

# City of Aurora

## Transition Plan

### For Public Right of Ways



**Last Updated: March 2022**

**Public Works | Engineering**

44 East Downer Place | Aurora, IL 60507  
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## **Introduction**

The City of Aurora's ADA (Americans with Disabilities Act) Transition Plan is intended to serve as a guide by outlining key actions for making the City of Aurora's transportation systems accessible to all. Furthermore, this Transition Plan is intended to serve as an operating document to fulfill the requirements of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. The City of Aurora is actively updating public right-of-ways and facilities to comply with ADA standards and guidelines. This ADA Transition Plan is a living document that will annually be updated with new standards and specifications as new guidelines are approved at the federal and state levels.

## **Vision**

The City of Aurora will be recognized as a place where all residents and visitors feel equally comfortable using any mode of transportation provided by the city. Together with other partners in transportation, Aurora is committed to making accessible transportation a reality.

## **Purpose**

The purpose of this Transition Plan is to evaluate public facilities and right of ways to ensure compliance with the latest accessibility guidelines. The City of Aurora has continually sought to update its policies and programs as regulations at both the federal and state level are revised. This Transition Plan primarily focuses on pedestrian sidewalks ramps within the public right-of-way. The City of Aurora's curb ramp design standards have been continuously modified to reflect the latest accessibility guidelines.

Although the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) have not yet been officially adopted by the U.S. Department of Justice, the Federal Highway Administration (FHWA) has issued guidance that the draft version of the PROWAG are currently recommended as best practices. Due to widespread acceptance of the PROWAG, and the pending adoption in the near future, the City of Aurora ADA Transition Plan is largely based upon the PROWAG requirements.

The Transition Plan accomplishes the following tasks:

- Sets guidelines for modifying policies and practices that do not meet ADA requirements.
- Sets an agenda to identify physical obstacles in the public right of way that limit the accessibility of the agency's programs or activities to individuals with disabilities.
- Provides an opportunity for individuals with disabilities and or organizations representing individuals with disabilities, to participate in the implementation of the Transition Plan.

- Describes the methodology that will be used to make pedestrian facilities accessible.
- Establishes a system for periodically reviewing and updating the Transition Plan.
- Indicates the officials responsible for the implementation of the Transition Plan.

## **Accessibility Law**

The City of Aurora is required by Title II of ADA and Section 504 of the Rehabilitation Act of 1973, to conduct a self-evaluation and develop a Transition Plan detailing how the city will ensure all of its facilities, services, programs, and activities in the public right of way are accessible to all individuals.

Section 504 of the Rehabilitation Act of 1973 made it illegal for the federal government, federal contractors, and any entity receiving federal financial assistance to discriminate on the basis of disability.

While Section 504 of the Rehabilitation Act only applies to entities receiving federal financial assistance, the Americans with Disabilities Act (ADA), enacted on July 26, 1990 applies to all state and local governments, including those who do not receive federal financial assistance. Title II of the ADA pertains to the programs, activities and services provided by public entities. As a provider of public transportation services and programs, The City of Aurora must comply with this section of the Act as it applies to municipalities. Title II of ADA provides that, “no qualified individual with a disability shall, by any reason of such disability, be excluded from participation in or be subjected to discrimination by any such entity. (42 U.S.C. 12132)

## **Location and Staffing**

Managing and implementing the City of Aurora Transition Plan requires a multidisciplinary approach encompassing policy development, outreach, technical support, and legal oversight. These responsibilities required by 28 C.F.R. 35.107 will be managed by an ADA Coordinator. Questions regarding the City of Aurora’s Transition plan should be directed to:

Brian Witkowski, P.E., CFM, CSI, Professional Engineer

ADA Coordinator

Public Works - Engineering

44 E. Downer Pl (mailing address)

Aurora, IL 60507

(630) 256-3200

[WitkowskiB@aurora.il.us](mailto:WitkowskiB@aurora.il.us)

## **Self-Evaluation**

Under Title II of the Americans with Disabilities Act, the City is required to conduct a self-evaluation. To date the City has conducted a self-evaluation of sidewalk curb ramps within the public right-of-way. The inventory has been primarily developed using studies of existing aerial photography, visual observation (of detectable warning tiles) and paving history. Most barriers to the pedestrian access route created by noncompliant curb ramps are narrow sidewalks; excessive slope of landings, cross slope, or running slope; damaged, missing, misaligned, improperly sized detectable warning tiles; and not fully depressed or excessively sloped curb & gutter.

The City's self-evaluation of the curb ramps can be found in Appendix F with maps broken out by Ward. The definitions of terms used in the maps can be found in Appendix A.

The self-evaluation is a living document and the last major update was completed in the summer of 2021. At that time, the City owned and maintained approximately 16,000 curb ramps. The cost to fix all of the curb ramps that are not designated as "Compliant" would be approximately \$17.79 Million (2022 dollars). A majority of these ramps will be upgraded to the latest standard during the annual resurfacing program.

Designations in the map are ever changing and may not be correct. As construction standards change, curb ramps may change designation and fall into or out of compliance with current standards. The bulk of the issues that the City has observed in the self-evaluation is that the curb ramps were likely compliant at the time of installation but changing standards has brought them out of compliance. Additionally, some curb ramps may have been constructed to the "maximum extent feasible" during an alteration and as such, are considered compliant per PROWAG guidelines.

## **Transition Plan Management**

The City of Aurora's Transition Plan is a living document that will be updated as facility inventories are completed, and noncompliant features are upgraded. Additionally, other inaccessible features may be added when accessibility guidelines are revised. In order to streamline Transition Plan updates and to keep the document current and relevant, attachments will be update annually if new information is available. When an update is found to alter the intent of the City of Aurora's Transition Plan, the attachment and affected section(s) will be posted for public review and comment. Annual updates that do not alter the intent will be published on the website without any public review and with the cover page of the Transition Plan updated. The Transition Plan update schedule may be altered at the discretion of the City of Aurora based on guideline changes from the United States Access Board, FHWA policy, and/or City of Aurora policy.

## **Action Plan**

The City of Aurora conducts an annual street resurfacing program. On average this program is over \$6M per year. Federal law requires Local Public Agencies to update noncompliant curb ramps which are included within the limits of a street resurfacing project. Therefore, the City is scheduled to update noncompliant curb ramps as streets within the City are resurfaced. Other sidewalk not at curb ramp locations that provides a barrier and meets the City's criteria for replacement is also replaced.

In addition to the annual street resurfacing program, the City has an annual City-Wide replacement contract which averages approximately \$1.3M per year. This program focuses on Sidewalk, Pavement Patching, Striping and Multi-Use Path Overlay. Of the \$1.3M total, on average approximately \$750,000 of funds is allocated to sidewalk replacement and removing barriers in the public right-of-way. In 2022, this amount allocated for sidewalk replacement is \$800,000 (CIP E004 / account 340-44630-431.38-61).

The prioritization scheme for replacing sidewalk is as follows:

- The City has sidewalk replacement criteria which can be found at this link: [Sidewalk and Driveway Replacement | Aurora, IL \(aurora-il.org\)](#)
- Any resident can report sidewalk that needs repair or replacement. A staff member from the Engineering Division will inspect the sidewalk and determine if it meets the City's criteria.
- If the complaint location meets the criteria for replacement, the entire block will be investigated for other sidewalk that meets criteria and put on a list for replacement. Curb ramps will be included in this investigation and replaced if they are not compliant.
- During design, the City will calculate quantities and project the cost to replace the above sidewalk and curb ramps. If any funds are remaining in the budget, City staff will review the list of the "Non Compliant" curb ramps and fix as many as budget allows.
- When all "Non Compliant" curb ramps are fixed, the City will move its attention to "Near Compliant" locations.
- Ramps selected for replacement may be based on proximity to other work already scheduled. The City will also consider the severity of non-compliance, poor levels of pedestrian service, population density, preserve of a disabled population and the cost when considering an accelerated schedule for replacement. Fixing additional ramps is subject to budget constraints.

To monitor progress of the plan, the City has established goal timelines to complete the following tasks:

- By 2024 – Complete a major update of Self-Evaluation including inspection of all ramps currently designated as “Required Further Inspection”
- By 2025 – Review progress of action plan and number of curb ramps being updated. Adjust budget and/or prioritization plan if needed.
- By 2040 – Complete an update of all curb ramps in the City with the hope that all curb ramps meet compliance (subject to any future major standards changes).

## **Public Outreach**

The City of Aurora recognizes that public transportation is an important component in the development of the Transition Plan. To that end, the City of Aurora held a public information meeting on March 29<sup>th</sup>, 2017 at 4:30 in the City Hall. The purposes of the meeting were to receive feedback and concerns on the Transition Plan. No one from the public attended and no comments were provided. The City still provides an opportunity for interested persons, including individuals with disabilities and/or organizations representing individuals with disabilities, to participate in the process by submitting comments. The public may submit comments regarding this Transition Plan by completing the Public Comment Form and mailing it to the following address:

City of Aurora

44 E. Downer Pl.

Aurora, IL 60507

Attn. Engineering Division - ADA Coordinator

Public comments may be submitted by email to: [WitkowskiB@aurora.il.us](mailto:WitkowskiB@aurora.il.us)

## **Complaint Procedure:**

The Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 prohibit a public entity from discriminating against persons with disabilities in access to facilities and services that the public entity provides. If users of City of Aurora facilities and services believe that the City of Aurora has not provided reasonable accommodation in the public right-of-way, they have the right to file a complaint. In accordance with 28 C.F.R. Section 35.107(b), the City of Aurora has developed a complaint procedure for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances.

## **Who may file a complaint:**

Any person who believes that they have been excluded participation in, denied the benefits of, or otherwise subjected to discrimination under any City of Aurora service, program, activity, or facility may file a complaint. A complaint may also be filed on behalf of such a person.

## **How to file a complaint**

A complainant may file their complaint by using the Americans with Disabilities Act (ADA) Accessibility Complaint form submitted via mail to the following address:

City of Aurora  
44 E. Downer Pl.  
Aurora, IL 60507

Attn. Engineering Division - ADA Coordinator

The complaint may also be submitted via email to [WitkowskiB@aurora.il.us](mailto:WitkowskiB@aurora.il.us). A copy of the ADA Complaint form is attached as Appendix D. Any person with a disability or their representative may request to file their complaint using an alternative format.

## **Complaint Processing**

The City of Aurora will acknowledge complaints received and will process them once the identity of the complaint is established. If the complaint filed does not concern a City of Aurora facility, it will be forwarded to the appropriate government or private entity and the complainant will be notified.

Within 60 calendar days of receipt, the City of Aurora will conduct the investigation necessary to determine the validity of the alleged violation. If appropriate, the City of Aurora will arrange to meet with the complainant to discuss the matter and attempt to reach a resolution of the complaint.

If a resolution of the complaint is not reached, a written determination of the complaint shall be issued by the City of Aurora and a copy forwarded to the complainant. The resolution of any specific complaint will require consideration of varying circumstances, such as:

- ❖ The nature of the access to services, programs, or facilities at the issue and essential eligibility requirements for participation.
- ❖ The health and safety of the general public.
- ❖ The degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause undue hardship to the City of Aurora.

Accordingly, the resolution by the City of Aurora of any one complaint does not constitute a precedent upon which the City of Aurora is bound or upon which other complaining parties may rely.



## **Other Facilities / Non-Curb Ramps**

While the focus of this plan is on curb ramps, the City of Aurora has many facilities acquired and built over the years for numerous departments and divisions. The City of Aurora has an on-going program to inspect and maintain these facilities. Any questions regarding these facilities can be directed towards Jim Birchall, Superintendent Fleet and Facilities Maintenance at 630-256-3490 ([BirchallJ@aurora.il.us](mailto: BirchallJ@aurora.il.us)). The buildings and facilities that are required to comply with ADA standards under the jurisdiction of the City of Aurora are listed below:

Alschuler Building	Hogan Building
Animal Control & Care Facility	Municipal Airport
Aurora Public Arts Center	Nickles-Bielman Building
Central Garage	Parking- All of the 21 municipal parking lots
City Hall	Parks- Any public park within city limits
Development Services Building	Storage Facility- 1960 Indian Trail and 1100 Mitchell Road
Downtown Maintenance Building	Salt Storage Facility
Electrical Maintenance Building	Vargas Building
Elmslie Building	Water Meter Maintenance Facility
Fire Stations:	Water & Sewer Maintenance Facility
Central Fire Station	Water Treatment Facility
Station 3	
Station 4	
Station 5	
Station 7	
Station 8	
Station 9	
Station 10	
Station 12	

## **Appendices:**

- A. Glossary of Terms
- B. Contact Information
- C. Public Comment Form
- D. Americans with Disabilities Act (ADA) Accessibility Complaint form
- E. Links to Standards and Specifications
- F. City of Aurora Self Evaluation

## **Appendix A: Glossary of Terms**

**Accessible:** Describes a facility in the public right-of-way that provides ADA compliant access for people with disabilities.

**Alteration:** A change to a facility in the public right of way that affects or could affect pedestrian access, circulation, or use.

**Americans with Disabilities Act:** Federal civil rights legislation passed in 1990 and effective July 1992 (42 USC 12131). The ADA prohibits discrimination and ensures equal opportunity for persons with disabilities.

**Compliant:** In the self-evaluation, the City has determined the curb ramp is likely in compliance, subject to the current standards.

**Cross Slope:** The grade that is perpendicular to the direction of pedestrian travel.

**Curb Ramp:** A ramp that cuts through or is built up to the curb.

**Detectable Warning:** Surface consisting of truncated domes aligned in a square or radial grid pattern, and built in or applied walking surface.

**Element:** An architectural or mechanical component of a building, facility, space, site, or public right-of-way.

**Facility:** All or any portions of buildings, structures, improvements, elements, and pedestrian or vehicular routes located in the public right of way.

**Near Compliant:** In the self-evaluation, the City has determined the curb ramp has a current detectable warning tile and is mostly in compliance, but the ramp has some elements that are currently not up to standard.

**Non Compliant:** In the self-evaluation, the City has determined the curb ramp is not in compliance with current standards.

**Pedestrian Access Route (PAR):** A continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path.

**PROWAG:** An acronym for the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-way (Formally called “Public Rights-Of-Way Accessibility Guidelines”)

**Public Right-of-Way:** Public land or property, usually in interconnected corridors, that is acquired for or dedicated to transportation purposes.

**Required Further Inspection:** In the self-evaluation, the City has determined the curb ramp needs more detailed measurements to confirm if it is compliance.

**Running Slope:** The grade that is parallel to the direction of travel.

## **Appendix B: Contact Information**

Brian Witkowski, P.E., CFM, CSI, Professional Engineer

ADA Coordinator

Public Works - Engineering

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## **Appendix C: Public Comment Form**

<b>Name (Optional):</b>	<b>Date:</b>
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<b>Contact Information:</b>
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<p><b>Biggest challenges you experience as a pedestrian along City of Aurora facilities:</b></p>          <p><b>Specific locations with barriers to accessibility (Street, address, intersection):</b></p>          <p><b>Additional comments:</b></p>          
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# **Appendix D: Americans with Disabilities Act Complaint Form**

To submit an accessibility concern or complaint to the City of Aurora,  
please print and complete this form, sign and mail it to:

City of Aurora  
44 E. Downer Pl.  
Aurora, IL 60507

Attn. Engineering Division - ADA Coordinator

Or e-mail form as an attachment to WitkowskiB@aurora.il.us

## **Section I**

Complainant Name:	Address:	Apt. #
City:	State:	Zip:
Phone #:	E-mail Address:	

## **Section II**

When did the discrimination event occur? Date(s):

Place where the discrimination occurred (please include roadway name, intersection (if applicable), facility name and/or location if other than roadway:

Please describe in detail the nature of the complaint (including all parties that were involved): **Use additional page(s) if required and attach any documents you believe support your complaint.**

## **Appendix E: Links to Standards and Specifications**

The City is required to adopt technical guidelines that comply with ADA Standards.

The City has adopted Section 41-6 of the Illinois Department of Transportation Bureau of Local Roads and Streets (BLRS) Manual as a design standard. Section 41-6 can be found at the following link:

[Local Roads and Streets Manual \(illinois.gov\)](#)

In addition to Section 41-6 of the Bureau of Local Roads and Streets Manual, the City has adopted all the Highway Standards related to curb ramp construction available from IDOT. The Highway Standards can be seen in the following links:

- [225-424001-11 PerpendicularCurbRamps.pdf \(illinois.gov\)](#)
- [225-424006-05 DiagonalCurbRamps-054.pdf \(illinois.gov\)](#)
- [225-424011-04 CornerParallelCurbRamps.pdf \(illinois.gov\)](#)
- [225-424016-05 MidBlockCurbRamps.pdf \(illinois.gov\)](#)
- [225-424021-06 DepressedCorner-057.pdf \(illinois.gov\)](#)
- [225-424026-03 EntranceAlleyPedestrianCrossings.pdf \(illinois.gov\)](#)
- [225-424031-02 MedianPedestrianCrossings.pdf \(illinois.gov\)](#)

**Appendix F: City of Aurora Self Evaluation**