalks is also something MnDOT has held onto. The Access Board's original rule was that they wanted the entire introduction tabled. Todd said that this can only be done on some projects. With regard to local transition plans they will be in conversation with State Aid about how this is going to be done. Kristie noted that the Local Road Research Board ("LRRB") funded a model transition plan, however, she still has some concerns about that, as they miss due diligence. Some cities have made contrary decisions about when they will build curb ramps. If a project has federal aid money in place, MnDOT needs to monitor projects since they have transition plans, as she believes it is then a liability issue for MnDOT with regard to the federal aid side.

SUB-COMMITTEE REPORTS

- **COMPLAINT STATS**

Sixteen ADA complaints and nine non-ADA complaints were received. Metro has been working diligently with the cities to resolve this issue.

MEMBER CONCERNS

No additional concerns were discussed.

ADJOURN

Meeting was adjourned at 3:25 p.m.

Minutes submitted by,

Laurel Janisch

Office and Administrative Specialist Sr.