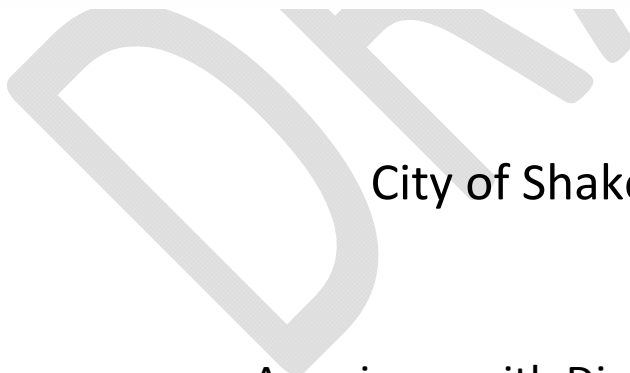




SHAKOPEE



City of Shakopee

Americans with Disabilities Act

Pedestrian Facilities Transition Plan

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Introduction

Transition Plan Need and Purpose

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA consists of five titles outlining protections in the following areas:

1. Employment
2. State and local government services
3. Public accommodations
4. Telecommunications
5. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, the City of Shakopee must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, “...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity or be subjected to discrimination by any such entity.” ([42 USC. Sec. 12132](#); [28 CFR. Sec. 35.130](#))

As required by Title II of [ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150](#), the City of Shakopee is currently conducting 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 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 of Shakopee 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 Shakopee programs, practices or building facilities not related to public rights of way.

Self-Evaluation

Overview

The City of Shakopee 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 right-of-way. Any barriers to accessibility identified in the self-evaluation and the remedy to the identified barrier are set out in this transition plan.

Summary

In 2017, Shakopee began conducting an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- 68.1 miles of sidewalks
- 1,849 curb ramps
- 40.4 miles of trails
- 2 traffic control signals

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

Policies and Practices

Policy

Shakopee'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 F. 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 in a reasonable and responsible manner. All accessibility improvements that have been deemed reasonable will be scheduled for implementation consistent with transportation priorities. The city will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the city's jurisdiction are designed and constructed in accordance with the most current ADA design practices to the extent feasible.

Maintenance of pedestrian facilities within the public right of way will continue to follow the policies set forth by the city.

New Construction:

- All new construction projects with pedestrian facilities will be designed and constructed to conform with the most current ADA design practices to the extent feasible.

Reconstruction Areas:

- All city reconstruction projects (including mill and overlay projects) will be designed and constructed in accordance with the most current ADA design practices to the extent feasible.

Rehabilitation/Resurfacing Projects:

- Curb replacement projects will be evaluated for ADA improvements. If the curb replacement is at an existing or proposed pedestrian ramp location it will be designed and constructed to conform with the most current ADA design practices to the extent feasible.
- Sidewalk panel replacement will be evaluated on a case by case basis.
- Rehabilitation/resurfacing projects that only include the following will not include ADA upgrades: crack sealing, concrete joint sealing, concrete surface grinding/planing, pothole patching, seal coating, sidewalk joint grinding and/or skin patching.

Requests for accessibility improvements can be submitted to the ADA Title II Coordinator. Contact information for the ADA Title II Coordinator is in Appendix E.

Improvement Schedule

Priority Areas

All scheduled city reconstruction projects with pedestrian accommodations will be designed and constructed to conform with the most current ADA design practices, to the extent feasible. Accessible curb cuts/ramps will be added as needed to provide access to existing pedestrian facilities at intersections where they do not currently exist. Existing pedestrian ramps will be evaluated on a case by case basis and those needing improvements to meet ADA requirements will be improved.

External Agency Coordination

Many other agencies are responsible for pedestrian facilities within the jurisdiction of Shakopee. These agencies include Scott County, Three Rivers Park District, Mn/DOT, Metro Transit and DNR. 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 Shakopee has set the following schedule goals for improving the accessibility of its pedestrian facilities within the city jurisdiction:

- After 5 years (2023), areas identified in the Capital Improvement Plan (CIP) would be ADA compliant.
- After 10 years, 35% of accessibility features within the jurisdiction of the city would be ADA compliant.
- After 20 years, 50% of accessibility features within the jurisdiction of city would be ADA compliant.

ADA Coordinator

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

Implementation Schedule

Methodology

The City of Shakopee 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 Shakopee staff. The *City of Shakopee, MN Capital Improvement Plan 2018 to 2022*, which includes a detailed schedule and budget for specific improvements, is accessible online at <http://www.shakopeemn.gov/living-here/my-street/future-improvements>.

Public Outreach

The City of Shakopee 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 Shakopee. Public outreach for the creation of this document consisted of the following activities:

A newspaper advertisement was placed in the *Shakopee Valley News*, May 19, 2018, advertising a public Open House to be held on May 24, 2018 from 6:30 to 7:30 p.m. The public Open House was held at Shakopee City Hall on May 24, 2018 at 6:30 to 7:30 p.m.

This document was also posted on the Public Works website for a public comment period from May 17, 2018 to May 31, 2018.

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 City of Shakopee 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 in 3 to 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.

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Appendices

- A. Self-Evaluation Results**
- B. Schedule / Budget Information**
- C. Public Outreach**
- D. Grievance Procedure**
- E. Contact Information**
- F. Agency ADA Design Standards and Procedures**
- G. Glossary of Terms**

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Appendix A – Self-Evaluation Results

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Appendix B – 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 2016 costs for some typical accessibility improvements based on if the improvements are included as part of a retrofit type project, or as part of a larger comprehensive capital improvement project.

Intersection corner ADA improvement retrofit: +/- \$7,000 per corner

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

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

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

Appendix C – Public Outreach

Insert Summary of Public Outreach here:

Insert Outreach agenda's and sign in info, as well as notification and invite strategy.

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Appendix D – Grievance Procedure

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

Public Notice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the City of Shakopee will not discriminate against qualified individuals with disabilities on the basis of disability in city's services, programs, or activities.

Employment: The city does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

Effective Communication: The city will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the city's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The city will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all city programs, services, and activities. For example, individuals with service animals are welcomed in city offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a city program, service, or activity, should contact the office of the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

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

The city will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

In accordance with 28 CFR 35.107(b), the City of Shakopee Public Works has developed the following grievance procedure to facilitate prompt and equitable resolution of citizens' complaints, concerns, comments or other grievances.

The city understands that citizens may desire to contact staff and discuss ADA issues without filing a formal grievance. Contacting staff to informally discuss ADA issues is welcomed and does not limit a person's ability or right to file a formal grievance later. Citizens wishing to do this may contact staff using the contact information in Appendix E.

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

Internet

Visit the City of Shakopee website (website) and click the "ADA" link to the [ADA Grievance Form](#). Fill in the form online and click "submit." A copy of The ADA Grievance Form is included in this Appendix.

Telephone

Contact the pertinent city staff person listed in the **Contact Information** section of Appendix E to submit an oral grievance. The staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

Paper Submittal

Contact the pertinent city staff person listed in the **Contact Information** section of Appendix E to request a paper copy of the city's grievance form, complete the form, and submit it to City of Shakopee Public Works. A staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

The ADA Grievance Form will ask for the following information:

The **name, address, telephone number, and email address** for the person filing the grievance

The **name, address, telephone number, and email address** for the person alleging an ADA violation (if different than the person filing the grievance)

A **description and location of the alleged violation and the nature of a remedy sought**, if known by the complainant.

If the complainant has filed the same complaint or grievance with the United States Department of Justice (DOJ), another federal or state civil rights agency, a court, or others, the **name of the agency or court where the complainant filed it and the filing date.**

The city will acknowledge receipt of the grievance to the complainant within 10 working days of its submittal. The city will also provide to the complainant within 10 working days of its submittal; 1) a response or resolution to the grievance or; 2) information on when the complainant can expect a response or resolution to the grievance.

If the grievance filed does not concern a City of Shakopee facility, the city will work with the complainant to contact the agency that has jurisdiction.

Within 60 calendar days of receipt, a City of Shakopee staff person will conduct an investigation necessary to determine the validity of the alleged violation. As a part of the investigation, the staff person will consider data collected and any information submitted by the complainant and use department resources including engineering policies and guidelines to determine the city's response. A staff person will be available to meet with the complainant to discuss the matter as a part of the investigation and resolution of the matter. The city will document each resolution of a filed grievance and retain such documentation in the department's ADA Grievance File for a period of 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 Shakopee.

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

File Maintenance

The city shall maintain ADA grievance files 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 - NYAV
Washington, D.C. 20530

www.ada.gov

(800) 514-0301 (voice – toll free)

(800) 514-0383 (TTY)

Title II may also be enforced through private lawsuits in Federal court. It is not necessary to file a complaint with the DOJ or any other Federal agency, or to receive a "right-to-sue" letter, before going to court.

City of Shakopee ADA Discrimination Grievance Form

**Title II of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973**

Instructions: Please fill out this form completely and return to the address below.

Complainant: _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

Person making the complaint (if other than the complainant)

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

Government, organization or institution which you believe discriminated:

Name: _____

Address: _____

County: _____

City, State, Zip Code: _____

Telephone: _____

When did this event occur (date)?

Describe the event in detail, providing name(s) where possible for the people who were involved. (Add additional pages if necessary):

Have prior efforts been made to resolve this complaint through the City of Shakopee grievance procedure?

Yes ___ No ___

If yes, what is the status of the grievance: _____

Has a complaint been filed with another bureau of the US Department of Justice, or any other Federal, State or local civil rights agency or court?

Yes ___ No ___

If yes: Agency or Court Name:

Contact Person: _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

Date Filed: _____

Do you plan to file with another agency or court?

Yes No

If yes: Agency or Court:

Address: _____

Telephone: _____

Signature: _____

Date: _____

Appendix E – Contact Information

ADA Title II Coordinator

Name: Micah Heckman

Address: 485 Gorman Street, Shakopee, MN 55378

Phone: 952-233-9363

Fax: 952-233-3807

E-mail: mheckman@shakopeemn.gov

Public Right of Ways ADA Implementation Coordinator

Name: Micah Heckman

Address: 485 Gorman Street, Shakopee, MN 55378

Phone: 952-233-9363

Fax: 952-233-3807

E-mail: mheckman@shakopeemn.gov

Other

Appendix F – 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

Bus stops 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 bus stop 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 bus stop location shall be made as compliant as possible in accordance with the judgment of city staff.

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 Shakopee 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.

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Appendix G – Glossary of Terms

ABA: See Architectural Barriers Act.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: Mn/DOT's transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the Statewide Transportation Improvement Program (STIP), and ensures all transportation facilities, services, programs, and activities are accessible to all individuals.

ADAAG: See Americans with Disabilities Act Accessibility Guidelines.

Accessible: A facility that provides access to people with disabilities using the design requirements of the ADA.

Accessible Pedestrian Signal (APS): A device that communicates information about the WALK phase in audible and vibrotactile formats.

Alteration: A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

Americans with Disabilities Act (ADA): The Americans with Disabilities Act; Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

APS: See Accessible Pedestrian Signal.

Architectural Barriers Act (ABA): Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Capital Improvement Program (CIP): The CIP for the Transportation Department includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the city's transportation system.

Detectable Warning: A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

DOJ: See United States Department of Justice

Federal Highway Administration (FHWA): A branch of the US Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

FHWA: See Federal Highway Administration

Pedestrian Access Route (PAR): A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

Pedestrian Circulation Route (PCR): A prepared exterior or interior way of passage provided for pedestrian travel.

PROWAG: An acronym for the *Guidelines for Accessible Public Rights-of-Way* issued in 2005 by the U. S. Access Board. This guidance addresses roadway design practices, slope, and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.

Right of Way: A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks, and trails creating public pedestrian access within a public entity's jurisdictional limits.

Section 504: The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

Uniform Accessibility Standards (UFAS): Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

United States Access Board: An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally funded facilities.

United States Department of Justice (DOJ): The United States Department of Justice (often referred to as the Justice Department or DOJ), is the United States federal executive department responsible for the enforcement of the law and administration of justice.