

# ADA and Section 504 Transition Plan



Brown County Planning Commission/Green Bay MPO

February 2020

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# 1. Introduction

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and went into effect in 1991. The ADA provides broad protections against discrimination for individuals with disabilities in:

1. Employment
2. State and Local government programs and activities
3. Public accommodations
4. Communications
5. Miscellaneous

Title II of the ADA pertains to ADA regulations for state and local governments and is intended to ensure that individuals with disabilities are not discriminated against in the programs, activities, and services provided by government entities.

As a public entity for the Green Bay Urbanized Area, the Green Bay MPO is required under Title II of the ADA to develop an ADA Transition Plan to ensure the MPO's programs, services, and activities are compliant with ADA requirements. As a recipient of federal transportation funds, MPOs are also subject to regulations under Section 504 of the Rehabilitation Act of 1973. All MPO members in the Green Bay Metropolitan Planning Area are required to comply with Section 504 (29 U.S.C. 794) for all of their programs, activities, and services, regardless of funding source. This includes MPO members whose boundaries partially lie within the Green Bay Metropolitan Planning Area.

To comply with Title II and Section 504 requirements, a review of the MPO's programs, services, activities, and transportation facilities across the Green Bay Metropolitan Planning Area was carried out to identify any barriers within MPO activities and programs that prevent the full participation for individuals with disabilities. This ADA/Section 504 Transition Plan summarizes the results of the review, and documents how the MPO will remove accessibility barriers for individuals with disabilities.

## 1.1 Purpose

The development of an ADA/Section 504 Transition Plan is a federal requirement under 28 CFR Part 35 Sec. 35.150 (4)(d) of the Americans with Disabilities Act. A transition plan is required to include, at a minimum, an evaluation of the MPO's programs, services, and activities that identify physical barriers or areas of non-compliance with ADA/Section 504 requirements, and develop a detailed plan for removing those barriers and bringing facilities up to compliance with all applicable standards.



## 1.2 Project Scope

In addition to the MPO's programs and activities, this plan evaluates the compliance with ADA/Section 504 requirements for pedestrian facilities within the public right-of-way throughout the Green Bay Metropolitan Planning Area, and transit facilities and services provided by Green Bay Metro. This plan does not include the programs, services, and activities provided by MPO members. Although the Green Bay MPO is not directly responsible for pedestrian facilities within the public right-of-way, the MPO is required to develop an ADA Transition Plan as a public entity, and recipient and distributor of federal transportation funds to ensure that the programs, activities, and services provided by the MPO are accessible and usable for individuals with disabilities.

## 1.3 Overview of the ADA and Section 504

### **Americans with Disabilities Act**

The Americans with Disabilities Act was first signed into law in July 1990. The law provides broad protections against discrimination for individuals with disabilities. The United States Access Board (USAB) is the agency responsible for developing technical guidance to implement ADA requirements into an entity's programs, services, and activities.

The U.S. Department of Justice is the primary federal authority for overseeing ADA compliance. Subpart G of the ADA grants other federal agencies statutory authority to enforce ADA compliance for facilities and programs under their jurisdiction. The *2010 Americans with Disabilities Accessibility Guidelines* (ADAAG) is the current enforceable standard for ADA compliance at the federal level. Federal requirements for ADA compliance do not preclude state and local governments from adopting ADA requirements that promote greater accessibility and usability for individuals with disabilities.

The U.S. Access Board has developed a draft document of technical guidance for pedestrian facilities, known as the *Public Right-of-Way Accessibility Guidelines* (PROWAG). Design standards in this manual cover pedestrian facilities included in the ADAAG and provide technical guidance for pedestrian facilities that are not included under the current ADAAG. While this manual is the standard used by some state and local governments, it has yet to be adopted at the federal level, and as such, serves as a best practices document, with the 2010 ADAAG remaining the legal standard.

### **Section 504 of the Rehabilitation Act – 1973**

Section 504 of the Rehabilitation Act of 1973 states that, "no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any programs or activity receiving Federal financial assistance." The intent of Section 504 is to ensure that programs and activities that receive federal funds do not discriminate against individuals with disabilities. Section 504 protections extend to all of an entity's facilities and projects, regardless of funding source.

Detectable warnings at curb ramps are a requirement under Section 504 guidelines. The requirement for detectable warnings at curb ramps was removed as an ADA requirement following the adoption of the 2010 ADAAG. There were two periods (from May 12, 1994 – July 26, 1998, and December 23, 1998 – July 26, 2001), when the requirement for detectable warnings at curb ramps was suspended pending additional research and consideration. Curb ramps installed during that time are granted safe harbor and are not required to be brought up to the current standards, as long as they met all other requirements established under the 1991 ADAAG.

## **ADA's and Section 504's Relationship to State and Local Laws**

The ADA and Section 504 provide the minimum requirements that must be met in order to be ADA/Section 504 compliant under federal law. The requirements established under these two laws do not preclude states and local municipalities from adopting ADA requirements that promote greater accessibility and usability for individuals with disabilities. States may also impose additional requirements as a condition of using state funds. For example, WisDOT can impose design requirements that promote greater accessibility and usability for pedestrian facilities than required under law for projects using WisDOT funds.

In Wisconsin, the *Facilities Development Manual* (FDM) provides policy, procedural requirements, and technical and design guidance for the construction of pedestrian facilities encompassing the state highway system, street/highway systems for which federal aid highway funds may be used, and street/highway facilities that receive WisDOT funds or where WisDOT may act as an administrative agent. Although this manual serves as a non-legally binding, best practices manual, local governments receiving funding from WisDOT are required to comply with the FDM standards as a condition of using state funds.

## **Exemptions to Full ADA Compliance**

Technical design standards and requirements are provided in the ADA/Section 504 and ADAAG. However, ADA provides exemptions for situations where constraints prevent full compliance. These exemptions are provided by ADA under 28 CFR Subpart D, Section 35.150(a) (1-3), and are discussed in the following sub-sections. Exemptions provided under ADA apply only for existing facilities, and do not exempt an entity's obligation to comply with Section 504 requirements. The exemptions are intended to provide flexibility for entities to gradually bring existing facilities up to full compliance, and allow for unique circumstances where topographic constraints make it infeasible for newly constructed or altered facilities to be fully compliant. Additionally, ADA does not necessarily require an entity to make all of its existing facilities accessible and usable for individuals with disabilities. ADA requires that a program, service, or activity, when viewed in its entirety, is usable and accessible for individuals with disabilities.

### **Structural Impracticability (Section 35.151 (2)(i-iii))**

Full compliance is considered structurally impracticable when the unique characteristics of the terrain prevent the installation of accessibility features. When compliance is structurally impracticable, the facility is required to be made compliant to the maximum extent practicable. Additionally, in the event that providing accessibility for certain disabilities is structurally impracticable, the facility shall be made accessible for other types of disabilities. The onus for demonstrating structural impracticability is on the public entity.

### **Safe Harbor**

Section 35.151 (C) provides a safe harbor provision that states that facilities constructed or altered in accordance with the 1991 ADAAG or Uniform Federal Accessibility Standards (UFAS) before March 15, 2012 are not required to be retrofitted to the 2010 standards solely because of an alteration to the primary function area served by the path of travel.

### **Disproportionality**

Section 35.151 (C)(iii)(A) states that alterations to an accessible path are deemed disproportionate when the overall alteration exceeds 20% of the cost to the primary function area. In events where the cost is deemed disproportionate, the path of travel shall be made accessible to the extent without incurring disproportionate costs.



## 1.4 About the Green Bay MPO

The Green Bay MPO is located in northeast Wisconsin on the southern shore of the Bay of Green Bay. The boundaries of the Urbanized Area and Metropolitan Planning Area are shown in Figures 1.1 and 1.2 (pages 11 and 12). The Green Bay MPO covers the Green Bay Urbanized Area, home to over 200,000 residents, and includes the:

- City of Green Bay
- City of De Pere
- Village of Allouez
- Village of Ashwaubenon
- Village of Bellevue
- Village of Hobart (part)
- Village of Howard
- Village of Suamico (part)
- Town of Lawrence (part)
- Town of Ledgeview (part)
- Town of Rockland (part)
- Town of Scott (part)
- Town of Little Suamico (Part)

The population for Brown County is provided in Table 1 to the right.

The Green Bay MPO is responsible for carrying out transportation planning activities within the Green Bay Metropolitan Planning Area. The MPO also works closely with the urbanized area's transit agency, Green Bay Metro, to carry out transit planning activities for the agency.

### Oneida Nation

A portion of The Oneida Nation is located within the Green Bay Metropolitan Planning Area, including much of the Village of Hobart, and the western part of the City of Green Bay. Because it is a tribal entity, it is not subject to ADA and Section 504 requirements covered in this plan.

Table 1: Population of Brown County by Municipality, 1970 - 2019

Municipality	1970 Census	1980 Census	1990 Census	2000 Census	2010 Census	August 10, 2019 Estimate
T Eaton	1,049	1,106	1,128	1,414	1,508	1,648
T Glenmore	1,110	1,046	1,057	1,187	1,135	1,129
T Green Bay	958	1,106	1,292	1,772	2,035	2,126
T Holland	1,211	1,268	1,237	1,339	1,519	1,575
T Humboldt	1,101	1,281	1,334	1,338	1,311	1,346
T Lawrence	1,622	1,431	1,328	1,548	4,284	5,690
T Ledgeview	1,365	1,535	1,568	3,363	6,555	8,134
T Morrison	1,473	1,565	1,493	1,651	1,599	1,613
T New Denmark	1,203	1,420	1,370	1,482	1,541	1,566
T Pittsfield	1,647	2,219	2,165	2,433	2,608	2,758
T Rockland	983	882	974	1,522	1,734	1,846
T Scott	1,969	1,929	2,044	3,138	3,545	3,658
T Wrightstown	1,463	1,705	1,750	2,013	2,221	2,312
V Allouez	13,753	14,882	14,431	15,443	13,975	13,793
V Ashwaubenon	10,042	14,486	16,376	17,634	16,963	16,880
V Bellevue	1,736	4,101	7,541	11,828	14,570	15,556
V Denmark	1,364	1,475	1,612	1,958	2,123	2,212
V Hobart	2,599	3,765	4,284	5,090	6,182	9,599
V Howard *	4,911	8,240	9,874	13,546	17,399	19,680
V Pulaski *	1,717	1,875	2,200	3,013	3,321	3,408
V Suamico	2,830	4,003	5,214	8,686	11,346	12,735
V Wrightstown *	1,020	1,169	1,262	1,934	2,676	2,753
C De Pere	13,309	14,892	16,594	20,559	23,800	24,742
C Green Bay	87,809	87,899	96,466	102,767	104,057	105,693
<b>Brown County Total:</b>	<b>158,244</b>	<b>175,280</b>	<b>194,594</b>	<b>226,658</b>	<b>248,007</b>	<b>262,452</b>
<b>Communities Served by Green Bay Metro:</b>	<b>126,649</b>	<b>136,260</b>	<b>151,408</b>	<b>168,231</b>	<b>173,365</b>	<b>176,664</b>

Source: Wisconsin Department of Administration (DOA)

## Disability Characteristics across Brown County

A disability is defined in the Americans with Disabilities Act as, “a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment, or being regarded as having such an impairment” (28 CFR 35.108). The American Community Survey (ACS) provides estimates of the population of disabled individuals across six disability types<sup>1</sup>:

**Hearing Difficulty:** individuals who are deaf or hard of hearing

**Vision Difficulty:** individuals with vision impairments or blindness

**Cognitive Difficulty:** individuals with mental limitations including communication, cognitive functions, and social skills

**Ambulatory Difficulty:** individuals with mobility challenges including walking or climbing stairs

**Self-care Difficulty:** having difficulties bathing or dressing

**Independent Living Difficulty:** having difficulty conducting day-to-day tasks alone

Table 2 provides the breakdown for the population estimates with a disability across Brown County using American Community Survey (ACS) 2013-2017 5-year estimates. It is estimated that approximately 20 percent of the population in Brown County has a disability. 13,441 (5.3) percent of the population is estimated to have an ambulatory difficulty, highlighting the importance of ensuring that all transportation facilities and transit systems are fully accessible and usable for individuals with disabilities.

Table 2: Disability Characteristics of Brown County, WI

Brown County, Wisconsin		
Disability Type	Pop. Estimate With a Disability	Percent Estimate With a Disability
Total Estimate with a Disability	51492	20.2
Hearing Difficulty	7868	3.1
Vision Difficulty	3717	1.5
Cognitive Difficulty	12253	4.8
Ambulatory Difficulty	13441	5.3
Self-care Difficulty	4971	1.9
Independent Living Difficulty	9242	3.6

Source: U.S. Census Bureau, 2013 – 2017 American Community Survey 5-year Estimate

1. U.S. Census Bureau, website, accessed 8/8/2019; [https://www.census.gov/topics/health/disability/about/glossary.html#par\\_textimage\\_952582087](https://www.census.gov/topics/health/disability/about/glossary.html#par_textimage_952582087)

Figure 1.1: Green Bay MPO 2010 Urbanized Area Boundary

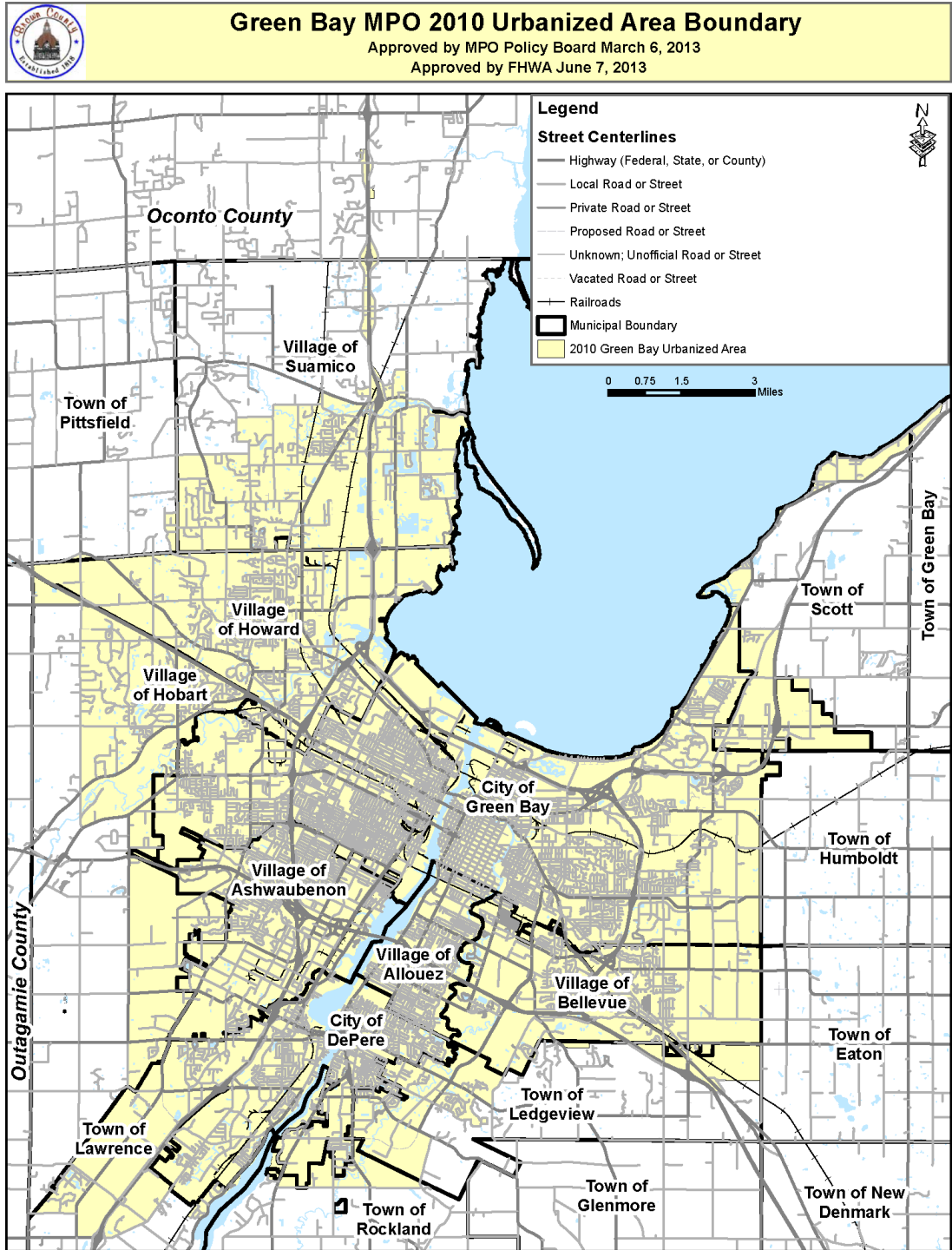
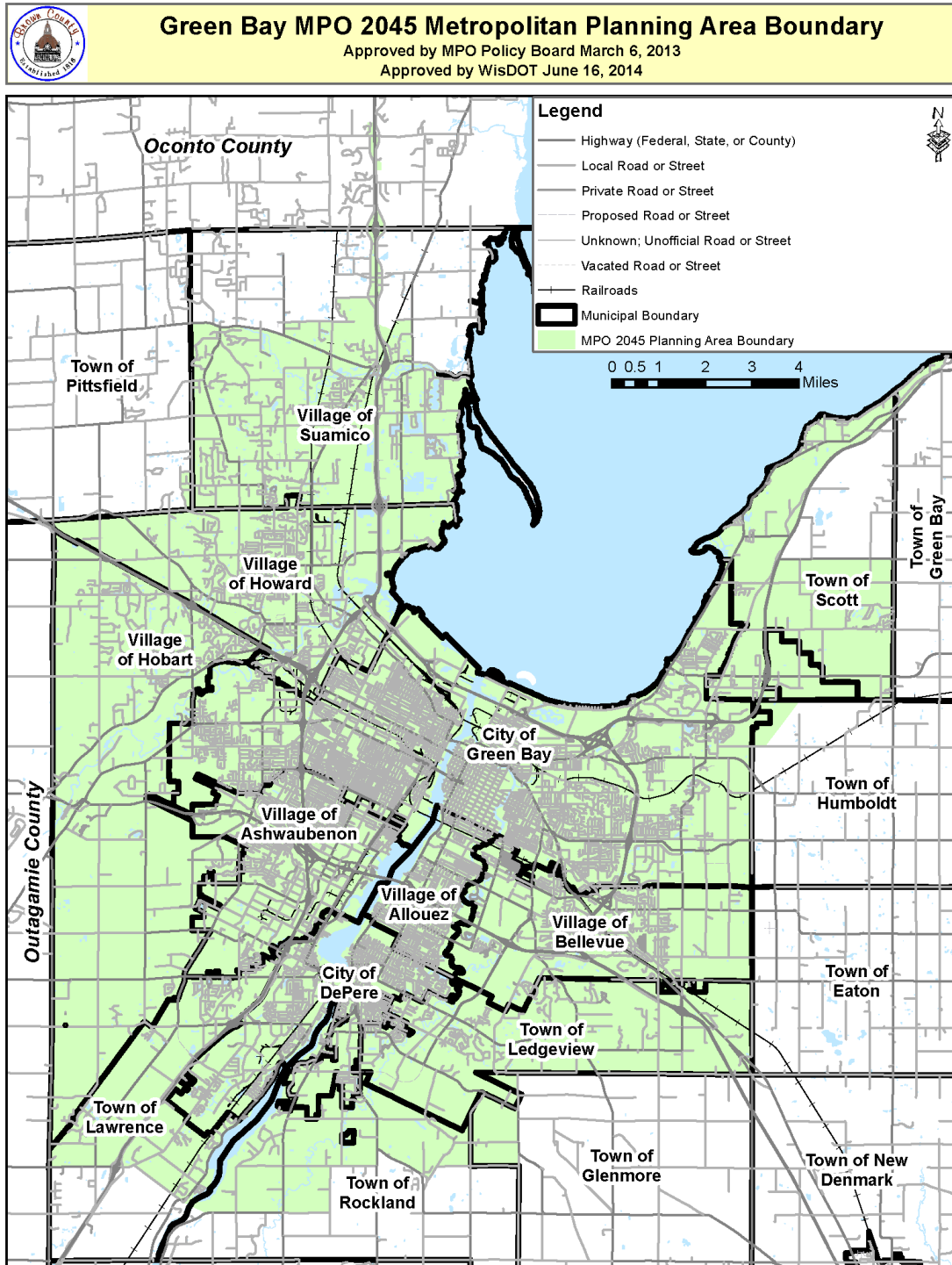


Figure 1.2: Green Bay MPO Metropolitan Planning Area Boundary



## 1.5 Planning Services Provided by the MPO

The Green Bay MPO is responsible for carrying out transportation planning activities for the Green Bay Metropolitan Planning Area. Conducting extensive public outreach and engagement with stakeholders is an integral component in the development of these activities. Key MPO planning documents that incorporate ADA requirements into projects and programs include:

**Metropolitan Long-Range Transportation Plan (LRTP):** a 20-year plan that outlines the existing transportation system, identifies future investments in transportation projects, and establishes federally-mandated performance measures for addressing transportation challenges across the Metropolitan Planning Area. Performance measures adopted by the MPO include strategies to improve pedestrian accessibility and compliance with ADA/Section 504 requirements.

**Transportation Improvement Program (TIP):** a 4-year document that outlines the federal funding allocation for highway, transit, and pedestrian transportation projects in the Green Bay Urbanized Area.

**Transportation Planning Work Program:** an annual publication that summarizes recent MPO planning projects, describes upcoming MPO projects, and outlines how federal, state, and local transportation funding will be spent on MPO activities.

**Transit Planning:** the MPO provides planning services for Green Bay Metro that guide operating and capital projects across Green Bay Metro's network.

**Coordinated Public Transit – Human Services Transportation Plan:** a plan that inventories existing transportation services provided through multiple funding programs for low-income, elderly, and disabled individuals, and provides recommendations for improving and expanding those services.

**Bike and Pedestrian Plans:** plans produced for MPO members that include Safe Routes To School plans which guide the development of bicycle and pedestrian facilities across the Metropolitan Planning Area, and include inventories of pedestrian facilities that do not meet ADA and Section 504 requirements.

**Congestion Management Process:** a short-range plan that assesses the performance of the transportation system and identifies methods for enhancing the mobility of people and freight.

**Public Participation Plan:** outlines the MPO's strategies for engaging stakeholders in the development of the MPO's Long-Range Transportation Plan, Transportation Improvement Program (TIP), and other planning documents developed by the MPO.

The MPO also has an active role in developing the transportation chapters of comprehensive plans developed by BCPC staff for communities in Brown County, and the MPO encourages MPO members to adopt smart growth policies that improve mobility and accessibility for all individuals, including individuals with disabilities. The MPO also provides guidance and resources on the relationship between transportation and the built environment into planning documents.

## 1.6 Previous ADA Compliance Studies

Although this is the first ADA/Section 504 Transition Plan for the Metropolitan Planning Area, ADA requirements have been incorporated into previous planning documents and procedures by the BCPC and MPO members, as previously noted. Most MPOs have adopted bicycle and pedestrian and/or Safe Routes to School plans that identify and plan for the removal of accessibility barriers for pedestrians and individuals with disabilities. MPO-area plans that address ADA requirements are listed below:

- 2019 City of Green Bay Safe Routes to School and Bicycle and Pedestrian Plan
- City of De Pere Bicycle and Pedestrian Plan
- Village of Ashwaubenon Comprehensive Plan
- Village of Ashwaubenon Bicycle and Pedestrian Plan
- Village of Allouez Bicycle and Pedestrian Plan
- Village of Allouez Safe Routes to School Plan
- Howard-Suamico School District Safe Routes to School Plan
- BCPC: A Model Ordinance for Pedestrian-and Bicycle-Friendly Site Design in the Green Bay Metropolitan Area
- Brown County Bicycle and Pedestrian Plan Update
- Bellevue Pedestrian and Bicycle Plan
- 2016 Coordinated Public Transit – Human Services Transportation Plan for Brown County, Wisconsin
- Recipient Coordination and Management Plan Update for the Green Bay Urbanized Area’s Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program

### **City of Green Bay**

The City of Green Bay reached a settlement agreement with the U.S. Department of Justice following the completion of a 2002 investigation into the City’s compliance with ADA requirements in its programs and facilities. The settlement agreement required the City to appoint or hire an ADA Coordinator, make the coordinator’s contact information public, and adopt an ADA grievance procedure. The City was also required to implement and report to the DOJ its process for receiving input from disabled individuals regarding sidewalk accessibility and requests to install curb ramps at particular locations. Additionally, the City was required to identify and report all new construction and alterations that occurred since 1992, and to install curb ramps at all locations identified as having barriers to accessibility within three years. Furthermore, the City was required to install curb ramps at all newly constructed and altered street-level intersections with pedestrian walkways.

### **City of De Pere**

The City of De Pere is in the early process of developing a city-wide ADA Transition Plan, which is expected to be completed in two phases. The City is working to contract with a consultant for the development of the plan.

### **Wisconsin Department of Transportation**

The Wisconsin Department of Transportation (WisDOT) adopted a statewide ADA Transition Plan in 2019. The purpose of the document is to provide WisDOT staff, state and local partners, and citizens of Wisconsin with WisDOT policies, practices, and procedures that fulfill ADA and Section 504 requirements. WisDOT's ADA Transition Plan provides information on WisDOT's efforts to ensure equal access to WisDOT's programs, services, and activities, and outlines how WisDOT will address non-compliant facilities within the public right-of-way. The plan includes an inventory of sidewalk and curb ramp facilities along state highways in an interactive map that can be accessed through WisDOT's website.

### **Green Bay Metro**

The Green Bay MPO completed a bus stop study for Green Bay Metro in 2014 that analyzed boardings/alightings at bus stops, the locations of bus stops, and assessed the condition of bus stops and their compliance with ADA requirements. The plan included recommendations for improving the accessibility of bus stops, and barriers to implementation.

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# 2. Self-Evaluation

Under 28 CFR 35.105 of the Americans with Disabilities Act, the Green Bay MPO is required to conduct a self-evaluation of MPO practices and procedures, and transportation facilities within the Green Bay Metropolitan Planning Area. The purposes of conducting a self-evaluation are to:

- Ensure that all the current policies and programs do not prevent the full participation in activities and programs for individuals with disabilities.
- Identify physical barriers across the Metropolitan Planning Area that prevent full access and participation for individuals with disabilities, and develop a plan for removing those barriers.

## **Inventory of Transportation Facilities Within the Public Right-of-Way**

An inventory of transportation facilities was conducted throughout the summer of 2018 and into the spring of 2019 to identify physical barriers across the Metropolitan Planning Area. The inventory was completed using Google Maps, Google Streetview, GIS, and an aerial photograph of Brown County taken in the Spring of 2017. Field reviews were conducted to confirm the inventory's findings. The inventory included the following facilities within the public right-of-way:

- Curb Ramps
- Bus Stops

Information collected for the inventory supplements data on pedestrian facilities that had previously been collected and maintained by Green Bay MPO staff. Data collection has been an integral task of the MPO in the development of planning documents and activities. The MPO maintains a GIS database of pedestrian facilities across the Metropolitan Planning Area, including:

- Green Bay Metro's three-quarter mile paratransit service area
- Existing sidewalks and planned sidewalk network
- Trails, including multi-use and sidepaths
- Bus Stops
- Traffic lights (including those with pedestrian push buttons)

The following sections summarize the inventory results of transportation facilities, the review of the MPO's policies and procedures, and any barriers or areas of non-compliance that exist within those facilities or policies.

## 2.1 Curb Ramps

ADA and Section 504 provide technical standards municipalities must adhere to in order for public entities to be compliant. The 2010 ADAAG provide the current legal federal standard for both ADA and Section 504 for curb ramps (Chapter 4, Section 406 of the ADAAG). In addition to the 2010 ADAAG, US DOT requires the installation of detectable warnings at newly constructed or altered curb ramps. The curb ramp inventory carried out by MPO staff emphasized Section 504 requirements for curb ramps. Data collected in the inventory was used to inform discussions with public works staff from MPO communities, and is discussed in the following sections.

### **ADA/Section 504 Requirements for Curb Ramps**

Requirements for curb ramps are established and administered by the DOJ and DOT. Although both agencies have adopted the 2010 ADAAG for their design standards, differences in technical guidance and scoping exist. ADA/Section 504 requirements for curb ramps consist of the following:

- Running Slope and Cross Slope gradients,
- A landing that is at minimum the width of the curb ramp (at least 36”),
- Grade breaks at the top and bottom of the ramp to prevent cross slope and uneven surface issues, and to help prevent the accumulation of water at the base of the curb ramp,
- Detectable warning complying with Section 705 of the ADAAG (this is a US DOT requirement)

Curb flares are not required for curb ramps, except in instances where there is insufficient space to install a landing to the required standard. The requirements described above are general requirements for all curb ramps. Additional requirements may exist depending on the type of curb ramp installed (i.e. diagonal curb ramps).

### **MPO Communities’ Approach to Curb Ramp Facilities**

#### *Existing Curb Ramp and Sidewalk Facilities*

MPO communities generally use three methods to maintain curb ramps and sidewalk facilities: surveys and routine maintenance, complaint-driven requests, and bringing facilities up to full compliance when a roadway is altered or reconstructed. Surveys and routine maintenance of infrastructure are primarily aimed at ensuring sidewalks are in a state of good repair; however, municipalities extend these surveys to adjacent curb ramps. The Village of Howard, for example, conducts inspections of the Village’s entire sidewalk network every two years. The Village then grinds trip hazards and replaces curb ramps that do not meet ADA/Section 504 requirements. Additionally, the Village constructs wider than required curb ramps to accommodate snow-clearing utility vehicles in the winter. The City of Green Bay primarily uses a complaint-driven process for replacing curb ramps. All municipalities across the Metropolitan Planning Area bring curb ramps up to compliance whenever a road is altered or reconstructed. MPO communities and the Brown County Public Works Department have an agreement that all pedestrian facilities installed along a county highway are maintained by the jurisdiction the highway runs through.

#### *Complete Street Policies*

As part of MPO communities’ efforts to promote “complete streets” policies within their jurisdictions, requirements for new subdivisions and developments have been adopted that require sidewalks to be constructed in new subdivisions and developments. These facilities are installed

in one of two ways. The first is that sidewalks and curb ramps are installed when a site is being prepared for development. The second requires the purchaser of a lot to install a sidewalk; corner lots are also required to install curb ramps. Some municipalities provide technical guidance for the construction of curb ramps. The City of Green Bay, for example, publishes an annual *City of Green Bay Standard Specifications* document that provides technical guidance including dimensions and slope requirements for newly constructed and altered curb ramps. The city requires detectable warnings to follow the standards set in the *WisDOT Standard Specifications for Highway and Structure Construction Section 602*. Similarly, the City of De Pere publishes an annual standard specifications document that provides technical guidance for the construction of curb ramps. Detectable warning fields required by the city are required to adhere to the requirements established in the WisDOT's *Facility Development Manual (FDM)*.

The BCPC/MPO maintains a database of sidewalks across the Metropolitan Planning Area, including planned sidewalk additions. This information is routinely updated as new sidewalk additions are completed, and will also be used to maintain an up-to-date inventory of curb ramps.

### Barriers to Full Compliance

Meetings with public works staff from the MPO-area municipalities identified several potential barriers to bringing curb ramps up to full ADA/Section 504 compliance. Public works staff indicated that meeting slope requirements for curb ramps and sidewalks given existing topographic constraints prevents full compliance. Additionally, public works staff have to work with limited budgets to complete all the necessary sidewalk and curb ramp repairs. Insufficient right-of-way will also remain a significant barrier to bringing curb ramps up to full compliance. This includes potential conflicts with private property owners, utility constraints, and building setbacks. Section 35.151(2)(i-iii) of the ADA provides exceptions for structural impracticability of curb ramps. Structural impracticability is considered when the terrain prevents full compliance. Where it is technically infeasible for a facility to be fully ADA/Section 504 compliant, it will be compliant to the maximum extent practicable.

### MPO-area Compliance with ADA/Section 504 Moving Forward

As previously noted, communities within the MPO generally use three processes for upgrading curb ramps to ADA/Section 504 standards: surveying and routine maintenance, citizen-driven complaints, and altering/reconstructing roadways. The processes currently used by MPO communities to bring non-compliant curb ramps up to ADA/Section 504 will continue to be used to gradually bring curb ramp facilities up to the required standard. Curb ramps with barriers such as topographic, utility, or right-of-way constraints across the Metropolitan Planning Area will be constructed to the required ADA/Section 504 standards to the maximum extent practicable. Projects that receive MPO funds undergo a rigorous review process by the FHWA and WisDOT to ensure the facilities comply with all requirements.

MPO communities have codified requirements for complete street policies that ensure that new constructions and alterations will be fully compliant with ADA/Section 504 requirements. Cities such as Green Bay and De Pere follow curb ramp and detectable warning requirements identified in WisDOT's *Standard Specifications for Highway and Structure Construction Section 602* and *Facility Development Manual*, respectively. The codification of complete street policies into municipal ordinances, coupled with public works' ongoing surveying and maintenance, citizen complaints, and roadway alterations and reconstructions will ensure that MPO communities continue to make progress towards bringing transportation facilities within their jurisdictions into compliance with ADA/Section 504 requirements.

Requirements established by the U.S. DOJ following an investigation into the City of Green Bay's compliance with ADA requirements will continue to be particularly applicable for curb ramps as the city continues to make progress towards bringing curb ramp facilities into compliance with ADA and Section 504 requirements.

The City of De Pere is in the early stages of developing an ADA Transition Plan that is expected to be completed in two phases, and will help prioritize and guide future investments to bring the city's facilities into compliance with ADA/Section 504 requirements.

## 2.2 Green Bay Metro

Transit in the Green Bay Metropolitan Planning Area is provided by Green Bay Metro. Green Bay Metro provides 17 full service routes to destinations across the Metropolitan Planning Area, and four game day routes for Packers games. Green Bay Metro serves the cities of Green Bay and De Pere and the villages of Allouez, Ashwaubenon, and Bellevue.

### **ADA Requirements for Transit Agencies and Facilities**

As a recipient of Federal Transit Administration (FTA) funds, Green Bay Metro is required to comply with 49 CFR Parts 37 and 38, which provide ADA requirements for transportation services and technical specifications for transportation vehicles. Green Bay Metro complies with ADA requirements under 49 CFR Parts 37 and 38 because:

- It provides complementary paratransit services within a three-quarter mile area around each fixed route, as required in 49 CFR Part 37 Subpart F.
- It maintains fares within the required parameters. Paratransit services are \$3.00 one way compared to \$1.50 for a fixed route bus. Metro charges \$15 for agency trips, which is allowed by the ADA.
- Green Bay Metro's transportation center and transfer centers are fully ADA compliant and accessible.
- All of Green Bay Metro's fixed routes buses and paratransit vehicles comply with ADA requirements.
- Green Bay Metro adopted and implemented a paratransit plan following ADA going into effect in 1991, and developed one each subsequent year until 1996, when Metro's buses and facilities met all ADA requirements. Green Bay Metro currently undergoes triennial reviews by the Federal Transit Administration to ensure they remain compliant with ADA and Section 504 requirements.

In addition to ADA requirements enforced by the Federal Transit Administration, Green Bay Metro is required to comply with ADA requirements established under 28 CFR Part 35. ADA provides requirements for on-street bus stops along a fixed route network, which are discussed later in this chapter. Metro continues to make progress in complying with ADA requirements under 28 CFR Part 35 through:

- Ongoing improvements to bus stops to improve the accessibility for individuals with disabilities including accessible connections to streets and sidewalks, concrete bus pads, and ADA compliant bus shelters, where installed.

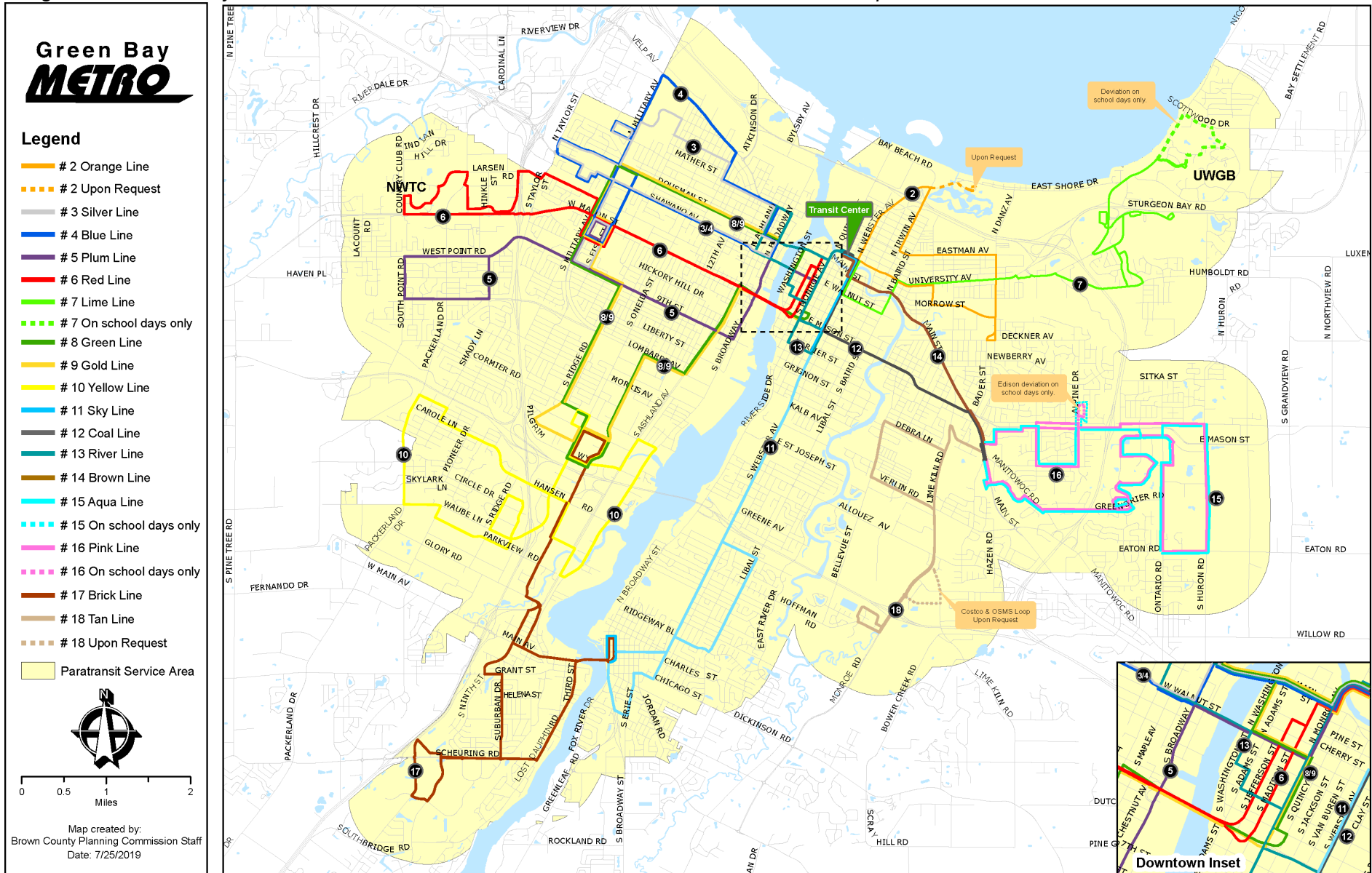
### **Green Bay Metro Transportation Center**

The Green Bay Metro Transportation Center is located northeast of downtown Green Bay near the University Avenue/Webster Avenue intersection, and serves as the primary staging and departure point for most fixed routes. The facility is fully ADA compliant and accessible, and is well connected to the city's sidewalk network. The conference room at Green Bay Metro's Transit Center serves as the primary meeting room for the MPO's Policy Board, and Technical Advisory Committee.

### **On-street Bus Stops**

ADA/Section 504 requirements for on-street bus stops are provided under the 2010 ADAAG. Sections 209 and 810.2 of the ADAAG pertain to on-street bus stops and include the following four requirements:

Figure 2.1: Green Bay Metro's Fixed Route Network and Paratransit Service Area as of September 2019



- Bus boarding and alighting areas are required to have a firm, stable surface,
- Bus boarding and alighting areas shall have a minimum length of 8 feet measured perpendicular to the curb or street edge, and a minimum width of 5 feet measured parallel to the roadway,
- Bus stops and alighting areas are required to be connected to streets, sidewalks, or pedestrian paths by an accessible route,
- The slope parallel to the roadway shall be the same as the roadway, to the maximum extent practicable. The length of the boarding and alighting area cannot be steeper than 1:48.

Bus shelters are not required at on-street bus stops in order to be ADA compliant. However, where bus shelters are provided, additional accessibility requirements need to be met to be ADA compliant.

Similar to other ADA/Section 504 requirements, compliance is required to the maximum extent practicable. Compliance with on-street bus stops is required to the extent the construction specifications are within Metro's control. Due to the number of on-street bus stops along Metro's fixed route network, and other constraints, full compliance with the required design standards is often not practicable, particularly along newly formed bus routes, and routes serving areas with minimal sidewalk access. Green Bay Metro provides complementary paratransit bus services within a three-quarter mile service area of all fixed routes that provides origin-destination trips for qualified disabled individuals to provide access to areas that would otherwise be inaccessible or unsafe for individuals with disabilities. Metro's paratransit service complies with 49 CFR Part 37 Subpart F, which establishes the criteria for paratransit services, and provides reasonable accommodations for individuals with disabilities unable to utilize Metro's fixed route network or stops along its fixed routes.

### **Barriers to Compliance**

Although the BCPC and Green Bay Metro work to ensure the full accessibility of bus stops, there are a number of barriers that prevent full compliance including:

- Having insufficient right-of-way and insufficient financial resources to acquire additional right-of-way to bring bus stops up to compliance.
- A lack of sidewalk access throughout many of the areas served within the Metropolitan Planning Area.
- Changes in bus routes to adapt to changing demographic and travel behavior patterns.
- The cost associated with bringing all bus stops up to full compliance.

Green Bay Metro's fixed route network undergoes routine evaluations by Metro staff that may result in changes to route operations including adding or removing stops, or adding or removing routes to reflect changes in ridership and demand for service.

### **Compliance with ADA/Section 504 Moving Forward**

Green Bay Metro is currently in compliance with ADA requirements established under 49 CFR Parts 37 and 38 for their vehicles and transportation facilities. Metro undergoes triennial reviews by the FTA to ensure on-going compliance with FTA requirements for ADA. Metro will continue to work towards complying with ADA requirements under 28 CFR Part 35 for on-street bus facilities through on-going improvements to bus stops, including providing accessible connections, installing concrete bus pads, and ADA compliant shelters, where they are installed, to the extent that these construction specifications are within Metro's control. The 2014 Bus Stop Study developed by the MPO provides recommendations to remove barriers at bus stops, and should serve as a guide for Metro to make progress towards ADA compliance.

## 2.3 Specialized Transportation Services

In addition to paratransit services provided by Green Bay Metro, the BCPC/Green Bay MPO works in conjunction with Metro and the Brown County Transportation Coordinating Committee (TCC) to fund additional specialized transportation services that provide origin-destination trips for elderly individuals and individuals with disabilities. These services are funded, in part, through the state Section 85.21 and federal Section 5310 programs, and include:

Curative Connections  
Brown County Health and Human Services Department Van Driver  
Salvation Army

Paratransit services provided by Green Bay Metro are required to comply with ADA requirements set in 49 CFR Part 38. Other specialized transportation services provided are not subject to the same ADA requirements as paratransit service providers are. However, their vehicles are still required to be accessible and usable for individuals with disabilities, and are required to comply with Section 504 requirements.

A combination of Section 85.21 and County funds are also used to fund a Specialized Transportation Travel Voucher Program. This program helps cover trip costs for elderly residents and individuals with disabilities using specialized transportation services. The voucher program is managed by Green Bay Metro's Mobility Coordinator, which is partially funded each year through the Section 5310 program administered by the MPO.

## 2.4 Policy

### **Municipal Policies**

Each municipality within the Green Bay Metropolitan Planning Area is responsible for constructing and maintaining streets and sidewalks within their boundaries, and the municipalities have policies in place to address requests for curb ramp and sidewalk improvements. County highways running through these municipalities are maintained by the Brown County Public Works Department. Through agreements between the Public Works Department and each municipality, sidewalks and other pedestrian infrastructure located along County highways are installed and maintained by the municipality.

### **BCPC/MPO Policies**

The BCPC/Green Bay MPO prioritizes projects that incorporate “complete streets” principles into their design through the MPO’s STP-U Project Prioritization Process for Transportation Improvement Program (TIP) project selection. The project selection process was approved by the MPO’s Policy Board in 2015. The project selection process incorporates pedestrian and multimodal criteria, whereby applicants can receive points for their projects by incorporating pedestrian and bicycle facilities into their projects. The scoring criteria also include points given for correcting infrastructure deficiencies, including infrastructure that is not ADA/Section 504 compliant.

### **Policies for ADA Grievances**

The Brown County Human Resources Department is responsible for handling ADA grievances.

BCPC/Green Bay MPO public meetings and activities are all held at facilities that are fully ADA accessible. The Brown County website and BCPC meeting agendas include a disclaimer on the procedure for requesting special accommodations, consistent with Brown County’s policy. The policy is as follows:

- “Any person wishing to attend who, because of a disability, requires special accommodations should contact the Brown County Planning Commission Office at (920) 448-6480 at least two business days before the meeting so arrangements can be made.”

In the event the MPO receives a citizen complaint pursuant to 35.170(c) of the ADA, regarding the compliance of a transportation facility within the Metropolitan Planning Area, MPO staff will refer the complainant to the human resources department and/or ADA Coordinator within the appropriate jurisdiction. The MPO may also consult the Federal Highway Administration for guidance.



## 2.5 Online Services

The Brown County Planning Commission/Green Bay MPO follows the website template and format used by Brown County.

Brown County and the Green Bay MPO recently migrated to a new website template that is supposed to be compliant with ADA/Section 504 requirements. The new website incorporates features such as *Google Translate* that allows MPO documents and announcements to be translated into many different languages. Alternative text and closed captioning are required for all images, while videos require alternative text, closed captioning, and video transcripts. Audio descriptions are also provided for visual content that is not easily understood. The website design also includes color palettes that comply with requirements to provide readable content for individuals with visual impairments. Bringing the website into compliance with ADA requirements was carried out by MPO staff, the Brown County Technology Services Department, and private entities in partnership with the county. The new website was launched on November 12, 2019.

At the present time, there is no audio or live video recording for Brown County policy and advisory board meetings. As previously noted, the BCPC provides special accommodations upon request.

The MPO utilizes a variety of online tools to make information easy to access and read on different devices such as computers, smartphones, or tablets. The MPO develops “story maps” for major planning documents, including the MPO’s performance measures. In addition to story maps, the MPO utilizes interactive maps and online surveys during the planning process to reach a wider audience across Brown County. These tools can be useful for allowing disabled individuals to be more easily engaged and involved in the planning process, and identify areas that are not compliant with ADA or Section 504 requirements that need to be addressed.

### **Social Media Services**

The Green Bay MPO uses Facebook and Twitter to provide public notices of opportunities for comment on transportation plans, TIP amendments, and other opportunities to be involved in the planning process. Social media provides additional avenues for the MPO to engage a broader, more diverse audience in MPO activities, and to alert the public to opportunities to comment on MPO planning documents. The links for the BCPC/Green Bay MPO’s Twitter and Facebook pages are below:

Facebook: <https://www.facebook.com/Brown-County-Planning-Commission-Green-Bay-MPO-751165931582219/>

Twitter: <https://twitter.com/BCPCGreenBayMPO>

## 2.6 Public Outreach for ADA Plan

The MPO is required under 23 CFR 450.316 to develop a Public Participation Plan (PPP) to address how the MPO will encourage citizens, public agencies, and other interested parties to be involved in the metropolitan transportation planning process. The PPP describes the procedures and outcomes for conducting public outreach including notices of public participation activities, and documenting public input received in the final draft of transportation plans and the Transportation Improvement Program (TIP).

### **Meeting with Stakeholders**

After evaluating transportation facilities, MPO staff met with public works staff from MPO members across the Metropolitan Planning Area to review the evaluation results and processes used to install or replace curb ramps.

MPO staff did not meet with municipalities whose facilities were fully compliant with ADA/Section 504 requirements. Municipalities located along the periphery of the Urbanized Area and Metropolitan Planning Area are more recently developed, after the provisions of ADA went into effect, and are fully compliant with ADA/Section 504 requirements. The Towns of Lawrence and Rockland's transportation facilities are fully compliant with ADA and Section 504 requirements.

### **Brown County Transportation Coordinating Committee (TCC)**

The Brown County Transportation Coordinating Committee (TCC) is a 23 member committee that provides guidance to the MPO on specialized transportation services and recommendations for the allocation of Section 85.21 and Section 5310 funds. The committee is comprised of MPO staff, Green Bay Metro, agencies that work with elderly residents, citizen members, people with disabilities, and those with specialized transportation needs.

The TCC served as the advisory body for the development of the ADA Transition Plan. MPO staff provided updates to the committee throughout the planning process, and incorporated feedback received from the committee into the Transition Plan. The MPO first introduced the committee to the MPO's intent to develop an ADA/Section 504 Transition Plan for the Metropolitan Planning Area on December 3, 2018. MPO staff presented updates to and requested updates from the committee on March 10, 2019 and September 9, 2019. A draft of the ADA/Section 504 Plan was made available to members of the TCC to provide members with an opportunity to review and comment on the content in the plan. The comment period ran from September 27, 2019 to October 10, 2019.

Because the TCC is comprised of stakeholders with a vested interest in the specialized transportation needs for individuals with disabilities, the TCC was used to solicit public input from stakeholders across the Metropolitan Planning Area.

### **Public Comment Period for the Draft Plan**

A draft of the ADA/Section 504 Transition Plan was made available for public comment on October 14, 2019. The document was made available on the BCPC/Green Bay MPO's website, and an email was sent out to the MPO's Public Participation Process mailing list, which consists of 225 individuals and organizations. An announcement of the notice of the opportunity for public comment on the draft plan was also posted to the Green Bay MPO's Facebook and Twitter pages. The public comment period for the draft plan ended on November 12, 2019. Comments received during the public comment period can be found in Appendix A of this document. The public notice sent out to the MPO's Public Participation Process Mailing list can be found in Appendix B.

## 2.7 Evaluating ADA and Section 504 Moving Forward

This document is intended to be a “living document”, and will be periodically updated as conditions across the Green Bay Metropolitan Planning Area evolve, and requirements for ADA and Section 504 compliance change. Updates to the document will be made with guidance provided by the TCC, and will include opportunities for the public to provide comments on updates to the plan.

The primary mechanism for monitoring the progress of this document will be the GIS database maintained by the MPO. The MPO will continue to collect and maintain data on the Metropolitan Planning Area’s sidewalk network, multiuse and shared trails, curb ramps, pedestrian push buttons at traffic signals, bus stops, and the paratransit service area. The data will be regularly maintained using Google Maps, Google Street view, Brown County aerial photographs (Spring 2017 is the most recent, but another flight is scheduled for the spring of 2020), and on-the-ground surveying. The data shall be shared with MPO members upon request to assist with Metropolitan Area-wide transportation planning efforts. The MPO will also continue to use “Story Maps” as a means of providing transportation data to the public.

Although the MPO is not directly responsible for transportation facilities in the Metropolitan Planning Area, the MPO can provide guidance and educational outreach to MPO members regarding ADA/Section 504 requirements and best practices for transportation facilities. This can be accomplished by creating an ADA page on the MPO website that includes links to ADA/Section 504 requirements and technical guidance, the MPO’s ADA/Section 504 Transition Plan, and additional resources such as the FHWA to obtain information on ADA and Section 504 compliance. The MPO can also provide guidance to MPO members in the process of developing ADA Transition Plans for their own jurisdictions.

The MPO will continue to incorporate ADA/Section 504 requirements into the planning process, including the Transportation Improvement Program, Long Range Transportation Plan, Bike and Pedestrian Plans, and other MPO-produced documents. The MPO will also continue to utilize social media services to inform the public of MPO activities, opportunities for comment on MPO documents and plans, and to incorporate a broader, diverse group of citizens into the planning process.

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# 3. Action Plan

The action plan will serve as the guide for the MPO and entities within the MPO Region to meet all federally-mandated requirements for ADA and Section 504 compliance. This action plan will serve as a “living document” and will be updated periodically as conditions change.

The action plan will not only serve to remove barriers to accessibility in the MPO’s current programs and activities as well as transportation facilities across the Green Bay Metropolitan Planning Area, it will reaffirm the MPO’s commitment to ensuring that all transportation programs, activities, and services are accessible and usable for individuals with disabilities.

This plan establishes four goals that advance the MPO’s commitment to ensuring ongoing compliance with ADA and Section 504 requirements within the MPO’s existing programs, services, and activities, and to ensure improved compliance across existing facilities that are currently not ADA/Section 504 compliant. Objectives are broken into three categories: MPO objectives, MPO community objectives, and Green Bay Metro activities, based on the lead entity expected to carry out the objective for each goal.

## **Goal I: Reduce the number of ADA/Section 504 non-compliant curb ramps across the Green Bay Metropolitan Planning Area.**

### MPO Objectives

- Encourage all communities within the Green Bay Metropolitan Planning Area to allocate funding for ADA improvement projects in their Capital Improvement Programs (CIPs).
- Monitor progress towards ADA/Section 504 compliance for transportation facilities using the MPO’s GIS database for pedestrian facilities.

### MPO Communities’ Objectives

- Continue to use surveying and routine maintenance, citizen-driven complaints, and bringing facilities into full ADA/Section 504 compliance during alterations and reconstruction of roadways as methods of working toward full ADA/Section 504 compliance.
- Communities with adopted Safe Routes to School plans should implement the recommendations established in those documents, including installing curb ramps to the required US DOT standards.
- The City of Green Bay should continue to comply with the conditions established in the 2002 settlement agreement with the Department of Justice.
- Communities should develop ADA Transition Plans for their respective jurisdictions following guidance established in the ADA.

## **Goal II: Continue to coordinate planning efforts with Green Bay Metro to ensure that all buses, routes, facilities, and paratransit services meet ADA requirements.**

### MPO Objectives

- Periodically update the Coordinated Public Transit – Human Services Transportation Plan to maintain an inventory of paratransit and specialized transportation services, and ensure the continued quality service from those providers.

### Green Bay Metro Objectives

- Continue to improve on-street bus stops to ADA requirements to the extent that the construction specifications are within Metro’s control, or otherwise to the maximum extent practicable using the recommendations established in the BCPC/MPO 2014 Green Bay Metro Bus Stop Study as a guide.

**Goal III: Continue to solicit input and incorporate input from individuals with disabilities, advocates, and other interested stakeholders in the Metropolitan Planning Area planning process.**

**MPO Objectives**

- Continue conducting quarterly meetings with the Transportation Coordinating Committee to maintain quality specialized transportation services for individuals with disabilities, and the continued distribution of Section 85.21 and Section 5310 funds.
- Continue to incorporate objectives pertaining to ADA and Section 504 requirements into MPO-produced documents.
- Establish audio and video options for MPO policy board meetings to improve access for individuals with disabilities. This should include archiving Policy Board meetings on the BCPC website.
- Continue using the MPO's *Public Participation Plan* to ensure individuals with disabilities are included in the planning processes for MPO planning activities.

**Goal IV: Complete the transition to a new County/MPO website that is compliant with ADA and Section 504 requirements to the maximum extent practicable, and ensure that it is easily accessible and usable for individuals with disabilities.**

**MPO Objectives**

- Solicit public input from individuals with disabilities and advocacy groups to evaluate the ease of use of the MPO's website and web content.
- Develop a new ADA page on the MPO website that provides resources and technical guidance on ADA compliance and requirements.

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# Appendix A. Public Outreach

A draft of the ADA/Section 504 Transition Plan was made available for public comment on October 14 and ran through November 12. The following comments were received:

Comment # 1	Date: 10/16/19	Organization: None
Comment:	At the downtown Green Bay Transportation Center: I am a part-time Uber/Lyft driver and quite often drop off or pick up riders in the designated parking lot located easterly of the facility. Vehicles other than buses are not allowed beyond that parking lot, at least that is what the signage indicates. I feel bad that my riders with ambulatory disabilities are forced to walk, limp, stumble quite a distance to the bus office. It is especially troubling when they have to deal with luggage. Would it be possible to allow vehicles with ADA/Handicapped license plates or hang tags to enter the "bus only" lot to drop passengers off much closer to the buss office? Other than that, I have no issues with the document goals and objectives.	
Response:	MPO staff forwarded the question to Green Bay Metro staff, who responded to the question. At the present time, no vehicles outside of buses are allowed in the transit way due to safety concerns. Upgrades to the Green Bay Transportation Center, which are expected to be completed in 2021, will allow the public to access the south side of the island.	
Comment # 2	Date: 11/7/19	Organization: WisDOT
Comment:	I have a couple of questions regarding the ADA Plan. What's your process for after the public comment period? Do you intend to respond to all comments or only incorporate comments as you see fit? What state template did you use for the ADA plan?	
Response:	Following the public comment period, comments received were incorporated into the planning document, as necessary, and as an appendix item. An update on the status of the ADA/Section 504 Transition Plan was provided to the Transportation Coordinating Committee on December 2nd. The ADA/Section 504 Transition Plan will then be presented to the MPO Policy Board and staff will ask for a recommendation of approval in February 2020. No state template was used for the development of the plan. The template consisted of a blend of different ADA Transition Plans produced by MPOs nationally, and by in-house produced planning documents.	
Comment # 3	Date: 11/8/19	Organization: FHWA
Comment:	I just received the draft ADA Plan and have a quick question. Who is going to be signing the transition plan? Are all member jurisdictions/entities that own Title II facilities signing the plan?	
Response:	No member entities will sign the plan. The plan will be presented for final approval to the MPO Policy Board in February 2020.	
Comment # 4	Date: 11/11/19	Organization: WisDOT
Comment:	Diane Paoni (WisDOT) can be changed to Megan Zielke (WisDOT).	
Response:	The revision was made under the WisDOT representative for the MPO's Transportation Subcommittee.	



Comment # 5	Date: 11/11/19	Organization: WisDOT
Comment:	Include language from FHWA Certification Review to clarify the link of ADA to local governments and communities.	
Response:	Staff reviewed the FHWA's 2018 TMA Certification Review of the Green Bay MPO and found no recommendations pertaining to ADA.	
Comment # 6	Date: 11/11/19	Organization: WisDOT
Comment:	On page 7, the overview of the federal laws and design standards are intertwined. The separation of these items may be better to understand for readers. The writing may be changed to the following: "Title II of the Americans with Disabilities Act of 1990 provides that no person with a disability shall, because a public entity's facilities are inaccessible or unusable, be excluded from participation in or denied the benefits of a public entity's programs, services, or activities-including pedestrian facilities in the public right-of-way. Section 504 of the 1973 Rehabilitation Act prohibits discrimination on the basis of disability in federally assisted programs." Afterwards, it is appropriate to discuss design standards.	
Response:	No changes were made.	
Comment # 7	Date: 11/11/19	Organization: WisDOT
Comment:	On page 7, PROWAG is not necessarily more stringent than ADA Standards. PROWAG was developed to address accessibility issues in the public-right-of-way and items not addressed in ADAAG. ADA Standards focus on buildings and sites, and the U.S. Access Board has developed the 2011 Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) guidelines that address pedestrian access to public rights-of-way, including sidewalks, intersections, street crossings, and on-street parking. These guidelines include shared use paths providing off-road means of transportation and recreation. FHWA has also issued guidance that the draft of the proposed guidelines for pedestrian facilities in the public right-of-way are the currently recommended best practices and can be considered the state of the practice that could be followed for areas not fully addressed in the existing accessibility standards. After the Access Board's rulemaking, the DOJ and DOT needed to adopt the guidelines before they could be considered enforceable standards. In the meantime, where ADAAG doesn't address specific issues in the public right-of-way, PROWAG is the best source for specific guidance on accessibility issues in the public right-of-way.* Potentially revise the reference to more stringent requirements adopted by state and local governments to "equivalent facilitation" or "greater accessibility and usability."** See comments under Relationship to State and Local Laws section as well.	
Response:	<p>*The ADA/Section 504 Transition Plan is a compliance document, following the legal enforceable requirements for ADA compliance. PROWAG and other best practices for pedestrian facilities will continue to be incorporated into other MPO-produced documents.</p> <p>**The language was changed from "more stringent requirements" to "adopting ADA requirements that promote greater accessibility and usability for individuals with disabilities".</p>	

Comment # 8	Date: 11/11/19	Organization: WisDOT
Comment:	On page 7, the discussion of detectable warnings on curb ramps is out of place. Detectable warning on curb ramps may be more applicable to the Safe Harbor section on page 8, since the 1991 ADAAG is discussed there as well.	
Response:	No change was made.	
Comment # 9	Date: 11/11/19	Organization: WisDOT
Comment:	On page 8, consider removing language about more stringent requirements to "equivalent facilitation" or "greater accessibility and usability."	
Response:	The language was changed from "more stringent requirements" to "additional requirements".	
Comment # 10	Date: 11/11/19	Organization: WisDOT
Comment:	On page 8, consider clarifying the statement: "For example, WisDOT can impose more stringent design requirements for pedestrian facilities than required under law for projects using WisDOT funds." And instead stating something to the following: "WisDOT is committed to complying with Section 504 and the ADA. Further when pedestrian facilities are provided, they are required to be accessible to people with disabilities. Newly constructed and altered pedestrian facilities must be ADA-compliant."	
Response:	The language was changed to, "WisDOT can impose design requirements that promote greater accessibility and usability for pedestrian facilities than required under law for projects using WisDOT funds."	
Comment # 11	Date: 11/11/19	Organization: WisDOT
Comment:	On page 8, consider revising information regarding the FDM to something similar to the following: "in Wisconsin, the Facilities Development Manual (FDM) provides policy, procedural requirements, and guidance encompassing the facilities development process within the Wisconsin Department of Transportation. It is applicable to all types of highway improvements on the state trunk highway system, other street/highway systems for which federal-aid highway funds may be utilized, state facilities road systems funded with state funds administered by the department, and other highways and roads for which the department may act as an administrative agent. The FDM does include technical guidance for the design and construction of pedestrian facilities."	
Response:	The revision was made to reflect the feedback provided by WisDOT.	

Comment # 12 Date: 11/11/19

Organization: WisDOT

Comment: On page 8, since ADA does not mention "grandfathering" and is flexible in this regard, consider revising the sentence stating: "These exemptions are intended to provide municipalities with a flexible means to gradually bring their facilities into compliance with ADA and Section 504 requirements through a "grandfathering process", and provide for unique circumstances where topographic constraints and other physical barriers within the built environment make full compliance infeasible."

This sentence may be misled as being inherently ADA compliant. There is a safe harbor provision, which is if the facility meets the accessibility standards that were in place if the newly constructed/altered facility remains, a transition plan should still address how these barriers will be eliminated over time. Further, under alterations of facilities, in situations where compliance with standards is technically infeasible, then facilities must comply to maximum extent feasible. This may be important to note. Consider revising and clarifying page 8.

Response: The language was changed to clarify the purpose and extent of the exemptions provided under the ADA.

Comment # 13 Date: 11/11/19

Organization: WisDOT

Comment: On page 9, consider placing references in the Oneida Nation section and including details explaining working with the Oneida General Council in their planning efforts. This source below explains that ADA related laws may encroach on tribal sovereignty. The statements in this plan can be further clarified.  
<http://www.southwestada.org/html/publications/ebulletins/legal/2003/may2003b.html>

Response: No change was made.

Comment # 14 Date: 11/11/19

Organization: WisDOT

Comment: On page 13, the Safe Routes to School mention under the Bike and Pedestrian Plans section states that the plans include inventories of pedestrian facilities that do not meet ADA and Section 504 requirements.

Page 14 also implies that there are other bike/ped plans that include inventories. Consider revising the mentions of bike/ped inventories to include details about plans in other communities, community bike/ped inventories, and mentions of ADA compliance in these plans.

Response: No change was made.

Comment # 15	Date: 11/11/19	Organization: WisDOT
Comment:	<p>On page 15, consider revising the sentence mentioning the WisDOT's ADA Transition Plan to instead say something similar to the following: "WisDOT ADA Transition Plan is to provide WisDOT staff, state, and local partners, and the citizens of Wisconsin with WisDOT's policies, procedures, and practices that fulfill the requirements of Section 504 and the ADA. WisDOT's ADA Transition Plan provides information about WisDOT's efforts to ensure equal accessibility to WisDOT programs, services, and activities as well as outlining how WisDOT will transition from non-compliance to compliance with ADA for public rights-of-way. Included in this plan is a state highway sidewalk and curb ramp ADA inventory database and interactive map."  <a href="https://wisconsin.gov/Pages/doing-bus/civil-rights/titlevi-ada/ADacompliance.aspx">https://wisconsin.gov/Pages/doing-bus/civil-rights/titlevi-ada/ADacompliance.aspx</a></p>	
Response:	The revision was made.	
Comment # 16	Date: 11/11/19	Organization: WisDOT
Comment:	<p>On page 17, consider including a reference or list of the transportation facilities inventory. Additionally, consider including who completed the inventory, MPO's responsibility, entities responsible for construction and maintenance, and database details (location, description, reason for compliance/non-compliance sites, etc.).</p>	
Response:	<p>Because the MPO is not directly responsible for facilities within the public right-of-way, the data collected was used to inform meetings with public works staff from municipalities within the Metropolitan Planning Area, and is not included in the planning document itself. However, the data does include many of the items listed in the comment, and is available upon request. It should also be noted that the data for curb ramps continues to be edited and modified to be as complete, and accurate as possible.</p>	
Comment # 17	Date: 11/11/19	Organization: WisDOT
Comment:	<p>On page 18, consider revising the reference to page 20 as curb ramp designs since page 20 includes pictures of pedestrian crossing with some curb ramp and some without. Providing examples from the FDM or working with Public Works to visualize and explain different examples of compliant facilities may be more beneficial.</p>	
Response:	Page 20 of the images of curb ramp designs across the Green Bay Metropolitan Area were removed.	
Comment # 18	Date: 11/11/19	Organization: WisDOT
Comment:	<p>On page 18, there are few 2010 ADA Standards and PROWAG design standards on curb ramps. Listed. Consider including all design standards or deleting completely, since the list doesn't seem to contribute to the section as is. Also consider addressing other communities and discuss how communities are following the 2010 ADA Standards or PROWAG as the equivalent to achieving accessibility. Furthermore, consider revising the discussion in this section for clarifying purposes.</p>	
Response:	<p>"Slope and cross slope gradients" was changed to "Running Slope and Cross Slope gradients", and a requirement for grade breaks was added.</p>	

Comment # 19 Date: 11/11/19

Organization: WisDOT

Comment: On page 18, the MPO Communities' Approach to Curb Cuts Facilities section discusses existing facilities and intertwines the inventory of facilities with the method of installing or upgrading curb ramps to full compliance. Consider revising these topics to separate discussions. Additionally, consider clarifying the entire section, since this sections includes the Complete Street Policies section, which is separate from ADA compliance. Additionally, are both the City of Green Bay and City of De Pere using the WisDOT Approved Products List for curb ramp detectable warning specifications? This information is in the MPO Are Compliance section, yet in the previous section it is unclear why references to detectable warning field specs are under either the Complete Streets or MPO-area Compliance sections, when detectable warning fields are a specific design standard.

Response: The purpose of the section is to provide the various mechanisms, design requirements, etc., that are used by MPO communities to bring curb ramp facilities into compliance with the ADA, and improve accessibility for individuals with disabilities. The design guidelines provided by the City of De Pere adheres to the requirements established in the FDM, while the City of Green Bay follows the standards set in the *WisDOT Standard Specifications for Highway and Structure Construction Section 602*.

Comment # 20 Date: 11/11/19

Organization: WisDOT

Comment: On page 19, the Barriers to Full Compliance section lists topographic constraints, budgets, insufficient right-of-way's, and other items which may be components as part of technical infeasibility, but these things are project and location specific. Consider explaining how this information relates to Brown County/Green Bay MPO projects in the inventory by discussing technical infeasibility and maximum extent practical for identified projects, as well as the specific role of communities regarding this.

Response: No change was made.

Comment # 21 Date: 11/11/19

Organization: WisDOT

Comment: On page 19, consider revising the sentence that states: "Compliance is still required to the maximum extent practicable, and in instances when the facility is not accessible for one disability type, it will be accessible for other disabilities."

And instead state something similar to the following: "When it is technically infeasible for a facility to be fully compliant, it is to be compliant to the maximum extent practicable."

Response: The language was changed to reflect the feedback provided by WisDOT.

Comment # 22	Date: 11/11/19	Organization: WisDOT
Comment:	On page 19, consider clarifying the MPO-area Compliance with ADA/Section 504 Moving Forward section, since it is unclear if the intent of this section is to explain the schedule for achieving compliance on curb ramps or not. Also consider including other efforts to prioritize curb ramp improvements as stand-alone improvements (i.e. not complaint driven or through road improvement projects), curb ramp improvements done as part of routine maintenance surveying or because of surveying efforts, and any survey data for facilities along/within state highway right-of-way.	
Response:	No change was made.	
Comment # 23	Date: 11/11/19	Organization: WisDOT
Comment:	On page 23, the Barriers to Compliance section may be interpreted as applying across the system, when on-street bus stops, if newly formed, should be in full compliance unless it's technically infeasible to do so at that location, then facilities are to be provided to the maximum extent practicable within the scope of the project. The section lists some items that may be used in documenting technical infeasibility, but those would be on a case by case basis.	
Response:	No change was made.	
Comment # 24	Date: 11/11/19	Organization: WisDOT
Comment:	On page 30, does the MPO's ArcGIS database for pedestrian facilities include data for pedestrian facilities along/within state highway right-of-ways?	
Response:	The MPO's ArcGIS database for pedestrian facilities is comprehensive and all-encompassing across the Metropolitan Planning Area, and includes pedestrian facilities along state highway right-of-ways.	

# Appendix B: Notice of Opportunity for Comment

Dear Interested Party,

This email is to notify you of an opportunity for public comment on the BCPC/Green Bay MPO's draft ADA/Section 504 Transition Plan. The ADA/Section 504 Transition Plan includes a review of the MPO's programs, services, and activities to ensure compliance with ADA/Section 504 requirements. Additionally, the Transition Plan includes a review of MPO communities' policies for addressing ADA/Section 504 compliance for facilities within the public right-of-way, and the programs, services, and activities provided by Green Bay Metro. The Transition Plan identifies any barriers to accessibility or areas of non-compliance with ADA/Section 504 requirements, and addresses how the MPO and MPO member communities will remove those barriers to come into compliance with ADA/Section 504 requirements.

The public comment period will run from October 14<sup>th</sup>, 2019 through November 12<sup>th</sup>, 2019. A copy of the draft can be found at the following:

<http://www.public.applications.co.brown.wi.us/Plan/PlanningFolder/Transpotation/ADA%20&%20Section%20504%20Transition%20Plan/Draft%20ADA%20&%20Section%20504%20Transition%20Plan.pdf>

If you wish to submit comments about the content of the ADA/Section 504 Transition Plan, you can submit them by telephone, email, mail, or the Brown County Planning Commission/Green Bay MPO's Facebook page.

If you have any questions, please feel free to contact Cole Runge at [Cole.Runge@browncountywi.gov](mailto:Cole.Runge@browncountywi.gov) or 920-448-6483, or myself at [Karl.Mueller@browncountywi.gov](mailto:Karl.Mueller@browncountywi.gov) or 920-448-4436.

Thanks,

Karl