



ADA TRANSITION PLAN

PUBLIC RIGHTS OF WAY AND SIDEWALKS

Village of North Aurora
Kane County
Illinois

Updated: February 1, 2022

INTRODUCTION

Transition Plan Need and Purpose

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

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

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

As required by Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150, the Village of North Aurora is currently conducting a self-evaluation of its facilities within public rights of way and is developing this Draft Public Right-of-Way Accessibility Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals.

ADA and its Relationship to Other Laws

Title II of ADA is companion legislation to two previous federal statutes and regulations: the Architectural Barriers Acts of 1968 and Section 504 of the Rehabilitation Act of 1973.

The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

Agency Requirements

Under Title II, the Village of North Aurora must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities (28 C.F.R. Sec. 35.150).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability (28 C.F.R. Sec. 35.130 (a)).

- Must make reasonable modifications in policies, practices and procedures that deny equal access to individuals with disabilities unless a fundamental alteration in the program would result (28 C.F.R. Sec. 35.130 (b) (7)).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective (28 C.F.R. Sec. 35.130 (b) (iv) & (d)).
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others (29 C.F.R. Sec. 35.160 (a)).
- Must designate at least one responsible employee to coordinate ADA compliance [28 CFR Sec. 35.107 (a)]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [28 CFR Sec. 35.107 (a)].
- Must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [28 CFR Sec. 35.106]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [28 CFR Sec. 104.8 (a)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [28 CFR Sec. 35.107 (b)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

This document has been created to specifically cover accessibility within the public rights of way and does not include information on Village programs, practices, or building facilities not related to public rights of way.

SELF-EVALUATION OVERVIEW

The Village of North Aurora is required, under Title II of the Americans with Disabilities Act (ADA) and 28CFR35.105, to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the Village implements these policies. The goal of the self-evaluation is to verify that, in implementing the Village policies and practices, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities. The process of self-evaluation for accessibility provides a framework for communities to develop a Public Right-of-Way Accessibility Transition Plan that identifies barriers, prioritizes actions to address barriers and then sets forth a schedule to implement those actions.

The Transition Plan used to implement compliance must include the following elements:

- Designate officials responsible for implementation
- Provide public notice and opportunity for public participation
- Develop a grievance procedure
- Adopt design standards and guidelines
- Prepare a self-evaluation
- Schedule and budget for improvements to achieve compliance

- Monitor progress

This Public Right-of-Way Accessibility Transition Plan incorporates these elements and provides a method for the Village of North Aurora to schedule and implement required ADA improvements to existing pedestrian sidewalks and pathways.

OFFICIALS RESPONSIBLE FOR IMPLEMENTATION

In accordance with 28 CFR 35.107(a), the Village of North Aurora has identified an ADA Coordinator to oversee the Village policies and procedures. The person in this position must be familiar with the Village's operations, properly trained in ADA public right-of-way requirements and be able to effectively communicate with governmental agencies, advocacy groups and the public. The ADA coordinator named below shall coordinate all aspects of ADA compliance found within this Public Right-of-Way Accessibility Transition Plan. Any comments, additions or suggestions about this plan should be directed to the ADA Coordinator.

ADA Coordinator

John Laskowski
Public Works Director
25 E. State St.
North Aurora, IL 60542
(630) 906-7373
jlaskowski@northaurora.org

EXTERNAL AGENCY COORDINATION

Illinois Department of Transportation (IDOT) is responsible for pedestrian facilities within the rights-of-way of US Route 25 (River Road), IL Route 31 (Lincolnway Street) and IL Route 56 (Butterfield Road). IDOT recently prepared an ADA Transition Plan for all facilities within District 1.

Kane County has jurisdiction over Orchard Road. There is currently only one intersection that has existing pedestrian facilities.

There are no public rights of way maintained by homeowners associations within the Village of North Aurora boundaries.

The Village will coordinate with these external agencies to facilitate the elimination of accessibility barriers along their routes to the extent possible.

PUBLIC OUTREACH

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regards to the ADA and provide the public an opportunity to provide input on the Transition Plan prior to adoption. The Village of North Aurora recognizes that public participation is an important component in the development of this document. A copy of the Public Right-of-Way Accessibility Transition Plan will be available on the Village website at www.northaurora.org and by request to the ADA Coordinator. Any resident may address their concerns or comments to the ADA Coordinator listed in this document.

GRIEVANCE PROCEDURE

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. 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, and programs by the Village of North Aurora. 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 his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA Coordinator previously identified.

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 North Aurora 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 his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Village Administrator or his/her designee. Within 15 calendar days after receipt of the appeal, the Village Administrator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Village Administrator or his/her 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 Administrator or his/her designee and responses from these offices will be retained by the Village of North Aurora for at least three years.

DESIGN 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 Guidelines for Pedestrian Facilities in Public Right of Way (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 judgment of Village staff.

SELF-EVALUATION

Introduction

An element of ADA Title II compliance requires the Village of North Aurora to examine its services, policies, and practices and the effects thereof to determine whether there are barriers to participation by people with disabilities. For this Public Right-of-Way Accessibility Transition Plan, this process includes the identification of existing accessible paths of travel for facilities within the public right-of-way and programs to facilitate prioritization.

For agencies with responsibility or authority over streets, roads and walkways, the self-evaluation and Transition Plan must include curb ramps and other pedestrian facilities. For example, specific items for curb ramps that are to be reviewed include the presence of appropriate detectable warnings, slopes, level landings, and algebraic slope changes from the ramp to the street surface.

The Village makes use of a self-evaluation process to assess the scope of sidewalk improvements in the right-of-way. The Village maintains a geographic information system ("GIS") to inventory infrastructure. This GIS inventory data is supported by specific project drawings that already exist or are designed as needed. Some older project drawings may not be available. This information is used to develop network-level sidewalk asset management programs to maintain and enhance the sidewalk network. The evaluation methodology utilizes this asset management information, project level field assessments, and focus surveys to compile the information. Evaluations are conducted by trained engineering or operational staff.

Applicable Locations

There are approximately 112 miles of public sidewalk located within the municipal boundary of the Village. There are over approximately 1,500 curb ramps, generally located in intersections. Some of these intersections are Village-maintained signalized intersections. More detailed inventory statistics are noted in Appendix A.

Barrier Assessments

Of the approximately 112 miles of public sidewalk, a majority of streets were built as a result of the community growth and development. Since the 1990s, the Village have been committed to pedestrian facilities within developments. Most streets and neighborhoods included four foot wide sidewalks. Street and neighborhoods developed in the past 20 years have included five foot wide sidewalk and accessible curb ramps at street corners. As accessibility standards evolved, such as the specific criteria for tactile surfaces, these and other features were incorporated into the design and implementation of each project. The result is that among the array of possible barriers, many of the common obstacles to accessibility were diminished in the original construction. The sidewalk gap sections which exist are comprised of older neighborhoods constructed prior to the 1990s, and primarily

along roadways not under the jurisdictional authority of the Village. Throughout the past thirty years, the Village has been adding additional sidewalk on streets where none previously existed and filling in sidewalk gaps.

In reviewing the existing sidewalk network, curb ramps, sidewalk landings, cross-slopes and grades have been classified into the following two categories:

- Compliant
- Non-Compliant

The different components of the sidewalk network that the Village has categorized are defined as follows:

- Curb Ramp – takes into account from the curb to the landing at the ramps (cross slope 2% or less, running slope 8.3% or less, full width detectable warning surface, landing 2% or less in all directions, and all additional current requirements of the U.S. Access Bureau's Public Rights-of-Way Accessibility Guidelines ("PROWAG")).
- Sidewalk Clear Width – 4' or wider path (no obstructions limiting the width to below 4')
- Sidewalk Cross Slope – Slope across the sidewalk less than 2%
- Sidewalk Grade – running slope of sidewalk less than 5% or less than slope of adjacent roadway
- Vertical Surface Discontinuities – 0.5 inches or less in difference

Accessibility barriers like sidewalk clear width, sidewalk cross slope, and sidewalk grade are minimal in frequency. Accessibility barriers like, non-standard detectable warnings, curb ramps, vertical surface discontinuities, and landing deficiencies are more prevalent. Appendix A contains a summary of the barrier assessment findings as of the date of this study.

Annual sidewalk and street maintenance programs, and new sidewalk construction programs are progressively performing detailed assessments of the system.

The Village routinely coordinates with IDOT and Kane County to assess conditions and implement improvements as projects and programs in those jurisdictions progress.

The Village is responsible for the operation and maintenance of signalized intersections (detailed in Appendix A). At intersections where there are pedestrian signals, the signals should meet accessibility standards. In general, accessible intersections should have pedestrian push buttons placed to activate the signals within easy reach of pedestrians intending to cross each crosswalk. It should be obvious which push button is associated with each crosswalk. The poles for the push buttons should be in optimal locations for installation of accessible pedestrian signals.

In general, a signalized intersection should have the following:

- Two push buttons on two separate poles (one for each crossing direction) in which it is easily distinguishable which pedestrian signal is being activated.
- Push buttons that meet the standard (i.e. large enough that it can be activated with a fist and not requiring significant force to push).

In reviewing the existing signalized intersections, they have been divided into the following two categories:

- Compliant
- Non-Compliant

Appendix A contains a summary of the barrier assessment findings.

MITIGATING BARRIERS

The Village of North Aurora endeavors to mitigate barriers in the public right-of-way on an ongoing basis by proactively identifying and eliminating barriers, responding to public grievances, incorporating accessibility improvements into capital and other Village improvement projects and ensure that new construction is constructed to current standards and guidelines.

The Village will also consider implementing accessibility-specific improvement projects as the budget allows, to mitigate barriers that are identified as the highest-priority in the Village. Priority is primarily established based on the location of the barrier as follows:

1. (highest) – Intersections serving government or public facilities
2. – Intersections serving arterial roadways or the central business district
3. – Intersections serving collector roads
4. – Intersections serving residential roads
5. (lower) – Intersections serving other areas (such as industrial)

IMPROVEMENTS SCHEDULE AND COSTS

Approach

The Village will utilize two primary methods for upgrading pedestrian facilities to the current accessibility standards. The first and most comprehensive of the two methods are the scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current accessibility standards to the extent possible as part of the project. The second method is the implementation of stand-alone sidewalk and right-of-way accessibility improvement projects. The third method is mitigating small displacement in the sidewalk leveling project. These projects, when determined to be necessary and feasible by Village staff, will be incorporated into the Capital Improvement Program (CIP) on a case by case basis, as Village finances allow.

Additionally, the Village of North Aurora will attempt to provide relief to public right-of-way where a disabled person has requested help (reasonable accommodation request).

Finally, 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. The Village now requires ADA details for each curb ramp that accurately depicts detectable warning plate locations/dimensions/orientation, sidewalk elevations, sidewalk slopes, depressed curb limits, etc. Further, all sidewalks and curb ramps constructed within the public right-of-way will be inspected by the Village Engineer or designee to confirm full compliance with ADA/PROWAG requirements prior to the Village accepting the improvements.

Costs

The estimated cost to correct the “Non-Compliant” facilities identified in this Public Right-of-Way Accessibility Transition Plan to “Compliant” status is currently \$4,000,000 in today’s dollars. The estimated costs assumed the following:

- Removal and replacement of all non-compliant ramps
- Removal and replacement of existing non-compliant curb and gutter
- Installation of a new 5"-thick concrete sidewalk and curb ramp with red truncated dome detectable warning plates
- Pavement patching

For the purposes of the estimate, it was assumed that four 5-foot by 5-foot squares of concrete sidewalk would require removal and replacement at each deficient corner. It is acknowledged that some locations will require more or less based on actual field conditions.

Schedule

The Village of North Aurora will make reasonable efforts to improve the accessibility of pedestrian facilities in the public right-of-way through its annual Capital Improvement Plan and other Village-sponsored construction projects. Compliance is required to the extent practicable within the scope of a project. As funds allow, special projects with funding specifically for accessibility compliance or pedestrian improvements may be considered.

There will be times when it is technically infeasible to provide compliance due to the physical and topographic limitations of an area. The inventory process may not account for such situations where all feasible actions have been taken.

The Village of North Aurora will make efforts to select areas with high priority and solvability where feasible before moving to lower priorities. Additionally, given the breadth of the program and the size of the Village’s pedestrian network, the Village will follow the concept of Program Access under Title II of the ADA. Program Access does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities, as long as the program as a whole is accessible. The Village may choose to not install a sidewalk at some locations or may choose to lower their priority if a reasonable path of travel is available even without a sidewalk.

Monitoring Progress

This document will continue to be updated as improvements are made and conditions within the Village evolve. The appendices in this document will be updated periodically, while the main body of the document will be updated at least every 5 years, with a future update schedule and cost estimate to be developed at that time. With each main body update, public comments will be solicited to continue the public outreach efforts.

CONCLUSION

The Village of North Aurora has demonstrated a commitment to provide equal access to its facilities within the public right-of-way and to maintain and enhance compliance with the requirements of the Americans with Disabilities Act. The completed Public Right-of-Way Accessibility Transition Plan provides the Village with the framework to address current accessibility compliance issues and plan for future components that will need to be addressed. The Village is committed to the findings and improvements identified in this

Transition Plan and will continue to adhere to accessibility requirements to benefit the overall accessibility of the Village to all residents.

Appendix A

Component	Inventory	Unit	Status Classification	Percent of Total (%)
Curb Ramps	1593	Each	Total	
	471	Each	Compliant	29.6%
	1122	Each	Non-Compliant	70.4%
Sidewalk Clear Width	112	Miles	Total	
	111.5	Miles	Compliant	99.6%
	0.5	Miles	Non-Compliant	0.4%
Sidewalk Cross Slope	112	Miles	Total	
	110	Miles	Compliant	98.2%
	2	Miles	Non-Compliant	1.8%
Sidewalk Grade	112	Miles	Total	
	109	Miles	Compliant	97.3%
	3	Miles	Non-Compliant	2.7%
Vertical Surface Discontinuities	112	Miles	Total	
	110	Miles	Compliant	98.2%
	2	Miles	Non-Compliant	1.8%
Traffic Signals	5	Each	Total	
	1	Each	Compliant	20.0%
	4	Each	Non-Compliant	80.0%

Notes:

1. Data from Village of North Aurora Geographic Information System - ADA Collection Layer and Sidewalk Layer.
2. Curb Ramps includes: detectable warning, cross slope, running slope, and landing.
3. Classification distribution for various items is based on a combination GIS data, road maintenance program data, sidewalk maintenance program data, and observational/experience based estimates.
4. Mileage estimates have been rounded to reflect network level perspective.
5. Traffic Signals only includes intersections that the Village is the controlling agency.

Appendix B: ADA Curb Ramp Map

