

6/13/92: workshop
Council on 6/20
6/20/92: approved

VILLAGE OF DOWNERS GROVE

MEMORANDUM

To: Kurt Bressner, Village Manager
From: *AD* Jerry Sprecher, Assistant Village Manager
Date: July 1, 1992
Subject: A.D.A. Transition Plan

Submitted for your and Council's review and approval is the Village of Downers Grove Transition Plan for the Americans With Disabilities Act (A.D.A.). This substantially completes the report requirements of Title II of the Act.

As a brief note of explanation, it may appear that the proposed changes constitute a rather short list as compared to the Self Evaluation. However, it must be remembered that the Transition Plan relates solely to structural changes pertaining to the provision of services to the public. There are a variety of informational actions and other services noted in the Self Evaluation which are not structural.

It is important to note that while some structural concerns are not addressed from the standpoint of Title II, they still loom as considerations for Title I (Employment). Thus, I believe we must be prepared to address additional accessibility issues in Village Hall and Health and Human Resources via capital improvements planning.

Finally, while the Transition Plan may appear a short list, it is not a cheap one. The responsibility for crosswalks and curbs is one with a large price tag attached. The commitment of these dollars signifies a sincere commitment to the law.

I will be happy to provide further assistance as required. My thanks to Robert Jungwirth and Kenneth Rathje for their participation in this process.

GS;km
File:adatp

**THE AMERICANS WITH DISABILITIES ACT
VILLAGE OF DOWNERS GROVE
Transition Plan**

July 13, 1992

Index

Overview

Transition Plan

Appendices: Transition Plan Requirements
per "Federal Register"

Minutes of Public Hearing

Map: Crosswalks/Curbs

Departmental Correspondence: Curbs

IDOT Correspondence: Curbs

OVERVIEW

The Americans With Disabilities Act was signed by the President on July 26, 1990. It provides comprehensive protection for the disabled against discrimination in employment and the provision of government services, programs, and activities. The Act has a significant impact on the day-to-day operations of municipalities.

The first two titles of the A.D.A. apply to the Village of Downers Grove. Title I prohibits discrimination against a "qualified individual with a disability" in hiring, firing, advancement, compensation, job training and other terms, conditions, and privileges of employment. Title II, Subtitle A, prohibits discrimination against a "qualified individual with a disability" in the provision of government services, programs and activities. The effective date for Title II was January 26, 1992, and as interpreted by the U.S. Department of Justice, Title I for municipalities also became effective on that date.

Department of Justice regulations promulgated under Title II require that the Village of Downers Grove undergo a self-evaluation process to identify its services, policies, and practices that do not meet the requirements of the A.D.A. and make any modifications that may be necessary.

The Village's Self Evaluation was presented to Council and placed on public file on June 1, 1992. A public hearing was held regarding the evaluation following the regular Council meeting on June 22, 1992.

The Self Evaluation attempted to comprehensively examine all aspects of accommodation required by the Village to meet A.D.A. requirements, both structural and otherwise. As such, some accommodations are fairly routine and of relatively minor cost to the Village, e.g. meeting notices, contract language.

The Transition Plan, required by law to be completed by July 26, 1992, addresses only structural changes necessary to accommodate the disabled in the provision of services, programs, and activities to the public. Those structural changes are required to be completed by January 26, 1995.

Accordingly, the following Transition Plan presents a course of action for Council and staff to institute structural changes. In addition to input from the public hearing, the Plan is a result of staff review and prioritizing of the Self Evaluation. Senior directors Ken Rathje and Bob Jungwirth graciously assisted as a Transition Committee.

The reference to the Transition Plan in the "Federal Register" is attached, and the Plan earnestly attempts to meet the requirements therein. It is respectfully requested that Council place the Plan on public file and adopt it at its July 20, 1992 meeting.

Village of Downers Grove Transition Plan
Americans With Disabilities (A.D.A.) Title II: Public Services
July 13, 1992

I. Public Hearing
Minutes attached

II. Streets, Roads, Walkways
Refer to Item #3 and map

III. Structural Changes, Estimated Costs and Schedule

	<u>92/93</u>	<u>93/94</u>	<u>94/95</u>
A. Village Hall Bathroom	\$18,000		
B. Doorways West Entrance Village Hall	12,065		
C. Crosswalks/curbs	50,000	\$150,000	\$150,000
D. Ramp South Entrance Village Hall		9,000	
E. Front Door Police Department		3,000	
F. Main Street Train Station		*	

Designee to oversee implementation: Assistant Village Manager

Explanation

- A. May increase space and remodel existing west end bathrooms. As an alternative, we will examine potential for lift to second level bathrooms outside Council Chamber. Consultant to be hired.
- B. Includes electronic opening of west entrance doors (two sets). Existing doors are too narrow and difficult for the handicapped to negotiate. Project also includes new, wider door from lobby into ballroom area. This is appropriation request for 1992/93.
- C. This is a several year project to bring an estimated 1400+ crosswalks into compliance. The attached map illustrates priority areas. Phrases 1-3 are targeted over a three year period, with Phase 1 emphasizing remaining areas in the Central Business District. This project requires the transfer of \$50,000 per year from the Sidewalk Replacement Program as well as an additional \$100,000 budgeted in 1993/94 and 1994/95. \$50,000 is pending appropriation this fiscal year and would mitigate future budget requests.
- D. South entrance ramp to facilitate entrance to public meetings.
- E. Police Department doors to be electronically opened (outside set).
- F. Metra must meet A.D.A. standards for "key" stations by July 1993. Village also anticipates expenditures for remodeling in 1993/94.

individuals with disabilities. This paragraph does not—

(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

(2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with § 35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

(b) *Methods*—(1) *General*. A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified

individuals with disabilities in the most integrated setting appropriate.

(2) *Historic preservation programs*. In meeting the requirements of § 35.150(a) in historic preservation programs, a public entity shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not required because of paragraph (a)(2) or (a)(3) of this section, alternative methods of achieving program accessibility include—

(i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;

(ii) Assigning persons to guide individuals with handicaps into or through portions of historic properties that cannot otherwise be made accessible; or

(iii) Adopting other innovative methods.

(c) *Time period for compliance*. Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made within three years of January 26, 1992, but in any event as expeditiously as possible.

(d) *Transition plan*—(1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum—
(i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;

(ii) Describe in detail the methods that will be used to make the facilities accessible;

(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for implementation of the plan.

(4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this paragraph (d) shall apply only to those policies and practices that were not included in the previous transition plan.

§ 35.151 New construction and alterations.

(a) *Design and construction*. Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.

(b) *Alteration*. Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

(c) *Accessibility standards*. Design, construction, or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR part 101-19.8) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to 28 CFR part 36) shall be deemed to comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at section 4.1.3(5) and section 4.1.8(1)(j) of ADAAG shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(d) *Alterations: Historic properties*. (1) Alterations to historic properties shall comply, to the maximum extent feasible, with section 4.1.7 of UFAS or section 4.1.7 of ADAAG.

VILLAGE OF DOWNERS GROVE
PUBLIC HEARING
AMERICAN'S WITH DISABILITIES ACT
JUNE 22, 1992

Mayor Cheever called the public hearing to order at 8:00 p.m. in the Council Chambers of the Village Hall.

Present: Mayor Betty Cheever; Commissioners James Kmetz, Jan Kopis, Marilyn Schnell, Gregory Vogler; Village Manager Kurt Bressner, Assistant Manager Jerry Sprecher, Village Attorney Daniel Blondin, Assistant to the Manager Georgia Ragland; Staff Attorney Julie Olson.

Mayor Cheever said this public hearing was called by the Village Council to review the results of the self-evaluation completed by Village staff pursuant to the requirements of the federal Americans with Disabilities Act, and to consider the necessary structural changes identified by Village Staff to be included in the Village's transition plan detailing such structural changes.

Mayor Cheever said that copies of the self evaluation were located at the entrances of the Council Chambers for general information.

Mayor Cheever asked the Village Clerk to read the public hearing notice.

Mayor Cheever reviewed the procedures for the public hearing.

Assistant Village Manager Jerry Sprecher, summarized the self-evaluation and proposed transition plan. Mr. Sprecher said a number of procedures are required for the Village to come into compliance with the federal Americans with Disabilities Act (ADA), which Act makes it illegal to discriminate against anyone with a disability as it pertains to employment or in the provision of services, programs or activities.

Mr. Sprecher said that staff has studied the requirements very closely, and submitted a self-evaluation program to Council on June 1st, which was then placed on public file. On July 13th staff will provide Council with a transition plan which will include a timetable, and an estimate of costs for the changes that the Village needs to implement.

In the June 1st report, there are a number of items for review, such as access to the west entrance of Village Hall, the inaccessibility of the south entrance, and bathroom access.

Ron Dugan of 904 Curtiss said that he reviewed the self-evaluation and found some things which need to be addressed. Mr. Dugan then mentioned some of those items including access to the west entrance of the Village Hall, suggesting using the procedure for the the entrances of the Post Office and South High, and bathroom access.

Mr. Dugan then mentioned additional items such as a ramp to the Council platform, and access to the 2nd floor of the building.

Mayor Cheever noted that the upstairs was a working area with VOC, computers and Community Relations.

DRAFT

Mr. Dugan said that getting to the Council Chambers from the west entrance is a maze.

Mrs. Joan Yates of 5150 Main added that some type of instructions on how to get to the Council Chambers from the west entrance would make access easier.

Mr. Dugan then reviewed the Police Department building, and said there will be problems there because of the different levels. He noted that the Main Street station was also not built to Code. Mr. Sprecher stated that the Village is waiting on METRA who has an obligation to comply with their key stations.

Mr. Dugan then reviewed the situation in the Health and Human Resources building. Mayor Cheever asked what Mr. Dugan's recommendation was regarding meetings in the HHR building.

Regarding crosswalk and curb modifications, Mr. Dugan said that there should be upgrading in the CBD area, and other business areas, since some of those curb cutouts are cracked, before modifications were made in residential areas.

Commissioner Kmetz asked if the Village had the discretion to choose curb upgrading just in the CBD, etc., or moving meetings to different locations? Ms. Olson said that there is discretion regarding making meetings more accessible; however, curb cuts have to be made by 1995 and there is no discretion.

Mr. Dugan said that Heritage Festival is wonderful, however the portable bathrooms are not accessible to wheel chairs. Commissioner Kopis said that they have ordered special ones in the past, and he was unaware that they did not fit the requirements.

Mrs. Yates asked if there were any public bathrooms available in downtown Downers Grove? The Mayor responded that the library was open. Ms. Yates said that it was not open every year and should be opened for the disabled.

Mr. Dugan then said that water fountains downtown are not accessible. He asked what Ms. Christy Alberson's disability was since she did the survey. Mr. Sprecher said that she did have a spinal cord injury and is in a wheelchair.

Mr. Dugan added that there has to be tactile information in elevators, and asked about the need for braille in Village Hall. He noted that ADA mainly addresses needs of the motor impaired.

Mayor Cheever thanked Mr. Dugan and Mrs. Yates for their good suggestions. She said that the transition plan will be discussed on July 13 Workshop, and the resolution to accept the transition plan will be on the agenda for July 20th.

There being no further discussion, the meeting was adjourned at 8:30 P.M.

Barbara Waldner
Village Clerk

/tmh

VILLAGE OF DOWNERS GROVE
DEPARTMENTAL CORRESPONDENCE

DATE: June 23, 1992

TO: Robert Jungwirth, Sr. Dir. of Engineering
Jeffrey R. Livergood, Acting Dir. of Public Works

FROM: Julie Ann Olson, Staff Attorney *Julie*

SUBJECT: Sidewalk Curb Ramps for ADA Compliance

This memorandum is a reminder that the Americans with Disabilities Act (ADA) requires that when making curb cuts priority be given to sidewalks serving state and local government offices, transportation facilities, places of public accommodation such as restaurants and retail stores, and employers. This means that residential areas should be the lowest priority on the schedule for curb cuts. Please make any changes that are necessary in your schedule to comply with this requirement of the ADA.

Thank you for your assistance with this matter.

JAO:bdw

cc: J. Sprecher



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois/62764

Bob J (I know
we are
installing
them)

Jerry S

May 15, 1992

RECEIVED

MAY 21 1992

Americans With Disabilities Act (ADA)

VILLAGE OF DOWNERS GROVE
MANAGER'S OFFICE

MAYORS/VILLAGE PRESIDENTS
COUNTY ENGINEERS/SUPERINTENDENT OF HIGHWAYS
MUNICIPAL ENGINEERS

#92-9

On January 26, 1992 the Americans With Disabilities Act (ADA) went into effect. This federal legislation affects all local agencies to some extent. The Act will place increased emphasis on construction of accessibility ramps for sidewalks.

Every local government with 50 or more employees shall prepare a written transition plan before July 26, 1992. The plan should be prepared after consulting with persons with disabilities. If local governments have responsibility or authority over streets, roads or walkways, the transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs. Local governments will have until January 26, 1995 for completion of the work covered by the transition plan. Local governments that employ less than 50 employees need not have a written transition plan, but must meet the January 26, 1995 deadline for curb cuts.

The plan shall at a minimum:

1. Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities.
2. Describe in detail the methods that will be used to make the facilities accessible.
3. Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period.
4. Indicate the official responsible for implementation of the plan.

The department encourages local governments to review any plans that may be under design or construction for compliance with this Act. Local governments should use the current IDOT policies, procedures and standards when developing highway construction plans.

The details of Standard 2356-1 were designed to meet the requirements of the Act and it is very important that they be followed to avoid complaints being filed. The Uniform Federal Accessibility Standards (UFAS) and the ADA accessibility standards do, however, provide for variance from the 1:12 maximum ramp profile shown on the standard. If space limitation prohibits the use of the 1:12 slope, then slopes between 1:10 and 1:12 are permitted for a maximum rise of 6 inches or between 1:8 and 1:10 for a maximum rise of 3 inches. Slopes steeper than 1:8 are not permitted. No other changes from the standard are permitted and any deviation could result in a complaint being filed with the Department of Justice.

The Act covers several items that will affect local governments. This letter addresses only the highway aspects of the legislation. IDOT is not the policing agent of this Act, however we advise you to become familiar with other requirements and their effects on your operations.

Very truly yours,

A handwritten signature in cursive script that reads "Bill Sunley".

William T. Sunley, P.E.
Engineer of Local Roads and Streets

cc-
District Engineers