



Illinois Department of Transportation

Office of Highways Project Implementation / Bureau of Local Roads & Streets
2300 South Dirksen Parkway / Room 205 / Springfield, Illinois / 62764

December 13, 2023

CIRCULAR LETTER 2023-32

AMERICANS WITH DISABILITIES ACT (ADA) TITLE II COMPLIANCE ASSESSMENT AND SUPPORT PROJECT – PROJECT ANNOUNCEMENT AND INFORMATION REQUEST

COUNTY ENGINEERS / SUPERINTENDENTS OF HIGHWAYS / MUNICIPAL ENGINEERS / PUBLIC WORKS DIRECTORS / MAYORS / METROPOLITAN PLANNING ORGANIZATIONS – DIRECTORS / TOWNSHIP HIGHWAY COMMISSIONERS / CONSULTING ENGINEERS

INTRODUCTION & PURPOSE:

The Illinois Department of Transportation (IDOT) and the Chicago Metropolitan Agency for Planning (CMAP) intend to assist Local Public Agencies (LPAs) comply with the Americans with Disabilities Act (ADA) requirements relating to Title II of the ADA and the development of an ADA Self-Evaluation & Transition Plan for areas within the public right-of-way. CMAP is assisting and addressing northeastern Illinois while IDOT will focus on the remainder of the state. The initial goal of these programs is to understand the level of compliance with respect to the public right-of-way and to help agencies increase compliance with the ADA and Public Rights-of-Way Accessibility Guidelines (PROWAG) regulations. IDOT has hired a consultant assist with this Project.

This project will be conducted in 3 (three) phases over the next several years that include data collection, training/technical support, and assessment. IDOT is currently in the data collection phase of this Project and is gathering information to determine the current level of compliance. IDOT will next provide technical support including tools and training. The level of technical support, training, and tool development will vary based on the needs of the LPA.

The overall goal of this Statewide Project is to increase ADA compliance and improve accessibility within Illinois. This will promote equal access and program accessibility, minimize agency risk, and avoid costly lawsuits. IDOT is encouraging and supporting public entities to comply with their administrative requirements of the ADA and implement accessibility improvements.

SURVEY:

IDOT needs your assistance with this Project, as follows:

- 1) We need you to fill out our survey ([IDOT Americans with Disabilities Act Survey](#)) and provide information on your agency's current state of ADA compliance including transition plans for the public right-of-way. **Please complete the survey before December 31, 2023.**
- 2) We need help in understanding any ADA or accessibility initiatives that are ongoing, or you may be aware of that have taken place in the past by your organization.
- 3) We would like to understand challenges and issues that may be limiting development and implementation of your ADA transition plans.

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Completely filling out the survey will help IDOT gather information on the status of your ADA programs, services, and activities. We are collecting this information to identify what support or training is needed. The subsequent phases of this effort will target trainings and technical support for those agencies that are not compliant; or those agencies that are compliant but want to update their ADA programs.

NEXT STEPS:

IDOT is currently in the data collection phase (Phase I). It is anticipated that Phase I will conclude by the Spring of 2024. Data from your agency will be collected via web research, surveys, email, and phone interviews as necessary. Phase I data will be reviewed and analyzed to evaluate compliance and to understand the barriers to compliance. The subsequent phases of this effort will focus on ADA training and technical support for those agencies that need support or want to reassess their ADA compliance for their programs, services, and activities in the public right-of-way ahead of PROWAG becoming standard.

Remember to please fill out the survey ([IDOT Americans with Disabilities Act Survey](#)) by December 31, 2023. The team may follow up with you after the survey to better understand the information provided, identify any barriers, and to improve responsiveness.

QUESTIONS:

For questions regarding IDOT's ADA Compliance Efforts, please reach out to the project team, Tim Peters, Local Policy and Technology Engineer for the Illinois Department of Transportation at 217-836-500 or Tim.Peters@illinois.gov.

Sincerely,



George A. Tapas, P.E., S.E
Engineer of Local Roads and Streets



Michael Vanderhoof
Bureau Chief, Planning

- cc: David Snyder, FHWA Illinois Division Administrator
Steven Travia, IDOT, Director, Office of Highway Project Implementation
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Jerry Crabtree, Township Officials of Illinois
Arnold Vegter, Township Highway Commissioners of Illinois



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APPENDIX - ADA REQUIREMENTS:

The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities in an effort to provide equal access to public services, activities, and programs. Among those protections, the ADA establishes accessibility requirements for facilities owned by public entities. Meeting these requirements is in the best interest of the community so that all people have equal access.

Under Title II of the ADA, all state/local governments must follow the ADA regardless of their size. The Americans with Disabilities Act (ADA) was enacted on July 26, 1990. The ADA has been revised several times since 1990; the latest revision is the 2010 ADA Standards for Accessible Design. Title II requires public entities to take several steps to become compliant with the ADA. All public entities, regardless of size, must provide an ADA public notice and conduct a self-evaluation of its programs, services, facilities, policies, and procedures. Public entities with 50 or more employees (either full or part time), in addition to the ADA public notice and self-evaluation, must establish a grievance procedure, designate a responsible employee (as an ADA Coordinator) to coordinate ADA compliance and develop an ADA transition plan to remove barriers to programs and services.

PROWAG are guidelines developed specifically for access to pedestrian facilities that exist within the public right-of-way. The guidelines ensure that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way by state and local governments are readily accessible to and usable by pedestrians with disabilities. The U.S. Access Board finalized these guidelines in August of this year. The final rule is effective September 7, 2023. PROWAG is currently recommended best practices for areas not fully addressed by the ADA/ADAAG Standards (FHWA January 23, 2006, Public Rights-of-Way Access Advisory). These guidelines will be mandatory once they are adopted for enforcement by the Department of Justice and the Department of Transportation, which is expected to occur in 2024.

If ADA is new to you, please refer to the links provided below and contact us with any questions.

RESOURCES TO LEARN MORE ABOUT ADA:

An action guide as well as additional information on ADA is available through the following links:

- ADA National Network: [ADA National Network | Information, Guidance and Training on the Americans with Disabilities Act \(adata.org\)](https://adata.org)
- ADA Title II Action Guide: [ADA Title II Action Guide for State and Local Governments | ADA National Network \(adata.org\)](https://adata.org)
- Illinois Department of Transportation: [ADA and Section 504 \(illinois.gov\)](https://www.illinois.gov)
- Federal Transit Administration: [Americans with Disabilities Act | FTA \(dot.gov\)](https://www.fta.dot.gov)
- Federal Highway Administration: [Americans with Disabilities Act \(ADA\) Overview and Authorities - Civil Rights | Federal Highway Administration \(dot.gov\)](https://www.fhwa.dot.gov)
- Region 5, ADA Great Lakes Center: [ADA Great Lakes Center \(www.adagreatlakes.org\)](https://www.adagreatlakes.org)
- U.S. Access Board PROWAG Final Rule: <https://www.access-board.gov/prowag/>
- U.S. Access Board: [U.S. Access Board - Home \(access-board.gov\)](https://www.access-board.gov)
- U.S. Department of Justice: [The Americans with Disabilities Act | ADA.gov](https://www.ada.gov)
- U.S. Department of Transportation: [Accessibility | US Department of Transportation](https://www.transportation.gov)