

# Americans with Disabilities Act Transition Plan



*Prepared by:*

**BAXTER & WOODMAN**  
Consulting Engineers

[www.baxterwoodman.com](http://www.baxterwoodman.com)

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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, Elk Grove Village 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], Elk Grove Village 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, Elk Grove Village 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), Elk Grove Village has identified an ADA Coordinator to oversee Village policies and procedures.

Contact information for the ADA Coordinator for Elk Grove Village:

**901 Wellington Avenue  
Elk Grove Village, IL 60007  
(847) 357-4010  
[ada@elkgrove.org](mailto:ada@elkgrove.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 Outreach

Each agency is required to publish its responsibilities in regard to the Americans with Disabilities Act and provide the public an opportunity to provide input on the transition plan prior to its adoption. Elk Grove Village recognizes that public participation is a vital component in the development of this document.

The Village requested that the public provide input regarding any accessibility barriers or challenges they experienced throughout the community. They also provided the public with a draft version of the schedule and approach the Village planned to follow as part of the deficient facility improvement process, as well as the design standards and guidelines that would be followed to determine ADA compliance and requested any input the public might have regarding each of them.

Members of the community were able to provide input or file complaints by filling out ADA Compliant/Grievance Forms. The public had the option to fill out a survey-style form online or could obtain forms from the Village's website ([www.elkgrove.org](http://www.elkgrove.org)) or through contacting the ADA Coordinator, then submitting the completed forms to the ADA Coordinator via postage, electronic mail, or in person. The comment period was open from February 1, 2023, through March 10, 2023.

The public was made aware of this solicitation for feedback by posting a request for comments on the Village's website and in its newsletter.



## Grievance Procedure

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

### **Public Notice**

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

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

**Modifications to Policies and Procedures:** Elk Grove Village 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 Elk Grove Village, should contact the office of Maggie Jablonski as soon as possible but no later than 48 hours before the scheduled event.

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

Complaints that a program, service, or activity of Elk Grove Village is not accessible to persons with disabilities should be directed to Deputy Village Manager, Maggie Jablonski.

Elk Grove Village 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.

The following Grievance Procedure was posted on the ADA page of the Village website to serve as Public Notice:

### **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 Elk Grove Village. The Elk Grove Village'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 his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**The ADA Coordinator**  
**901 Wellington Avenue**  
**Elk Grove Village, IL 60007**  
**[ada@elkgrove.org](mailto:ada@elkgrove.org)**

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her 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 her/his 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 Elk Grove Village and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or her/his 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 Manager or his designee.

Within 15 calendar days after receipt of the appeal, the Village Manager 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 Manager 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 his/her designee, appeals to the Village Manager or his/her designee, and responses from these two offices will be retained by Elk Grove Village for at least three years.

## **Complaint Filing Methods**

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

1. **Internet:** Visit the Elk Grove Village website ([www.elkgrove.org](http://www.elkgrove.org)), fill out the ADA Grievance Form, then submit it to the ADA Coordinator through email ([ada@elkgrove.org](mailto:ada@elkgrove.org)). This form can be found by clicking on “Government” in the ribbon, expanding the “Village Manager’s Office” tab, expanding the “ADA” section, and selecting the “ADA Grievance Form.” A copy of the ADA Grievance Form is included in Appendix A.
2. **Paper Submittal:** Visit the Elk Grove Village website ([www.elkgrove.org](http://www.elkgrove.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](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](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.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.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], Elk Grove Village conducted a self-evaluation of its current services, policies, and practices to identify any existing impacts to accessibility. As part of this investigation, the Village also evaluated the condition of all pedestrian access routes within the public rights-of-way to determine and document facilities in need of repair. The conditions of these facilities (inspection notes and photos) were recorded in a GIS database.

### Overview

Inspectors evaluated segments of sidewalks and curb ramps for apparent compliance using several criteria, including the following:

- Minor vertical separation (>1/4", <1")
- Excessive cracking, heaving, or settlement (>1")
- Noncompliant slopes (cross slope >2%, longitudinal slope >5%)
- Problems with driveway aprons
- Drainage issues

The evaluation consisted primarily of visual inspection and did not include the use of measuring tools (ruler, level, etc.). Expected improvements are sidewalk grinding for minor vertical separations and sidewalk replacement for the other criteria.

All criteria besides drainage issues were evaluated in dry conditions. Drainage issues were identified approximately 18 hours after a moderate storm event. While not a record event, the volume of water (0.33") was sufficient to clearly identify where sidewalks were not sufficiently draining.

Sidewalk ramps were inspected with the above criteria in mind, with additional consideration for non-compliant detectable warnings, drainage structures, landing areas, and curb & gutter. Ramps were evaluated on a "per corner" basis, with four inspections for a typical intersection. Non-compliant instances were then evaluated by severity, generally in line with the criteria provided in Table 1.

<b>Table 1: Approximate work required to make curb ramps ADA-compliant.</b>				
	<b>Sidewalk Squares</b>	<b>Curb &amp; Gutter</b>	<b>Detectable Warning</b>	<b>Parkway Restoration</b>
<b>Minor</b>	1-2	~6'	0 or 1	Minor
<b>Moderate</b>	3-5	up to 10'	1 or 2	Minor
<b>Major</b>	6+	more than 10'	1 or 2	Major

### Summary of Evaluation

Elk Grove Village performed inventory of their sidewalks and curb ramps in fall of 2020. The sidewalk assessment revealed 21,108 individual (non-intersection corner) issues throughout the Village. The curb ramp assessment included inspection of 2,210 curb ramps; 1,446 of which appeared non-compliant with ADA standards. 330 of the 1,446 non-compliant curb ramps are currently undergoing improvements. Breakdowns of the inventory results are shown in Tables 2 and 3.



<b>Table 2: Curb Ramp Work Needed</b>	
	<b>Quantity</b>
<b>No work needed</b>	764
<b>Ongoing Improvements</b>	330
<b>Minor work needed</b>	742
<b>Moderate work needed</b>	293
<b>Major work needed</b>	81
<b>Total curb ramps inspected</b>	2,210

<b>Table 3: Sidewalk Issues Found</b>	
	<b>Quantity</b>
<b>Minor Vertical Separation</b>	16,076
<b>Cracking, Heaving, Settlement</b>	1,645
<b>Non-compliant Slope</b>	2,880
<b>Driveway Apron</b>	239
<b>Drainage Issue</b>	220
<b>Other</b>	48
<b>Total Sidewalk Issues</b>	21,108

About 76% of the sidewalk issues were classified as minor vertical separations (< 1” vertical offset) that could be solved by grinding a portion of the sidewalk to create a smoother access route. The remainder of the distresses will require sidewalk replacement.

Inspections of the sidewalk ramps revealed approximately 35% of the sites appeared to be compliant with ADA standards. The majority (34%) of the remaining sites require minor work to bring the ramp(s) into compliance. Of the remaining sites, 293 need moderate work and 81 sites need major work to meet standards. One of the most common problems across all curb ramps was either missing or improperly installed detectable warning fields.



## 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 Village Engineer to confirm compliance with ADA requirements prior to the Village accepting the improvements.

### Schedule

Elk Grove Village 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 participation reveals problematic segments or intersections, such locations can be moved into higher priority tiers as deemed appropriate regardless of initial prioritization.



## 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: \_\_\_\_\_

**The attachment below outlines the standards and guidelines the Village is inclined to adapt as part of their ADA Transition Plan. These standards and guidelines will help evaluate compliance of existing pedestrian facilities and determine the necessary improvements. Please review this attachment and provide any comments or suggestions you may have.**

*Attachment: ADA Standards and Guidelines*

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**The attachment below outlines the approach and schedule the Village is inclined to adapt as part of their ADA Transition Plan. This document explains the methods and prioritization system the Village would utilize to upgrade pedestrian facilities to the current accessibility standards. Please review this attachment and provide any comments or suggestions you may have.**

*Attachment: Improvement Approach and Schedule*

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**Have you observed or experienced any specific accessibility obstacles throughout the pedestrian facilities in Elk Grove Village?  Yes  No**

**If you selected yes, please provide answers to the questions on the back of this form. Then sign, date, and return it to the Village's ADA Coordinator.**

**If you selected no, please skip over the remainder of the questions, sign and date the back of this form, and return it to the Village's ADA Coordinator.**

(See other side)



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

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

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

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**Has this complaint been filed with another federal, state, local agency, or legal entity?  Yes  No**  
**If yes, please provide details below:**

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Please attach any additional pages as needed.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Return to:

**Elk Grove Village  
ADA Coordinator  
901 Wellington Avenue  
Elk Grove Village, IL 60007  
[ada@elkgrove.org](mailto:ada@elkgrove.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) 357-4010.