



Illinois Department of Transportation

Division of Highways / Bureau of Construction
2300 South Dirksen Parkway, Springfield, Illinois 62764

Subject:
Accessibility

CONSTRUCTION MEMORANDUM NO. 16-86

Effective: February 5, 2016

Expires: Indefinitely

Purpose

The Department must ensure newly constructed facilities, and existing facilities being altered, are accessible to people with disabilities. This memorandum provides procedures for responding to field conditions which make accessibility compliance impossible.

Background

From Chapter 31 of the BDE Manual:

“Chapter 58 presents most of the accessibility criteria applicable to an IDOT project and references their sources, which include: the 2010 ADA Standards for Accessible Design, the Public Rights-of-Way Accessibility Guidelines, and the Illinois Accessibility Code. These codified standards and guidelines have the effect of law and as such, design exceptions in the traditional sense, are not possible. That being said, the standards do recognize that in certain situations (e.g. alterations of existing facilities) full compliance will not always be possible within the scope of the project. Where accessibility requirements cannot be fully met, the barriers to full compliance must be well documented as well as the measures taken to comply with the standards to the maximum extent practicable.”

Many of the curb ramps and sidewalks throughout the State do not conform to current accessibility requirements. The Department has developed a long term plan to bring such facilities into conformance. However, the law requires all accessible facilities to be updated if an alteration is performed to the facility. For example, if a roadway is resurfaced and there are abutting curb ramps to the roadway, the curb ramps must be brought into compliance with current accessibility requirements if not already in compliance. This is fully explained in Chapter 58 of the BDE Manual.

The project plans will have all compliance issues addressed so as to conform to the law. If there is a location where accessibility requirements cannot be met and the facility will not be altered/reconstructed/constructed to full compliance, Project Development staff will provide that information to the Resident. The locations will be constructed to a term known as “maximum extent practical”. Accordingly, the district’s Americans with Disability Act (ADA) Coordinator and designer shall be invited to the preconstruction meeting to address these issues.

Procedure

The Resident should read Chapter 58 of the BDE Manual and become familiar with the requirements associated for this work as these have the “effect of law” for which the Department has no authority to alter. In no case shall an accessibility requirement be altered or a tolerance exceeded. However, there exists the chance that field conditions make it impossible to construct the facility to meet accessibility requirements for various reasons. Examples could include lack of ROW preventing a utility from relocating to an appropriate location or a sidewalk from being constructed to the proper slopes. If the resident feels that ADA compliance cannot be met the following shall happen:

- Consult the District ADA Coordinator and designer for a resolution. If appropriate, a project site meeting is recommended.
- Every effort should be made to bring the facility into compliance without exceeding the project limits.
- If the facility cannot be brought into compliance, the facility shall be constructed to the maximum extent practical in collaboration with the District ADA Coordinator and designer.
- Form BDE 5801 shall be filled out with full explanation of the issue and submitted to the District ADA Coordinator for permanent record.

This action should not be interpreted as a waiver of accessibility requirements. Any facility that is constructed to the maximum extent practical will eventually be re-constructed to meet accessibility requirements, although through a different contract.

A handwritten signature in black ink that reads "Tim Kell". The signature is written in a cursive, flowing style.

Tim Kell, P.E.
Interim Engineer of Construction