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1331 F Street, N.W. • Washington, D.C. 20004-1107 (202) 272-2004 • (202) 272-2074 TDD • (202) 272-2022 Fax

FAX COVER MESSAGE
Date Jeb 22, 1995
TO: Name_ alwander Vachon
Affiliation Doles Office
FAX phone number 228 - 4569
OFFICE phone number
Number of pages to follow Notes/comments
America's Town Meeting September 6-8, 1995

Conference and Exposition

National Association of Towns and Townships	Hex Hope
FAX COVER MESSAGE	better. Sot your call yesterday too
Date Jeb 22, 1995	it yill be at
TO: Name <u>Alwander Vachon</u>	272.2004 tinovo 16-2 parca
Affiliation <u>Sen. Doles</u> Office	([
FAX phone number 228 - 4569	
OFFICE phone number	
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Notes/comments Alexander, Here is a draft of the we can send over with our President's Adjustitute T do the endorsement OK and can we refer of to the Time frame in the proposed legislation Similar letters will be sent to Sen Hashin and So open hearing from you. are there others to be add Please let us know when you need the let	recepcally
FROM: Hamilton Brown et wil	
National Association of Towns and Townships FAX phone number: (202) 289-7996 OFFICE phone number: (202) 737-5200 - Jan on Han 1522 K Street, N.W., Suite 600 Washington, D.C. 20005-1202	nillon
America's Town Meeting September 6-8, 1995	

Conference and Exposition

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February 22, 1995

Senator Bob Dole 141 Hart Senate Office Building Washington, D.C. 20510

Dear Senator Dole:

On behalf of National Association of Towns and Townships' (NATaT) 13,000 members, I am writing to support your proposed modifications for local government compliance with the ADA's curb cut requirements. At the same time, I want to reaffirm the long-term commitment which NATaT has provided for both the ADA and the earlier Section 504 Regulations.

With the passage of the ADA in 1990, NATaT's leaders immediately recognized the new law's fairness and flexibility. In place of monitoring requirements and outside regulators, there was a process that relied primarily on local people recognizing and solving local needs. In the public sector, accessibility to activities and services were the key objectives, not full accessibility to every municipally-operated facility. Many dollars and historic structures have been spared by moving a public meeting from an inaccessible second floor to the first floor of town hall, or, with proper notice, to an accessible school auditorium.

There has been little flexibility, however, on the key issue of curb cuts. Virtually every one of America's 39,000 local governments has commercial and residential areas or governmental facilities which require publicallymaintained side walks (or paths of travel). Some curbs must have curb cuts in order to provide reasonable access for persons with disabilities to public services, recreation and transportation. Many small and rural governments have identified and have now completed or scheduled these essential renovations. Yet even a town that maintains sidewalks only for a ten by four block area will be responsible for 40 intersections (a total of 160 curb cuts) at a cost of between \$500 and \$700 apiece. Many existing curbs have a useful life of five to ten years remaining and their premature replacement would not contribute to the health, safety, employment or increased participation of persons with disabilities in overall community

For these reasons and the general belief that communities are the best judges of allocating community resources, NATaT enthusiastically endorses legislation which would extend the ADA structural compliance

1522 K Street, N.W., Suite 600, Washington, D.C. 20005-1202 (202) 737-5200 FAX (202) 289-7996



Senator Bob Dole Page 2

deadlines for curb cuts to five to ten years in the future, depending on their location to key facilities and services.

We endorse this position as a long time supporter of the ADA and its principles. NATaT was the first national association representing local governments to issue a small town guide for both the Section 504 requirements (1983) and for the ADA (1992). Both sold 10,000 copies and were financed by association, not federal, resources. NATaTs efforts were honored at both the 1992 and 1993 annual conferences by former White House Press Secretary Jim Brady, Vice Chairman of the National Organization on Disability. The organization is currently working on a training curriculum and guide book to encourage local voluntary compliance with the ADA under a grant from the U.S. Department of Justice. You can count on our continued support for the ADA as local officials and their representative associations work with you, other member of Congress, Federal agencies and members of the disability community to balance local needs and resources to acheive the just goals and good intentions of the ADA.

Sincerely,

Chet Larson, President National Association of Towns and Townships

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1 2		RESOLUTION - #5
3		
4		AMERICANS WITH DISABILITIES ACT RESOLUTION
5 6 7 8	WHEREAS,	local elected officials understand the need and support efforts to integrate individuals with disabilities into the mainstream of society; and
9 10 11 12 13 14	WHEREAS,	local elected officials support the intent of the Americans with Disabilities Act (ADA) as a means to providing individuals with disabilities with increased employment opportunities and access to services and facilities; and
14 15 16 17	WHEREAS,	cities and towns must be in compliance with the ADA by January 25, 1995; and
18 19 20 21	WHEREAS,	local elected officials remain concerned that ADA compliance deadlines and implementation costs impose considerable burdens on cities and towns.
21 22 23 24 25 26	NOW, THER	REFORE BE IT RESOLVED that the National League of Cities supports the promulgation of regulations and/or the enactment of legislation which would extend the ADA's compliance deadline for cities and towns; and
26 27 28 29 30 31 32 33 34	BE IT FURTH	HER RESOLVED that the National League of Cities supports the promulgation of regulations and/or the enactment of legislation which would reduce implementation costs by providing cities and towns with greater flexibility to target scarce resources in a manner that would permit local elected officials to meet the needs and priorities of the disability community within their city.

This document is from the collections at the III Arthouse University of Kansesice http://dolearchives.ku.edu

Curb Cuts

Civil Rights Division

6 1992

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Office of the Assistant Attorney General

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Washington, D.C. 20035

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Mr. (Anderson and Anderson And

- Dear Mr. Manner:

This is in response to your letter about the provision of curb cuts under title II of the Americans with Disabilities Act (ADA). Your letter also asked about available remedies under title II and section 504 of the Rehabilitation Act of 1973, as amended.

The ADA authorizes the Department to provide technical assistance to entities that are subject to the Act. This letter provides informal guidance to assist you in understanding how the ADA may apply to public entities. This technical assistance, however, does not constitute a determination by the Department of Justice of rights or responsibilities under the ADA and does not constitute a binding determination by the Department of Justice.

Title II prohibits discrimination on the basis of disability in all programs, activities, and services provided or made available by State and local governments, instrumentalities, or agencies. The title II regulation (enclosed) is based on regulations implementing section 504.

Like the section 504 rule, the title II rule provides that a public entity must not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible (§35.149). A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with

- 2 -

disabilities. A public entity, however, is not necessarily required to make each of its existing facilities accessible. Nor does a public entity have to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens (§35.150(a)).

Section 35.150(d)(2) of the title II rule states that public entities with responsibility for or authority over streets, roads, or walkways must prepare a schedule for providing curb ramps where pedestrian walks cross curbs. Priority must be given to walkways serving State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas. This schedule must be included as part of a transition plan (§35.150(d)(2)).

However, section 35.150 does not necessarily require a curb ramp at every intersection. Alternative routes to buildings that make use of existing curb cuts may be acceptable under the concept of program accessibility, even if an individual with disabilities may need to travel a longer route to reach a particular building than would a nondisabled individual.

In residential areas, as opposed to commercial areas, it may be appropriate to establish a procedure for installing curb ramps upon request when an individual with disabilities moves into a neighborhood. Moreover, the fundamental alteration and undue burdens defenses will limit the number of curb ramps required in many cases. In developing a transition plan to provide curb ramps, a public entity should consider all of these factors.

In the case of new construction and alterations (as opposed to existing facilities), the rule requires that curb ramps be provided at any intersection having curbs or other barriers to entry from a street level pedestrian walkway (§35.151(e)).

In response to your question about remedies, title II incorporates the remedies of section 505 of the Rehabilitation Act, which include court orders to stop discrimination, termination of Federal funds when there are Federal funds to terminate, and damages in some circumstances. Penalties are not available. Nor is reimbursement of Federal funds an available remedy under title II or section 504.

- 3 -

I hope this information has been helpful to you.

Sincerely,

plus

John R. Dunne Assistant Attorney General Civil Rights Division

Enclosure

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This document is from the collections at the Dole Archives, University of Kansas http://dolearchives.ku.edu

MEMORANDUM TO SENATOR DOLE

DA: February 11, 1995

FR: Alec Vachon

RE: REPLY TO MARSHAW LETTER/UPDATE ON CHILDREN'S SSI

- * Attached for approval/signature is a reply to the Marshaw letter you sent me (also attached). Marshaw chairs a study of SSDI/SSI--which he claims was requested by House Ways and Means but in fact this "request" was solicited to give the study credibility and get foundation money. Although not overtly partisan, neither House or Senate Republicans have been involved.
- * However, at my request, in June Marshaw briefed me--at that time they were factfinding and had made no recommendations. I was not impressed--focus was on increasing income support rather than improving employment or rehabilitation. Since then, they have looked into Children's SSI. On Friday I received their preliminary recommendations for changes to Children's SSI--largely technical changes to regs.

DEJA VU: RISK OF REPEATING THE SSDI DEBACLE OF EARLY 1980'S

* What are we to make over the controversy over Children's SSI? A detailed memo is in preparation, <u>but bottom line is</u> <u>that the situation bears an uncanny resemblance to the</u> <u>events that led up to the dropping of hundreds of thousands</u> <u>of SSDI beneficiaries in the early 1980s, a political</u> <u>firestorm, and an about face by Congress</u>: mounting concern over program growth--allegations of nondsiabled persons receiving benefits (today, claims of "coaching")--a fear the program creates dependency--a drumbeat of negative press stories. In 1979, GAO released a report claiming 20% of SSDI beneficiaries were not disabled--creating a furor. GAO will shortly release a report claiming that perhaps upwards of 25% of children receiving SSI are not disabled.

IS THE PROBLEM REALLY A FAILURE OF CONGRESSIONAL OVERSIGHT??

- * <u>A careful reappraisal of SSI is overdue--if only to educate</u> <u>members and staff. A big problem is the lack of regular</u> <u>Congressional oversight of SSDI/SSI</u>--with the effect the few members or staff have detailed knowledge of the programs. <u>The last time that Finance held a substantive hearing on</u> <u>SSDI program management (other than Turst Fund shortfalls)</u> <u>was in 1984</u>. There have been no oversight hearings on SSI by Finance in at least 15 years. Is it any wonder there is a sense of confusion?. (Ways & Means has done somewhat better--4 hearings since October 1993 on SSI.)
- * <u>Other examples</u>: (1) SSA is now implementing an ambitious "reengineering project" to improve the speed and quality of disability determinations and--yet Finance has had no

hearings. (2) Finance has paid little attention to ways to move people off the disability check and onto--since hearings in 1986 on your bill to make section 1619 permanent.

- * Incidentally, about 1/3 of all requests for help to your offices in Kansas involve denial of SSDI/SSI benefits.
- * BOTTOM LINE: Unless Finance--and other Committees--exercise ongoing supervision, we are destined to repeat the "crisis management" of SSDI/SSI. SSDI/SSI deserve at least an annual oversight hearing.

HEARINGS NOW PLANNED BY FINANCE AND AGING COMMITTEES

- * Finance expects to hold hearings on the SSI program sometime in April--dates and other details to be worked out.
- * Aging Committee will hold a broad hearings on SSI/SSDI on February 23--including. <u>Cohen is trying to claim ownership</u> of the issue.

STATUS OF CHILDREN'S SSI COMMISSION

* Too early to form a conclusion if it will be useful, but very different from what was originally intended.

OTHER SSI NEWS--SUBSTANCE ABUSE

* This week

MEMORANDUM TO SENATOR DOLE

Date: January 21, 1995

From: Alec Vachon A

- RE: GINGRICH ANNOUNCES MAJOR DISABILITY POLICY INITIATIVES IN SPEECH AT REPUBLICAN NATIONAL COMMITTEE MEETING
- * <u>Gingrich announced Friday that he would</u>: --increase money for severely disabled children--with money to come from welfare cuts, and --create a task force to improve opportunities for the severely disabled. <u>SPEECH EXCERPT ATTACHED</u>.
- * <u>Gingrich was responding to parents of children with severe</u> <u>disabilities--who questioned him about Children's SSI cuts</u> <u>at a January 7th town meeting in Marietta, Georgia</u>. At that meeting, it was clear Gingrich didn't understand ADA. <u>REUTERS STORY ATTACHED</u>.
- * <u>Gingrich's views have gotten little press attention--the</u> <u>news has been dominated by the "book contract", but</u> contradict reported House proposals to cut Children's SSI.

YOUR NATIONAL COMMISSION BILL

- Gingrich's action shows the prescience of your "National Commission on the Future of Disability" bill last session.
 I am reworking the bill--which might be done as a Leadership Task Force.
- * The bigger point: <u>Disability is a new policy issue, poorly</u> <u>understood--and needs new solutions</u>. Last year, the Federal government spent \$175 billion on disabled persons--\$80 billion in discretionary spending; \$95 billion in 4 entitlements--SSI, SSDI, Medicaid, Medicare. <u>THIS IS MORE</u> <u>THAN THE DEFICIT, AND 70% OF THE DEFENSE BUDGET</u>.

POLITICAL POWER OF THE DISABLED

- * <u>Gingrich's actions are further evidence of the new disabled</u> political power, as I have written you.
- * <u>On flipside, still untapped positive value for Republicans</u>. <u>Example</u>--on Friday, I addressed 60 State social services personnel from around the country at a conference on work incentives in Frederick, Maryland. <u>Described your first</u> floor speech, legislative agenda, etc.
- * As I was leaving, the Clinic Director--an ardent Democrat-said to me, <u>"I will never think about Republicans the same</u> <u>way again. I am very impressed."</u> It was not anything I said particularly--simply that most people are rarely exposed to a Republican talking about disability issues.

Page 11 of 65 permis

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REMARKS BY HOUSE SPEAKER NEWT GINGRICH (R-GA) AT REPUBLICAN NATIONAL COMMITTEE MEETING

RENAISSANCE HOTEL, WASHINGTON, DC FRIDAY, JANUARY 20, 1995

TRANSCRIPT BY: FEDERAL NEWS SERVICE, 620 NATIONAL PRESS BUILDING, WASHINGTON, DC 20045

[EXCERPT BEGINS]

Now, as we're making this enormous transition, I will tell you flatly what the Democrats and the liberal establishment's going to do. They're going to lie. And I'll give you three examples. And I'm not talking here about Connie Chung. (Laughter.) The first thing -- now, these are three examples that have happened to us in the last couple weeks.

First, we had a town hall meeting two weeks ago. There were a tremendous number of children with very severe disabilities in wheelchairs at the town hall meeting because their parents had been told by their national association, which is desperate to keep power in Washington -- because otherwise they're going to have to all get on a plane and start traveling -- that we were going to cut out children who have severe disabilities.

Now, in fact, we're going to take money away from able-bodied people sitting in a free apartment who refuse to walk a block to a public library even though they're being paid to do nothing. And we're going to take some of that money, we're going to increase the money which is available for children who have severe disabilities.

Any of you who know parents who have made the voluntary choice to stay -- keep their children out of institutions, to live with them, to maximize their opportunity to live, you know that in the age of the computer -- if you see Charles Krauthammer on television, who broke his neck as a young man and is a paraplegic, but is a nationally-syndicated columnist and leads a remarkably full life given the challenges -- you know that these are children we ought to invest in to improve their lives. And so, we are establishing a task force to improve the opportunities of the severely disabled. That will not get coverage because it doesn't fit the current mode which is, "Who are the Republicans hurting today?"

[END EXCERPT]

specific programs without first reviewing the details, he promised to meet parents of disabled children to discuss government plans in detail next April or May.

"I'm prepared to look at everybody who has a genuine challenge, a genuine disability whether it be physical or mental. I'm prepared to work with every group of parents who care about those kinds of problems," Gingrich said.

But he added: "What will happen is that they're going to parade out in the national news media five people with genuine disabilities in order to protect 100,000 people who aren't in that kind of situation."

Gingrich told the audience, which greeted many of his remarks with enthusiastic applause, that national "blanket" guidelines for the handicapped and disabled are "an inherently- by definition- dumb use of resources."

"If you were to say to me, let's have a national blanket law that you have to have wheelchair access to every building, including some that are extraordinarily expensive to have to go back and retrofit," he said, "let's take the most difficult retrofit cases, give them a waiver, take the billions of dollars you save and put them into directly helping people with disabilities in a more intelligent way."

LOAD-DATE-MDC: January 08, 1995

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[END EXCERPT]

Copyright 1995 Reuters, Limited January 7, 1995, Saturday, BC cycle

HEADLINE: GINGRICH PROMISES TALKS WITH THE DISABLED BYLINE: By David Morgan DATELINE: MARIETTA, Ga

BODY:

House Speaker Newt Gingrich pledged Saturday to listen to the parents of disabled children who fear that their families' financial security could be jeopardized by GOP spending cuts.

Appearing before a packed high school auditorium, Gingrich heard several local parents- all Republicans- ask that he protect funding for the disabled as Congress moves toward adoption of a balanced budget amendment.

The parents said they are afraid that benefits for disabled citizens will be vulnerable to cutbacks under a GOP legislative agenda that calls for higher Pentagon spending and no changes in Social Security.

Many of the programs are provided under the Americans with Disabilities Act, Medicaid and Supplemental Security Income (SSI).

Gingrich, who was hosting his first town hall meeting since being elected House speaker Wednesday, voiced sympathy for the plight of the disabled but said that less than 7 percent of the so-called welfare programs targeted for reductions include benefits for the disabled.

He also criticized national social programs as being inherently inefficient and corrupt, and said funding for the "genuinely disabled" could be found by reducing benefits for the able-bodied poor and children with marginal learning difficulties.

"I would rather eliminate SSI payments to children who are clearly at the margin of being able to learn and are literally being induced now to prove they're dumb," he said during the two-hour meetings.

"Helping the genuinely disadvantaged is something I would like to spend more on and something I would like to restructure so that it is pro-family and pro-human being and not just a bureaucratic system."

Carol Hughes, the mother of a wheelchair-bound teen, asked Gingrich to support reauthorization of the U.S. Individuals with Disabilities Education Act (IDEA), which she said saved her son from a bleak future three years ago by providing him enough support to join a regular classroom.

"Jonathan doesn't want to be a hot-house plant. He wants to be a contributor and he has a lot to give," Mrs. Hughes said said in an impassioned address.

"If children with disabilities get a regular education alongside their peers, then they will be productive and be paying taxes rather than being a drain on society."

While the 51-year-old Georgia Republican declined to commit himself to

specific programs without first reviewing the details, he promised to meet parents of disabled children to discuss government plans in detail next April or May.

"I'm prepared to look at everybody who has a genuine challenge, a genuine disability whether it be physical or mental. I'm prepared to work with every group of parents who care about those kinds of problems," Gingrich said.

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LOAD-DATE-MDC: January 08, 1995

This document is from the collections at the Dole Archives, University of Kansas http://dolearchives.ku.edu bcc: Alex Vachon Isroke to this person today about the Spenker's proposal.

CEREBRAL PALSY ASSOCIATIONS Advancing the independence of people v

February 2, 199

Director of Stra Office of the Sp

H232 Capital Bu

Dear Jack Howard:

Jack Howard

LEONARD H. GOLDENSON CHAIRMAN OF THE BOARD

> JACK HAUSMAN VICE CHAIRMAN

JACK SCHILLINGER VICE CHAIRMAN

U.S. House of Representatives Washington, DC 20510

JAMES C. STEARNS, ESQ. PRESIDENT

CHARLES H. MOSES, III, ESQ. 1ST EXECUTIVE

VICE PRESIDENT

United Cerebral Palsy Associations commends the Speaker on his leadership and initiative in taking up the concerns of those with disabilities in planning for a Task Force on Severe Disabilities.

DUNCAN O. WYETH 2ND EXECUTIVE VICE PRESIDENT

ERIC J. HESPENHEIDE VICE PRESIDENT FINANCE

WILLIAM BERENBERG, M.D. VICE PRESIDENT MEDICAL AFFAIRS

JACK M. WEINSTEIN, ESQ. VICE PRESIDENT GENERAL COUNSEL

JOHN W. KLUGE PRESIDENT UCP RESEARCH & EDUCATIONAL FOUNDATION

> JOHN D. KEMP EXECUTIVE DIRECTOR

MICHAEL W. MORRIS DEPUTY EXECUTIVE DIRECTOR

1522 K STREET, NW

VOICE/TT 202.842.1266 FAX 202.842.3519

800.USA.5UCP

SUTTE 1112 WASHINGTON, DC 20005-1202

United Cerebral Palsy Associations (UCPA) is a national not-for-profit disability services organization that advocates on behalf of children and adults with cerebral palsy and similar severe disabilities, and their families. UCPA has 152 affiliates in 44 states and delivers more than \$400 million in services annually. MONEY magazine rated UCPA as the number one health care charitable organization, with over 86 percent of its funds going to programs and services that directly impact the lives of persons with severe disabilities.

There are estimated to be more than 500,000 persons with cerebral palsy in these United States today. Currently, about 5,000 babies and infants are diagnosed with the condition each year and some 1,200 to 1,500 pre-school age children acquire cerebral palsy annually. Cerebral palsy is a condition (not an illness) that affects body movement and muscle coordination. A significant proportion of children and adults with cerebral palsy experience speech and physical disabilities, while less than a fifth also experience cognitive disability (Fact Sheet attached).

UCPA stands ready to assist you and the Speaker in putting together a task force on the critical concerns of children and adults with cerebral palsy and similar severe disabilities. I look forward to a meeting later this month.

Sincerely,

and Supan

Jenifer Simpson Policy Associate **Community Services Division**

ASSOCIATIONS Advancing the independence of people with disabilities

February 2, 1995

LEONARD H. GOLDENSON CHAIRMAN OF THE BOARD

CEREBRAL

PALSY

JACK HAUSMAN VICE CHAIRMAN

JACK SCHILLINGER

VICE CHAIRMAN

Jack Howard Director of Strategic Planning Office of the Speaker of the House H232 Capital Building U.S. House of Representatives Washington, DC 20510

JAMES C. STEARNS, ESQ. PRESIDENT

Dear Jack Howard:

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Jenifer Simpsón Policy Associate Community Services Division

UNITED CEREBRAL PALSY ASSOCIATIONS

Advancing the independence of people with disabilities

Cerebral Palsy - Facts & Figures

What is cerebral palsy?

Cerebral palsy is a term used to describe a group of chronic conditions affecting body movement and muscle coordination. It is caused by damage to one or more specific areas of the brain, usually occurring during fetal development; before, during or shortly following birth; or during infancy. "Cerebral" refers to the brain and "palsy" to muscle weakness/poor control. Cerebral palsy itself is not progressive (*i.e.*, it does not get worse); however, secondary conditions can develop which may get better over time, get worse, or remain the same. Cerebral palsy is not communicable. It is not a disease and should never be referred to as such. Although cerebral palsy is not "curable" in the accepted sense, training and therapy can help improve function.

What are the effects?

Cerebral palsy is characterized by an inability to fully control motor function, particularly muscle control and coordination. Depending on which areas of the brain have been damaged, one or more of the following may occur: muscle tightness or spasm; involuntary movement; disturbance in gait and mobility; abnormal sensation and perception; impairment of sight, hearing or speech; seizures; and mental retardation. Because of these, other problems may arise, such as difficulties in feeding, bladder and bowel control, problems with breathing because of postural difficulties, skin disorders because of pressure sores, and learning disabilities.

What are the causes?

Any damage to the brain, whether caused by genetic or developmental disorders, injury or disease, may produce cerebral palsy. One important cause is an insufficient amount of oxygen reaching the fetal or newborn brain. Oxygen supply can be interrupted by premature separation of the placenta from the wall of the uterus, awkward birth position of the baby, labor that is too long or too abrupt, or interference with circulation in the umbilical cord. Premature birth, low birth weight, RH or A-B-O blood type incompatibility between mother and infant, infection of the mother with German measles or other virus diseases in early pregnancy, and micro-organisms that attack the infant's central nervous system also are risk factors for cerebral palsy. Most causes of cerebral palsy are related to the developmental and childbearing processes and, since the condition is not inherited, the condition is often called *congenital cerebral palsy*. A less common type is *acquired cerebral palsy*; head injury is the most frequent cause, usually the result of motor vehicle accidents, falls, or child abuse; another cause is brain infection.

Are there different types of cerebral palsy?

There are three main types: spastic -- stiff and difficult movement; athetoid -- involuntary and uncontrolled movement; ataxic -- disturbed sense of balance and depth perception. There may be a mixture of these types for any individual. Other types do occur, although infrequently.

How many people have cerebral palsy?

It is estimated that some 500,000 children and adults in the United States manifest one or more of the symptoms of cerebral palsy. Currently about 5,000 babies and infants are diagnosed with the condition each year and, in addition, some 1,200 - 1,500 pre-school age children acquire cerebral palsy annually.

Can it be prevented?

Yes. Measures of prevention are increasingly possible today. Pregnant women are tested routinely for the Rh factor and, if Rh negative, they can be immunized within 72 hours after the birth (or after the pregnancy terminates) and thereby prevent adverse consequences of blood incompatibility in a subsequent pregnancy. If the

1522 K STREET, NW SUITE 1112 WASHINGTON, DC 20005-1202 800.USA.5UCP VOICE/TT 202.842.1266 FAX 202.842.3519 (2/13/95B)

[Date]

The Honorable Tony Coelho Chairman The President's Committee on Employment of People with Disabilities 1331 F Street, N.W. Washington, D.C. 20004

Dear Tony:

As the principal Senate co-sponsors of the Americans with Disabilities Act ("ADA"), we are writing to ask you to examine the feasibility of the President's Committee organizing and conducting an ongoing meeting among interested parties in the implementation of ADA by public entities. We understand that in many states the state government coordinator for ADA is a Governor's Committee affiliate of the President's Committee, and that many Mayor's Committee affiliates have similar responsibilities. In our view, interested parties would include governments, the U.S. Department of Justice and other Federal agencies with ADA responsibilities, and the disability community. Cost-

The purpose of such meetings would be a forum to share information and air problems and darks solutions regarding implementation. Although we are encouraged by widespread knowledge of the requirements of ADA -- even among small counties and towns, and a generally positive view of the need for ADA, we also recognize that for many public entities this is the first time they have attempted to make their programs whelly accessible. In particular, we understand there are concerns about specific and timely information about what is required by ADA, and believe this forum would help improve this situation.

We look forward to your response. If you have any questions or if we can be otherwise helpful, please contact Alexander Vachon of Senator Dole's staff at 224-8959 or Bobby Silverstein of Senator Harkin's staff at 224-6265.

sincerely, received erroneous. Information, there is an ongoing need for additional technical assistance.

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To: Aberender Vechon

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BUILDING OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL, Inc.

SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL, Inc.

INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS





5203 LEESBURG PIKE • FALLS CHURCH, VA 22041 (703) 931-4533 • FAX (703) 379-1546

RICHARD P. KUCHNICKI CHIEF EXECUTIVE OFFICER

September 30, 1994

Mr. Alexander Vachon 141 Senate Hart Office Building Washington, DC 20510

Dear Mr. Vachon:

Based on a request from Jim Ryan, Overland Park, Kansas, we have been asked to draft the attached letter to the Attorney General. We hope it will be useful in initiating a streamlined process for certifying model building codes.

Should you have any questions regarding the attached, please do not hesitate to contact us. If you would prefer we will be happy to visit with you at your convenience.

The attached brochure and newsletter will give a bit more background on CABO and it members.

Sincerely,

Robert W. Spangler

Program Manager

RWS/lvm

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Paul Heilstedt Jon Traw William Tangye Phil Herrington federal government would have to undertake to duplicate the existing model code syste

The Honorable Janet Reno Attorney General Department of Justice

Dear Ms. Reno:

The Americans with Disabilities Act and regulations issued pursuant thereto provide for the certification of building codes. Certification of building codes would allow for the more efficient and economical enforcement of the Act by building officials at the time of design and construction.

The State of Washington was the first building-code enforcing jurisdiction to submit (in January 1992 and the Act was passed in July 1990) its building code for certification; several hundred others have followed. Now, nearly three years after the State of Washington submitted its building code to the Department of Justice, not one building code has been certified. And, there are several thousand building codes that could be submitted for certification.

As requested in 1987, the Council of American Building Officials (CABO) assumed the Secretariat for the American National Standards Institute (ANSI) A117 Committee. Since 1961, that Committee has been responsible for revising *American National Standard for Accessible and Usable Buildings and Facilities* (CABO/ANSI A117.1-1992), the private-sector disability standard. CABO and its member model code organizations--Building Officials and Code Administrators International (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI)--are described in greater detail in the attached brochure.

Through CABO, the model code organizations have supported the work of the Committee in the interest of developing technical criteria in an enforceable, regulatory format compatible with building codes; developing scoping provisions, i.e., those provisions that tell what accessibility must be provided and how many of an item that must be provided to achieve accessibility; and achieving nationwide uniformity of the technical criteria and scoping provisions. Adoption of these technical criteria and scoping provisions by local and state governments and their enforcement at the time of design and construction will likely provide greater accessibility, more effectively and at less cost than any effort that can be put forth by the federal government.

This approach by the model code organizations is the same that is being used effectively in such areas as architectural glazing, piling and similar issues. The approach is making use of the existing network of local and state government building code enforcing jurisdictions which

DRAFT 9-28-94

number in excess of 10,000. You can appreciate, I am sure, the magnitude of the effort that the federal government would have to undertake to duplicate the existing model code system.

The model code organizations, also through CABO, are working toward uniformity on accessibility issues by cooperating with the Architectural and Transportation Barriers Compliance Board. This has the taken form of insuring there is an ATBCB representative on each of the four task groups currently working on issues before the ANSI A117 Committee. They are also making available to ATBCB the expertise of their staff and their members, at their expense, to participate in the recently announced ADAAG Review Advisory Committee. The objective of the ADAAG Review Advisory Committee is to editorially rework the ADAAG so that it will be a more enforceable regulatory document and to recommend to ATBCB appropriate changes to ADAAG.

The Rule, effective January 26, 1992, issued by the Department of Justice (28 CFR Part 36) in compliance with Public Law 101-336 provides for Department guidance concerning model codes in section 36.608. That section states that the "... Assistant Attorney General may review the relevant model code, and issue guidance concerning whether and in what respects the model code is consistent with the minimum requirements of the Act" If your Department could make a finding of consistency with respect to a model building code that may be adopted by hundreds, even thousands, of local and state governments, it appears that the process of certifying local and state building codes could be greatly accelerated. Such an approach on the part of the Department could only help facilitate the delivery of accessible and usable buildings to the intended audience of people with disabilities.

Ms. Reno, on behalf of the millions of people with disabilities, I am requesting that you determine what can be done to streamline the process of reviewing the model codes so as to expedite findings regarding their consistency with the Americans with Disabilities Act. I believe that if your Department can streamline the process, it will result in a reduced workload for your Department and result in more effective implementation of the intent of the act at little cost to the federal government.

Your response at your early convenience would be appreciated.

Sincerely

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Your response at your early convenience would be appreciated.

Sincerely

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DATE....

Attorney General

Dear Attorney General Reno:

Thank you for your letter of January 10, 1995 describing the program accessibility provisions applicable to existing facilities set out in the Justice Department regulations implementing title II of the Americans with Disabilities Act (ADA).

We agree with you that the ADA was carefully crafted to include fair and balanced provisions with specific safeguards for state and local governments on costs. However, we believe that the timeline set out in the regulation for installing curb ramps where pedestrian walks cross curbs should be extended.

Specifically, we believe that a public entity should be givenyears from the effective date i.e., until January 26, ... to install necessary curb ramps serving state and local government offices and facilities, transportation, places of public accommodation, and other places of employment, provided that the entity establishes milestones for the installation. For residential and other non-commercial areas where pedestrian walkways exist, a public entity should be given....years from the effective date, i.e., until January 26,...to install necessary curb ramps, provided that the entity establishes milestones for the installation.

We urge that the change be adopted as soon as possible.

Sincerely,

CUMULATIVE ADA CHARGE DATA

FOR

JULY 26, 1992 - DECEMBER 31, 1994 REPORTING PERIOD

Total ADA charges received during reporting period: 39,927

Impairments Most Often Cited	Number	% of Total	
Back Impairments	7,799	19.5%	
Neurological Impairments	4,824	12.1%	
Emotional/Psychiatric Impairments	4,569	11.4%	
Extremities	2,934	7.3%	
Heart Impairments	1,833	4.6%	
Diabetes	1,437	3.6%	
Substance Abuse	1,416	3.6%	
Hearing Impairments	1,231	3.1%	
Vision Impairments	1,148	2.9%	
Blood Disorders	1,054	2.6%	
HIV (Subcategory of Blood Disord.)	729	1.8%	
Cancer	. 970	2.4%	
Asthma	714	1.8%	

(This is not a complete list; therefore, percentages do not add up to 100%. Percentages are rounded off.)

ADA Violations Most Often Cited	Number	% of Total
Discharge	20,171	50.5%
Failure to Provide		
Reasonable Accommodation	10,264	25.7%
Hiring	4,364	10.9%
Harassment	4,294	10.8%
Discipline	2,947	7.4%
Layoff	2,069	5.2%
Benefits	1,576	3.9%
Promotion	1,495	3.7%
Rehire	1,472	3.7%
Wages	1,385	3.5%
Suspension	910	2.3%

(This list adds up to more than 100% because individuals can allege multiple violations. Percentages are rounded off.)

REMEMBER, THE FILING OF A CHARGE DOES NOT INDICATE WHETHER THE CHARGE HAS MERIT.

Data compiled by the Office of Program Operations from EEOC's Charge Data System's National Data Base.

NOTE: EEOC's computerized Charge Data System is continually updated as data are submitted to EEOC headquarters by the field offices around the country; therefore, statistics may change slightly over time. (This report is based on data as of 1/14/95.)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Americans with Disabilities Act of 1990 -- Statistics FY 1992 - FY 1995

ADA CHARGES	FY 1992 ¹	FY 1993 ²	FY 1994	1st quarter FY 1995 ³	CUMULATIVE TOTAL 7/26/92 12/31/94
RECEIPTS	999	15,093	18,827	5,008	39,927
RESOLUTIONS	28	4,339	12,673	3,344	20,384 (100%)
RESOLUTIONS BY TYPE					
SETTLEMENTS	6	421	748	186	1,361 (7%)
WITHDRAWALS W/BENEFITS	7	587	1,129	288	2,011 (10%)
ADMINISTRATIVE CLOSURES	13	1,832	5,741	1,672	9,258 (45%)
NO REASONABLE CAUSE	1	1,398	4,696	1,085	7,180 (35%)
REASONABLE CAUSE	1	101	. 359	113	574 (3%)
SUCCESSFUL CONCILIATIONS	(0)	(33)	(121)	(34)	(188 1%)
UNSUCCESSFUL CONCILIATIONS	(1)	(68)	(238)	(79)	(386 2%)
MERIT RESOLUTIONS	14	1,109	2,236	587	3,946
MONETARY BENEFITS	\$18,448	\$1,006,030	\$29,838,040	\$9,456,084	\$40,318,602
PEOPLE BENEFITTED MONETARILY	1	60	1,438	397	1,896
PEOPLE BENEFITTED NON-MONETARILY	0	51	584	246	. 881
AVERAGE CHARGE PROCESSING DAYS	25	154	279	297	255

Data compiled by the Office of Program Operations from EEOC's Charge Data Systems National Data Base.

Note: EEOC's computerized Charge Data System (CDS) is continually updated as data are submitted to EEOC headquarters by EEOC field offices around the country; therefore, statistics may change slightly over time (report run on 1/14/95).

¹ EEOC began enforcing Title I of the ADA on July 26, 1992.

² FY 1993 represents the first full year EEOC enforced Title I of the ADA.

³ FY 1995 statistics include charge receipts from October 1, 1994 through December 31, 1994.

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DEFINITIONS OF TERMS

Settlements (Negotiated) -- Charges settled with benefits to the charging party as warranted by evidence of record. In such cases, EEOC and/or a FEPA is a party to the settlement agreement between the charging party and the respondent (an employer, union, or other entity covered by EEOC-enforced statutes).

Withdrawal with Benefits -- Charge is withdrawn by charging party upon receipt of desired benefits. The withdrawal may take place after a settlement or after the respondent grants the appropriate benefit to the charging party. The charge also may be withdrawn after a resolution is obtained through a grievance procedure initiated by the respondent.

Administrative Closure -- Charge closed for administrative reasons, which include: failure to locate charging party, charging party failed to respond to EEOC communications, charging party refused to accept full relief, closed due to the outcome of related litigation which establishes a precedent that makes further processing of the charge futile, charging party requests withdrawal of a charge without receiving benefits or having resolved the issue, no statutory jurisdiction.

No Reasonable Cause -- EEOC's determination of no reasonable cause to believe that discrimination occurred based upon evidence obtained in investigation. The charging party may request a review of a no-cause finding by EEOC Headquarters officials and may exercise the right to bring private court action.

Reasonable Cause -- EEOC's determination of reasonable cause to believe that discrimination occurred based upon evidence obtained in investigation. Reasonable cause determinations are generally followed by efforts to conciliate the discriminatory issues which gave rise to the initial charge. NOTE: Some reasonable cause findings are resolved through negotiated settlements, withdrawals with benefits, and other types of resolutions, which are not characterized as either successful or unsuccessful conciliations.

Successful Conciliation -- Charge with reasonable cause determination closed after successful conciliation. Successful conciliations result in full relief to the charging party and all others adversely affected by the discrimination. Under current Commission policy, the respondent is also required to take steps to prevent the recurrence of the unlawful employment practices.

Unsuccessful Conciliation -- Charge with reasonable cause determination closed after efforts to conciliate the charge are unsuccessful. Pursuant to Commission policy, the field office will close the charge and refer it to EEOC headquarters for litigation consideration. NOTE: Because "reasonable cause" has been found, this is considered a merit resolution.

Merit Resolutions -- Charges with outcomes favorable to charging parties and/or charges with meritorious allegations. These include negotiated settlements, withdrawals with benefits, successful conciliations, and unsuccessful conciliations.

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Congressional Research Service The Library of Congress

The attached information is forwarded in response to your inquiry.

Sincerely,

Duril Muttlen

Daniel P. Mulhollan Director

hancy Jones amer, han Div.

707-6009

5-156a (rev 1/94)

(2/13/95B)

[Date]

The Honorable Janet F. Reno Attorney General U.S. Department of Justice Constitution Avenue & 10 Street, N.W. Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act (P.L. 101-336) ("ADA"), we are writing to ask you to implement a change in the procedure for deeming that state and local building codes comply with the regulations under ADA. We believe the procedure proposed below would ease the regulatory burden on both the Justice Department and on state and local governments, and improve accessibility without resort to enforcement through complaints.

Currently, under the regulations governing Title III of ADA (<u>see</u> 28 C.F.R. 36.607 et seq.), the Justice Department will issue a "certificate of equivalency" upon request that a state or local building code meets or exceeds the requirements of ADA. Under statute, such certification constitutes rebuttable evidence that a code meets the requirements of ADA. However, Justice will not certify -- although it will informally review -- any of the three models codes upon which virtually all 15,000 state and local building officials & Code Administrators (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International (SBCCI).

We urge the Justice Department to first certify or otherwise approve model codes, which we believe it has current authority to do, and then allow all state and local codes that adopt such codes as equivalent. State and local government would only have to submit for certification any variances from the model codes.

We urge you to adopt this modification as soon as possible. If you have any questions or if we can be otherwise helpful, please contact Alexander Vachon of Senator Dole's staff at 224-8959, or Bobby Silverstein of Senator Harkin's staff at 224-6265.

Sincerely yours,

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212/25

(2/13/95B)

[Date]

The Honorable Janet F. Reno Attorney General U.S. Department of Justice Constitution Avenue & 10th Street, N.W. Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act (P.L. 101-336) ("ADA"), we are writing to request the U.S. Department of Justice extend the time period for installation of curb ramps by public entities under 28 C.F.R. 35.150. As you may know, it was our intent to carefully craft ADA to include fair and balanced provisions and specific safeguards for state and local governments regarding costs. We are concerned that curb cuts are a unique, significant capital expense, and that our intent would be more properly fulfilled over a longer time period.

Currently, we understand that public entities were required further to have completed all necessary curb cuts by January 26, 1995 ("effective date"). We believe that the Department should have separate time periods for at least two classes or tiers of curb cuts, provided public entities have a written transition plan with specific milestones for completing all curbs cuts within the extended time period. Tier I cuts are ones that serve state and local government offices, transportation, places of public accommodation, other places of employment, other heavily traveled routes, and private homes of persons with disabilities, and should be completed no later than _____ years after the effective date. Tier II serve residential and other non-commercial areas where pedestrian walkways exist, and a public entity should be given _____ years from the effective date to install the necessary curb ramps.

We urge you to adopt this modification as soon as possible. If you have any questions or if we can be otherwise helpful, please contact Bobby Silverstein of Senator Harkin's staff at 224-6265, or Alexander Vachon of Senator Dole's staff at 224-8959.

Sincerely yours,

2/13/95

THREE ACTIONS/LETTERS

- 1. CURB CUTS --GET SIGN ON FROM STATE/LOCAL TRADE ASSOCIATIONS--LETTERS OF SUPPORT.
- 2. ONGOING MEETINGS
- 3. BUILDING CODE

(2/13/95A)

[Date]

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Sincerely yours,

(2/13/95A)



[Date]

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Dear Tony:

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The purpose of such meetings would be a forum to share information and air problems and devise solutions regarding implementation. Although we are encouraged by widespread knowledge of the requirements of ADA -- even among small counties and towns, and a generally positive view of the need for ADA, we also recognize that for many public entities this is the first time they have attempted to make their services wholly accessible. In particular, we understand there are concerns about specific and timely information about what is required by ADA, and believe this forum would help improve this situation.

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We urge you to adopt this modification as soon as possible. If you have any questions or if we can be otherwise helpful, please contact Alexander Vachon of Senator Dole's staff at 224-8959, or Bobby Silverstein of Senator Harkin's staff at 224-6265.

Sincerely yours,

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City Hall • 8500 Santa Fe Drive Overland Park, Kansas 66212 913/ 381-5252 • FAX 913/ 381-5756

October 21, 1994

Mr. Alexander Vachon Office of the Honorable Robert Dole 141 Hart Senate Office Building Washington, D.C. 20510

Dear Mr. Vachon:

I am sending the revised letter to Attorney General Reno for Senator Dole's signature.

Included with this letter is additional information which may be helpful to you. Don't

hesitate to give me a call, and thank you for all of your assistance.

TIM RYAN, CBO ASSISTANT CODE ADMINISTRATOR/INSPECTIONS

TR:cv

The Honorable Janet Reno The Attorney General Department of Justice

Dear Ms. Attorney General:

The Americans with Disabilities Act requires that buildings be designed and constructed in compliance with the Act's Accessibility Guidelines (ADAAG). This has created a dilemma for building owners and designers who must comply with two different sets of overlapping rules; ADAAG and the state or local building code. Certification of state and local building codes would allow for the more efficient and economical enforcement of ADAAG by building officials at the time of design and construction and, in theory, will reconcile the owner's and designer's dilemma. The purpose of this letter is to point out the opportunity that has always existed, and still does, to streamline the certification process by reviewing the nation's model building codes.

Although certification of state and local codes is precisely permitted in Title III, Subpart F of the Act, the reality is that certification is simply not occurring. The State of Washington was the first building code enforcing jurisdiction to submit its building code for certification; several hundred others have followed. Now, nearly three years after the State of Washington submitted its building code to the Department of Justice, not one state or local building code has yet been certified. And, there are several thousand jurisdictions that could apply for certification. This illustrates that the federal government is not taking advantage of reliance that can readily be placed on state and local governments to accomplish the intended goal of ADAAG.

The vast majority of state and local building codes are based on one of the three national model building codes. All three model building codes contain comprehensive accessibility provisions that are comparable to ADAAG. Adoption of the model codes accessibility provisions by local and state governments and their enforcement at the time of design and construction will provide greater accessibility, more effectively and at less cost than any effort that can be put forth by the federal government. Clearly, a review of the three model codes can serve to accomplish a substantial portion of the work involved in reviewing thousands of certification applications by jurisdictions.

The Honorable Janet Reno The Attorney General Department of Justice Page 2

The model code organizations have submitted for review by the Department of Justice their building code accessibility provisions in accordance with Section 36.608 of the Act and have yet to receive any results. If your Department could make a finding of consistency with respect to a model building code that may be adopted by hundreds, even thousands, of local and state governments, it appears that the process of certifying local and state building codes could be greatly accelerated. Such an approach on the part of the Department could only help facilitate the delivery of accessible and usable buildings to the intended audience of people with disabilities.

Reliance on state and local adoption and enforcement of model codes to address subjects in which federal agencies have an interest is being used effectively in such areas as architectural glazing, energy conservation and flood-proofing and will be utilized for other issues such as radon abatement. This rational approach makes use of the existing network of local and state government building code enforcing jurisdictions which number in excess of 15,000. You can appreciate, I am sure, the magnitude of the effort that the federal government would have to undertake to duplicate the existing model code system.

Ms. Reno, on behalf of the millions of people with disabilities, I am requesting that you determine what can be done to streamline the process of reviewing the model codes so as to expedite findings regarding their consistency with the American with Disabilities Act. I believe that if your Department can streamline the process, it will result in a reduced workload for your Department and result in more effective implementation of the intent of the act at a reduced cost to the federal government.

Your response at your early convenience would be appreciated.

Sincerely,



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Chief Executive Officer PAUL K. HEILSTEDT, P.E.

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4051 WEST FLOSSMOOR ROAD COUNTRY CLUB HILLS, ILLINOIS 60478-5795 Telephone 708/799-2300 Facsimile 708/799-4981

October 7, 1994

Mr. James T. Ryan Assistant Code Administrator/Inspections City of Overland Park 8500 Santa Fe Drive Overland Park, KS 66212

Dear Tim:

Enclosed is a draft of the letter to the Attorney General which presents the ADA opportunity and the earlier letter sent by CABO to Alexander Vachon.

I am also enclosing correspondence from the Department of Justice on which the status of the model codes is explained which may assist Mr. Vachon.

If you have any questions, please feel free to contact me.

Very truly yours,

Paul K. Heilstedt, P.E. Chief Executive Officer

PKH/kb

Enclosure

cc: RKuchnicki KSchoonover

REGIONAL OFFICES

3592 Corporate Drive, Suite 107 • Columbus, OH 43231-4987 • 614/890-1064 • Facsimile 614/890-9712 Towne Centre Complex, 10830 E. 45th St., Suite 200 • Tulsa, OK 74146-3809 • 918/664-4434 • Facsimile 918/664-4435 Three Neshaminy Interplex, Suite 301 • Trevose, PA 19053-6939 • 215/638-0554 • Facsimile 215/245-4705

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Page 40 of 65

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Civil Rights Division

Public Access Section

DJ 202-23-25

P.O. Box 66738 Washington, D.C. 20035-6738

JAN 1 3 1994

RECEIVED

JAN

BCCA INT'L INC

Mr. Kenneth M. Schoonover, P.E. Vice President, Codes and Standards Building Officials and Code Administrators International, Inc. 4051 West Flossmoor Road Country Club Hills, Illinois 60478-5795

Dear Mr. Schoonover:

I am writing to acknowledge receipt of your request, on behalf of the Building Officials and Code Administrators International, Inc. (BOCA), that the Department of Justice review the BOCA National Building Code/1993 and the BOCA National Plumbing Code/1993 to provide guidance as to whether the provisions of these model codes meet or exceed the new construction and alterations requirements of title III of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12181-12189, and this Department's regulation implementing title III, 28 C.F.R. pt. 36. The Public Access Section will review the material you provided and will respond to your request as "

If you have questions about the status of your request, or wish to submit any further information, please contact me at (202) 307-0847.

Sincerely,

Janet L. Blizard Supervisory Attorney



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STAFF

Chief Executive Officer PAUL K. HEILSTEDT, P.E.

4051 WEST FLOSSMOOR ROAD COUNTRY CLUB HILLS, ILLINOIS 60478-5795 December 20, 1993 Telephone 708/799-2300 Facsimile 708/799-4981

Assistant Attorney General Civil Rights Division U.S. Department of Justice Washington, DC 20530

RE: REQUEST FOR GUIDANCE CONCERNING THE BOCA NATIONAL CODES

In accordance with 28 CFR Part 36, Subpart F, Section 36.608, BOCA hereby requests your review of the enclosed model codes and supplemental materials and the issuance of your guidance concerning whether, and in what respects, the BOCA National Codes are consistent with the Americans With Disabilities Act Accessibility Guidelines (ADAAG).

The materials included herein consist of the following.

- 1. The BOCA National Building Code/1993.
- 2. The BOCA National Plumbing Code/1993.
- Comparative Analysis of the BOCA National Codes/1993 and Americans with Disabilities Act Accessibility Guidelines (ADAAG), dated November 18, 1993.
- 4. Volumes 1 and 2 of BOCA National Building Code/1993 Commentary.
- Chapters 1, 2, 12 and 19 of the BOCA National Plumbing Code/1993 Commentary. These chapters encompass the provisions in the BOCA National Plumbing Code that are cited in the comparative analysis.

Please note that the scope of our comparison does not include those provisions that are applicable through reference to CABO/ANSI A117.1-1992. It is our understanding that a review of CABO/ANSI A117.1-1992 by the Department of Justice is underway through a request from CABO.

Also, in regard to other referenced standards in BOCA, such as ASME/ANSI A17.1 for elevators, copies are not included with this submittal since the references to such standards are the same in BOCA and ADAAG and therefore need not be compared in detail to determine consistency of BOCA and ADAAG.

If there is a need for any additional information, please do not hesitate to contact me.

Respectfully,

unelluschouver

Kenneth M. Schoonover, PE Vice President, Codes and Standards

KMS/dcv

enclosures

REGIONAL OFFICES

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Serving Government and Industry Since 1915



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

AUG 9 1993

The Honorable Phil Gramm United States Senate 370 Russell Senate Office Building Washington, D.C. 20510-4302

Dear Senator Gramm:

This is in response to your recent inquiry on behalf of your constituent, Jim W. Sealy, who has raised questions about the enforcement provisions of the Americans with Disabilities Act (ADA). Specifically, Mr. Sealy asserts that the ADA is not being implemented because "design professionals cannot deal with the [ADA] interpretation process and the local governing authorities are prohibited from helping."

Although Mr. Sealy expresses a general concern that the ADA is not being implemented adequately by the Federal government, his remarks, in fact, are focused on only one aspect of the ADA: the Federal mandate for accessible building design. In fact, the ADA is much more than that. Through the ADA, Congress intended to "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." 42 U.S.C. § 12101(b)(1). Title III of the ADA prohibits discrimination on the basis of disability by public accommodations; it requires new construction of (and alterations to) places of public accommodation and commercial facilities to comply with the ADA Standards for Accessible Design; and it requires certain examinations and courses to be offered in an accessible place and manner. In addition to complying with the ADA Standards for Accessible Design in new construction and alterations, public accommodations must comply with a range of title III requirements, including nondiscriminatory eligibility criteria; reasonable modifications in policies, practices, and procedures; provision of auxiliary aids; and removal of barriers in existing facilities. I have enclosed a status report highlighting the Department's recent efforts at enforcing title III of the ADA.

The ADA is intended to provide strong and consistent Federal standards addressing discrimination against individuals with disabilities, 42 U.S.C. § 12101(b)(2), and to ensure that the Federal Government plays a central role in enforcing these

-2-

standards, 42 U.S.C. § 12101(b)(3). Therefore, the ADA requires the Attorney General to issue regulations implementing title III, and makes the Department of Justice primarily responsible for enforcing title III through compliance reviews, complaint investigations, and litigation. (Title III may also be enforced through lawsuits initiated by private parties.)

With respect to design and construction of buildings and facilities that are subject to title III, Mr. Sealy is correct that there is no ADA enforcement mechanism that is analogous to the traditional State building code enforcement process. No Federal agency is authorized by the ADA to act as a "building department" to review plans, issue building permits or occupancy certificates, or provide the type of interpretations of design standards usually provided by local code officials. The ADA, like other Federal civil rights statutes, requires each covered entity to use its best professional judgment to comply with the statute and the implementing regulations.

State and local government officials are neither required nor authorized to enforce title III of the ADA. However, they are not, as Mr. Sealy asserts, "prohibited from helping" in the process of ADA implementation. Nothing in the ADA or the title III regulation prevents State or local code officials from offering advice or assistance to individuals who are seeking to implement the ADA's requirements.

The ADA Standards recognize that there are times when judgment must be exercised in the application of the Standards. Where permitted by their local laws, code officials who are familiar with the ADA Standards may be able to assist covered entities in applying the title III requirements to specific projects. However, State or local code officials may not issue binding interpretations of the ADA Standards or take any action that purports to relieve a public accommodation or commercial facility of its obligation to comply fully with the ADA.

Title III of the ADA formally recognizes the important role of building code officials in the design of accessible buildings by authorizing the Attorney General to certify that State laws, local building codes, or similar ordinances meet or exceed the title III standards for new construction and alterations. In ADA enforcement litigation, compliance with a certified code may be offered as evidence of compliance with title III.

Although certification facilitates consistency between the ADA Standards and the building process at the State and local level, it does not change the authority of State or local code officials with respect to the ADA. Code officials implementing a certified code are authorized to enforce only the building regulations in force in their jurisdiction; they are not authorized to enforce title III. -3-

Mr. Sealy states that private sector entities involved in the design and construction industry have prepared a model code document, which has been submitted to this Department for review, but has not yet been certified. He asserts that, through this submission, the code community has "complied with the provisions of the law that apply to equivalency certification," but that the Department "seems to be stalling" this effort to comply.

Mr. Sealy apparently misunderstands the certification process. Model codes or standards prepared by private sector organizations are not eligible for certification. The ADA permits the Department to certify only codes that have been adopted and submitted for certification by State or local governments; it does not permit the certification of model codes or standards. However, because the Department recognizes that many State and local codes rely on models, the title III regulation provides that the Department may review submitted model codes or standards and provide guidance as to whether the submitted document is consistent with the title III requirements. The Department is not required to review models, and review does not constitute certification of a model.

We believe that the document that Mr. Sealy referred to is the American National Standards Institute's (ANSI) consensus accessibility standard, which was published in January 1993 by the Council of American Building Officials (CABO) as the CABO/ANSI A117.1-1992: American National Standard for Accessible and Usable Buildings and Facilities. At the request of CABO, this Division's Public Access Section is reviewing the CABO/ANSI A117.1-1992 standard to determine if it is equivalent to the ADA Standards. The Section intends to complete its review as soon as possible. However, the Section's current workload is heavy and its staff resources are limited. These resource constraints necessarily limit the extent to which the Section is able to undertake discretionary activities such as the review of model codes.

I hope that this information is helpful to you in responding to Mr. Sealy.

Sincerely, Given furner

James P. Turner Acting Assistant Attorney General Civil Rights Division

Enclosure

U.S. Department of Justice



This document is from the collections at the Dole Archives, University of Kansas http://dolearchiveSivedQights Division

Office of the Assistant Attorney General

Washington, D.C. 20035 JAN 6 1994

Mr. Robert C. Wible Executive Director National Conference of States on Building Codes and Standards 505 Huntmar Park Drive, Suite 210 Herndon, Virginia 22070

Dear Mr. Wible:

The Attorney General has asked me to respond to your recent letter concerning the implementation of the Americans with Disabilities Act (ADA).

Your letter enclosed a Resolution passed by the National Conference of States on Building Codes and Standards at its 26th Annual Conference in October 1993. The Resolution urges the Department of Justice to certify that the Washington State Regulations for Barrier-Free Facilities are equivalent to the Americans with Disabilities Act Standards for Accessible Design, and further urges the Department to continue to commit necessary resources to provide timely responses to all requests for certification.

The Department of Justice is committed to the effective implementation of all of its responsibilities under the Americans with Disabilities Act, including the certification of State and local building codes. We are now in the process of expanding our certification staff in order to facilitate the process of responding to requests. We recently hired an additional attorney to specialize in code certification, and we plan to hire an accessibility code specialist in the near future. These staff increases should enable us to handle future requests for certification in an expeditious manner.

With respect to the state of Washington's pending request for certification of its State accessibility code, you may be aware that in May 1993, this Division sent an initial response to the State, along with a side-by-side comparison of the ADA requirements and the State's regulation. The Division's letter identified the elements of the submitted regulation that appeared not to be equivalent to the ADA requirements and invited the - 2 -

State to provide additional information about its code. In June 1993, Division staff met with State officials to discuss the issues raised by the letter; in August, the State formally responded by providing a significant amount of additional information. The State's response is now being reviewed by Division staff. The Division will respond to the State as soon as possible.

On behalf of Attorney General Reno, I want to thank you for taking the time to share the views of your organization with us. I recognize that the National Conference of States on Building Codes and Standards has played a significant role in making the building code community aware of the Americans with Disabilities Act, and encouraging the code community to play an active role in the implementation of the Act. The Department appreciates your efforts to facilitate ADA compliance, and we look forward to working with you in the future.

June furner

James P. Turner Acting Assistant Attorney General Civil Rights Division

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DATE

Attorney General

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Dear Attorney General Reno:

Thank you for your letter of January 10, 1995 describing the program accessibility provisions applicable to existing facilities set out in the Justice Department regulations implementing title II of the Americans with Disabilities Act (ADA).

We agree with you that the ADA was carefully crafted to include fair and balanced provisions with specific safeguards for state and local governments on costs. However, we believe that ' the timeline set out in the regulation for installing curb ramps where pedestrian walks cross curbs should be extended. Specifically, we believe that a public entity should be givenyears from the effective date i.e., until January 26, to install necessary curb ramps, provided that the entity establishes milestones for the installation.

We urge that the change be adopted as soon as possible.

Sincerely,



Office of the Attorney General Washington, D. C. 20530 May 3, 1995

The Honorable Bob Dole United States Senate Washington, D.C. 20510

Dear Senator Dole:

Thank you for your two letters concerning the implementation of the Americans with Disabilities Act of 1990 (ADA). Your letters urged me to consider specific revisions to the Department's policies with respect to the installation of curb ramps at existing public pedestrian walkways under Title II and the certification of model building codes under Title III. Please excuse the delay in responding.

I share your concern that the ADA is implemented in an effective manner that protects the rights of people with disabilities without imposing unnecessary burdens on covered entities. Therefore, I have directed the Civil Rights Division to review its policies with respect to code certification, giving full and careful consideration to the issues that you raised, and to recommend appropriate action. The Division is also preparing a notice of proposed rulemaking with respect to providing an extension of time for the installation of curb ramps. We will send this notice to you as soon as it is published in the Federal Register.

I appreciate your recommendations and I look forward to continuing to work with you on these important issues.

Sincerely, haulteur

Janet Reno

05/05/95 12:35:27 VIA FAX

http://dolearchives.ku.edu 2022284569 TO: SENATOR DOLE Page 001



For immediate ralease

May 5, 1995

For more information contact: Meg Kilgannon, 703/803/6747 Keith Appell, 703/683/5004

CONFERENCE ON AGING AND SENIORS USED BY CLINTON PRESIDENT HEATS UP SCARE TACTICS

"The President and his liberals succeeded in turning a potentially helpful conference on aging into a gathering of hand-picked cronies," asserted the Legislative Director for United Seniors Association. In a statement released at the conclusion of the White House Conference on Aging, Mike Korbey of USA, INC. charged the Clinton White House of scaring seniors, misdirecting attention from his lack of leadership on Medicare reform and for misusing government money for the conference.

"First of all, this conference cost tax payers over \$5 million to conduct. Had the President allowed for more open and less liberal agenda to be debated, you could argue that the money would have been well spent. However, Fresident Clinton saw a way to use tax dollars to scare seniors about the impending Medicare crisis, he failed to offer solutions to any seniors' problems, he exhibited a gross lack of leadership and once again proved he is irrelevant," Korbey added.

The White House Conference on Aging ended today 5/5/95 without passing any substantive resolution to the Medicare crisis.

"Without the President engaging in the debate on Medicare reform, he has, in fact, abdicated his responsibilities as our nation's leader. While Medicare is financially broke, Mr. Clinton has shown once again he is intellectually broke, " Korbey stated.

United Seniors Association has presented a plan to help resolve the Medicare crisis called "A Proposal for Reform: Resolving the Medicare Crisis." The analysis was released to Capitol Hill earlier this year and is considered to be the first serious effort at saving the Medicare system.

Korbey concluded, " It is a shame that seniors cannot count on our President for leadership when it is needed the most. Obviously, seniors' best hope of a resolution to this crisis is with the Republican leadership and conservatives in Congress, not with Clinton. And perhaps that is fortunate for the elderly in this country ... look what he would have done to seniors with his health care!"

(30)



KANSAS CHAPTER

AMERICAN PUBLIC WORKS ASSOCIATION

May 30, 1995

Mr. Alexander Vachon Office of Senator Bob Dole 141 Hart, Senate Office Bldg Washington, D.C. 20510

Mr. Vachon:

Enclosed are copies of some of my correspondence with The Access Board. There is significant concern at the grassroots level of Public Works that the "requirements" of the ADA Guidelines, as published in the Federal Register, will generate unnecessary expense. Compliance with some of the requirements will be prohibitively expensive, and may render some new development infeasible due to cost.

Specific areas of concern are the maximum cross-slope provisions and the prohibition of utility connections and inlets at intersections:

- a. Cross-slope is a problem when sidewalks crossing driveways slope significantly from the house to the street. Driveway grade changes in excess of ten percent (10%) can result in damage to the underside of an automobile.
- b. Utilities <u>MUST</u> intersect at intersections. The language prohibiting junction boxes, inlets, valves, etc. from these locations should be changed. There seems to have been no input from the Public Works community in developing the standards.

I know of no one in the Public Works community opposed to access for the disabled. However, the movement toward enforcement of the ADA seems to know no bounds, including extreme expense to meet the standards, or even squelching development. Some of us are concerned that the Department of Justice will enact/enforce regulations as proposed by The Access Board, since there has been no communication to the contrary. The Access Board committed to sending me specific information concerning the cross-slope standards approximately three weeks ago, but I've heard nothing from them. We would appreciate your assistance in beginning the dialog.

Sincerely,

Andy Haney President

cc: . AFWA (Kansas Chapter) Executive Board Members

CITY OF OTTAWA, KANSAS

Public Works Department City Hall, 123 W. 4th St. Ottawa, Kansas 66067 (913) 242-2190 FAX (913) 242-5398

FACSIMILE TRANSMISSION

- DATE: September 23, 1994
 - TO: Beth Stewart
- COMPANY: U.S. Access Board
- FAX NO.: (202) 272-5447
 - FROM: Andy Haney Public Works Director City of Ottawa, Kansas
 - NO. OF
 - PAGES: 3 (including this cover sheet)
- MESSAGE: Enclosed are two pages of comments related to rules proposed in The Federal Register/Vol. 59, No. 117/Monday, June 20, 1994. Please insure that these comments are considered in determining the final rules for interpretation and enforcement of the ADA.

Thanks!

If you do not receive all the pages or cannot read the copy, please contact Andy Haney or Charlotte Stone at (913) 242-2190.

Americans with Disabilities Act Final Rules

(Section 14)

14.2.1(2)(b)

states that a "sidewalk cross slope shall not exceed 1:50 (2 percent)."

It appears the 1:50 (2%) cross slope limitation that existed for ramps in UFAS has been arbitrarily applied to ALL public sidewalks in the ADA. These rules concerning cross slope imposed by the proposed legislation are, in some instances, prohibitive. Where driveways are crossed by a sidewalk, the abrupt change to a 2% cross slope in the sidewalk can cause some vehicles to drag as a result of insufficient ground clearance. This "shall not exceed" requirement is infeasible when the slope change in the driveway nears ten percent (10%).

In a test recently conducted on a street construction project in Ottawa, Kansas, a paraplegic attorney traversed a 9.6% cross slope in a wheelchair, stating that this was a manageable cross slope for most who are confined to a chair. He further stated he considered the 2% requirement to be "arbitrary and capricious."

14.2.4(2) states that "Single public sidewalk curb ramps serving two street crossing directions...are not permitted in new construction."

Why?

14.2.4(4)(a) states that "The slope of the landing shall not exceed 1:50 in any direction."

As stated above, an attorney confined to a wheelchair has stated that slopes well in excess of 2% are easily negotiable. Some <u>umbiased testing</u> to demonstrate the need for specific requirements is in order, and <u>no results of such testing have been made</u> <u>available for review</u>.

14.2.4(5) states that "The maximum cross slope of any public sidewalk curb ramp shall be 1:50."

For the same reasons as stated above, why this requirement? This seems to be arbitrarily carried forward from UFAS.

14.2.4(8) states "Gratings or similar access covers shall not be located in the area at the base of the public sidewalk curb ramp or landing."

This is certainly an admirable and desirable goal, but potential conflicts exist between this requirement and the requirement to have a ramp in every direction at every corner. Storm water must be directed to some reasonable location.

-continued-

Americans with Disabilities Act Final Rules

(Section 14)

This difficulty can be further extended to all utilities access points, such as grates, lids, openings, etc. Public utilities are generally placed within public rights-of-way. These utilities systems will have junctions at intersections where rights-of-way cross. There will be occasions when all the requirements established by the proposed ADA rules cannot be met "reasonably."

14.2.5(4)

states that "... changes in level (overpass/underpass) shall be accomplished by a ramp or elevator..."

Requiring accessibility on an overpass/underpass by use of an elevator or an extreme ramp may likely result in a fiscal decision not to build the overpass/underpass as a convenience for the able bodied. Is it the intent of the legislation to inconvenience the general population?

14.2.6(1)(b)(v) states "Signs shall be located so they cannot be obscured by a vehicle parked in the space."

There has been previous (ADA interpretation ?) guidance that such signs shall be placed roughly at eye level for vehicle operators. As a result, the State of Kansas has enacted legislation requiring that "Such signs shall be displayed with the bottom of the sign between 36 and 60 inches above the surface of the parking space." A sign installed according to Kansas Statutes is in violation of this proposed ADA rule.

14.3.1(2) Is not a rule. This rule does not establish any specific requirements. All details are subject to interpretation.

Whose interpretation?

This rule, one by which the Philadelphia decision was probably made, leaves Public Works professionals without a specification. This rule should be eliminated, or made very specific. If it is made specific, input and participation from the Public Works community is essential in developing the standard. There are volumes of technical information that should be reviewed prior to such a decision, and many qualified Public Works professionals willing to assist in drafting reasonable rules that will aid the disabled population.

- 14.3.2(2)(c)(iii) Delete this requirement. The immediately following standard (iv) is appropriate to address site infeasibility.
- 14.3.2(2)(d)(iii) states that a curb ramp which is a component of an alteration to an existing pedestrian way must follow the 1:12 slope, but that the 1:12 slope "shall not be required to exceed 72 in. in length."

This can be interpreted that a steeper slope beyond 72" from the curb is acceptable. Wouldn't a continuous slope (> than 1:12) be a more reasonable solution?

CITY OF OTTAWA, KANSAS MEMORANDUM

- TO: Beth Stewart and Lois Thibeault U.S. Access Board FROM: Andy Haney, Public Works Director COPY TO: American Public Works Association
- Kansas Chapter, AFWA
- SUBJECT: Accessible Cross-Slopes DATE: August 18, 1994

Yesterday I noted a possible accessibility problem with some recently instituted construction on a local project, and began an investigation into cross-slope requirements for accessibility. I discovered that the deadline for comments on the applicable interim final rules is tomorrow. Please consider the following points:

- 1. A 1:50 (maximum) cross-slope is not always achievable without significant grading work, which can be prohibitively expensive.
- 2. Although the rules state that this applies only to new construction (my understanding), a recent Philadelphia case interpreted that an asphalt overlay constitutes new construction.
- 3. Many locations in public rights-of-way exceed this 2% slope. The possibility of another ruling similar to the one in Philadelphia could necessitate a choice on the part of local governments to defer essential street maintenance as a result of the excessive expense to correct accessibility.
- 4. This can become a significant problem where sidewalks cross driveways, if those driveways are constructed conforming to a ground slope that exceeds 8-10%. Driveways are designed and constructed to conduct vehicular traffic and allow vehicular access. An abrupt change from (say 15%) to a 2% slope could create a high point in the driveway that many automobiles could not clear.

Please consider language that would establish 2% <u>AS A GOAL</u>, rather than an absolute requirement. Please insure that final language permits exceeding that standard upon justification. There can be reasonable rules adopted concerning such exceptions. Such rules could encompass some language tending toward "accessible routes".

This absolute maximum cross-slope standard is simply not achievable in <u>ALL</u> situations, including new construction. I will be happy to discuss my concerns with anyone who may wish to call at (913) 242-2190.

United States Senate

WASHINGTON, DC 20510

April 28, 1995

The Honorable Carolyn Long Banks National League of Cities 1301 Pennsylvania Ave, N.W. Washington, D.C. 20004

Dear Ms. Banks:

As the principal co-sponsors of the Americans with Disabilities Act (ADA), we are writing to bring to your attention two letters we recently sent to the U.S. Department of Justice regarding ADA, and to report to you interest by the Justice Department in improving technical assistance to your members.

As you might expect, we are big supporters of ADA, and worked hard to craft legislation that was fair and balanced--and with safeguards for costs to local governments. In this regard, we have heard that curb cuts are a unique, significant capital expense for many communities. Thus, in one of the enclosed letters, we have asked the Justice to extend the time period for their installation--up to 10 years in some cases.

In the second letter, we have asked Justice to simplify the process for approving local building codes as meeting minimum ADA standards--for jurisdictions that wish to have their building codes so certified.

In discussions with Justice officials, they indicated a keen interest in improving technical assistance to your members, including definitive, timely answers about ADA requirements. In particular, we have heard that some communities are stymied by long delays in getting responses and a lack of practical advice about what the law requires. We understand that Justice will be inviting the National League of Cities staff to meet with them to discuss this matter, and we hope they will participate.

If we can be helpful in any other way, please let us know.

Sincerely yours,

TOM HARKIN

BOB DOL

The Honorable Carolyn Long Banks April 28, 1995 Page 2

atch

ORRIN G. HATCH

EDWARD M. KENNEDY JOHN MCCAIN

United States Senate

WASHINGTON, DC 20510

March 24, 1995

The Honorable Janet F. Reno Attorney General U.S. Department of Justice Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act ("ADA"), we are writing to request the U.S. Department of Justice extend the time period for installation of curb ramps by public entities under 28 C.F.R. 35.150. We are, of course, strong supporters of ADA and its fundamental principle that access is opportunity for people with disabilities. At the same time, it was our intent to carefully craft ADA to include fair and balanced provisions and specific safeguards for state and local governments regarding costs.

In this regard, we have heard that curb cuts are a unique, significant capital expense, and believe that our intent would be more properly fulfilled over a longer time period.

Currently, we understand that public entities were required to have completed all necessary curb cuts by January 26, 1995 ("effective date"). We believe there should be separate time periods for at least two classes or tiers of curb cuts, provided public entities have a written transition plan with specific dates for completing all curbs cuts within the extended time period. Tier I curb cuts are ones that serve state and local government offices, transportation, places of public accommodation, other places of employment, other heavily traveled routes, and private homes of persons with disabilities, and should be completed within 5 years of the effective date. Tier II cuts serve residential and other non-commercial areas where pedestrian walkways exist, and a public entity should be given 10 years from the effective date to install necessary curb ramps.

We urge you to consider adopting this policy change as soon as possible, consistent with all laws and ethical guidelines.

Sincerely yours,

BOB DOLE

The Honorable Janet F. Reno March 24, 1995 Page 2

EDWARD M. KENNEDY

JOHN MCCAIN

tel

ORRIN G. HATCH

United States Senate

WASHINGTON, DC 20510

March 24, 1995

The Honorable Janet F. Reno Attorney General U.S. Department of Justice Constitution Avenue & 10 Street, N.W. Washington, D.C. 20530

Dear Madam Attorney General:

As the principal Senate co-sponsors of the Americans with Disabilities Act ("ADA"), we are writing to recommend a procedure to simplify the process by which state and local building codes are certified as complying with ADA. We believe the procedure proposed below would ease the regulatory burden on the Justice Department and on state and local governments, and better serve the needs of people with disabilities by improving accessibility without resort to enforcement through complaints.

Currently, under Title III of ADA, the Justice Department can issue a "certificate of equivalency" that a state or local building code meets the requirements of ADA. However, Justice apparently will not certify--although it will informally review-any of the three model codes upon which virtually every state and local building code is based. Those model codes are prepared by Building Officials & Code Administrators, the International Conference of Building Officials, and the Southern Building Code Congress.

We believe the task of certifying even a fraction of the 15,000 state and local building codes would be a huge undertaking for the Justice Department. Therefore, we recommend that Justice first certify or otherwise approve the model codes, and devise an expedited procedure to certify state or local codes that use an approved model code.

We urge you to adopt this policy change as soon as possible, consistent with all laws and ethical guidelines.

Sincerely yours,

TOM HARKIN

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BOB DOLE

The Honorable Janet F. Reno March 24, 1995 Page 2

EDWARD M. KENNEDY

JOHN MCCAIN

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ORRIN G. HATCH



WASHINGTON, DC 20510

April 28, 1995

The Honorable Victor Ashe President U.S. Conference of Mayors 1620 Eye Street, N.W., Suite 4 Washington, D.C. 20006

Dear Mr. Ashe:

As the principal co-sponsors of the Americans with Disabilities Act (ADA), we are writing to bring to your attention two letters we recently sent to the U.S. Department of Justice regarding ADA, and to report to you interest by the Justice Department in improving technical assistance to your members.

As you might expect, we are big supporters of ADA, and worked hard to craft legislation that was fair and balanced--and with safeguards for costs to local governments. In this regard, we have heard that curb cuts are a unique, significant capital expense for many communities. Thus, in one of the enclosed letters, we have asked the Justice to extend the time period for their installation--up to 10 years in some cases.

In the second letter, we have asked Justice to simplify the process for approving local building codes as meeting minimum ADA standards--for jurisdictions that wish to have their building codes so certified.

In discussions with Justice officials, they indicated a keen interest in improving technical assistance to your members, including definitive, timely answers about ADA requirements. In particular, we have heard that some communities are stymied by long delays in getting responses and a lack of practical advice about what the law requires. We understand that Justice will be inviting staff of the U.S. Conference of Mayors to meet with them to discuss this matter, and we hope they will participate.

If we can be helpful in any other way, please let us know.

Sincerely yours,

TOM HARKIN

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The Honorable Victor Ashe April 28, 1995 Page 2

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ORRIN G. HATCH

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United States Senate

WASHINGTON, DC 20510

April 28, 1995

The Honorable Randall Franke President National Association of Counties 440 First Street, N.W., 8th Floor Washington, D.C. 20001

Dear Mr. Franke:

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If we can be helpful in any other way, please let us know.

Sincerely yours,

BOB DOLE

The Honorable Randall Franke April 28, 1995 Page 2

M. KENNEDY EDWARD

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