

RESOLUTION NO 26-R-24

A RESOLUTION APPOINTING THE SAFETY COORDINATOR

WHEREAS, the Tinley Park-Park District is located in Cook & Will Counties of Illinois; and

WHEREAS, the Board of Commissioners is committed to providing a safe and healthy environment for employees, volunteers, participants, and visitors by promoting effective safety policies, training, and risk management practices; and

WHEREAS, the Board of Commissioners desires to designate a Safety Coordinator to oversee the District's safety program, coordinate safety initiatives, monitor compliance with applicable safety regulations, facilitate employee training, investigate incidents, and recommend measures to reduce workplace hazards and improve operational safety; and

WHEREAS, the Board of Commissioners finds that the Superintendent of Parks possesses the knowledge, experience, and operational oversight necessary to effectively fulfill the responsibilities of the Safety Coordinator; and

WHEREAS, the Board of Commissioners of the Tinley Park-Park District finds that it is in the best interest of the District to appoint the Superintendent of Parks as the District's Safety Coordinator.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the TINLEY PARK-PARK DISTRICT as follows:

SECTION 1: The Preambles hereto are hereby made a part of, and an operative provision of, this Resolution as if fully restate herein.

SECTION 2: The Superintendent of Parks is hereby appointed as the Safety Coordinator for the Tinley Park-Park District and is authorized to perform all duties and responsibilities necessary to administer and coordinate the District's safety program, workplace safety initiatives, and compliance with applicable safety standards and regulations. The appointment shall remain in effect until a successor is appointed by the Board of Commissioners.

SECTION 3: That this Resolution shall be in full force and effect on the date approved and passed by the Board of Commissioners of the TINLEY PARK-PARK DISTRICT.

Approved and passed this 20th day of July 2026.

AYES: 4
NAYS: Ø
ABSENT: 1
ABSTAIN: Ø

TINLEY PARK-PARK DISTRICT

Lisa O'Donovan
President, Board of Park Commissioners

Attest:

[Signature]
Secretary, Board of Park Commissioners

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CONCLUSION

Tinley Park-Park District has a variety of facilities and sites, thanks to the vision of the Board of Commissioners. The skilled staff operate facilities and sites that the community wants and enjoys. This report identifies issues that are typical in parks and recreation infrastructure and some that are unique to the District.

The District takes steps towards accessibility every year, and that undoubtedly helps. That said, access work should occur every year during the transition plan.

While no one can say with certainty how long the District can stretch these projects, the District should make access retrofits an ongoing part of its annual plans and budgets. US Department of Justice officials have said the District must complete work as soon as is possible. Be certain to understand that a complaint could force the District to accelerate its pace. Making access projects a high priority is an important show of good faith.

It was an honor to serve the Park District. If we can help in the future, please reach me at 224-293-6451 or jmcgovern@wtgroupaec.com.



Submitted by:

John N. McGovern, JD
Partner, Principal-in-Charge
WT Group AEC, LLC Accessibility Practice

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2. **Acquire and maintain the [Certified ADA Coordinator](#) credential.** There is no nationwide credential required for ADA implementation. However, a Certified ADA Coordinator will benefit the District, keeping it current on implementation strategies and smart practices from other local entities in the United States.
3. **Identify available sign language interpreters and enter into agreements** before situations arise where the District needs such services. Negotiate rates, availability, environments where the work will occur, and so forth.
4. One of the title II requirements for communications produced by the District **requires responding to inquiries in the form by which the person inquired**. We also believe that this is the courteous way to respond. Here, if an inquiry to the Park District comes in the form of a Braille document, the response from the Park District should also be in Braille.

We recommend the Park District or SSSRA either locate the nearest Braille printer and enter into an arrangement for use, or simply acquire one and have employees learn how to use it. For a review of this topic by the American Foundation for the Blind, visit [this site](#).

5. **Acquire assistive listening systems.** There are three principal types: inductive loop systems, infrared systems, and FM systems. These devices are helpful for persons with some residual hearing. These devices separate speech from ambient noise and amplify speech.

People who are deaf or hard of hearing may prefer, for various reasons, one type of device. The National Association of the Deaf has a brief review of the topic [here](#).

6. **Implement the new website accessibility requirements.** The DOJ suspended the development of the website accessibility guideline in 2016 because technology had advanced so much that the old guideline, developed in 2011, was obsolete. The plan was that DOJ would evaluate the guidance and issue a final and enforceable Standard in 2018. DOJ chose not to do so.

In April 2024, the DOJ issued a final regulation. It is [here](#). The original date by which the website was to be accessible was April 26, 2026. It is now April 26, 2027. This should be a high priority.

7. **Develop an ongoing series of disability training for employees.** Every day, new products appear on the market, agencies issue new enforcement decisions, and local entities develop and refine strategies for inclusion and access. Keep current on these developments and share this news with District staff.
8. **Continue the partnership with the other entities that comprise SSSRA.** This unique and award-winning service delivery model provides benefits for Tinley Park-Park District residents and families with and without disabilities.

Other Methods

There are many other methods, some of which are crafted by a community to meet a unique set of circumstances. These include:

- Some municipalities in New Jersey and Oregon take 100% of accessible parking fines and apply those funds towards recreation for people with disabilities.
- Several Illinois park districts have added a modest surcharge to every registration, earmarking the fees generated for access and inclusion expenses.
- Several communities have successfully sought budget increases to address accessibility backlogs, just as they have with maintenance backlogs. Those increases may be general fund allocations, proceeds from successful referenda, or reallocations of under-expended funds originally budgeted for other District purposes.

Risk Management

Investing in safety saves money by avoiding legal expenses related to injuries on Park District properties. The same concept applies here. Investing in retrofits saves the Park District the cost of staff time and attorneys to defend against ADA lawsuits or complaints.

While we do not believe a decision about access should hinge solely on risk management factors, we do recommend that the Park District be aware of this factor going forward. ADA enforcement continues to grow and touch more and more communities.

Relief under the ADA is injunctive in nature, but the time consumed and cost of litigation can be a great drain on human and fiscal resources.

Blend the Transition Plan with the CIP

Another method is to blend the transition plan projects with the CIP. By refusing to silo this effort, the possibility of greater efficiency exists.

IMPLEMENTATION STRATEGIES

Title II of the ADA is relatively straightforward. That said, we offer some suggestions below regarding the implementation of the several mandates in the regulation.

1. ***Maintain a strong relationship with disability advisory groups.*** Make it a point to seek out and work with local advocacy groups, and seek their feedback on future initiatives. Having a good relationship between the District and the advocacy groups will help greatly in meeting the ADA mandates and improving the quality of life for all, including those with disabilities.

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retrofits. To name a few, Illinois, New Jersey, Colorado, Ohio, Florida, and Texas all have sources of revenue funded in various ways, such as a real estate transfer tax. While the various states have at times not fully funded these grant programs, they remain an effective tool regarding site acquisition and development.

Of interest to the Park District, the Illinois Open Space Land Acquisition and Development grants (OSLAD) is now poised to give more points to applicants if plans feature an inclusive playground that exceeds minimum access requirements, pending action by Governor Pritzker.

State Discretionary Funds

Most state legislatures provide some type of discretionary funding for members of the legislature. In some states, these are relatively small grants of under \$50,000. These can be a viable option for a Park District with good relationships with state legislators.

Special Accessibility Legislation

The Park District is well aware of the legislation that allows districts and municipalities that are partners in a special recreation association to levy a tax that can be used only for recreation for people with disabilities. The funds can be used for three purposes: special recreation programs, recreation inclusion support, and access retrofits at existing sites and facilities.

Statewide, Illinois park districts and villages levy an estimated \$80,000,000 annually for this purpose. Unfortunately, no other state has adopted this model.

Private Giving

Some of our clients have successfully sought private gifts for accessibility purposes. The private giving area is subject to fluctuations depending on the economy, political issues, and related fiscal impacts. In our experience, private giving works best when an agency has an employee dedicated to this purpose.

Corporate Giving

Some of our clients have successfully sought grants from corporations. These may, for corporate purposes, come from marketing (such as naming rights to a facility) or from community giving. Also, many corporations have a related foundation that manages corporate giving. In our experience, corporate giving works best when an agency has an employee dedicated to this purpose.

Community Foundations and Other Foundations

Community foundations, which operate on a regional basis, have also been involved in accessibility giving. Perhaps the greatest example here is the multi-million dollar Kellogg Foundation project that improved accessibility in Michigan, Ohio, Indiana, Illinois, and other states that bordered the Kellogg headquarters in Michigan.

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2026 at the Tony Bettenhausen Recreation Center. Attendees for both sessions were made up of Park District staff and South Suburban Special Recreation Association (SSSRA) staff.

Meeting 1 occurred from 1-2:30 PM and 10 individuals attended. Meeting 2 occurred from 6-7:30 PM and 4 individuals attended. Both meetings discussed prioritization of retrofits with a group preference to focus on unique or specific sites. Tony Bettenhausen Recreation Center, Bristol Park, Freedom Park, and McCarthy Park were among the sites in which attendees sought higher prioritization. Additionally, the sessions discussed the project scope of work, enforcement methods, programs, and deficits found at District sites. A separate report summarizing the survey results was provided. The preferences helped shape our approach to prioritizing retrofits.

FUNDING ACCESS RETROFITS

We provide this section to discuss some of the potential funding sources other park districts have used for ADA compliance. This is a primer on this topic and is not intended as a comprehensive list.

No Dedicated Federal Source

There is no dedicated source of federal funds for accessibility renovations to existing sites. This will not likely change in the future. Even if such a source became available, federal funding is unpredictable, as we have seen from other federal programs.

Congressionally Directed Spending

Some of our clients have pursued Congressional Directed Spending (CDS) for access work. CDS can be unpopular and difficult to obtain. While CDS was not used for a decade or more, in recent years, both political parties have supported the use of CDS. This is an opportunity for the District.

Community Development Block Grant Funds

Several of our clients have acquired federal Community Development Block Grant (CDBG) funds for accessibility renovations at existing sites. CDBG funds often have a scale of priority. It is important to establish accessibility as a priority for CDBG applications.

Friends of the Parks Groups

Many of our client park districts have facilitated relationships with “friends of the parks” groups. Some such groups are supporters of an entire system, and some are specific to one or two parks. These groups can be very valuable.

State Grants Programs

Several states, and several of our clients, have successfully pursued state legislation to set aside dedicated state funds that can be used for specific park purposes, including access

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We suggest the work in Phase One, Two, and Three be accomplished in 20 fiscal years. The combined cost references for Phases One, Two, and Three are \$18,699,492.38. Our total of all cost references is \$19,395,924.88.

We have spread work through all three phases, and the Tinley Park-Park District can certainly choose to reorder those recommendations. We describe our phasing below.

- In Phase One, we recommend work in three categories. The first are easy to do with current staff and fiscal resources (low-hanging fruit). The second are unique sites, such as the Tony Bettenhausen Recreation Center. The third are assets that are newly constructed and not compliant with older access standards (such as parking and restrooms). We suggest that completion of this phase requires eight fiscal years. Cost references for Phase One are \$7,121,207.63.
- In Phase Two, we recommend work in areas that are new to the 2010 Standards. This typically includes sports fields and courts, playground surfaces, playground components, and other park assets. We suggest that completion of this phase requires two fiscal years. Cost references for Phase Two are \$758,423.76.
- In Phase Three, we recommend work in areas in two categories: elements that are new to the 2018 Illinois Accessibility Code, such as trails, and elements where retrofit is complex or costly. We suggest that completion of this phase requires ten fiscal years. Cost references for Phase Three are \$10,819,860.99.
- We do phase some work as District Option, and we refer to District Option as "4" in the Transition Plan data tab and in the shapefiles. This is work at a site or element with access deficits where we believe the District meets the program access test and can defer plans to make these sites accessible, until the District later alters these for another purpose. Cost references for District Option are \$634,263.00.
- We identify corrections that are not currently subject to standards, but we refer to as "smart practices" and this is noted as "5" in the Transition Plan data tab and in the shapefiles. These corrections, we believe, make your services and assets more accessible and usable by individuals with disabilities. Cost references for smart practices are \$62,169.50.

COMMUNITY ENGAGEMENT

The ADA requires the Tinley Park-Park District to provide an opportunity for public feedback to aid in the shaping of transition plan priorities. Two in-person public feedback sessions were held at the Bettenhausen Center on April 8, 2026. An online survey was made available from March 25, 2026, through April 22, 2026.

In addition to the survey, two in-person public feedback sessions were held. These sessions were facilitated by WT Accessibility staff. Both meetings were held on Wednesday, April 8,

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56. **Leave as is** the dog park at the following site:

- **Lewis Park**

Bags Games

The **minimum required** of the District by title II of the ADA is that the “program” of bags games be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar multiple sites, no guidance is given as to how many existing bags games should be accessible. We recommend that a minimum of one bags game of every three be accessible.

We saw three bags games, and all are accessible. **We recommend no new access.**

Any bags games to be replaced in the future, or designed and built where one did not exist, must comply with the 2010 Standards and 2018 Illinois Accessibility Code and will therefore be accessible.

57. **Make corrections** cited in the reports so the bags games at the sites below **remain** accessible:

- **McCarthy Park**
- **Vogt Woods**
- **Volunteer Park**

TRANSITION PLAN

The District must have a transition plan per 35.150(d) of the DOJ title II regulation. The plan should identify the barrier, the corrective work, the date by which the work will occur (in our reports, the Phase), and the person responsible for barrier removal.

Barriers should be removed as soon as possible. Phasing the work allows access to occur and makes the best use of the Tinley Park-Park District resources. We recognize that each phase requires a different number of years for implementation. The District should determine the annual activity within its fiscal years.

We recommend work in three phases. We also note work we believe need **not** occur in a category titled District Option. Should District plans change, or should other resources become available, the corrective work needed at these sites is known. Finally, we do recommend some work occur as a smart practice.

We have made cost **references for planning purposes** for the corrective work we have recommended. We note that these are not estimates and should be used only for planning purposes. The final design, the year in which the work will occur, the relationship with the contractor, and many other factors must be considered before a cost estimate is made.

Sand Volleyball

The **minimum required** of the District by title II of the ADA is that the “program” of sand volleyball be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing sand volleyball courts should be accessible. We recommend that at least one of every three be accessible. There are 13 tennis courts and two of them are accessible. **We recommend access to three more.**

53. **Make corrections** cited in report so the sand volleyball courts at the site below **remain or become** accessible:

- **Community Park (3)**
- **St. Boniface Park**
- **Volunteer Park**

54. **Leave as is** the sand volleyball court at the following sites:

- **Bannes Park**
- **Bettenausen Park**
- **Centanni Park**
- **Centennial Park**
- **Gasior Park**
- **Gory Park**
- **McCarthy Park**
- **Nasebandt “Moose” Park**

Dog Parks

The **minimum required** of the District by title II of the ADA is that the “program” of dog parks be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar multiple sites, no guidance is given as to how many existing dog parks should be accessible. We recommend that a minimum of one dog park of every three be accessible.

We saw four dog parks, and none are accessible. **We recommend access to three.**

Any dog parks to be replaced in the future, or designed and built where one did not exist, must comply with the 2010 Standards and 2018 Illinois Accessibility Code and will therefore be accessible.

55. **Make corrections** cited in the reports so the dog parks at the sites below **become** accessible:

- **Canine Campus Dog Park (3)**

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- **Buedingen Park (Pickleball)**
- **Community Park (2 Tennis)**
- **Lewis Park (2 Tennis)**
- **St. Boniface Park (Pickleball)**
- **Veterans Park (2 Tennis)**

Picnic Areas and Picnic Shelters

The **minimum required** of the District by title II of the ADA is that the “program” of picnicking be accessible to residents. This is measured by the “program access test” described in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing picnic areas or picnic shelters should be accessible. There are 18 picnic areas and picnic shelters, and five are accessible. **We recommend access to one more picnic area or picnic shelter.**

Any picnic areas or picnic shelters to be replaced in the future, or designed and built where one did not exist, must comply with the 2010 Standards and 2018 Illinois Accessibility Code and will therefore be accessible.

51. **Make corrections needed to create or maintain access**, including adding accessible picnic tables, to picnic areas and picnic shelters at:

- **Bettenhausen Park**
- **Buedingen Park**
- **Centanni Park**
- **Centennial Park (Shelter by Playground)**
- **McCarthy Park (Shelter)**
- **Vogt Woods**

52. **Leave as is** the picnic areas and picnic shelters at the following sites, until next altered:

- **Centennial Park (Shelter by Fitness)**
- **Deinert Park**
- **Freedom Park**
- **Gory Park**
- **Lewis Park**
- **McCarthy Park (Picnic Area)**
- **Nasebandt “Moose” Park**
- **O’Connell Park**
- **Pottawattomie Park**
- **Town Pointe Park**
- **Veterans Park**
- **Volunteer Park**

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For similar multiple sites, no guidance is given as to how many existing rectangular fields should be accessible. We recommend that a minimum of one rectangular field of every size, type, or age designation be accessible.

We saw two football fields, and 17 soccer fields. Of these, one football field was accessible, and none of the soccer fields were accessible. **We recommend access to six soccer fields.**

Any rectangular fields to be replaced in the future, or designed and built where one did not exist, must comply with the 2010 Standards and 2018 Illinois Accessibility Code and will therefore be accessible.

48. **Make corrections** cited in the reports so one of each type of the rectangular fields below **remain or becomes** accessible:

- **Central Middle School (1 of 2 Soccer)**
- **Community Park (2 of 8 Soccer)**
- **Freedom Park (Football)**
- **O'Connell Park (Soccer)**
- **Town Pointe Park (Soccer)**
- **Volunteer Park (Soccer)**

49. **Leave as is** the rectangular fields at the following sites:

- **Centennial Park (Soccer)**
- **Central Middle School (1 of 2 Soccer)**
- **Community Park (6 of 8 Soccer)**
- **Gunther Sports Fields (3 Soccer)**
- **Vogt Woods (Football)**

Tennis and Pickleball

The **minimum required** of the District by title II of the ADA is that the "programs" of tennis and pickleball be accessible to residents. This is measured by the "program access test" found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing courts should be accessible. We recommend that at least one of every three be accessible. There are six tennis courts, and all of them are accessible. There are two pickleball courts, and both are accessible. **We recommend no new access to tennis and pickleball courts. We clarify that this is not based on demand, only upon the ADA program access test as we apply it.**

The information below illustrates the areas where work is recommended so that every resident is close to an accessible tennis or pickleball court.

50. **Make corrections** cited in the report so the tennis and pickleball courts at the sites below **remain** accessible:

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- **Fulton School Park**
- **Gory Park (2)**
- **Kiwanis Park (2)**
- **McCarthy Park**
- **Memorial Park (Patriot Field, Zimmerman Field)**
- **Memorial School Park**
- **Nasebandt "Moose" Park (2)**
- **Pottawattomie Park**
- **Vogt Woods**

Basketball Courts

The **minimum required** of the District by title II of the ADA is that the "program" of basketball be accessible to residents. This is measured by the "program access test" found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing basketball courts should be accessible. We recommend a minimum of one of every three courts be accessible. We saw 17 basketball courts and 14 are accessible. **We recommend no new access.**

Any basketball courts to be replaced in the future, or designed and built where one did not exist, must comply with the 2010 Standards and 2018 Illinois Accessibility Code and will therefore be accessible.

46. **Make corrections** cited in the reports so the basketball courts below **remain** accessible:

- **Bicentennial Park**
- **Buedingen Park**
- **Community Park (2)**
- **Deinert Park (2)**
- **Lewis Park (2)**
- **Pottawattomie Park**
- **St. Boniface Park**
- **Veterans Park (1 of 2)**
- **Volunteer Park (2)**

47. **Leave as is** the basketball courts at the following sites:

- **Centennial Park (2)**
- **Veterans Park (1 of 2)**

Rectangular Fields

The **minimum required** of the District by title II of the ADA is that the "program" of rectangular fields be accessible to residents. This is measured by the "program access test" found in section 35.150 of the title II regulation (see 28 CFR Part 35).

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For this surface to remain accessible, District staff must more frequently inspect and maintain the surface. Unitary surfaces such as poured-in-place rubber or interlocking rubber tiles, and artificial turf surfaces are much easier to use for persons with mobility impairments. These surfaces also meet the standard for impact attenuation.

In the alternative, we believe that the District can use 5-8 levy funds for the added human resources to properly maintain engineered wood fiber playground surfaces.

Ball Fields

The **minimum required** of the District by title II of the ADA is that the “program” of ball fields be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar multiple sites, no guidance is given as to how many existing ball fields should be accessible. We recommend that a minimum of one field of every three be accessible.

We saw 34 ball fields and 9 are accessible. **We recommend access to three more.**

Any ball fields to be replaced in the future, or designed and built where one did not exist, must comply with the 2010 Standards and 2018 Illinois Accessibility Code and will therefore be accessible.

43. **Make corrections** cited in the reports so the ball fields below **remain** accessible:

- **Bettenhausen Park (Challengers Field)**
- **Community Park (2)**
- **Freedom Park (2)**
- **Memorial Park (Dick Pryor Field)**
- **St. Boniface Park**
- **Veterans Park**
- **Volunteer Park**

44. **Make corrections** cited in the reports so the ball fields below **become** accessible:

- **Buedingen Park**
- **Lewis Park**
- **Memorial Park (Joe Guenzi Field)**

45. **Leave as is** the ball fields at the following sites:

- **Bannes Park**
- **Bettenhausen Park (Fields 1, 2, 3)**
- **Bicentennial Park**
- **Central Middle School**
- **Deinert Park**
- **Filson Recreation Area (2)**

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be accessible. Some jurisdictions purchase playground surfaces that lack the ASTM F1951 test results. That is not the case in Tinley Park, and we urge that the District continue to insist on that certification of test results.

40. **Continue to maintain surfaces and components**, per the site reports, so that the playgrounds at the sites below **remain or become** accessible:

- **Bannes Park**
- **Bicentennial Park**
- **Bornet Park Playlot**
- **Buedingen Park (2)**
- **Centanni Park**
- **Centennial Park**
- **Commissioners Park (2)**
- **Deinert Park (2)**
- **Freedom Park (2)**
- **Hirsch Park (2-5 playground)**
- **McCarthy Park**
- **Memorial Park**
- **O'Connell Park**
- **Rauhoff Park**
- **Town Pointe Park (2)**
- **Volunteer Park (5-12 playground)**

41. **Leave as is** the playgrounds at the parks named below, and if future alterations or renovations occur at those sites, make them accessible.

- **Bettenhausen Park**
- **Community Park**
- **Gasior Park**
- **German Park**
- **Gory Park**
- **Hirsch Park (5-12 playground)**
- **Kiwanis Park**
- **Lewis Park (2)**
- **Memorial School Park**
- **Nasebandt "Moose" Park**
- **Pottawattomie Park**
- **St. Boniface Park**
- **Tinley Terrace Tot Lot**
- **Veterans Park**
- **Vogt Woods**
- **Volunteer Park (2-5 playground)**

42. **Gradually eliminate** the use of engineered wood fiber as an impact attenuating playground surface.

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- Address dispersion of trails. Make retrofit plans to ensure that trails across the District see improvements each year.
- Create a toolkit for staff and contractors to use when trail resurfacing projects arise. The toolkit should guide staff and contractors regarding cross slopes, running slopes, resting intervals, gaps, changes in level, surface types, and signage.
- Design and construct new trails that can meet the technical requirements for scope, width, surface, etc., and add these accessible sites to the trail inventory.

The **minimum required** of the District by title II of the ADA is that the “program” of trails be accessible to residents. This is measured by the “program access test” found in section 35.150 of the title II regulation (see 28 CFR Part 35).

For similar multiple sites, no guidance is given as to how many existing trails should be accessible. We recommend that a minimum of one trail of every three be accessible.

39. **Make corrections** cited in the reports so the trails/paths below **remain** accessible:

- **Bicentennial Park**
- **Centanni Park**
- **Centennial Park**
- **Commissioners Park**
- **Community Park**
- **McCarthy Park**
- **O’Connell Park**
- **Pottawattomie Park**
- **St. Boniface Park**
- **Tharp Park**
- **Town Pointe Park**

Playgrounds

The **minimum required** of the District by title II of the ADA is that the “program” of playgrounds be accessible to residents. This is measured by the “program access test” described in section 35.150 of the title II regulation (see 28 CFR Part 35). For similar multiple sites, no guidance is given as to how many existing playgrounds must be accessible. Treat this as a planning exercise and aim for one of three playgrounds to be made accessible.

Our evaluation included eight age 2 to 5 playgrounds, 26 age 5 to 12 playgrounds, and four age 2-12 playgrounds. Of these, six age 2 to 5, 14 age 5 to 12, and one age 2-12 are or can easily be made accessible. **We recommend no changes to playgrounds unless they are new or recently installed, are later altered for another purpose, or are replaced.**

Any playgrounds to be replaced in the future, or designed and built where one did not exist, must comply with the 2010 Standards and 2018 Illinois Accessibility Code and will therefore

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routes, and park furniture such as grills. On October 23 of that year, Illinois added trails and other outdoor assets to the Illinois Accessibility Code.

Some States Have Acted! Like Illinois, some states tired of waiting for federal action and adopted guidance for those outdoor recreation assets into their state codes. This is important because a park asset in Illinois must adhere to the federal standard or state standard, whichever is more stringent. States that have so acted include Illinois and California, and Texas plans to do the same. Colorado, Massachusetts, New Jersey, New Hampshire, and other states have adopted more stringent restroom, playground, or website requirements, impacting park assets in those states.

Remember New Construction Requirements! The Park District likely resurfaces trails or portions of trails regularly. Unlike patching, resurfacing is new construction. As new construction, it must strictly adhere to the 2018 IAC requirements. An approach the District could take to trails would be to sort those where work occurred after November 1, 2018, and make those a higher priority for retrofit.

What Alternatives Exist for Tinley Park-Park District? The outdoor asset guidance is final and enforceable for the District. See it in the [Illinois Accessibility Code](#), specifically, sections 247, 1017, and related to limitations on access, 1019. Newly designed and constructed trails must comply with IAC 2018. However, for existing trails, the program access test applies, and options here include the design and construction of new trails or trail segments that will be accessible. Retrofits to existing trails are an option, too.

What About Funder Requirements? We also note that some funders, such as the State of Illinois and the federal government, will require compliance with the Architectural Barriers Act and ABAAS. This “backdoor” access still requires a newly designed and constructed trail, when federal or state funds are in use, to meet ABAAS. Failing to follow funder requirements could result in loss of grants, repayment of earlier funds, and ineligibility for future federal or state funds.

Must the Tinley Park-Park District Retrofit Every Trail? The Park District must act to make the program of trails accessible. It could make retrofits to existing trails, or it could develop new trails that meet the access requirements. The latter may be more viable. Many jurisdictions have used this approach. It saves the resources in a retrofit and applies those human and fiscal resources to new site development. This approach is specifically mentioned in the title II regulation at 35.150(b).

What is Our Recommendation? We know the District wants trails to be accessible. For the Transition Plan, we have included in Phase Three most trail retrofits. In moving ahead, the District should consider four steps.

- We identified many trail surface deficits. **The District should identify when trail resurfacing occurred at trail segments. If that work occurred after November 1, 2018, it should have been accessible and is a higher retrofit priority.**

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37. **Train maintenance staff supervisors** in accessibility concepts that apply to the maintenance buildings.
38. **Implement recommendations regarding parking, accessible route, changes in level, gaps, doors, and alarm systems** in maintenance areas.

Unique Assets

The District has some unique assets – Tinley Junction Mini-Golf and Batting Cages and the Landmark Church, Museum, and Schoolhouse, to name a few. This raises the bar on the expectation of access to the amenities at these sites, as there is no “alternate” site to which the District can direct patrons with disabilities, so they can enjoy the “programs” of mini golf and museums.

For these sites, efforts must be made annually towards the correction of access deficiencies. This can be done through existing capital plans, or by following our recommendations in the site reports for specific retrofit work.

PROGRAM ACCESS TEST

The US DOJ test for existing facilities is known as the “program access test”. A “program” is an opportunity made available by the District. It can include eating a sandwich at a picnic table in a park, enjoying a playground at a park, enjoying a walk on the Centennial Park walking path, attending a Board of Commissioners meeting, and making public comment at that meeting. A program is not just an activity for which a person registers and pays a fee. Be sure to advertise accessible amenities on your website and in printed materials.

Trails

Before 2018, there was no **final and enforceable standard for trails**. The US Access Board offered significant guidance, but for many reasons, US DOJ had not issued that guidance as a final and enforceable standard for the Park District and other state and local governments. Trails developed before 2018 and after 2018 often fail the requirements, because little guidance was available. We highlight some issues below.

Was there any Federal Guidance Regarding Trails? Yes. The US Access Board published the Architectural Barriers Act Accessibility Guidelines (ABAAS) in 2013 and ABAAS governed trails developed by federal agencies such as the Army Corps of Engineers, Forest Service, and National Park Service. As a smart practice, many park districts adhered to the ABAAS standards.

Did the District develop a trail before late October 2018? It is clear some District assets, such as fishing areas, and some assets likely found in a typical park, such as playgrounds, sports fields, and sports courts, are subject to the federal final and enforceable 2010 Standards for Accessible Design in each of the 50 states. In 2018, however, neither the federal or state government made final and enforceable standard for viewing areas, trails, beaches, campsites, outdoor recreation access

Alarms

In existing facilities where an aural or audible fire alarm system is provided, a visual alarm is not required unless the building was constructed after January 26, 1992, or has been upgraded since that same date. If an alarm in an existing facility is audible only, it need not be modified to include a visual alarm unless it is replaced or upgraded in the future.

31. **Determine** if systems have been upgraded or replaced since 1992.
32. **Develop a plan** for the installation of aural and visual alarms in renovations.
33. **Retrofit construction that has occurred since 1992** to include aural and visual alarms.

Publications and Online Information

The use of an interactive park map on the Tinley Park-Park District website is an important tool for residents and can now be used to communicate about accessibility. Incorporate the access work the District staff completes and indicate in your amenity list the location of accessible features.

34. **Update print material about parks and facilities** to reflect District plans regarding access, and to note which sites are accessible or will be made accessible.
35. **Update website** information to reflect District plans regarding access, and to note which sites are accessible or will be made accessible.

People with disabilities rely on the information in District publications as well as the District website. Later in this report, we summarize our recommendations for making Park District assets that recur, such as playgrounds and sports fields, accessible.

Remembering that not necessarily every recurring asset must be accessible, we urge the District to “brag” about what assets are accessible at which District sites. The District has accomplished much and will accomplish even more in the years to come. Tell your community about those achievements through your print and online materials.

36. **Promote accessibility success stories** at District sites, in print and online materials.

Maintenance Buildings

Maintenance areas are addressed in specific site reports, and employee areas are addressed earlier in this report. We noted earlier that the District can apply a different standard to employee work areas, but employee work areas are not exempt from access requirements. Train District maintenance staff about the **approach, enter, and exit** strategy so that they understand how to apply this test.

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- size of sign
- mounting height and location
- size of characters and space between characters
- contrast between characters
- background
- icons or symbols used in the signs
- District information, e.g., facility name, phone number, main number, and more.

25. **Implement signage template and refresh** District signs.

Bathrooms

Bathrooms are an essential part of a visit to a Tinley Park-Park District site. Exercise, food and beverage, social activities, and more all rely on one of the oldest designs known to us. Making those facilities accessible is tremendously important.

26. **Consider planning for restrooms with adult-sized changing tables.** This is a mandate in many states and responds to the demographic fact that many people who have disabilities and require assistance with toileting are living longer. Adult-sized changing tables offer more safety, dignity, and cleanliness. To be clear, this is not an Illinois mandate but likely a valuable community asset for people with disabilities.
27. **Include bathroom renovations** at facilities in the Tinley Park-Park District Capital Improvement Plan.
28. **Consider the use of automatic flush controls.** These have environmental benefits and are a great way to eliminate some accessibility problems.
29. **In the interim, implement non-structural modifications recommended in each section of this report,** such as lowering mirrors, remounting grab bars, changing the height of toilets and urinals, installing compliant stall hardware, and so forth. These less costly changes on a site-by-site basis will serve your customers well until resources are available to renovate restrooms on a comprehensive scale.
30. **Make at least one portable toilet,** where provided at a site, accessible. This includes a portable toilet placed at a picnic shelter or adjacent to sports fields. These must be accessible and must be served by **an accessible route.**

The District has sites with portable toilets; this must be addressed. Use our site report recommendations and require compliance by District vendors.

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16. As with parking, **develop a template for detectable warnings.**
17. In the same year that parking is refreshed, **implement a plan to correct or refresh every detectable warning** at every curb or crossing at District facilities. If necessary, phase this out over a two or three-year period.
18. Weather greatly affects the life of detectable warnings. We recommend the use of durable, metal plates as opposed to plastic plates.

Door Opening Force Requirements

Tinley Park-Park District facilities have many doors. Many have closer mechanisms. Some of these need adjustment to bring the pounds of force (lbf) necessary into compliance (5 lbf for interior doors and 8.5 lbf for exterior doors).

However, some of the closers are just old. The wear and tear of 20 or more years erodes the closer effectiveness.

19. **Evaluate and determine the age of door closers.**
20. **Add door closer maintenance checks** to safety checklists and for closers with 10 years of service or less, aggressively maintain them for effectiveness.
21. **Purchase and install new door closers** for all exterior doors (with closers 20 years old or more) and 50% of interior doors as soon as is possible.
22. **Purchase and install** new door closers for all remaining interior doors (with closers 20 years old or more) as soon as is possible.
23. **Consider acquiring, installing, and maintaining** power-assisted door openers for District facilities with heavy consumer traffic.

Signage

District signs serve several purposes. First, signs assist wayfinding in large sites such as the Tony Bettenhausen Recreation Center. Second, signs identify permanent elements of facilities, such as restrooms. Third, signs facilitate access by people with vision and physical limitations.

The 2018 IAC treats two types of signs differently. Signs for permanent spaces, such as a bathroom, must be in both Grade 2 Braille and raised lettering. Signs that are directional or informational only require visual lettering of a certain size. Be certain to incorporate these approaches into signs in buildings and sites operated by the District.

24. **Create a sign template for use by the District**, and describe where and in what facilities signs will be used. The template could include:

The most common deficit in accessible parking stalls and access aisles is the slope. The 2010 Standards and 2018 IAC limits the slope to **not more than 2.08% in any direction. This is a challenging requirement that can take considerable effort to meet.**

Connection to the Accessible Route

The access aisles should connect to an accessible route. The maximum running slope for the accessible route is 5%, and to account for heaving and settling, we recommend 4%. The maximum cross slope is 2.08%.

Passenger Loading Zone

The loading zone must have an access aisle adjacent and parallel to vehicle pull-up space. The loading zone access aisle must be a minimum of 60" wide and 20' long.

12. **Develop a plan to correct or refresh every accessible stall** at every District facility. Incorporate this task into other plans that require parking lot repair, restriping, or resurfacing.

Running Slope and Cross Slope

There are many sites with running slopes steeper than permitted. At some sites, this was a minimal issue, but at others, it was a significant variance. This condition naturally occurs when concrete settles, or when connections between new and old routes are off by fractions of an inch.

Cross slope is equally important, as it serves drainage and access purposes.

13. **Revise standard specifications and details** so that in new construction and alterations, the slope of the AR shall not exceed 1:21, or 4.7%, as opposed to 1:20, or 5%. This allows room for field error.
14. **Revise standard specifications and details** so that in new construction and alterations, the ramp slope shall not exceed 1:13, or 7.7%, as opposed to 1:12, or 8.33%. This allows room for field error. It also makes ramps easier to use for everyone, not just people with disabilities. This universal design approach is also a risk management tool.
15. **Revise standard specifications and details** so that in new construction or alterations, the cross slope shall be an integral part of the project and shall not exceed 2% or 1:50.

Detectable Warnings

The US Access Board suspended the detectable warning requirement in the late 1990s, for several years. It was restored in 2002. However, it is not required in the 2010 Standards. **As a smart practice, WT recommends the use of detectable warnings.**

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- corridors
- toilet rooms
- kitchenettes for employee dining use, and
- break rooms.

In short, the key issues are the accessible route, changes in level, doors and entries, and maneuvering space once within the work area. This approach is effective so long as when the District hires an employee with a disability, or a current employee acquires a disability, it will remove architectural barriers in work areas or make other accommodations.

The two recommendations below are important for all employees at all District sites.

9. **Address accessibility in the District personnel policies**, and note that, upon request by an employee, the District will make reasonable accommodations, which **may** include the removal of architectural barriers in workspaces.
10. **Require new construction, alterations, and additions** that include employee work areas to be designed and constructed so they are compliant with the 2010 Standards for Accessible Design and the 2018 IAC.

Accessible Parking

The District maintains hundreds of public parking spaces with dozens of designated accessible spaces. It is common to see barriers in parking, and the access audit revealed many deficits in parking. The test for the ratio of accessible stalls to all stalls is per parking lot. See our site reports for details.

11. **Create a parking stall template.** A suggested template is below.

Parking Stall Dimensions

Stalls are a minimum of 8' wide. An adjacent access aisle must also be a minimum of 8' wide. The access aisle must be diagonally striped with **high-quality yellow paint**. The access aisle can be shared by two accessible stalls.

The collection of signs must include the US Department of Transportation R7-8 standard sign (the blue icon in a wheelchair). Below that must be the state fine sign. Unless Tinley Park has adopted a higher fine by ordinance, the sign must note the statewide fine. Federal settlement agreements require a third sign, on at least one stall, that says VAN ACCESSIBLE. This stall must be 11' wide with a 5' access aisle. An acceptable alternate is 8' and 8'.

Finally, the bottom edge of the lowest parking sign is a minimum of 60" above the finished grade. We suggest that the signpost be centered at the head of the accessible stall and we suggest that the curb cut and detectable warning run the distance of the access aisle. Illinois requires that the sign be no more than 6' from the front of the stall.

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Make beveling of changes in level of .25" to .5" the third priority. ***Consider acquiring or contracting for a grinder.***

7. **Adopt** a policy about the use of Other Power-Driven Mobility Devices (OPDMD) at District sites, and promote that policy to the general public. Every day, people with limited physical mobility start to use a Segway or similar machines. We have included a sample policy in our deliverables.

Per the new ADA title II regulation published September 14, 2010, District policies or processes permitting the use of OPDMDs were required as of March 15, 2011.

These assistive devices provide great benefits to people with disabilities and the sooner the District has a policy regarding their use the better. The policy could, at a minimum, address times of allowed use (dawn to dusk), speed limits, off-limits areas, status of the user as a person with a disability, and minimum age.

It is important to note that a power-driven mobility device is not a wheelchair. That device has a separate definition and is already allowed in facilities and parks. The Department of Justice has a good advisory on this topic. It is [here](#).

Obstructed Accessible Routes

Employees **may** see an accessible route as an empty 36" wide space in which a potted plant or garbage can is a perfect fit. However, that blocks or obstructs the accessible route.

8. **Provide training to park maintenance, recreation, and administration staff** regarding maintenance of accessible routes in parks and in recreation facilities.

Employee Work Areas

The Park District employs many qualified and skilled full-time staff, making parks and recreation services available to residents. The District employs many more on a part-time or seasonal basis. The District likely has employees with disabilities and in the future, will have **more** employees with disabilities, in all categories of employment.

It is important to address access to work areas, and both the title II regulation and the work of the Access Board do so. Section 203.9 of the 2010 Standards for Accessible Design makes clear how to treat employee areas. Generally, a person with a disability should be able to **approach, enter, and exit** the work area. This is addressed by requirements for accessible routes and accessible means of egress. Other factors are door width and threshold changes in level.

Excluded from this exception are several types of common spaces in employee areas. Spaces such as the ones below must meet the access guidelines as they are excluded from the definition of employee-only areas:

COMMON ISSUES

In our work, some common big-picture issues arose that complement the recommendations in the specific site reports. One of these is the ways in which maintenance affects accessibility to playground surfaces and other assets.

Maintenance

The District has a conscientious staff to maintain its parks and facilities. However, over time, every site yields to wear and tear. The recommendations below describe ways in which attention to maintenance can specifically address some access deficits.

1. **Provide training** to maintenance staff regarding the features of an accessible route and how to ensure that it remains unobstructed. This requires staff to place park amenities, e.g., garbage cans or signs, adjacent to the accessible route.
2. **Add door closer checks** to park maintenance staff checklists, and test doors regularly. When too much force is required to open a door, adjust the closer.
3. **Purchase some new tools.** The District needs battery-powered 2' digital levels, and tools to measure pounds of force designed to do so. Do not use 4' digital levels. These tools can be assigned to staff for scheduled spot checks at doors.

Changes in Level and Gaps

The routes and sidewalks that make up the District's network of accessible routes are in fair condition. Wear and tear, settling, weather, and other factors combine to cause changes in level, and gaps along portions of those accessible routes, making that portion noncompliant and a barrier to many visitors with physical and sensory disabilities.

Removing changes in level and gaps has a significant universal design benefit too, as more people with all types of conditions can more easily use District routes, such as staff pushing carts of supplies, parents with kids in strollers, and people using an assistive device such as a wheelchair, Segway, or walker.

4. **Add change in level of more than .25" to park maintenance safety checklists.** This will help identify and correct these problems before they expand. Make or buy pre-measured shims and distribute to employees for their use and ease of measurement.
5. **Add inspections for gaps of greater than .5" to park maintenance safety checklists.** Identify and fill these gaps before they expand. **In the alternative, consider resurfacing segments of deteriorated asphalt routes.**
6. **Eliminate changes in level.** Using the rationale that the most severe changes in level are the greatest barriers to access, make changes in level of greater than .75" the highest priority. Make changes in level of between .5" and .75" the second priority.

A GUIDE TO THIS REPORT

There are approximately 2,167 access deficits identified in the 47 site reports. The ADA requires that the access audit identify every access deficit at every site. For each deficit, a solution must be identified.

The District wisely chose a broad scope of work to match the broad requirements of the ADA. The project scope included:

Project Management	Program and Policy Review
Access Audits	Staff Training
Site Reports	GIS Deliverables
Transition Plan	Final Reporting
Community Engagement	

The District does **not necessarily have to make every site accessible**. It **does** have to make every program it conducts within its sites accessible.

In this report, we identify some broad solutions, such as refreshing all accessible parking spaces, as a way to address issues identified in the site reports, and as a way for the District to better manage compliance. This gives Tinley Park-Park District flexibility within its compliance efforts to move resources so that they are applied with optimal impact. We offer these systemic changes as a complement to a site-by-site approach. The District will determine how to proceed, and many local governments apply a hybrid of a systemic and site-by-site approach.

The scope of our work does not include the design of a solution. Our recommendations are performance-based. For example, if a parking stall at Bettenhausen Recreation Center needs to be made retrofit with the proper striping and signage, we will make that recommendation and will note the dimensions and sign type. However, the design of a solution is a task for District staff or contractors.

We recommend the following to facilitate review:

First, read this Report. It provides a “big picture” review of the issues and solutions.

Second, read the 47 site reports. View the reports digitally, and you have instant access to the report content and supporting images.

Third, use your knowledge of the sites and the expertise of District staff. District staff know District sites better than we do, and District staff know the staff better than we do. Blend in what you know with what we recommend in the report. There are many ways to solve access problems, and the successful alternative may well be one you discover.

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Title II also defines undue burden. The concept of undue burden includes three elements: undue administrative burden, undue economic burden, and fundamental alteration. DOJ requires at 35.130(a)(3) that the District bear the burden of demonstrating that denial of a request by a person with a disability rises to the level of one of these three conditions. Each is cited and discussed below.

35.150(a)(3) Undue Administrative Burden: DOJ and the US Congress recognized that there may be circumstances in which a small local government will find it difficult to administratively obtain the personnel, devices, and processes by which it can make reasonable modifications, or remove barriers. This circumstance will be hard to show in Tinley Park. Park districts across the state will have addressed and resolved the request related to disability faced by the Tinley Park-Park District.

35.150(a)(3) Undue Financial Burden: DOJ and the US Congress recognized that there may be circumstances when a local government will find it difficult to provide the fiscal resources to make a modification or to remove barriers. This circumstance is hard to show for the District. No other state has a property tax levy used to fund programs for people with disabilities and site retrofits at existing facilities. DOJ guidance requires that the District consider the entire budget before claiming Undue Financial Burden. For example, if a modification for a child with a physical disability will require the creation of a firm and stable accessible route to sports fields, the District must consider operating and capital budget resources in determining if it can grant this request for modification. With the section 5-8 levy authority, it will be difficult to show Undue Financial Burden.

As an important note, District staff must understand this approach. Often, staff will consider only the budget they control in making decisions about Undue Financial Burden. That is not the correct approach. If a Park District employee takes a job at another agency, and there are \$10,000 in salary savings due to that departure, it is the District's burden to show why that \$10,000 could not be allocated to the accessible route example above.

35.130(b)(7) Fundamental Alteration in Nature of the Service, Program, or Activity: DOJ and Congress recognized that a circumstance may arise where a local government will find it difficult to provide the requested modification based on disability because in doing so the fundamental nature of the service, program, or activity will be changed. For example, sand volleyball is very popular. However, a person using a wheelchair will be unable to negotiate the sand surface in a sand volleyball court.

If they request a modification, such as replacing the sand with a hard surface court (concrete, asphalt, etc.), the District could do so, as the engineering is not complex. Were that to happen, however, the very nature of sand volleyball would be changed.

These same three concepts apply to Park District communications. These must be as effective for people with communication impairments as they are for people without disabilities. Language identical to 35.150(a)(3) and 35.130(b)(7) is found at title II 35.164.

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throughout the District. This assures that no matter where a resident is, some District assets are near him or her and are accessible. This approach has been accepted by DOJ, the Department of Interior, federal district courts, and two state enforcement agencies.

Lastly, title II at 35.150(d)(a) requires the District to provide an opportunity for the public to participate in the development of the transition plan. The District conducted two public feedback sessions on Wednesday April 8, 2026. In addition, the District conducted an online survey to meet this requirement. A separate report summarizes these events and outlines the results of the survey.

What Are the ADA Requirements for Tinley Park-Park District Communications?

The title II regulation, at 35.160, requires that Tinley Park-Park District communications to the public with disabilities must be “as effective” as communications to those without disabilities. People with certain health conditions such as deafness or impaired vision may not be able to ascertain the message within the communication. People with a cognitive impairment may not understand the message. People with physical disabilities that limit their ability to use a mouse may not be able to get the cursor to the content on the website.

More and more local governments were using their websites for communication with the public as well as with employees. Certainly, today, post-pandemic, that reliance has only grown. The broad requirements apply to the District website, letters, contracts, aural communication that might occur at a District Board meeting, emails, phone calls, and more.

The DOJ issued a final rule on website accessibility on April 24, 2024. Guidance is [here](#). We urge the District to implement this rule that is now final and enforceable. The District website must be compliant by April 26, 2027.

What Are the ADA Limitations? Technical Infeasibility and Undue Burden...

Title II does impose some restraint on the making of reasonable modifications, removal of architectural barriers, and making communications accessible. DOJ expects that these will be implemented as an exception, rather than the rule.

In the 2010 Standards, technical infeasibility is defined within section 106.5 regarding Defined Terms. The District need not make retrofits when doing so is technically infeasible. Again, recognizing that the ADA sets a floor and not the ceiling, the District can choose to make the retrofit. The District may deem a retrofit to an existing facility as technically infeasible when it meets the condition described below:

“With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.”

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What is the ADA Transition Plan Requirement?

The title II regulation, at 35.150(c) and 35.150(d), makes clear the Transition Plan requirements. A transition plan is a phased order of retrofit for all existing parks and facilities. At 35.150(d), the requirements are:

- Describe the deficits at every District asset
- Describe a solution for each deficit, or if it is to be left as is, describe why
- Specify the year or by what date the retrofit will occur, and
- Name the District official responsible for assuring compliance.

No Park District plan can be effective, however, without cost references or estimates. In developing the Transition Plan, the District has received cost references for planning purposes to enable effective planning for the retrofits that will occur.

The Park District must understand the guidance as to by what date it must complete all retrofits. The title II regulation, at 35.150(c), discussing the period for compliance, offers this guidance:

“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.”

To suggest that this is not helpful guidance to the District is an understatement, for several reasons. First, the ADA became effective January 26, 1992. Second, it would be impossible for the District to have made all of the necessary retrofits by January 26, 1995. It would be impossible for the District to make all retrofits that are necessary during any three years. Third, when DOJ amended the title II regulation and it became effective March 15, 2011, this language was not updated with a new compliance date. Fourth, when the 2010 Standards were published and included for the first time certain types of recreation assets, there was no change to the completion date of 1995.

The District can draw guidance from the statement above by acknowledging that retrofits will occur as soon as possible. This requires a balancing of District resources, integration of Transition Plan retrofits with CIP activity, and making Transition Plan work a higher priority than discretionary development and acquisition.

Regarding parks and facilities, there is other guidance by DOJ. If there is only one of a type of asset, it must be made accessible. If there are many assets of the same or similar type, such as playgrounds and sports fields, not necessarily all must be retrofit to be accessible. When the issue of recurring assets arises, DOJ does not specify a ratio or percentage that must be accessible. Our work in preparing transition plan recommendations relies on making a minimum of one of every three recurring assets accessible, and dispersing accessible assets

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- Relocating a program from an inaccessible site to a site that is accessible
- Providing a program at two or more sites, one of which is not accessible and at least one of which is accessible
- Redesign or acquisition of equipment to make program participation possible
- Bringing the program to the person with a disability by making home visits
- Construction of new accessible facilities to house the program, and
- Providing extra staff to facilitate interaction by program beneficiaries.

Elsewhere in title II, the District is required to make changes to rules and policies as well. These nonstructural alternatives may be effective in making a program accessible.

However, when nonstructural alternatives are not effective in making the program accessible, 35.150(b) requires the District to alter existing parks, facilities, and assets, and when doing so, to treat the alteration as new work and comply with title II 35.151. The District must also give the highest priority "...to those methods that offer services, programs, and activities...in the most integrated setting". We review this mandate elsewhere in this report. The District must also disperse accessible programs that are to be retrofit. For example, all accessible playgrounds cannot be located in one quadrant of the District.

The 2011 title II regulation amendments introduced the concept of safe harbor for the Tinley Park-Park District and other state and local governments at 35.150(b)(2). If the District in designing and constructing an asset, before March 15, 2012, and that in compliance with the 1991 Standards for Accessible Design, it cannot be penalized if the Standards change.

An example of safe harbor is the reach range requirement. In the 1991 Standards, reach range could be as high as 54" above the finished floor (AFF) if a side approach was used and only 48" AFF if a forward approach was used. In the 2010 Standards, because of confusion about forward reach and side reach, the maximum reach range was simply reduced to 48" AFF. The safe harbor concept applies here, and at Park District facilities designed and constructed before March 15, 2012, where a proper side reach can be used, an operating mechanism can be as high as 54" AFF. However, if that hypothetical operating mechanism is at 55" AFF, it failed to meet the 1991 Standards and must be retrofit to meet the 2010 Standards maximum of 48" AFF.

It is important to note that many District assets were not addressed by the 1991 Standards and were only addressed later in the 2010 Standards. That includes District playgrounds, sports fields, sports courts, and fitness facilities, to name a few.

As such, the concept of safe harbor **cannot** apply to these assets, and the program access test reviewed earlier in this section applies. As an example, playgrounds, but not necessarily all playgrounds, must be accessible. See our discussion regarding the transition plan for more detail.

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- Playground surfaces and playground components at District playgrounds; and
- Spectator seating and player seating at District softball and baseball fields.

Third, some work at an alteration or addition is simply maintenance, and the cost of that work may be deducted from the determination of the cost of the alteration or addition, thereby affecting the amount necessary to meet the 20% disproportionality test. At many sites, these non-alteration costs are very small. In a world where every Tinley Park-Park District penny counts, it is appropriate to apply the concept of disproportionality properly.

Access requirements for new design and construction are important in the context of the Park District Capital Improvement Plan (CIP). CIP designers and contractors must meet or exceed federal and state requirements.

What Are the ADA Requirements for Existing Facilities?

The title II requirements for existing facilities begin with a requirement that the **programs** within those facilities and sites are what is to be made accessible. DOJ title II at 35.149 clearly states that “...no qualified individual with a disability shall, because a public entity’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.”

The term “program” is to be broadly interpreted. For the Park District, a program is an opportunity made available to the public. Going for a swim is a program. Making public comment at a Board of Commissioners meeting is a program. A New Year’s workout at the Field House Sports, Fitness & Aquatics Center is a program. Sports fields are a program. A scheduled activity that meets at a specific time for a specific duration is a program. Having picnic tables in a park is a program. Playgrounds are a program. Staffing and conducting recreation summer camps is a program.

Think broadly here and understand that a program is not just an organized activity for which one registers, pays a fee, and participates. In applying 35.149, it is a violation of the ADA if a District program cannot be accessed by a person with a disability because the facility in which the program is located is inaccessible.

Title II at 35.150 discusses how to make existing facilities accessible. It requires the District to view that program “...in its entirety...” at 35.150(a). This is interpreted to mean that all of the locations of a program, e.g., every Tinley Park-Park District playground, must be viewed before determining which ones will be made accessible and which will be left as is until next altered or replaced. This latter statement is made clear at 35.150(a)(1), where the District is told by DOJ that these requirements do not “...necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities...”.

Making a program accessible does not always require making a facility accessible. This is explained by DOJ at title II 35.150(b), where it reviews some of the methods to make a program accessible. The non-structural methods include, but are not limited to:

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entity is to consider "...all resources available for use in the funding and operation of the service, program, or activity...". **We recommend that the Board of Commissioners delegate this authority to the Executive Director**, who can then delegate that authority to department or program heads (including SSSRA) as needed. We recommend that the District keep these writings together for ease of access and analysis. These have great risk management value and will help in forecasting the requests the District receives.

What Are the ADA Requirements for New Design and Construction?

Some ADA requirements are open to interpretation regarding compliance. There is, however, one requirement that is clear: all Park District new design and construction must comply with the federal [2010 Standards for Accessible Design](#) and any State of Illinois requirements that are more stringent from an access perspective. The [2018 Illinois Accessibility Code](#) includes a broader range of assets and is therefore the dominant guide to follow. The DOJ regulation at section 35.151 establishes this requirement and permits a variance only when it is "structurally impracticable" to fully comply with the Standards.

Experts estimate that design and construction for ADA compliance adds not more than 1% to the facility cost. For the District, all designers and contractors must understand this mandate and comply with this mandate. Plan review and effective project management by District staff ensure that plans and ongoing construction comply. Investing human resources towards this goal is much less costly than removing barriers after the construction of a park or facility.

New design and construction include alterations and additions; therefore, alterations and additions must adhere to the 2010 Standards. The DOJ title II regulation, at 35.151(b)(4), establishes a requirement that when alterations or additions occur at an existing Park District facility, that a "path of travel" is required to connect the accessible elements of the existing facility with accessible elements in the altered area or addition. In preparing the regulation, DOJ recognized the inequity of a result whereby the accessibility portion of an alteration or addition, the path of travel, could require more fiscal resources than the alteration or addition.

The regulation, therefore, introduces the concept of disproportionality, which permits the District to limit path of travel costs to 20% of the cost of a project.

Three clarifications are necessary regarding the concept of disproportionality.

First, the District *may* elect to apply the concept of disproportionality; it is not required to do so. If the District wishes to make the cap 30% of the cost of the alteration or addition, it may do so. The ADA sets the floor, not the ceiling.

Second, the path of travel must be applied when the alteration or addition is to a primary function area. A primary function area is "...a major activity for which the facility is intended." Examples in the title II regulation include "...the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public entity using the facility are carried out."

We would add other examples, pertinent to Park District sites. These include:

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Finally, this section concludes with a review of the limitations of the accessibility requirements, including technical infeasibility and the concepts of undue burden.

What Are the ADA Administrative Requirements?

The US Department of Justice (DOJ) published the title II implementing regulation in 1991, and it became effective on January 26, 1992. It has been amended once, and those changes became effective March 15, 2011. The DOJ title II regulation is [here](#). The Tinley Park-Park District faces many administrative requirements under title II of the ADA. In this section of the report, we will describe and review five key administrative requirements.

35.106 Notice Requirement: The District must make its citizens aware of the "...protections against discrimination assured them..." by the ADA. In doing so, the District must provide information about how parks, facilities, programs, policies, and communications are affected by the ADA. **We recommend the District do so in a way that is inviting and appealing. This should also be consistent with the way the District communicates with members of other protected classes.**

35.107(a) Designation of Responsible Employee: The District must appoint at least one employee "...to coordinate its efforts to comply with and carry out..." its obligations under the ADA. Known as the ADA Coordinator, this employee investigates complaints regarding noncompliance and coordinates overall ADA implementation. **The District named Ryan Veldman as the ADA Coordinator and meets this requirement.**

35.107(b) Complaint Procedure: The District must have a process by which disputes regarding accessibility at sites, effective communications, and inclusion in programs and services can result in "...prompt and effective resolution...". DOJ refers to this as a "grievance procedure". We recommend that the District change the way it refers to this process. Naming this a grievance process makes it appear to be adversarial. It need not be, and in fact, many believe that a more positive approach yields "prompt and effective resolution" in a much more customer-friendly way. **We suggest the District rename the process to Access and Inclusion Solutions Process, or some other appropriate name that is inviting, not adversarial.**

35.130(b)(7) Make Reasonable Modifications: The District must make reasonable modifications itself or through the South Suburban Special Recreation Association (SSSRA) that enable access to programs and facilities, when so requested by a person with a disability, unless doing so creates an undue burden. The statute and the DOJ regulation identify many actions or devices that are a reasonable modification. In addition, court decisions and DOJ settlement agreements help further define the term and the limits on the concept of reasonable modification. The DOJ ADA website is a good source of information on this subject at www.ada.gov.

35.150(a)(3) Writing Requirement: The District, whenever it denies a request for a reasonable modification, must create a writing. This is a mandate once it is determined by District staff that a request would create an undue burden. Importantly, the writing is to be signed by "...the head of the entity or his or her designee...". In making this decision, the

INTRODUCTION AND THE ADA MANDATES

Federal and Illinois requirements mandate the accessibility of Tinley Park-Park District sites and facilities. This report is a summary of our findings and recommendations to make Tinley Park-Park District parks and facilities more accessible to people with disabilities. The details and recommendations are in the site reports. This report recommends steps to meet the federal and state requirements and incorporate smart practices.

For efficiency, the District cannot implement all our recommendations at once; no local government can do so. We suggest a phased approach to retrofits. It is important that Park District staff gain a good understanding of the findings and recommendations. We suggest a systematic approach, as described in the following pages. Below, we review the application of the Americans with Disabilities Act (ADA) title II regulation to District facilities and parks.

What are the Americans with Disabilities Act (ADA) General Mandates?

The [Americans with Disabilities Act](#) (ADA) is a comprehensive federal civil rights law. It prohibits discrimination on the basis of disability. Effective January 26, 1992, it has been amended by Congress only once, in 2008. The ADA has three principal titles. Title II applies to the Park District and the 89,000 other units of state and local government across the country, and it requires the District to make parks, facilities, policies, communications, and programs, accessible to and usable by people with disabilities. Other portions of the ADA prohibit discrimination by employers (title I), and businesses and nonprofits (title III).

The subject of this report is Tinley Park-Park District parks and facilities. We also address spaces used principally by District employees that a member of the public may visit. These must have access for that visitor if they have a disability. The District may have relationships with nonprofits, and when an entity uses or benefits from the use of District property or resources, the entity is strictly prohibited from discrimination on the basis of disability.

The ADA is to be broadly interpreted. In this section of the final report, we will define terms as the ADA defines them. In the remainder of this section, we will review the:

- ADA administrative requirements for the District
- Ways in which the ADA applies to new design and construction
- ADA requirements for existing facilities
- ADA Transition Plan requirement
- ADA requirements for District public-facing policies
- ADA requirements for Tinley Park-Park District programs, and
- ADA requirements for Tinley Park-Park District communications.

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AMERICANS WITH DISABILITIES ACT ACCESS AUDIT AND TRANSITION PLAN

TINLEY PARK-PARK DISTRICT FINAL REPORT

JULY 20, 2026

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EXHIBIT 1 RESOLUTION NO 26-R-24

ADA AUDIT AND TRANSITION PLAN