



Illinois Department of Transportation

Office of the Secretary
2300 South Dirksen Parkway / Springfield, Illinois / 62764
Telephone 217/782-5597

June 18, 2014

MEMORANDUM TO FELLOW TRANSPORTATION PARTNER/ STAKEHOLDERS

SUBJECT: 2014 Americans with Disabilities Act Transition Plan

The Illinois Department of Transportation (IDOT) has long been focused on the needs of those with mobility impairments. IDOT's design standards for accessible pedestrian facilities date back to the mid-1970s. Providing safe and accessible transportation for all our residents and visitors aligns with IDOT's overall vision of *Transforming Transportation for Tomorrow*. In 1992, IDOT completed an Americans with Disabilities Act (ADA) Transition Plan with the goal of attaining ADA compliance on pedestrian facilities statewide. In 2013, IDOT launched an initiative to comprehensively review the 1992 Transition Plan, along with all agency processes and procedures related to accessibility in the public right-of-way.

I am pleased to present IDOT's draft ADA Transition Plan. The Transition Plan is framed around four key thematic principles: 1) Access; 2) Connectivity; 3) Collaboration; and, 4) Safety. These principles will be instrumental to the plan's implementation. IDOT seeks your input to the ADA Transition Plan, to include identification of inaccessible pedestrian facilities within your area of travel. The success of making our transportation system fully accessible depends on the coordinated efforts of all levels of government transportation agencies, the public, and the strategies outlined in this plan.

This plan provides an opportunity to build upon past success in pedestrian accessibility. IDOT will continue to look for opportunities to involve citizens, stakeholders, and transportation partners in the implementation of this plan and future policy decisions affecting accessibility. I hope you will join us as we together *Transform Transportation for Tomorrow*.

The ADA Transition Plan is included with this letter. An electronic copy of the ADA Transition Plan can also be accessed at <http://www.dot.il.gov/pdf/finaltp.pdf>. Please submit comments regarding the plan by completing the public comment form enclosed as Appendix G and mail it to:

Bureau of Design & Environment
ATTN: ADA Policy Engineer
2300 S. Dirksen Parkway
Springfield, IL 62764

You may also submit your comments via email to dot.ada.complaint@illinois.gov.

Memorandum to Transportation Partners/Stakeholders
Page Two
June 18, 2014

Thank you for your interest in Illinois' transportation system. If you have any questions or need additional information, please contact John Baranzelli, Bureau of Design & Environment, 2300 South Dirksen Parkway, Room 330, Springfield, Illinois 62764, by telephone at (217) 782-7526.



Ann L. Schneider
Secretary

Enclosures

ADA TRANSITION PLAN

FOR PROGRAMS AND FACILITIES IN THE PUBLIC RIGHT-OF-WAY



State of Illinois
Illinois Department of Transportation



Illinois Department
of Transportation

Contents

Introduction	1
Vision	1
Guiding Principles.....	1
Goals for Accessibility in Illinois	2
Transition Plan Need and Purpose.....	2
IDOT Transition Plan Background	2
Accessibility Law	3
Program Location and Staffing.....	6
Transition Plan Management	6
Self-Evaluation.....	6
Background.....	6
Overview	7
Inventory	8
ADA Compliance Upgrades	10
Training.....	10
Public Outreach	11
Complaint Procedure	11
Who May File a Complaint.....	12
How to File a Complaint.....	12
Complaint Processing.....	12
ADA Complaint Record Retention	13
Appendices	14
Appendix A: Glossary of Terms	15
Appendix B – Contact Information.....	17
Appendix C – Public Outreach.....	19
Appendix D – Joint Process Review.....	20
Appendix F– Self-Evaluation Inventory	38
Appendix G – Public Comment Form.....	39

Introduction

Transforming Transportation for Tomorrow is the Illinois Department of Transportation's (IDOT) vision for transportation in Illinois. IDOT's ADA Transition Plan is intended to serve as a guide to further IDOT's vision, mission, and guiding principles by outlining key actions for making Illinois transportation systems accessible to all. Furthermore, this Transition Plan is intended to serve as an operating document to fulfill the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

Vision

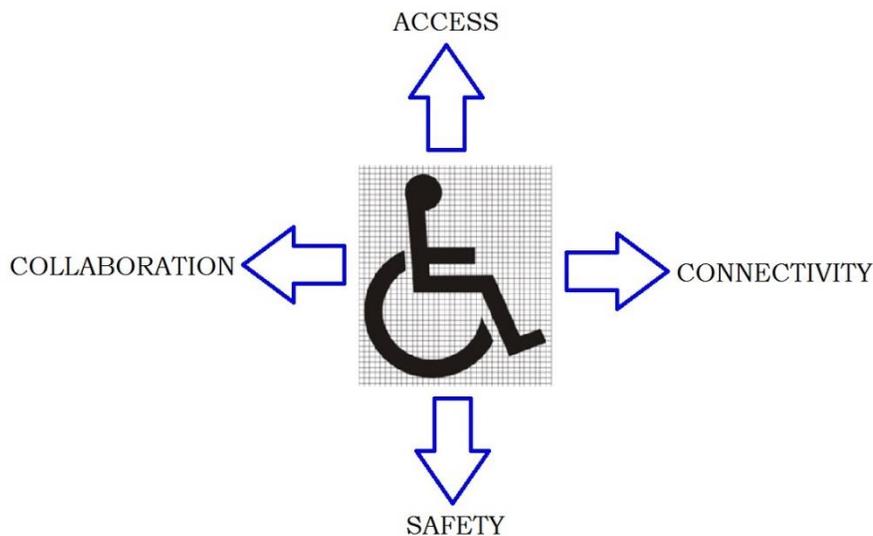
Illinois will be recognized as a place where all residents and visitors feel equally comfortable using any mode of transportation provided by IDOT. Together with other partners in transportation at the municipal and regional levels, IDOT is committed to making accessible transportation a reality. IDOT will provide safe, cost-effective transportation for Illinois in ways that enhance quality of life, promote economic prosperity and demonstrate respect for our environment.

Guiding Principles

We will accomplish our mission while making the following principles the hallmark of all our work:

- Safety
- Transportation efficiency
- Social equity
- Responsiveness
- Overall quality of life
- Innovation

Goals for Accessibility in Illinois



ACCESS – IDOT will provide a statewide transportation system that will be accessible to all Illinois residents and visitors.

CONNECTIVITY – Accessible pedestrian facilities will seamlessly connect with other modes of transportation like trains and buses.

SAFETY – IDOT will provide safe and comfortable pedestrian facilities for everyone.

COLLABORATION – IDOT will strive to strengthen existing partnerships in transportation and to build new and innovative alliances to advance its vision for accessible pedestrian facilities.

Transition Plan Need and Purpose

IDOT Transition Plan Background

The Illinois Department of Transportation first prepared and adopted an ADA Transition Plan in 1992. The 1992 Plan discussed goals for attaining compliance with the Americans with Disabilities Act, and the department allocated resources statewide to achieve accessibility on pedestrian access routes.

The purpose of this 2014 Transition Plan is to update the 1992 Plan by re-evaluating agency policies, programs, and facilities to ensure compliance with the latest

accessibility guidelines. IDOT has continually sought to update its policies and programs as regulations at both the federal and state level are revised. IDOT curb ramp design standards have been continuously modified to reflect the latest accessibility guidelines since curb ramps were first developed in the mid-1970s.

Although the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) have not yet been officially adopted by the U.S. Department of Justice, the Federal Highway Administration (FHWA) has issued guidance that the draft version of the PROWAG are currently recommended as best practices. Due to the widespread acceptance of the PROWAG, and their pending adoption in the near future, this IDOT Transition Plan is primarily based upon the PROWAG requirements.

The Transition Plan accomplishes the following tasks:

- Sets guidelines for modifying policies and practices that do not meet ADA requirements.
- Sets an agenda to identify physical obstacles in the public right-of-way that limit the accessibility of the agency's programs or activities to individuals with disabilities.
- Provides an opportunity for individuals with disabilities and or organizations representing individuals with disabilities, to participate in the development of the Transition Plan.
- Describes the methods that will be used to make pedestrian facilities accessible.
- Specifies the schedule for taking the steps necessary to upgrade pedestrian access to meet ADA and Section 504 requirements in each year following the Transition Plan.
- Establishes a system for periodically reviewing and updating the Transition Plan.
- Indicates the officials responsible for implementation of the Transition Plan.
- Implements IDOT Departmental Policy D&E-25 which outlines the need for IDOT's Division of Highways to update the ADA Transition Plan.

Accessibility Law

IDOT is required by Title II of ADA and Section 504 of the Rehabilitation Act of 1973, to conduct a self-evaluation and develop a Transition Plan detailing how the agency will ensure all of its facilities, services, programs, and activities in the public right-of-way are accessible to all individuals.

Section 504 of the Rehabilitation Act of 1973 made it illegal for the federal government, federal contractors, and any entity receiving federal financial assistance to discriminate on the basis of disability.

While section 504 of the Rehabilitation Act only applies to entities receiving federal financial assistance, the Americans with Disabilities Act (ADA), enacted on July 26, 1990 applies to all state and local governments, including those that do not receive federal financial assistance. Title II of ADA pertains to the programs, activities and services provided by public entities. As a provider of public transportation services and programs, IDOT 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 U.S.C. § 12132).

TIMELINE OF National, State, and IDOT ADA Policy

1965: Illinois passes the Facilities for the Handicapped Act

1968: U.S. Congress enacts the Architectural Barriers Act (ABA)

1973: U.S. Congress enacts the Rehabilitation Act

Mid 70s: IDOT issues standards for the design of sidewalk ramps for the handicapped

1985: Illinois passes the Environmental Barriers Act

1988: Illinois issues the *Illinois Accessibility Code (IAC)*

1988: IDOT revises standards for the design of sidewalk ramps for the handicapped

1990: U.S. Congress enacts the American with Disabilities Act (ADA)

1992: IDOT completes a Transition Plan that discusses goals for attaining compliance with ADA

June 1994: IDOT issues design standards for the design of curb ramps accessible to the disabled

July 1994: IDOT issues PM 94-12 that specifies procedures to incorporate accessibility standards in projects for the state highway system

July 2011: U.S. Access Board issues proposed final draft of PROWAG

2012: IDOT revises curb ramp design standards to comply with latest accessibility guidelines

Program Location and Staffing

Managing and implementing the IDOT Transition Plan requires a multidisciplinary approach encompassing policy development, outreach, technical support, and legal oversight. These responsibilities required by 28 C.F.R § 35.107 will be managed by the following peer positions: the ADA Policy Engineer in the Division of Highways and the Title II Coordinator in the Bureau of Civil Rights, with support from ADA Coordinators at each district (see appendix B) and most bureaus in IDOT Headquarters. Questions regarding IDOT's Transition Plan should be directed to:

Juliet Shoultz, P.E.
ADA Policy Engineer
Bureau of Design & Environment
2300 S. Dirksen Parkway
Springfield, IL 62764
217-785-2148
Juliet.Shoultz@illinois.gov

Transition Plan Management

IDOT's Transition Plan is a living document that will be updated as facility inventories are completed and non-compliant facilities are upgraded. Additionally, other inaccessible features in the public right-of-way may be added when accessibility guidelines are revised. The first update is scheduled one year after the plan's formal adoption and every other year thereafter. In order to streamline Transition Plan updates and to keep the document current and relevant, attachments will be updated annually if new information is available. When an update is found to alter the intent of IDOT's Transition Plan, the attachment and affected section(s) will be posted for public review and comment. The Transition Plan update schedule may be altered at the discretion of IDOT based on guideline changes from the United States Access Board, FHWA policy, and or IDOT policy.

Self-Evaluation

Background

In July 2012, IDOT completed a Joint Process Review aimed at evaluating the department's policies and practices to ensure that Illinois highway projects were developed, constructed, and maintained in accordance with Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Illinois Environmental Barriers Act. The process review was a joint collaboration with the Federal Highway Administration – Illinois Division, the Office of Illinois Attorney General's Disability Rights Bureau, and IDOT. In addition to conducting field reviews of sidewalks, curb ramps, and detectable warnings on recently completed roadway projects for accessibility compliance, the Joint Process Review team interviewed State

and local agency staff. The key observations from these interviews and field reviews were:

- A need for increased awareness and understanding of the Federal and State accessibility requirements applicable to the public right-of-way.
- Although IDOT policies are substantially in compliance with ADA/504 regulations and the Illinois Accessibility Code (IAC) for new construction, there is a need to clarify policy when altering or maintaining existing facilities
- A need to educate local agencies about the requirements for self-evaluations, transition plans and ADA coordinators
- A need to develop an ADA compliance checklist for use in constructing pedestrian access routes in the public right of way.

As a result of the Joint Process Review, IDOT took the following actions:

- Designated an ADA Policy Engineer within the IDOT Division of Highways
- Initiated a research study with the Illinois Center for Transportation to develop resource material on accessibility in the public right-of-way, as well as expand existing IDOT ADA/PROWAG training to an e-learning format that can be delivered to a wider audience more efficiently.
- Established a plan for conducting a self-evaluation and updating IDOT's ADA Transition Plan

The Joint Process Review revealed IDOT's opportunities to increase accessibility for all users of its facilities, services, programs, and activities.

Overview

Departmental Policy D&E-25 Americans with Disabilities Act (ADA) Transition Plan was issued in October 2013 directing the Division of Highways to complete a self-evaluation and inventory of its pedestrian facilities as a first step in revising the departments ADA Transition Plan. IDOT also revised its Bureau of Design and Environment manual and the Bureau of Local Roads and Streets manual to more closely reflect the ADA requirements promulgated in PROWAG.

The self-evaluation examines the condition of IDOT's Pedestrian Circulation Routes/Pedestrian Access Routes (PCR/PAR) and identifies potential needs for PCR/PAR infrastructure improvements. Additionally, the self-evaluation examines

accessibility at rest areas and weigh stations, as well as pedestrian traffic signals. Any barriers to accessibility identified during the self-evaluation are presented in this Transition Plan.

The self-evaluation also identifies and analyzes IDOT policies, practices and procedures that impact accessibility in the public right of way. The goal of the self-evaluation is to verify that, in implementing these policies, practices and procedures, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.

Inventory

IDOT has identified the following general areas that need to be included in the transition plan inventory database: sidewalks maintained by IDOT, curb ramps, crosswalks, pedestrian signals, rest areas and weigh stations. Although this draft transition plan for public commentary does not include an inventory of the agency's facilities in the public right of way, the initial publication scheduled for July 2014 will include a summary of facilities that have been inventoried to date. As inventories are completed, they will be included in Appendix F of the Transition Plan and serve as an important tool to assist in project programming, scoping, development, and implementation. The agency-wide inventory for this transition plan was initiated in 2013, and the database will be continually updated as facilities are added to the inventory or brought up to ADA compliance. The accessibility parameters assessed for the inventory are primarily derived from the latest draft of PROWAG. The latest publication of PROWAG can be retrieved from the United States Access Board's website:

<http://www.access-board.gov/guidelines-and-standards>.

Curb ramps, sidewalks and crosswalks

IDOT recognizes that a self-evaluation of curb ramps, sidewalks, and crosswalks within its public rights-of-way is a key element to a comprehensive revision of the 1992 transition plan. At the time of this publication, the self-evaluation of curb ramps, sidewalks maintained by IDOT, and crosswalks is in progress, but has not been completed. A method and timeline for completion has been identified by all nine highway districts. Data collected includes the location, and condition rating of ramps, adjacent sidewalks, and crosswalks. Curb ramps comprise a significant segment of IDOT's transportation facilities that must be brought up to ADA compliance. IDOT developed a system to prioritize curb ramp upgrades in the 1992 Transition Plan. Similarly, for this transition plan, IDOT developed a prioritization system that takes into consideration both the condition rating as well as the user rating of the curb ramp as defined below:

Condition Rating:

1. Compliant curb ramp

2. Mostly compliant curb ramp (*curb ramps where only one or two elements are in violation*)
3. Mostly non-compliant curb ramp (*curb ramps where more than two elements are in violation*)
4. Missing curb ramp where warranted

User Rating:

Level 1: Serving industrial areas, single family residential areas, and other areas not classified as high priority

Level 2: Serving facilities such as shopping malls, supermarkets, strip retail centers, major employment sites and multi-housing complexes

Level 3: Serving facilities such as public service facilities, transportation hubs, hospitals, rehabilitation facilities, schools, public housing, parks, and areas with a high concentration of disabled citizens

Level 4: Serving areas where a specific accessibility request or need has been identified by the disabled community

The user rating scale is defined in order of increasing priority. Thus a user rating of level 1 has the lowest priority, and level 4 has the highest priority. Through the self-evaluation process, IDOT will seek input from the disabled community to aide in determining high priority curb ramps that may not be captured as such in the IDOT curb ramp prioritization system. If IDOT receives a valid request or complaint from an individual or public agency about a substandard access ramp, IDOT will move that ramp to the top of the priority list and make the necessary improvements to the ramp. Prioritization can be updated as new information becomes available such as public input on specific barriers to mobility or new information on pedestrian incidents.

Pedestrian Signals

There are approximately 8,600 signals managed by IDOT, of which approximately 20 have Accessible Pedestrian Signals (APS). The inventory of pedestrian signals will involve a two phase process. The first phase will require the districts to identify the locations where APS are in place. The second phase of the inventory will require the districts to prioritize the intersections that do not currently have APS. The prioritization will be based on a condition and user rating system.

Rest Areas and Weigh Stations

Several accessibility guidelines, codes and regulations apply to rest areas and weigh stations. The ADA accessibility guidelines applicable to rest area and weigh station facilities include the following:

- Illinois Accessibility Code
- ADA 2010 Standards
- ADA Accessibility Guidelines for Recreation Facilities

49 C.F.R § 27.75 requires States to make interstate rest area facilities accessible whenever federal funding is used to improve the facility or when federal funds are used to construct, reconstruct or otherwise alter the roadway adjacent to or in close proximity to the rest area.

ADA Compliance Upgrades

IDOT is committed to addressing the barriers identified in the self-evaluation. As the self-evaluation is completed, facilities that are non-compliant will be prioritized and programmed accordingly. The funding and scheduling of accessibility improvements will continue concurrent with IDOT's routine construction program.

The department will attempt to construct or upgrade pedestrian facilities to achieve compliance within the scope of all improvement projects. There may be limitations which make it technically infeasible to achieve full accessibility within the scope of a project. Those limitations will be noted and the facilities will remain on the Transition Plan. As future projects or opportunities arise, such facilities shall continue to be incorporated into future work.

If it is determined that full ADA compliance is technically infeasible to the degree described in PROWAG, a maximum extent practicable (MEP) form must be completed and submitted for each facility that is not in full compliance. The MEP form shall demonstrate that the facility has been designed to meet full compliance to the maximum extent feasible. No blanket MEP waivers will be granted on a project-wide or program-wide basis. The MEP process is not intended to eliminate the requirements for accommodating persons with disabilities. Even with an approved maximum extent practicable design analysis, a project shall be designed as close as practical to the required design guidelines.

Training

As part of the adoption of Public Rights of Way Accessibility Guidelines (PROWAG), IDOT conducts statewide training on both design and policy. The ADA/PROWAG course was developed in collaboration with the Illinois Attorney General Office's Disability Rights Bureau and the Illinois Division of the FHWA. The course is divided into the following modules:

- Introduction to ADA and PROWAG
- State Law and ADA
- Federal Law and ADA

- Transition Plans
- PROWAG
 - Application and Administration
 - Scoping Requirements
 - Technical Requirements
 - Supplementary Technical Requirements
- Illinois Accessibility Code

In order to provide ADA training to a wider audience, IDOT is working with the University of Illinois at Urbana-Champaign to modify the existing ADA/PROWAG course into modules to be delivered using online instruction courseware.

Public Outreach

IDOT recognizes that public participation is an important component in the development of the Transition Plan. To that end, IDOT is providing an opportunity for interested persons, including individuals with disabilities and/or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments. The public may submit comments regarding this Transition Plan by completing the *Public Comment Form* (Appendix G) and mailing it to the following address:

Illinois Department of Transportation
Bureau of Design and Environment
Attn: ADA Policy Engineer
2300 South Dirksen Parkway, Room 330
Springfield, IL 62764

Public comments may also be submitted via email to dot.ada.complaint@illinois.gov. Any person with a disability or their representative may request to submit their input to the Transition Plan using an alternative format.

IDOT will maintain a record of and make available for public inspection the following:

- A list of the interested persons consulted (Appendix C)
- An inventory of non-compliant areas identified through the inventory process and public outreach, along with problems identified, and modifications made or proposed.

Complaint Procedure

The American with Disabilities Act of 1990 and the Rehabilitation Act of 1973 prohibit a public entity from discriminating against persons with disabilities in access to facilities

and services that the public entity provides. If users of IDOT facilities and services believe IDOT has not provided reasonable accommodation in the public right-of-way, they have the right to file a complaint. In accordance with 28 C.F.R § 35.107(b), IDOT has developed a complaint procedure for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances.

Who May File a Complaint

Any person who believes that they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any IDOT service, program, activity, or facility may file a complaint. A complaint may also be filed by a representative on behalf of such a person.

How to File a Complaint

A complainant may file his or her complaint by using the *Americans with Disabilities Act (ADA) Accessibility Complaint form EEO 2546* submitted via mail to the following address:

Illinois Department of Transportation
Bureau of Design and Environment
Attn: ADA Policy Engineer
2300 South Dirksen Parkway, Room 330
Springfield, IL 62764

The complaint form may also be submitted via email to dot.ada.complaint@illinois.gov. A copy of ADA Accessibility Complaint form EEO 2546 is attached as Appendix E. Any person with a disability or their representative may request to file his or her complaint using an alternative format.

Complaint Processing

IDOT will acknowledge complaints received and will process them once the identity of the complainant is established. If the complaint filed does not concern an IDOT facility, it will be forwarded to the appropriate government or private entity and the complainant will be notified.

Within 60 calendar days of receipt, IDOT will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, IDOT will arrange to meet with the complainant to discuss the matter and attempt to reach a resolution of the complaint.

If a resolution of the complaint is not reached, a written determination of the complaint shall be issued by IDOT and a copy forwarded to the complainant.

The resolution of any specific complaint will require consideration of varying circumstances, such as:

- ❖ The nature of the access to services, programs, or facilities at issue and the essential eligibility requirements for participation
- ❖ The health and safety of the general public
- ❖ The degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause undue hardship to IDOT.

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

ADA Complaint Record Retention

The Bureau of Civil Rights office shall keep a record of all complaints filed for non-compliance with ADA and Section 504 of the Rehabilitation Act of 1973 for a minimum of three (3) years following the date of case closure. Electronic records will be retained for an additional eight (8) years, then deleted from the system, provided all audits have been completed, and no litigation is pending or anticipated.

Appendices

- A. Glossary of Terms
- B. Contact Information
- C. Public Outreach
- D. Joint Process Review
- E. Americans with Disabilities Act (ADA) Accessibility Complaint form EEO 2544
- F. Self-Evaluation Inventory Database
- G. Public Comment Form

Appendix A: Glossary of Terms

Accessible: A facility in the public right-of-way that provides compliant access for people with disabilities.

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.

Americans with Disabilities Act (ADA): Federal civil rights legislation passed in 1990 and effective July 1992 (42 USC 12131). The ADA prohibits discrimination and ensures equal opportunity for persons with disabilities.

ADAAG: An acronym for the 2010 ADA Standards for Accessible Design (formerly called “ADA Accessibility Guidelines”). These standards contain scoping and technical requirements for accessibility to buildings and facility sites.

Cross Slope: The grade that is perpendicular to the direction of pedestrian travel.

Curb Ramp: A ramp that cuts through or is built up to the curb.

Element: An architectural or mechanical component of a building, facility, space, site, or public right-of-way.

Detectable Warning: Surfaces consisting of small truncated domes built in or applied to a walking surface that are detectable underfoot.

Pedestrian Access Route (PAR): A continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path.

Pedestrian Circulation Path: A prepared exterior or interior surface provided for pedestrian travel in public right-of-way.

PROWAG: An acronym for the *Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (formerly called “Public Rights-of-Way Accessibility Guidelines”)*. These guidelines, first issued in 2005 by the U. S. Access Board, have not yet been adopted by the U.S. Access Board but are recommended by the Federal Highway Administration as a best practice when working in the public right-of-way. This guidance addresses design practices 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.

Public Right-of-Way: Public land or property, usually in interconnected corridors, that is acquired for or dedicated to transportation purposes.

Vertical Surface Discontinuities: Vertical differences in level between two adjacent surfaces.

Appendix B – Contact Information

ADA Policy Engineer

Juliet Shoultz, P.E
2300 S. Dirksen Parkway
Springfield, IL 62764
Phone: 217-785-2148
Fax: 217-524-9357
E-mail: Juliet.shoultz@illinois.gov

Acting Bureau Chief – Bureau of Civil Rights

Karen Ward, Esq.
2300 S. Dirksen Parkway
Springfield, IL 62764
E-mail: Karen.Ward@illinois.gov

Local Roads ADA Coordinator

Pete Wagner, P.E
2300 S. Dirksen Parkway
Springfield, IL 62764
E-mail: peter.wagner@illinois.gov

District 1 ADA Coordinator

Pam Broviak, P.E
201 West Center Court
Schaumburg, IL 60196-1096
E-mail: Pamela.Broviak@illinois.gov

District 2 ADA Coordinator

Jon McCormick, P.E
819 Depot Avenue
Dixon, IL 61021
E-mail: Jon.M.McCormick@illinois.gov

District 3 ADA Coordinator

Greg Lee, P.E
700 East Norris Drive
Ottawa, IL 61350
E-mail: Greg.Lee@illinois.gov

District 4 ADA Coordinator

Kevin Horst
401 Main Street
Peoria, IL 61602
E-mail: Kevin.Horst@illinois.gov

District 5 ADA Coordinator

Scott Neihart, P.E
13473 IL Hwy 133
Paris, IL 61944
E-mail: Scott.Neihart@illinois.gov

District 6 ADA Coordinator

Sal Madonia, P.E
126 East Ash Street
Springfield, IL 62704
E-mail: Sal.Madonia3@illinois.gov

District 7 ADA Coordinator

Rob Macklin, P.E
400 West Wabash
Effingham, IL 62401
E-mail: Rob.Macklin@illinois.gov

District 8 ADA Coordinator

Cecil Downing, P.E
1102 Eastport Plaza Drive
Collinsville, IL 62234
E-mail: Cecil.Downing@illinois.gov

District 9 ADA Coordinator

Joe Zdankiewicz, P.E
State Transportation Building
P.O. Box 100
Carbondale, IL 62903
E-mail: Joe.Zdankiewicz@illinois.gov

Appendix C – Public Outreach

Organizations receiving a copy of the Transition Plan for review and input include the following:

Access Living of Metropolitan Chicago
Access Services of Northern Illinois
Advocates for Access
Central Illinois Service Access
Champaign County Regional Planning Commission
The Chicago Lighthouse
Citizens with Disabilities in Illinois
Community Alternatives Unlimited
Community Service Options
Developmental Disability Services
DuPage Center for Independent Living
Equip for Equality
Friedman Place
Great Lakes ADA Center
Great Rivers Service Coordination
The Hadley School for the Blind
The Hope School Learning Center
IMPACT
Illinois/Iowa Independent Living Center (IILC)
Illinois School for the Visually Impaired
Illinois Valley Center for Independent Living (IVCIL)
Jacksonville Area Center for Independent Living (JACIL)
Lake County Center for Independent Living (LCCIL)
LIFE Center for Independent Living
LINC. Inc.
Mary Bryant Home for the Blind
Northwestern Illinois Center for Independent Living (NICIL)
Opportunities for Access Center for Independent Living (OFA CIL)
Options Center for Independent Living
PACE, Inc. Center for Independent Living
Prairieland Service Coordination
Progress Center for Independent Living
RAMP
Southern Illinois Center for Independent Living (SICIL)
Soyland Access to Independent Living (SAIL)
Sparc
Statewide Independent Living Council of Illinois
Stone-Hayes Center for Independent Living
UCP of Illinois and affiliates
West Central Illinois Center for Independent Living (WCICIL)
Will-Grundy Center for Independent Living (WGCIL)

Appendix D – Joint Process Review



Illinois Department of Transportation
2300 South Dirksen Parkway/ Springfield, Illinois/ 62764



U.S. Department of Transportation
Federal Highway Administration
Illinois Division

August 7, 2012

In Reply Refer To:
HQI-IL

Secretary Ann Schneider
Secretary of Transportation
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

Norman R. Stoner, P.E.
Division Administrator
Federal Highway Administration
3250 Executive Park Drive
Springfield, IL 62703

Dear Secretary Schneider and Mr. Stoner:

Enclosed is the Final Report for the **Accessible Public Rights-of-Way Requirements Process Review**. The review identified resolutions through observations, recommendations, and best practices. This Final Report also reflects the resolutions that were discussed and agreed upon at the June 4 and June 19, 2012 closeout meetings.

The review team would like to express our appreciation to all Illinois Department of Transportation Headquarters and District staff for their assistance and cooperation during this review.

Sincerely,

Mike Staggs
Review Co-Coordinator
Federal Highway Administration

Greg Feency
Review Co-Coordinator
Illinois Department of Transportation

Enclosure

cc: Mr. Bill Frey, Division of Highways, IDOT
Mr. Aaron Weatherholt, Division of Highways, IDOT
Mr. Justan Mann, Division of Highways, IDOT

Accessible Public Rights-of-Way Requirements

Final Report

July 31, 2012

Table of Contents

Executive Summary.....	1
Background	2
Purpose and Objective	3
Scope and Methodology.....	4
Team Members	5
Observations and Recommendations.....	6
Successful Practices.....	21
Conclusion.....	22
Appendices	23

Executive Summary

As part of the Federal Highway Administration's (FHWA) regulatory responsibility under Title II of the American with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the FHWA must ensure that recipients of Federal-aid, such as State and local public agencies (LPA's) responsible for roadways and pedestrian facilities, do not discriminate against persons with disabilities in any highway transportation program. The Illinois Accessibility Code (IAC) is the State standard implementing the Environmental Barriers Act to ensure the built environment, including sidewalks and curb ramps, are designed, constructed, and/or altered to be readily accessible for people with disabilities. This process review was conducted to determine the awareness of and compliance to these accessibility requirements on State and local roadway projects.

The process review team interviewed State and local agency staff from the Illinois Department of Transportation (IDOT) Districts 1, 4, and 9; Central Office Bureaus, and the FHWA Illinois Division Office. The review team conducted field reviews of sidewalks, curb ramps, and detectable warnings on recently completed roadway projects for accessibility compliance. The key observations from these interviews and field reviews are:

1. A lack of knowledge and understanding of which Federal and State ADA/504 requirements should be followed to make Public Rights-of-Way (PROW) accessible;
2. IDOT policies are substantially in compliance with ADA/504 regulations and IAC for new construction. However, all policies do not address various situations encountered when altering or maintaining existing facilities;
3. A majority of agencies had not conducted self-evaluations of their facilities nor developed transition plans;
4. IDOT and a majority of local public agencies interviewed did not have an ADA coordinator that handled accessibility issues on PROW; and
5. The majority of roadway improvement and maintenance projects reviewed did not fully comply with ADA/504 or State requirements/standards.

The process review team identified several areas for improvement. The key recommendations for the Department are:

1. To establish an ADA program for PROW with a coordinator/staff and district contacts;
2. To conduct a self-evaluation and update its transition plan and provide guidance to district offices and LPA's for achieving both;
3. To establish a standing committee with federal, State, and local representatives that will ensure IDOT's policy is continuously updated in accordance with current federal and State requirements and disseminated to districts and LPAs; and
4. To provide education and training for district staff and LPA's for implementation of accessibility requirements.

Background

Federal and State laws dating back to 1973 have prohibited public agencies from discriminating against persons with disabilities by excluding them from programs, services, and activities.

The U.S. Access Board is charged with the development of such design criteria in order to comply with Section 504/Title II federal laws. The Department of Justice (DOJ) regulations designated the U.S. Department of Transportation, specifically the FHWA, as the agency responsible for overseeing State Transportation Agency (STA) compliance with ADA/Section 504 requirements in PROW and on projects using surface transportation funds. The Access Board has published proposed rulemaking for Public Rights-of-Way Accessibility Guidelines (PROWAG) that will update Federal guidelines to ensure that pedestrian accommodations in PROW are accessible to and usable by pedestrians with disabilities.

The Illinois Accessibility Code is promulgated to implement the Environmental Barriers Act (EBA), and together they establish the Illinois accessibility standards which are applicable to buildings and facilities in the State of Illinois that are covered by EBA.

The IDOT currently has an ADA coordinator within the Office of Chief Council, Bureau of Civil Rights, who administers the accessibility issues for buildings and facilities. The Division of Highways has the responsibility for being compliant with ADA/Section 504 requirements in PROW and on projects using surface transportation funds.

An increase in risk in the area of pedestrian accessibility due to case law suits and settlements imposed on other agencies, due to non-compliant accessibility features constructed on Illinois projects requiring re-work, and due to a lack of understanding of laws and policy requirements by local agencies; all reinforce the need for program improvements.

Purpose and Objective

The purpose of this process review was to evaluate the Illinois Department of Transportation's policies and practices to assure that Illinois highway projects are developed, constructed, and maintained in accordance with Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Illinois Environmental Barriers Act. In addition, the review team identified strategies and resources needed to ensure that these requirements are adequately communicated and administered on State and local PROW.

Scope and Methodology

The process review was broad in scope beginning with the evaluation of existing IDOT policies for verification of adherence to current Americans with Disabilities Act/ Section 504/ Environmental Barriers Act requirements from planning through implementation for final assurance that accessibility accommodations are adequately addressed within Illinois' PROW.

The review began with obtaining examples of current accessibility best practices from other State transportation agencies. The review team examined existing State and local policies and procedures, transition plans, and construction projects pertaining to accessibility within PROW. The review team developed and used a questionnaire as a guideline for conducting interviews with staff from the IDOT Central Office and Districts 1, 4, and 9. District reviews included office interviews with IDOT district program development, construction, operations, and local roads staff, local agencies, subrecipients, as well as construction site visits.

Team Members

Greg Feeny Co-Coordinator - IDOT Bureau of Design & Environment
Mike Staggs Co-Coordinator - FHWA Engineering Team Leader
Julita Kuzminaite IDOT Bureau of Design & Environment
Kevin Burke IDOT Bureau of Local Roads & Streets
Chris Byars FHWA Transportation Engineer – Chicago Office
Traci Baker FHWA Civil Rights Specialist
John Donovan FHWA Metropolitan Planning Specialist – Chicago Office
Vickie Simpson Illinois Attorney General, Disability Rights Bureau

Observations and Recommendations

Observation #1:

There is a lack of knowledge and understanding of which Federal and State ADA/Section 504 requirements should be used to make rights-of-way accessible.

Discussion:

PROW is required to be accessible to persons with disabilities through the following laws and implementing rules: Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. §794), Title II of the American with Disabilities Act of 1990 (ADA) (42 U.S.C. §§ 12131-12164), and Environmental Barriers Act (EBA) (410 ILCS 25/1 *et seq.*); Department of Justice (DOJ) ADA regulation 28 C.F.R. Part 35, and Department of Transportation Section 504 Regulation 49 C.F.R Part 27. Together these laws prohibit public agencies from discriminating against persons with disabilities by excluding them from programs, services and activities. Specifically, whenever a pedestrian facility exists, it must be accessible through implementation of various design features such as curb cuts, ramps, continuous sidewalks, and detectable warnings.

The U.S. Access Board is the Federal agency charged with the development of such design criteria in order to comply with Section 504/Title II Federal laws. The DOJ regulations designate the U.S. Department of Transportation, specifically FHWA, as the agency responsible for overseeing State Transportation Agency (STA) compliance with ADA/Section 504 requirements in PROW and on projects using surface transportation funds.

The Illinois Accessibility Code (IAC) is promulgated to implement the Environmental Barriers Act (EBA), and together they establish the Illinois accessibility standards which are applicable to buildings and facilities in the State of Illinois covered by EBA. The IAC is intended to resolve areas of difference between the federal and State accessibility standards and is the guideline used to establish IDOT policy.

The review team interviewed 21 local agencies, 3 districts, 4 offices in IDOT's Central Office, and the FHWA Illinois Division. Of the 21 local agencies (LA), the review team discovered that all but two were familiar with the existence of the above listed requirements. However, many LA's expressed confusion regarding which of the multiple requirements should be used while implementing PROW projects. As a result, almost all LA's interviewed stated that they deferred to IDOT policy as their implementing guidance, rather than determining which of the Federal and/or State law to follow. The three districts interviewed were familiar with Federal and State PROW accessibility requirements; however they rely on the IDOT Central Office for overall guidance.

Within the IDOT Central Office, the process review team interviewed the Bureau of Local Roads and Streets (BLRS), the Bureau of Design and Environment, the Bureau of Operations, and the Bureau of Civil Rights. The process review team

discovered that two of the bureaus were knowledgeable of Federal and State PROW accessibility requirements and applicability thereof, one bureau was aware of the existence of requirements but vaguely familiar with applicability, and one bureau was familiar with the requirements for facilities and buildings, but not the requirements for the PROW. Numerous non-compliant locations identified by the review team while on the field reviews confirmed a lack of full knowledge and understanding of the ADA/Section 504 law and State accessibility requirements among a majority of the agencies interviewed.

Recommendations:

- a) The FHWA needs to define the current PROW accessibility guidelines that are acceptable until PROWAG final rule is issued.
- b) Continue to adopt portions of PROWAG that are not in conflict with IAC or other requirements (i.e., ADA Access Guidelines).
- c) Division of Highways PROWAG Coordinator (see recommendation 6a) will direct the Department's accessibility program in coordination with FHWA to assist district and LPA's.

Resolution:

- a) The FHWA has submitted request through Disability Rights Bureau. FHWA Division Administrator Norman R. Stoner will follow up with FHWA leadership.
- b) The BLRS will update Section 41-6 of the BLRS Manual. Direct the Capital Development Board to conduct ADA review of all rest areas/weigh stations prior to maintenance improvements. The Bureau of Construction will develop inspector check list for PROWAG compliance/field modifications.
- c) See 6a

Observation #2:

Department policy is substantially in compliance with PROW accessibility requirements and IAC for new construction. However, existing policies do not address various situations under the definition of alteration.

Discussion:

The Bureau of Design and Environment (BDE), Bureau of Local Roads and Streets (BLRS), Bureau of Construction (BC), and Bureau of Operations (OPS) Manuals discuss accessibility requirements; however, the policies do not provide the following:

- a) An adequate definition of alteration requirements for a specific policy for BDE, BLRS, BC, and OPS Manual (e.g. PPP would require upgrading curb ramps);
- b) Enough detailed information for designers or construction staff to determine maximum extent feasible for alterations;
- c) Information on how to coordinate jurisdictional issues (e.g., State highway with sidewalks owned by municipality, maintenance and signal work by Department forces).
- d) Guidance on work done by permit by private individuals (e.g. remove concrete as part of utility work).

Recommendations:

- a) Alteration should be defined in all Division of Highways (DOH) policies (e.g., PPP, SMART should require curb ramp upgrades).
- b) All DOH accessibility policies should be consistent and reviewed by PROWAG coordinator/district coordinators to eliminate ambiguities concerning maximum extent feasible alterations.
- c) Districts should coordinate with local agencies that have maintenance responsibilities of adjacent sidewalks. Responsibility for maintaining sidewalk remains with local agency at 100% cost; however, when the Department upgrades curb ramps due to alteration when sidewalk work is not part of the scope.
- d) Sidewalk maintenance agreement should be reviewed by the Office of Chief Counsel (OCC). Uniform sidewalk maintenance agreement should be developed for statewide use.
- e) Uniform permit language should be reviewed and/or developed for statewide use when work is being performed on the Department ROW by permit.
- f) New developments requesting access to State highways need to ensure accessibility standard are met within PROW. The developer should ensure sidewalk maintenance agreement with LPA.

Resolution:

- a) BLRS will issue by September 1
- b) If IDOT agrees, see 6a.
- c) Already a part of existing public involvement. This should be contained in IDOT updated transition plan and emphasized to be included in LPA transition plan. BLRS will include in transition plan Circular Letter.
- d) BDE will coordinate with OCC.
- e) Operations will coordinate with OCC.
- f) Operations will coordinate with OCC.

Observation #3:

There is a lack of oversight responsibility for ensuring PROW accessibility is implemented on projects.

Discussion

Current practice of oversight activities and coordination between all agencies (FHWA, IDOT, and LPA's) is fragmented. FHWA is delegated the responsibility of assuring accessibility compliance within PROW from DOJ. However, the majority of the Department's and LPA's projects receive little FHWA oversight due to the FHWA/IDOT stewardship agreement.

Therefore, IDOT has a significant oversight role to assure accessibility compliance. The PROW accessibility policies (PROWAG, IAC, and Department manuals, specifications, standards, etc.) establish PROW accessibility requirements for projects. Districts and LPAs implement projects based upon these policies without considering variable project site conditions. Subsequent

field modifications are necessary but must still comply with PROW accessibility guidelines. This frequently caused projects to be non-compliant.

Currently, the Department's PROW accessibility program structure is loosely coordinated among bureaus and employees as collateral duties which may lead to a lack of accessibility responsibility and coordination at the district and LPA. IDOT has an ADA Coordinator; however the ADA Coordinator's primary responsibility is for employee personnel issues and not PROW accessibility program issues.

Each agency is responsible for assuring ADA compliance to the extent of the law's requirement within its jurisdiction. The agency may delegate compliance responsibilities internally or hire outside entities to achieve some type of structured oversight role. Our observations during the interviews and field checks revealed a lack of centralized and trained oversight of ADA issues. There was only occasional evidence during the reviews of an office or position for which ADA compliance was an assigned responsibility.

Recommendations:

- a) Project coordination meetings should discuss accessibility concerns.
- b) The Bureaus of Design and Construction should conduct a post evaluation of projects to assess compliance.
- c) IDOT needs to dedicate staff for handling and coordinating all ADA program issues.
- d) PROWAG Coordinator and FHWA ADA Coordinator with district input should perform limited field compliance reviews to assess compliance on all types of alterations and new construction.
- e) The districts should have person(s) responsible for accessibility compliance.
- f) One engineering firm should not be responsible for both Phase II and Phase III engineering on the same project.
- g) Districts should ensure Phase III oversight for locally let projects, especially where Phase II and III engineering firm is the same.

Resolution:

- a) Ongoing, exceptions discussed, FHWA will re-enforce.
- b) Continue to evaluate – later quality assurance review.
- c) See 6a.
- d) Dependent on 6a.
- e) Dependent on 6a.
- f) Remove from recommendation
- g) BLRS will include guidance in Procedure Memorandum.

Observation #4:

The majority of highway improvement and maintenance projects reviewed did not fully comply with PROW accessibility requirements/standards.

Discussion:

The review team conducted statewide field inspections for accessibility compliance on 38 roadway projects, where thirty-three were LPA projects and 5 were State projects. In conjunction with field inspections, design plans for these projects were reviewed by the review team for compliance with required standards and specifications. Additionally, the process review team visited sites that were improved as part of maintenance activities and 2 Interstate rest areas to evaluate the state-of-practice of accessibility compliance.

The following non-compliance observations were identified and documented during these reviews:

- a) **Cross-slope** - cross-slope details on project plans indicated 0% to 2%, 2%, 2% max., and ¼ inch per foot, therefore, upper limits were defined but field measurements revealed that cross-slope on curb ramps and sidewalks on the majority of projects exceeded 2%. Approximately 84% of the 38 projects reviewed had some sections of recently constructed sidewalk and curb ramps with cross-slopes exceeding the 2% threshold. Several of these projects had numerous cross-slope violations throughout the project limits. The range of violations ranged from +2% to 15%, with consistent grades around 4%.
- b) **Curb ramps and curb cuts** – the non-compliance issues were cross-slopes and running slopes exceeded maximum allowable grades, missing ramps, obstacles present within ramps, poor orientation of ramps relative to the cross-walks, use of only 1 ramp per quadrant where 2 should have been considered, utilities which restricted proper ramp installation, absence of smooth transition from sidewalk to street, and landings to/from ramp.
- c) **Detectable Warnings** - the non-compliance issues were color contrast, orientation of panels, off-set distance from curbs, span width across full sidewalk, use of inferior quality stamped domes, and absence of detectable warning apparatus.
- d) **Pedestrian buttons** – the non-compliance issues were missing, nonaccessible, and improperly oriented pedestrian buttons.
- e) **Project termini** – project should be before intersection when existing accommodations are not present across road at termini. Accessibility improvements should be through intersection at project termini when accommodations across road are present.
- f) **Protruding Objects** - the non-compliance issues were telephone poles, traffic signs, and vegetation protruding within the accessible pedestrian route.
- g) **Running slopes** - the non-compliance issue were random instances of running slope violations for sidewalk and curb ramps on a handful of projects observed. Violations ranged from +8.3% to 13% for curb ramps and +5% for sidewalk.
- h) **Surface Discontinuities** – the non-compliance issue was exceeding the required ¼ inch maximum vertical lip within newly constructed and existing sidewalk sections. Some agencies had a trip hazard policy of 1 inch to 2 inch as a trigger for action.
- i) **Temporary Access Routes** - the non-compliance issue were the methods of showing sidewalk closures due to construction. Barricades and obstacles

were observed in pedestrian paths. Lack of proper signing and guidance were also observed.

Recommendations:

- a) Continue to adopt PROWAG for infrastructure components commonly used on Illinois highways; however, not adequately covered by existing policy [ADAAG and the Illinois Access Code (IAC)]. This involves the Bureaus of Construction, Local Roads and Streets, and Operations Manuals. The Bureau of Design and Environment Manual has been updated accordingly.
- b) Develop reference guide/checklists for different components of PROW (e.g., regulations, curb ramp, pedestrian access routes, crosswalk, audible pedestrian signals, etc).
- c) Where PROWAG has maximum or minimum requirements, design to allow for construction tolerance (e.g., cross slope design: preferred 1.5%; maximum 2.0%).
- d) Maintenance operations that alter existing facilities should be reviewed to ensure accessibility compliance. (See Recommendation 3d).

Resolution:

- a) See resolution 1.
- b) Recommend Illinois Center for Transportation (ICT) Special Project for the development of reference guide and checklist; use BDE various-various.
- c) Implementing through policy revisions and highway standards.
- d) Bureau of Operations will issue policy and provide training to Maintenance Field Engineer.

Observation #5:

The transition plan, referenced in BDE PM 94-12 (Effective July 1, 1994), could not be located by the Division of Highways and therefore was not provided to the process review team. However, 1 of the 3 Districts reviewed was able to produce the self-evaluation identifying non-compliant curb ramps that was conducted pursuant to this memorandum. A few LPA's were not aware of the requirements of a transition plan or a self-evaluation. A majority of LPA's had not performed a self-evaluation or developed a transition plan for PROW (if required).

Discussion:

ADA regulations (specifically 28 CFR Part 35) require that public entities evaluate current services, policies, and practices to ensure accessibility requirements of ADA are achieved, which is called a self-evaluation. A public entity with more than 50 employees is also required to have a transition plan. The requirement for completion was 1992 for the self-evaluation and 1996 for the transition plan. The requirement for a self-evaluation or transition plan could not be found in IDOT manuals or website.

During our review, only 1 of 3 Districts was able to locate their self-evaluation

plan. The IDOT Central Office (Division of Highways and Office of Civil Rights) was not able to locate the Department's transition plan for PROW. 3 of 21 of the LPAs provided a transition plan for PROW. There appears to be little knowledge of the requirement for the self-evaluation or the transition plan.

The regulations that require a transition plan are referenced in Section 58-1.01(a) of the IDOT BDE Manual, but there is no specific requirement for a public agency or IDOT to prepare a transition plan in any IDOT manuals. This may explain the LPA's lack of knowledge for the requirement of the self-evaluation and transition plan. Some LPA's, particularly smaller LPAs, appeared to be concerned about the financial implications of a documented transition plan that lists deficiencies.

Recommendations:

- a) Pursuant to Section 504 of the Rehabilitation Act of 1973, the Division of Highways is required to conduct a self-evaluation of barriers to accessibility. Therefore, the districts should evaluate existing ROW and identify needs.
- b) The DOHs should develop the PROW portion of the transition plan.
- c) The Department should determine funds necessary to implement accessibility on PROW.
- d) Guidance on requirements and development of transition plan/self-evaluation should be distributed to LPAs through a BLRS Circular Letter.
- e) Training should include self-evaluation/transition plan guidance.

Resolution:

- a) Division of Highways will develop a schedule to update PROW portion of transition plan and self-evaluation with approval from the Office of Secretary.
- b) See above
- c) Evaluate necessary funding once transition plan for PROW is complete.
- d) BLRS will include in Procedure Memorandum the guidance necessary for the development of transition plan/self-evaluation and transmit to LPA's via BLRS Circular Letter.
- e) Included in current training.

Observation #6:

The department and majority of LPAs reviewed did not have an ADA coordinator that handled PROW.

Discussion:

The regulations require a designated employee who will coordinate efforts to comply with and carry out the requirements of ADA. The ADA Coordinator should also be responsible for complaint investigation. The name and contact information of the ADA Coordinator should be available on websites and posted at LPA.

Reference: a) Designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under

this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

The IDOT has a designated ADA Coordinator, but it appears the responsibilities of the position do not cover PROW. There is limited coordination between the IDOT Central Office, Bureaus and District Offices regarding ADA requirements. A PROWAG Coordinator would provide oversight and guidance to the Department and LPAs for compliance with PROW accessibility requirements.

Recommendations:

- a) The Department should create a position within the Division of Highways that acts as a PROWAG Coordinator.
- b) Each District should have a person responsible for coordinating PROW accessibility compliance through all phases of project delivery.
- c) Division of Highways should establish a statewide PROWAG Committee comprised of personnel from the central bureaus, district staff, and FHWA.
- d) BLRS should issue a Circular Letter to LPA's providing guidance on ADA coordinator requirement in PROW.

Resolution:

- a) Director of Highways will work with the Office of Secretary to determine options for considerations.
- b) See 6a.
- c) See 6a – Coordinator will develop with input from FHWA
- d) BLRS will issue Circular Letter.

Observation #7:

The majority of agencies did not have a formal procedure to address accessibility complaints.

Discussion:

There appears to be variability how accessibility complaints are handled and addressed. Accessibility complaints were generally handled in the same manner as any other highway related complaint (phone, public meeting, e-mail, person-to-person contact, etc.).

Reference: (b) Complaint procedure. A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

Recommendations:

- a) The Department should develop PROW accessibility complaint procedures and make them available on the agency's official web site (Observation.8).
- b) Coordination with other agencies (FHWA, Office of the Attorney General,

- local agencies) should be outlined in complaint procedures.
- c) Identify position within agency that will accept and process accessibility complaints. (see Observation 6)
 - d) Complaint procedures should be a part of transition plan (see Observation 5).

Resolution:

- a) Will assign the complaint procedures and agency coordination to the new IDOT PROW coordinator.
- b) Coordination with agencies will occur as indicated in 6(c) recommendation
- c) The Division of Highways (DOH) will take care of along with new PROW coordinator (see Observation 6 resolutions).
- d) The DOH and new PROW coordinator and will address.

Observation #8:

The majority of the agencies interviewed had not received formal and comprehensive training and did not know where to obtain information on PROW accessibility.

Discussion:

The BLRS's Technology Transfer (T₂) Program has provided ADA/PROWAG training for the past 3 years by offering 16 classes with over 1000 students attending. The process review found that many of the agencies interviewed are in need of PROW training to fully understand the requirements to build compliant curb ramps and sidewalks. While many disciplines may have received training, it was found that that the construction industry had received very little training and were not very knowledgeable about the PROW accessibility requirements and tolerances that had to be met.

The Department does not have a website that provides information about accessibility on PROWs in Illinois.

Recommendations:

- a) ADA/PROWAG training should be expanded to offer at least 1 session per district annually in both PD and STTP.
- b) Local agencies, construction, consultants, contractors, and trade unions (concrete finishers and carpenters) should be included in training.
- c) Identify additional instructors from the districts, BDE, BC, and FHWA (or should this be outsourced?).
- d) Create PROWAG page/site on the Department's website with FAQ, resource links, standards, policy, contacts (see Observation 7), forms, etc.

Resolution:

- a) Current T₂ training to be expanded to offer at least 1 session per district annually and pursue Illinois Center for Transportation (ICT) funded project for the development and implementation of a comprehensive training program.
- b) Yes, per a) above.
- c) Part of ICT proposal scope
- d) Part of ICT proposal scope

Observation #9:

The Department has several facilities located on ROW such as rest areas and weigh stations. The rest areas reviewed were not fully compliant with ADA requirements.

Discussion:

Three rest areas were reviewed to determine if accessibility requirements were adequately met. Non-compliant features were found in each rest area. Interviews with IDOT Operations personnel indicated that accessibility self-evaluations have not been recently performed by the department at rest areas or the weigh stations. These facilities are reviewed by the Capital Development Board when facilities are selected for improvements.

Recommendations:

- a) All rest areas/weigh stations should be reviewed for compliance. Barriers and a schedule to remove barriers should be identified in transition plan (See Observation 5). This review should be used to prioritize ADA improvements at these facilities.
- b) The Central Bureau of Operations rest area/weigh station coordinator(s) should receive appropriate ADA training for facilities/buildings. Such training is already offered by other agencies within Illinois and is different from PROWAG training.

Resolution:

- a) Accessibility compliance will be evaluated when Bureau of Operations conducts ongoing rest area inspections.
- b) The IDOT will utilize Ms. Vickie Simpson of Illinois Attorney General's Office as an instructor for facility accessibility training. The Bureau of Operations will identify appropriate IDOT staff to be trained.

Observation #10:

It is not clear if the Department's public meetings and training locations are assessed to ensure that accessibility requirements are met.

Discussion:

Public meetings and training classes are frequently held in facilities outside of State of Illinois or IDOT jurisdiction. Because the public meetings are open to the public, the facilities must comply with both Title II and Title III laws. Although the training classes may not be open to the public, the facilities must still comply with Title III laws. District personnel stated during phone interviews that they personally visited the proposed public meeting sites to verify that accessibility is met. The ADA Title III policy extends to such items as public phones, bathrooms, and elevators. Evaluating a site for complete ADA compliance requires knowledge of policy and can be time consuming. Public notices in newspapers of public meetings included statements that "the meeting will be accessible to the

handicapped” and a phone number was included if anyone needed “specific assistance”, such as a sign language interpreter. Although the term “handicapped” is not appropriate in the public notice, the public notice seemed to imply that the disabled will be accommodated.

Recommendations:

- a) Employees/consultants responsible for arranging training locations or public meeting locations should receive guidance on accessibility requirements and ensure compliance is met at arranged sites.
- b) Develop accessible location database for public hearings and training.

Resolution:

- a) The DOH will coordinate with current Department ADA coordinator and Office of Chief Counsel on how to ensure compliance of having accessible locations for Department activities (will address both 10 (a) and 10 (b)).

Successful Practices

- Transition Plan (Peoria, Naperville, CDOT, others)
- Design X-slope 0-1.5% (IDOT, CDOT)
- Secondary training (CDOT, Naperville, Peoria)
- ADA Ramp Program (Schaumburg, CDOT)
- QC/QA for ramp construction (CDOT)
- Certified ADA coordinator (Naperville)
- District coordination with locals (D4 Astoria, D4 Wyoming)
- Inventory/tracking/assessment (CDOT, Peoria)
- Construct Sidewalk first then Driveway Approach (D9 Local)

Conclusion

While the Federal laws and guidance requiring STA’s to comply with accessibility requirements has been somewhat lacking, IDOT has had policy and procedures in place for implementing accessibility requirements on projects. However; the overall coordination of this program within IDOT is somewhat fragmented between two Divisions and multiple Bureaus which reinforces the need for a more centralized coordinated effort for PROW program delivery.

Report prepared by:

The FHWA Illinois Division and the Illinois Department of Transportation

Appendix E – ADA Accessibility Complaint form EEO 2546



**Illinois Department
of Transportation**

**Americans With Disabilities Act (ADA)
Accessibility Complaint Form – Title II**

To submit an accessibility concern or complaint to the Illinois Department of Transportation, please print and complete this form, sign and mail to:

Illinois Department of Transportation
Bureau of Design and Environment
Attn: ADA Policy Engineer
2300 South Dirksen Parkway, Room 330
Springfield, Illinois 62764

or e-mail form as an attachment to dot.ada.complaint@illinois.gov

SECTION I

Complainant Name (or Third Party):	Address:	Apt. #:
City:	State:	Zip:
Phone #:	E-mail Address:	

SECTION II

When did the discrimination incident occur? Date(s):

Place where the discrimination occurred (Please include city, roadway name, intersection (if applicable), facility name and/or location if other than a roadway, i.e. rest area, pedestrian bridge, etc.):

Please describe in detail the nature of the complaint (include all parties that were involved): **Use additional page(s) if required and attach any documents you believe support your complaint.**

Appendix E – ADA Accessibility Complaint form EEO 2546

SECTION III

Has this complaint been filed with another private, federal, state, local agency, or legal entity? Yes No

If yes, please provide details below:

Complainant's Signature: _____ Date: _____

Appendix F– Self-Evaluation Inventory

This initial self-evaluation inventory data report will be released July 31st 2014.

