



Strand Associates, Inc.

1170 South Halsted Street

Suite 4000A

Chicago, IL 60605

(773) 553-1200

(773) 553-4774

October 22, 2013

Mr. Kurt Corrigan, P.E.
Transportation and Engineering Manager
Village of Orland Park
14700 South Ravinia Avenue
Orland Park, IL 60462

Re: Americans with Disabilities Act Transition Plan

Dear Mr. Corrigan:

As a supplement to our July 3, 2013, engineering proposal to provide ADA Transition Planning services to the Village of Orland Park, we want to provide additional clarification of the regulatory structure establishing the need for a Transition Plan.

In 1990, the Federal Government signed into law the Americans with Disabilities Act (ADA) that set requirements and guidelines for making public services accessible to people with disabilities. Title II of the ADA and specifically Section 35.150 requires all levels of state and local government to plan and implement a process for removal of any barriers to accessibility.

Each state is permitted to modify the ADA, but only if it is more stringent than the federal requirements. In 1997, the State of Illinois established the Illinois Accessibility Code (IAC) that modifies portions of the ADA. However, the IAC does not eliminate the underlying requirement for public agencies to remove accessibility barriers.

In summary, the Village's adoption of the IAC sets requirements for design, construction, and alteration of public buildings and facilities to meet accessibility requirements equal to or more stringent than the Federal ADA. The Village's Transition Plan will establish a strategy to identify and correct accessibility barriers to meet the IAC and ADA requirements and keep the Village in compliance with the federal law.

We hope this helps the Village in consideration of moving forward with development of a Transition Plan. If you have any questions, please call me at 815-744-4200.

Sincerely,

STRAND ASSOCIATES, INC.*

A handwritten signature in black ink that reads "Michael R. Waldron".

Michael R. Waldron, P.E.



Strand Associates, Inc.
1117 South 60th Place
Jesse H. Goodman
Orland Park, IL 60462
(708) 744-4700
(708) 744-4701

July 3, 2013

Mr. Kurt Corrigan, P.E.
Transportation and Engineering Manager
Village of Orland Park
14700 South Ravinia Avenue
Orland Park, IL 60462

Re: Engineering Proposal for Development of an Americans with Disabilities Act (ADA) Transition Plan

Dear Mr. Corrigan:

On behalf of Strand Associates, Inc.[®], thank you for the opportunity to provide our proposal to assist the Village with development of an ADA Transition Plan. We believe the Village will find that we are best qualified to assist Orland Park in creating a Transition Plan because:

- Our understanding and project approach stems from experience helping many other municipal clients with ADA Transition Planning.
- Our proposed engineering team brings background and qualifications in successful ADA Transition Planning.
- Our project experience developing ADA Transition Plans proves our expertise to assist Orland Park with its plan.

We are excited to have the opportunity to work with the Village on this project. If you have questions during your review of these proposal materials, please feel free to call.

Sincerely,

STRAND ASSOCIATES, INC.[®]

A handwritten signature in black ink that reads "Michael R. Waldron".

Michael R. Waldron, P.E.
Project Manager

9906.972/MRW:mah

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Project Understanding and Approach

Our Understanding and Project Approach Stems From Experience Helping Many Other Municipal Clients with ADA Transition Planning

Title II of the Americans with Disabilities Act (ADA) requires all public entities to address the subject of making public services accessible to people with disabilities.

Local governments and municipalities are required to comply and conform to the Act by developing a Transition Plan to identify, track, and prioritize deficiencies and improve accessibility. Transition Plans are geared towards facilities under the municipality's jurisdiction, which includes public rights-of-way and buildings hosting public programming. Some examples of these

facilities include curb ramps, pedestrian paths, sidewalks, crosswalks, median crossings, public transit stops, level landings, driveway crossings, pedestrian pushbuttons, signal indications, park facilities, and public meeting places. A comprehensive Transition Plan provides a level of independence for people with disabilities, in addition to providing a solid defense in ADA-related legal actions.



One complaint leading to an Agreed Order could force ADA issues to be addressed on a timeline established by the DOJ regardless of a communities available resources.

The United States Department of Justice (DOJ) has embarked on a rigorous process to make sure municipalities and local governments stay compliant to the ADA requirements. Any complaints brought to their attention are brought to justice and numerous municipalities have been cited for non-compliance in response to complaints against them. Additionally, the Federal Highway Administration (FHWA) has the authority to ensure ADA requirements are being met under federally-funded transportation projects and to investigate any complaints concerning pedestrian facilities within public right-of-way, regardless of funding. In fact, some states have withheld funding from jurisdictions that do not have ADA Transition Plans, raising the concern that municipalities receiving any form of grants from the federal government will be required to have an ADA Transition Plan before being considered for grants in the near future.

Many municipalities cite concerns in undertaking development of an ADA Transition Plan, such as cost, limited budget, and low priority. However, the development of an ADA Transition Plan does not have to be costly or budget depleting. Our experience with streamlining development of ADA

Transition Plans for many of our municipal clients can help Orland Park establish a plan and take a proactive stance in addressing ADA issues in the community.

Project Approach

We have developed Transition Plans and assisted with ADA Agreed Order compliance for various communities and understand what it takes to create a plan for the Village of Orland Park. We understand Orland Park does not currently have a Transition Plan so our approach will establish a basic plan focused on identifying and planning for priority areas, as well as lay the groundwork for building on the Transition Plan over time.

The initial step will provide an understanding of the ADA and discuss how the Village can develop a streamlined Transition Plan.

- **Project Introduction** – The purpose of this step is to provide Village staff and elected officials with background information and an understanding of the ADA and recently issued Public Right-of-Way Accessibility Guidelines (PROWAG), as well as an explanation of Transition Plans. This introduction will include a Summary Memorandum providing information on "What", "Why", and "How" of Transition Planning. We will then provide a brief presentation at a Village selected venue and moderate a discussion of how the Village would like to proceed. It is our opinion that an understanding of why Transition Plans are important and how the Village can streamline development of a plan is a key step to moving the project forward.



Upon direction from the Village to proceed with development of a Transition Plan, we will follow these steps:

- Adopt design standards.
- Establish a complaint procedure.
- Identify a Village official responsible for the plan.
- Engage the community.
- Establish a Self-Evaluation Plan.
- Develop a Transition Plan.
- Track implementation.

- **Kickoff Meeting and Data Collection** – We will attend a kickoff meeting with Village staff to discuss the project and gather additional background information that will assist in the plan development. This will also provide a means of introducing the project team and getting to know the Village staff that will be working on the project. It will be important for the Village to have any staff member with responsibilities towards Village buildings, facilities, and programs available for this kickoff meeting.

- **Adopt Design Standards** – We will review applicable current Village building codes and design standards in light of the current Illinois Accessibility Code and the ADA Checklist for Readily Achievable Barrier removal, and document our findings. Inconsistencies such as conflicting guidelines and outdated information will be brought to the Village's attention for discussions. We will meet with Village staff to discuss our findings so the Village can determine what guidelines and standards modifications to choose when making codes.

- **Establish a Complaint Procedure** – We will create a complaint procedure that logs, tracks, and addresses complaints to be addressed by the Village. This is important in prioritizing the Village's needs and being proactive to the Village residents.

- **Identify Responsible Official for Developing and Implementing the Plan** – The Village will need to identify a staff person who will be responsible for implementing and monitoring the plan. This should be someone with thorough knowledge of the ADA requirements and challenges associated with accessibility, and must be capable of working with staff from different departments. This person will be identified in the Transition Plan and will also be posted on the municipality's website.

- **Engage the Community** – We will assist the Village in developing a public notice that will be made available to the general public. The notice will be posted at public facilities for a month and on the Village's website. We will then attend one public meeting to solicit and answer questions from stakeholders and the general public. Information obtained at the meeting will be used in planning and performing the self-evaluation.



The ADA requires accessibility to public services while providing a level of independence for people with disabilities.

Initial planning efforts will focus on priority locations and corridors susceptible to ADA-related legal action and prepare the Village for subsequent evaluations.

We also recommend the Village form a Transition Plan Committee that includes members of the disabled community. There are several local agencies like dial-a-ride transportation groups or Meals-on-Wheels that can be contacted to identify individuals to play a positive role in assisting with development of the Transition Plan. This committee would be small, but would be a good connection to the disabled community.

- **Establish a Self-Evaluation Plan** – The self-evaluation phase of the project requires the most effort and time. This phase entails determining the facilities owned by the Village to be included in the Transition Plan – from public buildings to public rights-of-way to Village activities like public meetings and festivals. This determination is followed by creation of an inventory of physical barriers within the Village's facilities that limit accessibility to people with disabilities, and coming up with solutions to address these barriers. This is a big task and Orland Park would be starting from scratch, so our approach aims to focus this effort on priority locations and corridors.

We will work with Village staff and the Transition Plan Committee to map the areas where the Village needs to focus its attention. This approach streamlines and prioritizes self-evaluation efforts on areas that have high pedestrian and disabled use and are susceptible to ADA-related legal action. This approach also accounts for the fact that the Village has resource limitations too that make addressing the entire Village in one evaluation infeasible. However, this approach doesn't mean that other public facilities and right-of-way will be ignored. We will also work with the Village to identify and inventory the remaining facilities and buildings in preparation for subsequent evaluations.

The priority areas will be identified for the first round of self-evaluation surveys to identify ADA deficiencies and solutions. We will assist the Village in scheduling the survey and provide an easy-to-use Self-Evaluation Checklist and guidance in using this for the Self Evaluation Inventory.

For this proposal, we anticipate the Village will choose to perform the surveys themselves in lieu of using our engineers. However, we have performed these surveys for our other clients upon request.

Depending on the availability of staff, the Village can perform this survey themselves or use summer interns to assist with collecting this information. The Village may also choose to combine this survey with maintenance work, such as creating and updating annual capital



improvement plans. We recommend establishing two separate survey inventories – one for buildings and one for rights-of-way.

Information obtained through the inventory process will be incorporated into the Village's Geographic Information Systems (GIS) to establish a baseline from which the Transition Plan can be monitored for progress in addressing the identified barriers to accessibility.

- **Develop a Transition Plan to Set Out the Priority, Cost, and Schedule for Physical Improvements –** Identified barriers to accessibility in the Self-Evaluation phase that will require changes to meet the ADA requirements, and regulations will be compiled and an opinion of cost developed. The improvements will be prioritized and scheduled based on Village budget and other planned improvements. All of this information will then be incorporated into a Transition Plan.



The transition plan will also include a prioritization, cost, and schedule for subsequent self-evaluation surveys of the non-priority areas. This aspect of the plan will also take into account the Village's other capital improvement plans and programmed improvements.

The final plan will provide the Village with an immediate course of action, as well as establishing a commitment to continue to address ADA and PROWAG compliance issues across the village.

- **Track Implementation –** The final aspect of the Transition Plan will be adopting a process for tracking plan implementation, documenting plan progress and modifications, and keeping the public informed of the Village efforts. The Transition Plan is meant to be a living document, so it will be important for the Village to track successes and shortcomings and modify the plan at regular intervals to continue addressing issues in the most effective and efficient manner. It will also be important to keep the public informed of progress. Establishing and implementing a plan is a progressive move for Orland Park and the Village should let the community know.

Project Cost

Our Project Approach is an Efficient and Effective Way for Orland Park to Create a ADA Transition Plan

Our proposed fee to assist the Village of Orland Park with the development of a Transition Plan, as detailed in our *Project Understanding and Approach* section, is \$35,200, including labor and expenses.

Please note that this fee assumes the Village will perform the Self-Evaluation survey to include identifying the deficiencies associated with the priority facilities and locations.

Following is a breakdown of our fee and anticipated hours.

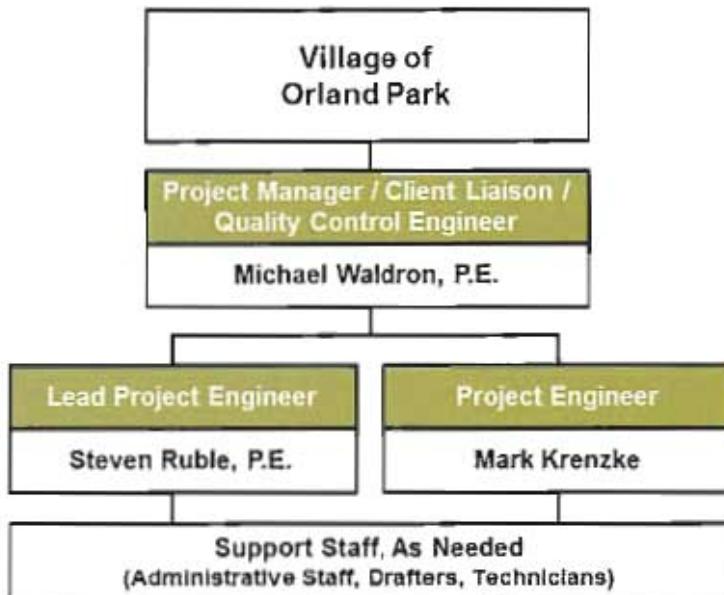
Task	Anticipated Hours	Proposed Fee
Project Introduction	28	\$4,100
Kickoff meeting and data collection	16	\$2,020
Adopt design standards	24	\$2,700
Establish complaint procedure	6	\$780
Community engagement	38	\$5,600
Establish Self-Evaluation Plan	62	\$6,700
Develop Transition Plan and present to Village	112	\$13,300
Totals	286	\$35,200

Key Personnel

Our Proposed Engineering Team Brings Experience and Qualifications in Successful ADA Transition Planning

This organizational chart and staff qualifications provide information on the designated responsibilities of the engineers who will lead our project team. The team organization was developed to be responsive to the Village's needs, to provide smooth and effective communication, and to maximize the talents of the team members in order to provide an approach that effectively and expeditiously addresses this project.

Village of Orland Park ADA Transition Plan



Staff Qualifications

■ Project Manager/Client Liaison/Quality Control Engineer –

Michael R. Waldron, P.E., has been with our firm for more than 21 years and is the Coordinator of Municipal Engineering in our Joliet office. Mike will manage the project team and be the single point of contact, keeping Orland Park informed of the project's status. Mike has served as Municipal Engineer or as the Primary Consulting Engineer for numerous Illinois municipalities and has consulted to various public agencies on ADA issues and programs. He has been Project Manager on several recreational and roadway-related projects, including Will County Forest Preserve District's Goodenow Grove Improvement project and Prairie Bluff Improvements. Mike also provided quality control services on numerous projects and has extensive experience in local roadway planning, design, and construction.



■ **Lead Project Engineer – Steven Ruble, P.E.**, has more than 17 years of experience in site development and water resources and has been with our firm since 2012. Before joining Strand, Steve spent 9 years as the City Engineer for the City of Columbus, Indiana. With a population of approximately 44,000, he served as the City's representative developing projects to meet infrastructure needs while leveraging multiple funding sources and coordinating with various project stakeholders. Steve is the lead engineer on ADA compliance issues for our firm and provided consultation to several municipalities and agencies. Most recently he was the Lead Project Engineer/Manager for development of the Village of Glenwood and City of Boonville's ADA Transition plans, both in Indiana. Steven will serve as the Lead Project Engineer steering the various project aspects and developing the Self-Evaluation Plan and the Transition Plan.



■ **Project Engineer – Mark Krenzke, E.I.T.**, has 3 years municipal engineering experience, including site planning, ADA compliance, stormwater management, and transportation engineer. Mark has performed self-evaluation surveys for municipalities and was integral in developing the ADA Transition Plans for the Villages of Glenwood and Boonville. Mark will assist the project team review building codes and design standards, compile ADA improvements, develop infrastructure improvement costs, and project scheduling.





Michael R. Waldron, P.E.

Education

B.S. Civil Engineering - Bradley University, Peoria, Illinois, 1991

Registration

Professional Engineer in Illinois and Indiana

Field of Expertise

Municipal and General Civil Engineering, Local Transportation and Pavement Management, Municipal and Industrial Stormwater Management, Sustainable Site Design, Wastewater Pumping and Conveyance Systems, Water Supply and Distribution, Recreational Facilities

Positions Held

Strand Associates, Inc. [®]	2001 - Present	Municipal Discipline Coordinator
	1996 - 2001	Senior Project Manager
	1991 - 1996	Project Engineer/Project Manager

Professional Experience

- **Municipal Engineering** experience includes representation of municipalities and counties as City/Village/County Engineer; municipal infrastructure studies, planning, and budgeting; annexation, PUD, development, and recapture agreements; creation of local infrastructure standards and ordinances; residential, commercial, manufacturing, and light industrial platting and subdivisions; construction administration; asset management databases, utility mapping, and O&M programs.
- **Local Transportation and Pavement Management** experience includes pavement evaluation and administration of extended maintenance and improvement programs; local, collector, and arterial roadway design; roadway and streetscape enhancement design; traffic studies and warrants. Recent projects include:
 - Liberty Drive Reconstruction, Wheaton, Illinois
 - I-55 Frontage Road Reconstruction, Romeoville, Illinois
 - Orchard Road Reconstruction, Wheaton, Illinois
- **Municipal and Industrial Stormwater Management** experience includes stormwater runoff and conveyance analysis, stormwater management design, conservation and sustainable site design, and implementation of best management practices; soil erosion and sediment control design, management, and monitoring; stormwater and natural resources ordinances; MS4 stormwater management planning, stormwater system mapping and data bases; municipal and industrial Phase 1 and Phase 2 NPDES Stormwater Permitting; municipal and industrial stormwater pollution prevention plans (SWPPP), Oil Spill Control and Countermeasure Plans (SPCC), and Emergency Spill Response Plans; stormwater management permitting with DuPage, Kane, Kendall, and Will counties, MWRDGC, IDNR, IEPA, and USACOE. Recent projects include:
 - Belmont Avenue 72-inch Storm Sewer - Romeoville, Illinois
 - Phase 2, MS4 Stormwater Permitting and NOI, Joliet, New Lenox, Glencoe, Kendall County and townships, Illinois



Michael R. Waldron, P.E.

- **Wastewater Pumping and Conveyance Systems** experience includes planning, design, and construction of pressure and gravity sewer collection systems 1-1/4 to 72- inch diameter; planning, design, and construction engineering of sanitary pumping stations from small submersible pumping stations to facilities up to 30 mgd capacity; facilities planning reports, operation and maintenance manuals, and financial analysis for numerous municipal entities; CSO studies; long-term control planning (LTCP); separate and combined sewer CMOM programs; I&I studies; sanitary sewer evaluation surveys (SSES); flow monitoring and sampling; trenchless sewer rehabilitation planning, design, and construction; grants and low interest loans. Recent Illinois projects include:
 - CSO Long-Term Control Plan, Joliet, IL
 - CSO Long-Term Control Plan, Aurora, IL
 - Wastewater Master Plan, Batavia, IL
 - Sanitary Sewer Evaluation Survey, Wood Dale, IL
 - Transfer Station and Sewer Routing Study, Thorn Creek Basin SD, Chicago Heights, IL
 - West Suburban Service Area Study, Illinois American Water Company, Bolingbrook, IL
 - Southside Intercepting Sewer project, Wheaton Sanitary District, IL
 - IL Aux Sable Creek Wastewater Conveyance projects, Joliet, IL
 - Davey Road Lift Station Rehabilitation Project, ILAWC, Woodridge, IL
 - Route 6 Sanitary Pumping Station (1,400 gpm, 12-inch force main), Channahon, IL
 - Ridge Road Sanitary Pumping Station (1,350 gpm, 12-inch force main), Channahon, IL
 - Fort Sheridan Sanitary Pumping Station Evaluation, Highland Park, IL
- **Water Supply and Distribution** experience includes planning, design, and construction of water transmission and distribution mains ranging from 6 to 36-inch; trenchless water main rehabilitation and installation methods; system evaluations, modeling, and studies; capital improvement planning and financing reports; well site evaluations; grant and low interest loans. Recent projects include:
 - Glencoe Water Main Project, Glencoe, IL
 - Cleveland Avenue and I-57 Water Main Extension, Monee, IL
- **Facilities Engineering** experience includes parks and recreational facility planning; bike paths, pedestrian bridges, and tunnels; athletic fields; recreational lakes and waterway facilities; commercial and municipal site planning and design including parking lots, stormwater management, sewer and water service, lighting, and site grading. Recent projects include:
 - Goodenow Grove Improvements, Forest Preserve District of Will County, IL
 - Indian Boundary Park, Bolingbrook Park District, IL

Professional Affiliations

- American Society of Civil Engineers
- American Public Works Association
- Illinois Association for Flood Plain and Stormwater Management



Steven T. Ruble, P.E.

Education

B.S. Civil Engineering – Rose-Hulman Institute of Technology – Terre Haute, Indiana, 1996

Registration

Professional Engineer in Indiana

Field of Expertise

Roadway Design, Drainage Design, Site Development, and Construction Management and Observation

Positions Held

Strand Associates, Inc. [®]	2012 – Present	Project Manager
Janssen & Spaans Engineering	2011 – 2012	Project Manager
City of Columbus, Indiana	2002 – 2011	City Engineer
SIECO, Inc.	1996 – 2001	Project Manager

Professional Experience

Steve has 17 years of experience in the Transportation and Site Development/Water Resources engineering field, including on-site resident construction observation, project management, and design.

- **Transportation** – Project Manager responsible for project design and delivery.
 - Edwardsville/Galena Road Extension – Galena, Indiana
 - ADA Transition Plan – Town of Glenwood, Indiana
 - ADA Transition Plan – City of Boonville, Indiana
- **Transportation** – As City Engineer, Owner's Representative for the City of Columbus, Indiana. Responsible for project planning, selection, funding, design oversight, construction oversight, stakeholder coordination, and project delivery. Projects ranged in size from \$800,000 to \$6,000,000.
 - 17th Street – Columbus, Indiana – Urban "Complete" Street design and construction
 - Brown/Lindsey/Indianapolis Road Roundabout – Columbus, Indiana
 - Rockyford Road (Marr to Taylor) – Columbus, Indiana – Urban Street widening
 - Marr Road – Columbus, Indiana – Rural curve correction and safety improvements
 - Taylor Road (Rockyford to Marr) – Columbus, Indiana – Urban new alignment
 - Road 200 South – Columbus, Indiana – Urban widening design
 - Rockyford Road (Taylor to Talley) – Columbus, Indiana – Urban "Complete" street
 - Westenedge Drive – Columbus, Indiana – Urban "Complete" street design
 - Indiana Avenue – Columbus, Indiana – Urban "Complete" street design
 - Taylor Road (25th to Rockyford Road) – Columbus, Indiana – Urban "Complete" street
 - Chestnut Street – Columbus, Indiana – Storm sewer trunk line and street reconstruction
 - Indianapolis Road Culvert – Columbus, Indiana – Emergency large culvert replacement and street repair in response to 2008 flood event
- **Resident Construction Observation** of Transportation and Stormwater projects as a Consultant.
 - Rockyford Road Urban Reconstruction – Columbus, Indiana
 - State Road 56 Rural Reconstruction – INDOT, Seymour District
 - Grand Victoria Casino Entrance and Access Roadway
 - VonFange Ditch Improvements – Seymour, Indiana



Steven T. Ruble, P.E.

- Site Development/Water Resources engineering for commercial and public sites, including stormwater management, utility plans, erosion control, grading, and permitting for INDOT, IDNR, IDEM, and USACOE, as a Consultant.
 - Sandcrest Medical Center – Columbus, Indiana – Site design and permitting
 - Columbus Learning Center – Columbus, Indiana – Site and Stormwater design, Site Survey
 - Fair Oaks Mall Expansion – Columbus, Indiana – Site and Stormwater design
 - Red Gold Levee Design – Orestes, Indiana – Site design and IDNR permitting
 - VonFange Ditch – Seymour, Indiana – Construction Plans for Drainage Way Improvements
 - 96th Street and Allisonville Road – Indianapolis, Indiana – IDNR, IDEM, USACOE permitting
 - Horseshoe Bend Golf Course – Mays, Indiana – IDNR, IDEM, USACOE permitting
 - CVS – Clermont, Indiana – Site and Stormwater design, INDOT permitting
 - CVS – Indianapolis, Indiana – Site and Stormwater design
 - Various McDonalds throughout Indiana – Site and Stormwater design

Professional Affiliations

- Indiana Association of City Engineers – President 2006 – 2007
- Indiana Local Technical Assistance Program (LTAP) Advisory Board 2006 – 2007
- Indiana Association of Cities and Town Advisory Committee 2006 – 2007



Mark J. Krenzke, E.I.T.

Education

B.S. Civil Engineering – Purdue University – West Lafayette, Indiana, 2011

Registration

Engineer-in-Training

Field of Expertise

Stormwater Management, Hydraulic and Hydrologic Analysis and Design

Positions Held

Strand Associates, Inc.[®]

2011 – Present

Project Engineer

Professional Experience

- **Transportation** – Project Engineer for planning and design of transportation system improvements.
 - Infrastructure improvement cost development, project prioritization, and creation of ADA Transition Plan – Glenwood, and Boonville, Indiana
 - Intersection geometry planning and design for infrastructure replacement – Seymour, Indiana
- **Stormwater** – Project Engineer for planning, modeling, and design of stormwater conveyance systems.
 - Planning and design for box culvert replacement – Seymour, Indiana
 - Hydraulic modeling and analysis for principal stormwater conveyance channel – Seymour, Indiana
 - Hydrologic analysis and stormwater management planning for wastewater treatment plant expansion – Clay Township Regional Waste District, Zionsville, Indiana
 - Hydrologic and hydraulic analysis for INDOT small structure and bridge replacements in Wabash, Wells, Tippecanoe, and Bartholomew Counties – Indiana
 - Storm sewer modeling, planning, and design for CSO separation – Tipton, Indiana
- **Site Development** – Project Engineer for development of stormwater management, erosion control, and grading plans.
 - Site development, erosion control, grading and stormwater management planning for wastewater treatment plant expansion – Clay Township Regional Waste District, Zionsville, Indiana
 - Erosion control, grading and stormwater management planning for wastewater treatment plant – Grandview Lot Owners Association, Columbus, Indiana
 - Planning and design of runoff capture and infiltration system for Bartholomew County Public Library plaza renovation. – Columbus, Indiana
- **Wastewater** – Project Engineer for planning and design of collection systems, pumping stations, force mains, and low-pressure sewer systems.
 - Gravity sewer, lift station, and force main design – Seymour, Indiana
 - Preliminary engineering report for brick gravity sewer rehabilitation – Anderson, Indiana
 - Master plan development for sanitary sewer collection system – Seymour, Indiana
 - Hydraulic SewerGEMS modeling of sanitary sewer collection system using GIS data – Seymour, Indiana

Project Experience

Our Project Experience Developing ADA Transition Plans Proves Our Expertise to Assist Orland Park

We have worked on ADA Transition Planning, compliance, and design projects, providing practical and insightful solutions for communities and agencies throughout the Midwest. Our combined experience and success with the elements needed for developing a practical ADA Transition Plan makes us the ideal firm for this project. Below are highlights of our three most recent projects.

■ **ADA Transition Plan – Town of Glenwood, Indiana**

- Indiana Department of Transportation (INDOT) Technical Applications Pathway reporting assistance.
- Public facilities physical barriers identification, removal plan, opinion of probable cost, and prioritization.
- Public rights-of-way physical barriers identification, removal plan, opinion of probable cost, and prioritization.
- Grievance procedure development.
- Complete ADA Transition Plan.

■ **Sidewalk and Curb Ramp Survey and Analysis with ADA Transition Plan City of Boonville, Indiana**

- INDOT Technical Applications Pathway reporting assistance.
- Public rights-of-way physical barriers identification, removal plan, opinion of probable cost, and prioritization.
- Grievance procedure development.
- Partial ADA Transition Plan.

■ **Technical Assistance with Agreed Order Compliance –City of Madison, Indiana**

- Address ADA non-compliance based on agreed order from Department of Justice.
- Public facilities physical barriers identification, removal plan, opinion of probable cost, and prioritization.

ADA Transition Plans for Your Community

Accessibility for People with Disabilities

A Step toward Continuing Compliance
with the Americans with Disabilities Act
and the Rehabilitation Act

June 2012

ADA Transition Plans for Your Community

Accessibility for People with Disabilities

Purpose of this Brochure

This brochure provides information to assist local governments in improving accessibility and complying with the Americans with Disabilities Act by conducting a self-evaluation for accessibility and updating their "transition plans." Most local communities in the Chicago region are required by the Americans with Disabilities Act (ADA) and/or the Rehabilitation Act to have a transition plan. Many communities addressed the requirement when the ADA was passed in 1992, but may not have updated the self-evaluation or plans since then, as may be required by regulations. Indeed, only about 54 municipalities in the region had up-to-date transition plans (or equivalent) in 2010, down from 60 in 2002.¹

The process of self-evaluation for accessibility and updating a transition plan can help communities sort through and prioritize issues, leading to changes that can help people with disabilities. In the long run, improving accessibility at the local level may reduce some (but not all) of the need for door-to-door paratransit demand-response services, and increase the level of independence for some people now needing such services. In addition, developing and implementing a transition plan can be a valid defense in ADA-related legal actions. However, when there is no up-to-date plan, and there are inaccessible programs or facilities, a community is vulnerable to court action, including injunctive relief and attorneys' fees.

Accessibility brings benefits not only for people with disabilities, but for the community at large. For example, following guidance for public right-of-way accessibility will bring about a more walkable, attractive, and livable community. Indeed, a community that wants to improve walkability is strongly advised to start by following the process to improve accessibility outlined in the pages that follow, including a focus on the public right-of-way accessibility guidance published by the U.S. Access Board.²

This brochure will provide a base of information that communities can use to update their transition plan. It is not legal advice, but is meant as a planning guide.

¹ CMAP 2010 Municipal Plans Programs, and Operations Survey: Chicago Area Transportation Study 2002 Soles and Spokes Municipal Survey.

²See www.access-board.gov/proc/acfrules.htm. A full list of reference materials to assist local communities in providing accessibility for people with disabilities is at www.cmap.illinois.gov/cta/proc/accessibility.



What Are Transition Plans?

An evaluation and plan for physical improvements to address accessibility.

Self-evaluations and transition plans are required by federal regulations to implement Title II of the ADA.³ Regulations implementing Section 504 of the Rehabilitation Act require self-evaluations for recipients of federal financial assistance.⁴ Regulations implementing the ADA require transition plans. Title II requires state and local governments to make their programs and services accessible to persons with disabilities. Section 504 prohibits discrimination against people with disabilities for programs or activities receiving federal financial assistance, and prohibits exclusion or denial of benefits for such programs and activities based solely on disability. The process to develop a self-evaluation and transition plan ensures that a community identifies barriers to accessibility, prioritizes actions to address the barriers, and sets forth a schedule for those actions.

Who Should Develop Transition Plans?

All government entities must develop self-evaluations; entities with 50 or more employees (either full- or part-time) must develop transition plans.

Transition plans are required by federal regulations for public entities with 50 or more employees, if the public entities require structural changes to achieve program accessibility.⁵ Both full-time and part-time employees count toward the 50-employee level.⁶

Self-evaluations are required for all government entities covered by the ADA. Self-evaluations are also required by Section 504 of the Rehabilitation Act for all entities receiving federal financial assistance, including federal highway aid for transportation projects.

When Should Transition Plans Be Developed?

If you haven't developed a transition plan, but one is required, you should develop the plan as soon as possible. Adopted transition plans should be periodically updated.

Affected governments were required to complete ADA transition plans in 1992. A system for periodically reviewing and updating the evaluation is strongly recommended, and is required for federal-aid recipients.⁷

³ 42 U.S.C. §§ 12131-12164

⁴ 29 U.S.C. §794

⁵ The requirements of the ADA apply to all public entities or agencies, no matter the size. The transition plan formal procedures as outlined in 28 C.F.R. section 35.150 only govern those public entities with more than 50 employees.

⁶ Disability Rights Bureau, Illinois Attorney General's Office, personal communication.

⁷ 49 CFR 27.11 (c)(2)(v)



Generally, updates should be completed to reflect new guidance and standards, though there are some "safe harbor" provisions for recent construction that met 1992 standards.⁸ Recent guidance and standards include accessibility standards that were updated in 2010; the new standards became effective in 2012. Public right-of-way accessibility guidance has been updated several times recently, including proposed final rules released in 2011. Also, the Federal Highway Administration and the Illinois Department of Transportation have revised procedures on such design specifications as truncated domes. Therefore, most communities should update their transition plans now, if their plans have not recently been updated to reflect the latest guidance and standards.

To Which Facilities Does the Transition Plan Requirement Apply?

Existing facilities identified during the self-evaluation as requiring physical changes to provide accessibility, and pedestrian facilities.

If a program self-evaluation determines that physical changes to existing facilities are necessary, those changes must be included in the transition plan. In addition, pedestrian facilities must be included in the transition plan for agencies with jurisdiction over streets or walkways. While the federal regulations specifically mention curb ramps, the broader spectrum of pedestrian facilities have been ruled by courts to be a program that is subject to accessibility regulations.⁹ Pedestrian facilities might include crosswalks, curb ramps and level landings, pedestrian pushbuttons and signal indications (including accessible pedestrian signals, where appropriate), sidewalks, bus stops, and driveway crossings.

Some provision is made for historic preservation, but this provision does not change the basic requirement for program accessibility.¹⁰

Rail transit stations are subject to a special planning process that identifies key stations for accessibility. Consultation with transit agencies is suggested when considering accessibility requirements for transit stations in your community.

How Does a Government Develop a Transition Plan?

Identify the official responsible for developing and implementing the plan; establish a complaint procedure; adopt design standards; engage the community; develop a self-evaluation that includes necessary physical changes; prioritize physical changes; schedule physical changes; maintain documentation; make the self-evaluation and transition plan documents available for the public.

⁸ 28 CFR 35.150 (b)(2)

⁹ 28 CFR 35.150; *Barden v. City of Sacramento*, 292 F.3d 1073 - Court of Appeals, 9th Circuit 2002. The position that public sidewalks are a service, program, or activity of a municipality subject to Title II of the ADA was supported by Theodore B. Olson, Solicitor General in a Supreme Court brief as amicus curiae, www.justice.gov/ocg/briefs/2002/2pet.htm#1/2002-08-13_pet.amici.pdf (the Supreme Court denied Sacramento's petition for a writ of certiorari after the City of Sacramento settled with Barden et al).

¹⁰ 28 CFR 35.150(b)(3)



1. *Identify the official responsible for developing and implementing the plan.* A responsible employee is required to be identified for complying with the ADA and for investigating complaints.¹¹ A single point of contact with excellent management and organizational skills will be very helpful in coordinating the development and implementation of the plan, since the transition process will usually need to identify programmatic and physical changes over a number of departments, and may require substantial compromise among competing interests. The point of contact should be either cognizant of engineering challenges associated with accessibility, including applicable design standards, or should establish a close working relationship with the staff or consulting engineer who is cognizant. The person responsible for implementing the plan must be identified within the plan.¹²

In addition, Illinois statutes also govern the identification of an ADA coordinator for municipalities. Each municipality must post the name, office address, and phone number of its ADA coordinator on the municipal web site or, if there is no municipal web site, must publish the information every two years in either a newsletter mailed to residents or in a newspaper of general circulation.¹³

2. *Establish a complaint procedure.* A procedure to identify program access issues, and to resolve the issues, must be adopted and published¹⁴ and will be helpful in establishing priorities. As with the ADA coordinator, Illinois statutes govern the publication of grievance procedures.¹⁵ These statutes require that the grievance procedures must be published on the municipal web site. If there is no municipal web site, information about how to obtain the procedures must be published every two years in either a newsletter mailed to residents or in a newspaper of general circulation.
3. *Identify, adopt, and understand applicable design standards and guidelines.*¹⁶ This is perhaps the most technically challenging element of the process for planning for accessibility for large organizations like cities and villages. Technical guidance from an experienced engineer or architect is recommended. There are a large number of guidance documents and standards to sort through, so it is important that the most recent applicable guidance and standards be used for the problem at hand.¹⁷
4. *Engage the community.* Individuals with disabilities, organizations representing people with disabilities, and other interested individuals should have the opportunity to participate in the development of the self-evaluation and the transition plan. Although it is not necessary, a consultant to assist the plan may be helpful if the firm has extensive

¹¹ 28 CFR 35.107(a)

¹² 28 CFR 35.150(d)(iv)

¹³ 65 ILCS 5/1-1-12

¹⁴ 28 CFR 35.107(b)

¹⁵ 65 ILCS 5/1-1-12

¹⁶ Kevin Burke, Illinois Department of Transportation, Presentation to the Council of Mayors Executive Committee, May 2012

¹⁷ A compendium of design information is at www.ctmap.illinois.gov/bike-ped-accessibility.



successful experience engaging with the community, including people with disabilities. An alternative is to form a committee or task force that includes individuals and stakeholder organizations to provide advice on the plan. A list of the persons consulted must be kept for record-keeping as part of the self-evaluation process.¹⁸

5. *Prepare the self-evaluation.*

- a. *Identify barriers to accessibility.* The government entity should review its "services, policies, and practices, and the effects thereof" to determine whether there are barriers to participation by people with disabilities.¹⁹ This process should include the identification of existing and planned accessible paths of travel for public facilities and programs to facilitate prioritization later in the process.

For agencies with "responsibility or authority over streets, roads and walkways," the transition plan must include curb ramps²⁰ and other pedestrian facilities, so the self-evaluation should do so as well. Some curb ramps, sidewalks, pedestrian signals, driveway crossings, and other pedestrian facilities may need to be reviewed for compliance with recent design standards. For example, specific items for curb ramps that may need review for existing ramps include the appropriate detectable warnings, slopes, level landings, and algebraic slope changes from the ramp to the street surface.

- b. *Describe how the barriers to accessibility will be addressed.* Barriers may be overcome by a number of means, only some of which involve physical improvements. Title II regulations specifically provide that a public entity may comply with the requirements of this section through such means as redesign or acquisition 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.²¹

Many of these solutions do not provide "universal access," but may be an alternative when financial constraints do not allow universal access in the short term. Financial or programmatic considerations may be considered in rejecting

¹⁸ 28 CFR 35.105(c)(1)

¹⁹ 28 CFR 35.105(a)

²⁰ 28 CFR 35.150(d)(2)

²¹ 28 CFR 35.150(b)(1)



proposed physical improvements, so long as the selected alternative ensures the benefits or services for people with disabilities.²²

Recipients of federal aid, including highway and transit assistance, are required to develop a system for periodically reviewing and updating the self-evaluation.²³

Required physical improvements identified in the self-evaluation are carried forward to the transition plan itself.

6. *Develop a Transition Plan to set out the priority, cost, and schedule for physical improvements.* A transition plan is required by ADA regulations to address the physical changes to existing facilities identified as being necessary in the self-evaluation. The plan can begin by carrying over those physical obstacles and detailed recommended physical improvements from the self-evaluation. The plan must then include the schedule for physical improvements, including the programmed year for each improvement.²⁴ Good practice will also include a budget for each year and an estimated cost for each improvement; assistance by an experienced engineer or architect is recommended for this step. The plan should also identify the person responsible for carrying out the details of the plan, as noted in Step 1, above.²⁵

The transition plan will typically include physical improvements for both public buildings and the public right-of-way (streets, walkways, etc.); some communities have developed separate plans for buildings and right-of-way.²⁶ As noted above, a transition plan must include a schedule for curb ramps, and must address sidewalk accessibility in general.²⁷ Priority should be given to curb ramps and sidewalks for identified accessible paths of travel to employment sites and public facilities, including "state and local government offices and facilities, transportation, places of public accommodation, and employers,"²⁸ but all inaccessible sidewalks need to be addressed.

Developing a transition plan that improves public right-of-way accessibility will result in a walkable, more livable community, benefiting all residents and businesses.

Examples of both plans that address public right-of-way accessibility and sidewalk accessibility checklists for self-evaluations are posted at www.cmap.illinois.gov/bike-ped/accessibility.

²² 28 CFR 25.150(a)(3)

²³ 49 CFR 27.11

²⁴ 28 CFR 35.150(3)(iii)

²⁵ 28 CFR 35.150(3)(iv)

²⁶ Such a division of plan products may facilitate an efficient division of labor between architects and professional engineers.

²⁷ Since courts have ruled that sidewalks are a service, program, or activity of a municipality subject to Title II of the ADA, municipalities must maintain program accessibility for all sidewalks, not just identified accessible paths of travel. *Barden v. City of Sacramento*, 292 F. 3d 1073 - Court of Appeals, 9th Circuit 2002.

²⁸ 28 CFR 35.150(d)(2). Emphasis added.



The plan's implementation should be closely monitored. This should be documented, and should feed into updates of the self-evaluation and plan.

Federal regulations require that recipients of federal aid update their self-evaluation periodically. Because these processes are closely related, this means that the transition plan will also be periodically updated.

7. *Maintain documentation.* Regulations require that documentation of the transition plan process be maintained. Specific documentation requirements, some of which are noted above, include the following:

- a. The name and contact information for the person responsible for implementing the plan (see step 1).
- b. Adopted and published complaint procedures (see step 2).
- c. For the self-evaluation, recipients of federal aid and all government entities with more than 50 employees should have a list of persons consulted, areas examined, problems identified, modifications made, and remedial steps taken.²⁹ These shall be available for three years following the completion of the self-evaluation.³⁰
- d. "A copy of the transition plan shall be made available for public inspection."³¹

More Information

Key resources for accessibility and transition plans are available through federal agencies:

- Department of Justice: www.ada.gov
- Access Board: www.access-board.gov
- Federal Highway Administration
www.fhwa.dot.gov/civilrights/programs/ada.htm
- Federal Transit Administration: fta.dot.gov/civil_rights.html

Additional information and resources on regulations, design guidance, and implementation is posted at www.cmap.illinois.gov/bike-ped/accessibility. The resources include sample plans and public right-of-way accessibility checklists.

²⁹ 49 CFR 27.11(c) and 28 CFR 35.105 (c)

³⁰ Ibid.

³¹ 28 CFR 35.150(d)(1)





Chicago Metropolitan
Agency for Planning

233 South Wacker Drive, Suite 800
Chicago, IL 60606

312 454 0400
info@cmap.illinois.gov
www.cmap.illinois.gov

The Chicago Metropolitan Agency for Planning (CMAP) is the region's official comprehensive planning organization. Its GO TO 2040 planning campaign is helping the region's seven counties and 284 communities to implement strategies that address transportation, housing, economic development, open space, the environment, and other quality of life issues.