

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMERICAN COUNCIL OF THE BLIND OF
METROPOLITAN CHICAGO, ANN BRASH,
MAUREEN HENEGHAN, and RAY
CAMPBELL, on behalf of themselves and all
others similarly situated,

Plaintiffs,

-against-

CITY OF CHICAGO, CHICAGO
DEPARTMENT OF TRANSPORTATION,
LORI LIGHTFOOT, in her official capacity as
Mayor of the City of Chicago, and THOMAS
CARNEY, in his official capacity as Acting
Commissioner of the Chicago Department of
Transportation,

Defendants.

Case No. 19-cv-6322

COMPLAINT

INTRODUCTION

1. This class action lawsuit challenges the City of Chicago's ("Chicago" or the "City") practice of systemically discriminating against blind¹ residents and visitors by failing to equip signalized street intersections with accessible pedestrian signals ("APSs").

2. APSs convey traffic and warning information (*i.e.*, "Walk" and "Don't Walk") by making sounds and vibrating a tactile button. By listening for the sounds generated by the APS, blind pedestrians receive the same information about traffic safety that sighted pedestrians can obtain by looking at the pedestrian signals.

¹ Plaintiffs use the terms "blind" and "deaf-blind" to describe individuals who have low or no use of vision, as well as low or no use of hearing alongside vision. For purposes of this complaint, the term "blind" should be understood to include people who are either legally or completely blind.

3. Yet Chicago regularly installs and upgrades pedestrian traffic signals without including an APS device, thereby denying blind pedestrians access to information that is provided to sighted pedestrians to promote their safety.

4. Indeed, abysmally few of Chicago's signalized intersections have pedestrian signals that are usable by blind pedestrians: Out of about 2,672 signalized traffic intersections in Chicago, only 11—less than half of one percent—offer signals that convey any information at all to people with vision-related disabilities. Such systemic failure dangerously diminishes blind pedestrians' ability to navigate street crossings safely and independently.

5. To cope with the chronic lack of APS devices, which are missing even at noisy, busy, or complex street intersections, blind pedestrians are forced to resort to a number of workarounds that are demeaning and potentially unsafe. Some of these workarounds include seeking assistance from complete strangers and attempting to follow sighted pedestrians, who may cross against lights. At times, blind pedestrians must wait alone at an intersection for several cycles until another pedestrian appears to help them navigate the crossing. In a worst-case scenario, a blind pedestrian risks being hit by a car because they are forced to cross the street without knowing whether it is safe for them to do so.

6. If a blind pedestrian accidentally crosses against the light, sighted pedestrians, when present, will often grab or shout at them, an experience that is frightening and humiliating.

7. The difficulties of crossing noisy, busy, or complex streets without APSs are indeed so severe that some blind pedestrians attempt to avoid risky intersections altogether by using indirect, longer routes, or by taking paratransit, even though paratransit must be arranged for twenty-four hours in advance.

8. These challenges are additionally compounded by Chicago's high vehicle and population density. Chicago has approximately 11,000 inhabitants per square mile, making it one of the most population-dense cities in the entire country. High levels of background noise—such as construction, garbage collection, street music, or passing subways on elevated tracks—make safe and independent navigation of street crossings that much more challenging for blind pedestrians who, in the absence of accessible pedestrian signalling, often must rely on the ear alone to know when to cross streets.

9. Collectively, these obstacles severely compromise blind pedestrians' ability to move about the City like their sighted counterparts do: Safely, independently, expeditiously, and without fear. The exclusion of APSs from Chicago's pedestrian signal program is thus severely harmful to Plaintiffs and members of the class.

10. The City's long-standing systemic failure to ensure that its pedestrian signals are accessible to blind pedestrians constitutes a violation of both Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

11. Plaintiffs sue on behalf of themselves and all people with vision-related disabilities who use, or seek to use, pedestrian signals in Chicago. Because Defendants have imposed on these individuals unnecessary risks to their safety and independence each time they navigate signalized intersections without APS devices, swift and comprehensive injunctive relief is warranted.

JURISDICTION

12. This is an action for declaratory and injunctive relief, brought pursuant to Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12131 *et seq.* and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. § 794.

13. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343 for claims arising under the ADA and Section 504.

VENUE

14. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this District. The Defendants are located within this District and a substantial part of the events or omissions giving rise to the claims alleged herein occurred in this District.

PARTIES

15. Plaintiff Ann Brash is blind and has used a white cane to navigate since 1971. She has worked in Chicago since 1975 and travels on city streets each weekday. She is a member of the American Council of the Blind of Metropolitan Chicago (“ACBMC”). Accordingly, Ms. Brash is a qualified individual with a disability within the meaning of all applicable statutes.

16. Plaintiff Maureen Heneghan is blind and uses a white cane to navigate the sidewalks. She has lived in Chicago her entire life and travels across city streets every day. She is a member of the ACBMC. Accordingly, Ms. Heneghan is a qualified individual with a disability within the meaning of all applicable statutes.

17. Plaintiff Ray Campbell is blind and has used a white cane to navigate the sidewalks for over 40 years. He has worked in Chicago in his current job since 2015 and travels on city streets each weekday. He is the Second Vice President of the national American Council of the Blind. Accordingly, Mr. Campbell is a qualified individual with a disability within the meaning of all applicable statutes.

18. Plaintiff ACBMC is a consumer-based, non-profit independent organization that advocates on behalf of, and seeks to improve the quality of life for, all blind and visually impaired residents in Chicago, Illinois. It is an affiliate of the Illinois Council of the Blind,

which is a state affiliate of the national American Council of the Blind. ACBMC's officers and membership, around 38 people in total, overwhelmingly consist of people who are blind or low-vision.

19. Full access to basic services enabling safe and independent street navigation for people with vision-related disabilities is a core component of ACBMC's mission. ACBMC has sent letters and feedback to the Mayor and various aldermen of Chicago, as well as attended meetings of the Department of Transportation and Mayor's Office for People with Disabilities, to advocate for the rights of blind pedestrians.

20. In addition, ACBMC's officers and board members navigate City streets on a daily basis. The problems they have faced due to the systemic lack APSs have included being forced to rely on strangers, following other pedestrians who are crossing against lights, being grabbed without their consent by other pedestrians, and near-misses by cars when unwittingly attempting to cross streets in the face of oncoming traffic. Defendants' discriminatory actions and failures to act have thus created injuries, providing members with standing to bring a suit in their own right.

21. In sum, the pervasive lack of APS devices is an issue of significant concern for ACBMC and its members. Unless the issue is remediated, ACBMC will continue to be forced to divert its resources away from the programs that seek to alleviate its constituents' numerous other needs into addressing this continued barrier to blind pedestrians' ability to move about safely and independently.

22. Defendant City of Chicago is a "public entity" within the meaning of Title II of the ADA, as that term is defined under 42 U.S.C. § 12131(1) and 28 C.F.R. § 35.104. Moreover,

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