

# KANE COUNTY DIVISION OF TRANSPORTATION



## 2016 ADA TRANSITION PLAN Last Revised 2/21/2017



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Bus Shelter at Randall Road and Fabyan Parkway - Nicholas Halan  
Curb Ramp at Kirk Road and Hubbard Road - Nicholas Halan  
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The Kane County Division of Transportation ADA Transition Plan is a living document and will be updated frequently to reflect the improvements to Kane County Division of Transportation's infrastructure. If you have any comments, general concerns, or would like to file a grievance, please contact Kane County Division of Transportation email at [kdotada@co.kane.il.us](mailto:kdotada@co.kane.il.us), call us at 630.584.1170, or visit the Kane County Division of Transportation at <http://www.co.kane.il.us/dot/>.

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## Introduction

### Background

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush. The Act is a civil rights statute that prohibits discrimination against people who have disabilities. There are five separate Titles of the Act that relate to potential discrimination. Title II of the Act specifically addresses the topic of making sure public services and public transportation are accessible to those with disabilities. With the arrival of the Act, designing and constructing public facilities that are not accessible by people with disabilities constitutes discrimination.

However, ADA standards for new construction and alterations were primarily developed for buildings and site work and were not easily applicable to sidewalks, street crossings, and related pedestrian facilities in the public right-of-way. Similar, Section 504 standards did not offer guidance appropriate for right-of-way construction. The need to address right-of-way accessibility in a more specific way became apparent from the difficulties agencies had in applying ADA Accessibility Guidelines (ADAAG). In 1999, the United States Access Board, the Federal Government's specialist in accessible design, stated the rule making process for accessible pedestrian facilities in public right-of-way by convening a Federal advisory committee of key stakeholders to develop recommendations that could supplement or replace the current standard. The Public Rights-Of-Way Access Advisory Committee (PROWAAC) completed its initial work in 2000 and published its recommendations for new guidelines in a report to the Transportation Research Board in 2001.

In 2002, the Access Board issued a Notice of Availability of Draft Public Rights-of-Way Accessibility Guidelines (PROWAG) based on the PROWAAC report. Comments from consumers and design professionals led to the issuance of a second draft in 2005. A Notice of Proposed Rule Making (NPRM) seeking public comment prior to publication of a final rule was sent out in 2013. When standards consistent with the final PROWAG guidelines are adopted by the Department of Justice they will become the new minimum design standards under the ADA for both new construction and alterations.

The Act applies to all public facilities built before and after the arrival of the Act. The ADA guidelines apply to newly constructed facilities and altered portions of existing facilities. However, the ADA guidelines only include existing facilities if the scope of the improvement includes alteration. Alteration includes reconstruction, rehabilitation, resurfacing, widening, and projects of similar scale and effect. Maintenance activity does not constitute an alteration under the ADA guidelines. Below is a guide for determining if an activity triggers an ADA audit of the facilities.

Maintenance		Alteration
Chip Seals	Diamond Grinding	Addition of New Layer of Asphalt
Fog Seals	Joint Repairs	Mill & Fill/Mill & Overlay
Scrub Sealing	Spot High-Friction Treatments	Cape Seals
Crack Filling and Sealing	Dowel Bar Retrofit	New Construction
Joint Crack Seals	Pavement Patching	Hot In-Place Recycling
Slurry Seals	Surface Sealing	Open-graded Surface Course
		Microsurfacing/Thin-Lift Overlay
		Rehabilitation and Reconstruction

### **Applicability to Division of Transportation**

As a necessary step to a program access plan to provide accessibility under the Act, Kane County Division of Transportation is required to perform a self-evaluation of the current facilities relative to the accessibility requirements of the Act. Kane County DOT is then required to develop an ADA Transition Plan to address any deficiencies in their public facilities. As facilities are updated to current ADA standards, the plan is required to be updated periodically until all barriers are removed. The Plan is intended to achieve the following:

1. Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities
2. Describe the methods to be used to make the facilities accessible
3. Provide a schedule for making the access modifications
4. Identify the public officials responsible for implementation of the Transition Plan

### **7 Steps to ADA Compliance**

The ideal scenario to meet the requirements of the ADA Guidelines with regard to the accessibility of facilities in the public right-of-way would involve the following steps:

- Step 1 – Designate an ADA Coordinator
- Step 2 – Provide notice to the public about ADA requirements
- Step 3 – Establish a grievance procedure
- Step 4 – Develop internal design Standards, specifications, and details
- Step 5 – The ADA Transition Plan
- Step 6 – Schedule and budget for improvements
- Step 7 – Monitor the progress on the implementation of the Transition Plan

Each step to ADA Compliance is described in detail in the following section.



## Steps to ADA Compliance

### **Step 1 – Designate an ADA Coordinator**

Kane County Division of Transportation must designate at least one responsible employee to coordinate ADA compliance for KDOT. The benefits of having an ADA Coordinator are that:

- It makes it easier for members of the public to identify someone to help them with questions and concerns about disability discrimination.
- It provides a single source of information so questions from KDOT staff and from outside KDOT can be answered quickly and consistently.
- It provides an individual who can focus on and who can be instrumental in moving compliance plans forward.

The person who is appointed to this position must be familiar with KDOT's operation, trained in the requirements of the ADA and other laws pertaining to discrimination, and be able to deal effectively with local governments, advocacy groups, and the public. It is assumed that the coordinator is given sufficient time free of other responsibilities to carry out the Coordinator's functions. The ADA Coordinator for the Kane County Division of Transportation is:

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**ADA Coordinator**  
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### **Step 2 – Provide Notice to the Public about ADA Requirements**

Kane County Division of Transportation must provide public notice about the rights of the public under the ADA and the responsibility of KDOT under the ADA. Providing notice is not a one-time requirement, but a continuing responsibility. The audience of those who may have an interest in accessibility on KDOT facilities might include a large number of individual citizens that are not easily identified. Groups that are likely to include the target audience include public transit users and advocacy groups. KDOT has the responsibility to determine the most effective way to provide notice. KDOT will provide public notice on their website and will also reach out to impacted advocacy groups and Local Agencies near KDOT right-of-way. The public and selected groups for outreach will have thirty days to provide comments into the formation of this plan.

A copy of the Kane County Division of Transportation's Public Notice and Public Input Form can be found in Appendix F and feedback from the Public can be found in Appendix E. Public notice will also be posted on the KDOT website.

### **Step 3 – Establish a Grievance Procedure**

Kane County Division of Transportation is required to adopt and publish procedures for resolving grievances arising under Title II of the ADA. The procedures are intended to set out a system for resolving complaints of disability discrimination in a prompt and fair manner. Complaints would typically be directed to the Department's Office of Civil Rights. It is generally thought that filing a complaint with KDOT is an appropriate first step, in that it provides

an opportunity to resolve a local issue at the local level. However, the exhaustion of KDOT's grievance procedure is not a prerequisite to filing a complaint with either a federal agency or a court.

A copy of the Kane County Division of Transportation's Grievance Procedure and Grievance Form can be found in Appendix F. The Grievance Procedure will also be posted on KDOT's website.

#### **Step 4 – Develop Internal Design Standards, Specifications, and Details**

The Architectural and Transportation Barrier Compliance Board (alternatively called the Access Board) has developed accessibility guidelines for pedestrian facilities in the public right-of-way. The Federal Highway Administration has recognized these as its currently recommended best practices. Kane County Division of Transportation can adopt these accessibility guidelines into their own system of standards, specifications, and design details with modifications to meet local conditions. Development of design standards and design details within KDOT will allow for consistency in the application of ADA requirements for new facilities. The Illinois Department of Transportation has also brought the ADA standards into their own design standards. Agencies may use Section 41-6 of the BLRS Manual to meet the Design Standards.

At this point in time Kane County Division of Transportation does not have any adopted design standards, but does reference the Illinois Department of Transportation's adopted standards. Should KDOT adopt design standards in the future, those standards will reference ADA design standards.

KDOT can also review and revise County ordinances and codes to reference current ADA standards. For example, Kane County can save costs in the future by restricting the installation of power poles, fire hydrants, hand holes, drainage grates and other barriers in areas likely to require pedestrian elements.

#### **Step 5 – The ADA Transition Plan**

The ADA Transition Plan should consist of the following elements:

- A list of physical barriers in Kane County Division of Transportation's facilities that limit accessibility of individuals with disabilities (Self-Evaluation).
- A detailed description of the methods to remove these barriers and make the facilities accessible.
- A schedule for taking the necessary steps.
- The name of the official responsible for implementation.
- A schedule for providing curb ramps.
- A record of the opportunity given to the disability community and other interested parties to participate in the development of the plan.

Periodic updates to the ADA Transition Plan are required in order to ensure on-going compliance. Some of these key elements of the Transition Plan are described in greater detail below:

#### **Self-Evaluation**

The first task involved in preparing an ADA Transition Plan is conducting an inventory of existing physical infrastructure in the facilities operated by Kane County Division of Transportation and listing all the barriers that limit accessibility. This is often referred to as the self-evaluation process. Possible inventory approaches are on-ground surveys, windshield surveys, aerial photo studies, or drawing reviews. Deficiencies very likely to be found in an inventory of facilities include:

Self-Evaluation Checklist	
Issue	Possible Barriers
Sidewalk and Pathway Clear Width	Narrow, Below Guidelines
Sidewalk and Pathway Cross Slope	Steepness, Irregularity, Variability, Warping
Landings Along Sidewalks and Pathways	Less Than 4 feet by 4 feet
Sidewalk and Pathway Grade	Steepness, Angle Points
Materials and Finishes	Deterioration of Surfaces, Deterioration of Markings, Appropriateness of Material (ex. Cobblestones)
Gratings	Grating Type, Grate Opening Orientation
Discontinuities	Missing Sections, Gaps, Drops, Steps
Detectable Warning System	Missing, Inappropriate Materials, Inadequate Size, Wrong Location, Insufficient Contrast
Obstructions	Signs, Mail Boxes, Fire Hydrants, Benches, Telephones, Traffic Signal Poles, Traffic Signal Controller Boxes, Newspaper Boxes, Drainage Structures, Tree Grates, Pole Mounted Objects, Standing Water, Snow or Ice
Traffic Signal Systems	Lack of Provision for the Visually Impaired such as APS, Inadequate Time Allowed, Inoperable Buttons, Inaccessible Buttons
Curb Ramp	Missing, Doesn't Fall within Marked Crosswalk, Doesn't Conform to Guidelines
Curb Ramp Flares	Missing Where Required, Too Steep
Known Safety Concerns / Crash History	Roadway Geometry, Intersection Skews, Existing Speed Limits

Standards set for each of these issues can be found in the Public Rights-of-Way Access Advisory Committee's Special Report: *Accessible Public Rights-Of-Way, Planning and Designing for Alterations*. Refer to their website at <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/guidance-and-research/accessible-public-rights-of-way-planning-and-design-for-alterations> for more information.

The information developed through the inventory process has to be quantified and presented as a baseline so that progress can be monitored and measured. The inventory information can be presented in a variety of ways including Aerial Photos, a Database or Spreadsheet, Marked Up Drawings, or a Geographic Information System (GIS). KDOT performed their initial self-evaluation by creating field inspection forms (see Appendix A) and evaluating every curb ramp, traffic signal, bus shelter, and sidewalk using the field inspection forms. A self-evaluation of the KDOT buildings was performed in early 2015 and will be updated in the 2017 ADA Transition Plan Update to reflect any building additions to the baseline evaluation. Copies of the checklists for curb ramps, sidewalks/trails, buildings and bus shelters are available in Appendices A through D.

Self-evaluation continues to take place after the Transition Plan is complete. Periodic reviews and updates to the Plan must be conducted to ensure ongoing compliance with ADA requirements. Self-evaluation activities will consist of reviewing this plan to determine the level of compliance and to determine if any additional areas of upgrade are needed. If deficiencies are found, these are cataloged and the Transition Plan updated to detail how and when the barriers to pedestrian access would be removed.



Future self-evaluations will also focus on ADA improvements completed since the last evaluation, focusing specifically on pedestrian routes and crossings that were either part of routine-maintenance or construction projects done by other agencies or utility companies. All other ramps, sidewalks, bus shelters, buildings, and traffic signals will be reviewed at least yearly to ensure that the specifications have not changed.

### **Step 6 – Schedule and Budget for Improvements**

The Transition Plan should include a schedule of improvements to upgrade accessibility in each year following the Transition Plan. Remediation work can be presented for an independent remediation program or as an integral part of regularly scheduled maintenance and improvements project such as Resurfacing Projects, Roadway Rehabilitation and Reconstruction Projects, and Signal System Installation Projects. All new projects, regardless of funding sources, should include pedestrian elements that are consistent with the ADA guidelines, if appropriate.

At this point in time, KDOT is committed to ensuring all maintenance and new construction efforts comply to all ADA standards and will continue to address the highest prioritized ADA facilities.

### **Funding Sources**

The most immediate source of funds for remediation efforts is the incorporation of improvements into existing programmed reconstruction projects, incorporation into programmed signalization projects, and incorporation into programmed maintenance work. An accessibility improvement program could be developed as a standalone project through the Transportation Improvement Program. Potential sources of funding for accessibility improvements also include the following:

- Congestion Mitigation/Air Quality Program (CMAQ)
- Highway Safety Improvement Program (HSIP)
- National Highway System Improvements Program
- Railway Grade Crossing Improvements (ICC)
- Recreational Trail Program (RTP)
- Safe Routes to School Program (SRTS)
- Surface Transportation Program (STP)
- Transportation Enhancement Activities Program (ITEP & TAP)

### **Prioritization**

The prioritization of improvements that may not be included in an existing programmed project can be based on a number of factors. Generally, priority should be given to transportation facilities, public places, and population density. Kane County Division of Transportation has chosen to focus their prioritization on the condition of the ramps and also location data:

- Population density
- Senior population density
- Disabled population density
- Distance from public places
- Distance from fixed route transit

See Appendix A for more information on the methodology of location prioritization.

**Step 7 – Monitor the progress on the implementation of the Transition Plan**

In order to be effective, the Transition Plan needs to be utilized in yearly planning of projects and funding decisions, and also needs to be periodically reviewed for compliance and validity. The Transition Plan should be viewed as a “living document” and updated regularly to reflect changes in real world conditions and to address any possible new areas of compliance or noncompliance. Changes to a sidewalk such as the installation of a newspaper vending machine, or the relocation of a light pole, can create new access problems that were not evident when the plan was drafted. Regular updates to the plan will also result in monitoring compliance and the effectiveness of priorities set in the Plan itself.

## Conclusion

The ideal conclusion to the Transition Plan process is the elimination of all of the barriers listed in this Transition Plan and the acceptance of the requirements of the Act as an everyday reality in all future work going forward. In order to achieve this status, KDOT Staff will need to work together to improve the sidewalks, trails, bus shelters, curb ramps and buildings withing their right of way. This large task will not be completed overnight, but will be monitored each year until all of the public facilities are compliant to current standards.