

Proskauer Obtains Victory for Visually Impaired Chicagoans

Proskauer For Good on April 28, 2023

Proskauer and co-counsel [Disability Rights Advocates](#) (“DRA”), a nationwide nonprofit disability rights legal center, triumphed in a Chicago court this month, obtaining a [ruling](#) that will lead to historic accessibility improvements for the more than 65,000 people with vision difficulties who live in Chicago. The Court granted summary judgment on claims that the City of Chicago discriminated against blind and low vision pedestrians under federal disability rights laws by failing to install accessible pedestrian signals (APS) at signalized intersections. *American Council of the Blind of Metropolitan Chicago, et al. v. City of Chicago*, No. 1:19-cv-06322 (N.D. Ill.).

Background

APS are push-button devices that provide pedestrians with safe-crossing information in a non-visual format, such as through audible tones and vibrotactile surfaces. Less than one half of one percent of Chicago’s 2,800+ signalized intersections are equipped with APS.

On September 23, 2019, Proskauer and DRA filed a lawsuit in the U.S. District Court for the Northern District of Illinois on behalf of American Council of the Blind of Metropolitan Chicago and three individual plaintiffs alleging that the City of Chicago violated Title II of the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act by failing to provide APS at signalized intersections. On April 8, 2021, the United States Department of Justice (the “United States”) filed a complaint-in-intervention.

On March 4, 2022, the Court granted Plaintiffs’ motion for class certification, certifying a class of blind or low-vision individuals who use Chicago’s pedestrian intersections.

Summary Judgment Ruling

The parties filed cross-motions for summary judgment in August 2022. On March 31, 2023, U.S. District Court Judge Elaine E. Bucko sided with Plaintiffs and the United States, holding the City in violation of the ADA and the Rehabilitation Act. The Court found that the City provided APS at only a “miniscule portion of the whole” of their 2800+ signalized intersections, and thus failed to “provide meaningful access” to its network of existing facilities, and failed to ensure that newly constructed signals are designed and constructed in such a manner as to be readily accessible by blind individuals. The Court also concluded that the ADA’s effective communication regulations applied to pedestrian signals because a pedestrian signal’s essential function is to deliver information necessary to ensure safe pedestrian crossing. By failing to equip its pedestrian signals with APS, the City failed to ensure its communications with blind pedestrians are as effective as its communications with sighted pedestrians.

Conclusion

The Court’s ruling is a significant win for disability rights and guarantees meaningful access for all blind and low-vision pedestrians who use Chicago’s signalized pedestrian intersections. Proskauer is proud to work alongside DRA in achieving this victory. The Proskauer team consists of [Nigel Telman](#), [Eddie Young](#), [Dakota Treece](#) and [Alyssa Cook](#).

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