

Americans with Disabilities Act Transition Plan for Public Rights-of-Way



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January 5, 2024



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Introduction

Transition Plan Purpose and Need

The Americans with Disabilities Act (ADA) is a civil rights law, enacted on July 26, 1990, that prohibits discrimination against individuals with disabilities in various areas, such as employment, access to State and local government programs and services, transportation, public accommodations, and telecommunication.

Title II of the ADA pertains to the services, programs, and activities provided by public entities. As a public service agency, the Village of West Dundee must comply with this section of the ADA. Title II of the 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 the ADA [28 CFR Sec. 35.105 & Sec. 35.150], the Village of West Dundee has conducted a self- evaluation of its facilities within its public rights-of-way. With the information gathered through this evaluation, the Village has developed this ADA Transition Plan detailing how the Village will ensure that each of their facilities comply with ADA accessibility requirements.

ADA and its Relationship to Other Laws

Title II of the ADA is companion legislation to two previous federal statutes and regulations: the Architectural Barriers Act (ABA) 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 the 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 Village of West Dundee must meet these general requirements:

- Must operate their services, programs, or activities so that, when viewed in their entirety, the services, programs, or activities are accessible to and useable by individuals with disabilities [28 CFR 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 CFR Sec. 35.130(a)].
- Must make reasonable modifications in policies, practices, or procedures that deny equal access to individuals with disabilities, unless the modification would result in a fundamental alteration in the program [28 CFR 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 CFR 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 [28 CFR Sec. 35.160(a)].
- Must designate at least one responsible employee to coordinate ADA compliance. 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. 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. 35.106].
- 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 cover accessibility within the public rights-of-way and does not include information on Village programs, practices, or building facilities not related to public rights-of-way.

ADA Coordinator

In accordance with 28 CFR 35.107(a), the Village of West Dundee has identified an ADA Coordinator to oversee Village policies and procedures.

Contact information for the ADA Coordinator for the Village of West Dundee:

Eric Babcock
102 South Second Street
West Dundee, IL 60118
(847) 551-3815
publicworks@wdundee.org

The ADA Coordinator will be responsible for resolving ADA grievances, updating the transition plan periodically to align with current ADA policies, and ensuring that the Village follows the transition plan. Any comments or suggestions should be directed to the ADA Coordinator.

Public Notice

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

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Village of West Dundee will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Village of West Dundee 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 ADA.

Effective Communication: The Village of West Dundee 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 Village of West Dundee programs, services, and activities. Examples could include, but are not limited to, 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 Village of West Dundee will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

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

Notice on Surcharges: The Village of West Dundee 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.

Exceptions: The ADA does not require the Village of West Dundee to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

ADA Grievance Procedure & Complaints: Complaints that a program, service, or activity of the Village of West Dundee is not accessible to persons with disabilities should be directed to ADA Coordinator.

Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Village of West Dundee. The Village of West Dundee's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**The ADA Coordinator
102 South Second Street
West Dundee, IL 60118**

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Village of West Dundee and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the Village Manager or his designee.

Within 15 calendar days after receipt of the appeal, the Village Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Village Manager or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or their designee, appeals to the Village Manager or their designee, and responses from these two offices will be retained by the Village of West Dundee for at least three years.

Complaint Filing Methods

Those wishing to file a formal written grievance with the Village of West Dundee may do so by one of the following methods:

1. **Internet:** Visit the Village of West Dundee website (www.wdundee.org) and click on the link to the ADA Grievance Form. This form can be found by clicking on the “Public Works” link under “Department & Services” section, scrolling down to the “Americans with Disabilities Act” section, and selecting the “ADA Complaint/Grievance Form.” Fill in the form online and submit it via email to the ADA Coordinator. A copy of the ADA Grievance Form is included in this Appendix.
2. **Paper Submittal:** Visit the Village of West Dundee website (www.wdundee.org) to print a copy of the grievance form or contact the Village’s ADA Coordinator to request a paper copy of the grievance form. Complete the form and submit to the ADA Coordinator through mail or in person. Contact information for the ADA Coordinator is provided in the section titled “ADA Coordinator.”

Design Standards and Guidelines

ADA Standards and Guidelines

The Department of Justice's revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 (ADA) were published in the Federal Register on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design, "2010 Standards." On March 15, 2012, compliance with the 2010 Standards was required for new construction and alterations under Titles II and III.

The Village will also follow the Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) and the Illinois Accessibility Code (IAC) as a best practice for accessibility within the public right-of-way.

The Federal Highway Administration and the Illinois Department of Transportation also have public right-of-way accessibility design specifications and details. The "Standard Specifications for Road and Bridge Construction in Illinois", current edition, applicable IDOT standard construction details and the current ADA and PROWAG guidelines will apply to and govern all compliance evaluations of existing facilities and proposed improvements for accessibility compliance.

There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of any project. As these locations are encountered and improved to the extent feasible within the project scope, reasons for the inability to achieve full compliance must be thoroughly documented. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless of whether full compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgement of Village staff.

References

Americans with Disabilities Act Title II Regulations

https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm

U.S. Department of Justice – 2010 ADA Standards for Accessible Design

https://www.ada.gov/2010ADAstandards_index.htm

State of Illinois Capital Development Board (2018 October 23). Illinois Accessibility Code. Online Capital Development Board

<https://www2.illinois.gov/cdb/business/codes/IllinoisAccessibilityCode/Pages/default.aspx>

Public Rights of Way Accessibility (PROWAG) Guidelines

<https://www.govinfo.gov/content/pkg/FR-2023-08-08/pdf/2023-16149.pdf>

Illinois Department of Transportation – Accessibility in the Public Right-of-Way

<http://www.idot.illinois.gov/about-idot/civil-rights/ADA-and-Accessibility>

Illinois Department of Transportation- Bureau of Local Roads and Streets Manual

<http://www.idot.illinois.gov/Assets/uploads/files/Doing-Business/Manuals-Guides-&-Handbooks/Highways/Local-Roads-and-Streets/Local%20Roads%20and%20Streets%20Manual.pdf>

Illinois Department of Transportation- Highway Standards & District Specific Standards

<http://idot.illinois.gov/doing-business/procurements/engineering-architectural-professional-services/Consultants-Resources/highway-standards-and-district-specific-standards>

Illinois Attorney General's Office

<http://www.illinoisattorneygeneral.gov>

United States Access Board

<https://www.access-board.gov>

Federal Highway Administration

<http://www.fhwa.dot.gov>

Self-Evaluation

As required by Title II of the ADA [28 CFR Sec. 35.105], the Village of West Dundee conducted a self-evaluation of its current services, policies, and practices to identify any existing impacts to accessibility.

Overview

Inspectors evaluated and inventoried the sidewalk and curb ramps in the Village of West Dundee using GIS maps of the Village and knowledge of roads replaced within the last ten years. The evaluation was primarily based off the knowledge of roads replaced within the last ten years and did not include the use of measuring tools (ruler, level, etc.).

Summary of Evaluation

The Village of West Dundee performed inventory of their sidewalks and curb ramps in fall of 2023. The curb ramp assessment determined there are a total of 919 curb ramps; 659 of which have not been upgraded within the past ten years and are assumed to be non-compliant with ADA standards.

Inspections of the sidewalk ramps revealed approximately 28% of the sites appeared to be compliant with ADA standards. The majority (72%) of the remaining sites require work to bring the ramp(s) into compliance.

Improvement Approach and Schedule

Approach

The Village will upgrade the pedestrian facilities to the current accessibility standards by utilizing the following methods:

1. Scheduled Street and Utility Improvement Projects: All pedestrian facilities impacted by these projects will be upgraded to the current accessibility standards to the greatest extent feasible as part of the project.
2. Stand-Alone Sidewalk and Right-of-way Accessibility Improvement Projects: When determined necessary by the Village staff and as Village finances allow, these projects will be incorporated into the Capital Improvement Program (CIP) on a case-by-case basis.
3. Private Development Projects: The Village has adopted more stringent plan submittal requirements for the design of curb ramps to be constructed within the public right-of-way as part of private development projects, including new subdivisions. All sidewalk and curb ramps constructed within the public right-of-way will be inspected by the Public Works department or their designee to confirm compliance with ADA requirements prior to the Village accepting the improvements.

Schedule

The Village of West Dundee will work toward continuous progress in improving the accessibility of pedestrian facilities in the public right-of-way. The Village will utilize a hierarchical prioritization system for implementation of the accessibility improvements. This prioritization system will be based on the location of the deficient pedestrian facilities as outlined below:

Higher Priority	1 – Intersections and roadway segments serving government buildings and other public facilities (i.e., public schools, hospitals, parks, etc.). 2 – Intersections and roadway segments serving commercial areas or located along arterials. 3 – Intersections and roadway segments located along collectors. 4 – Intersections and roadway segments serving residential areas.
Lower Priority	5 – Intersections and roadway segments serving industrial areas and other areas.

As public feedback reveals problematic segments or intersections, such locations can be moved into higher priority tiers as deemed appropriate regardless of initial prioritization.

Monitoring Progress

This document will continue to be updated as improvements are made and conditions within the Village evolve. Public feedback will be solicited during these updates.

Appendix A: ADA Complaint / Grievance Form

ADA Complaint / Grievance Form

Please provide your contact information:

Complainant Name: _____

Street Address & Apt. No.: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Please provide a complete description of the specific complaint or grievance:

Please specify any location(s) related to the complaint or grievance:

Please state what you think should be done to resolve the complaint or grievance:

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

If yes, please provide details below:

Please attach any additional pages as needed.

Signature: _____ Date: _____

Return to:

Village of West Dundee
ADA Coordinator
102 South Second Street
West Dundee, IL 60118
publicworks@wdundee.org

Upon request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address listed above or via telephone at (847) 551-3815.