



Enforcing the ADA:

A Status Report from the Department of Justice

October - December 2005

This Status Report covers the ADA activities of the Department of Justice during the fourth quarter (October - December) of 2005. This report, previous status reports, and a wide range of other ADA information are available through the Department's ADA Home Page on the World Wide Web (see page 13). The symbol (**) indicates that the document is available on the ADA Home Page.

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The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for people with disabilities. The Department of Justice enforces the ADA's requirements in three areas --

Title I: Employment practices by units of State and local government

Title II: Programs, services, and activities of State and local government

Title III: Public accommodations and commercial facilities

I. Enforcement

Through lawsuits and both formal and informal settlement agreements, the Department has achieved greater access for individuals with disabilities in thousands of cases. Under general rules governing lawsuits brought by the Federal Government, the Department of Justice may not file a lawsuit unless it has first unsuccessfully attempted to settle the dispute through negotiations.

A. Litigation

The Department may file lawsuits in Federal court to enforce the ADA and may obtain court orders including compensatory damages and back pay to remedy discrimination. Under title III the Department may also obtain civil penalties of up to \$55,000 for the first violation and \$110,000 for any subsequent violation.

1. Consent Decrees

Some litigation is resolved at the time the suit is filed or afterwards by means of a negotiated consent decree. Consent decrees are monitored and enforced by the Federal court in which they are entered.

Title II

**** Easter Seals-Michigan, Inc. v. City of Royal Oak, Michigan** -- The Department resolved by consent decree a lawsuit in the U.S. District Court for the Eastern District of Michigan alleging that Royal Oak violated the ADA by denying Easter Seals a land use permit needed to relocate a day facility, Dreams Unlimited Clubhouse, that provides support services for adults with severe and persistent mental illness. The Department intervened in a private lawsuit and alleged that the city denied the permit after vocal opposition from community members, many of whom expressed unfounded fears of individuals with mental illness walking in their neighborhood and of a possible negative effect on property values. Easter Seals has operated the Clubhouse in a nearby town without incident for over 19 years. Under the agreement, the city will permit Easter Seals to open the day facility at the requested location, pay \$300,000 in monetary damages to the private plaintiffs, and provide ADA training to designated zoning and planning officials and management personnel.

**** Detroit Will Improve Reliability and Availability of Lift-Equipped**

Transit Buses -- The Department entered a consent decree in Dilworth v. City of Detroit resolving a lawsuit alleging violations of the ADA's requirements for fixed route public bus systems. The Department intervened in the ongoing litigation to allege that Detroit engaged in discriminatory practices by using buses with inoperable wheelchair lifts and failing to have maintenance and repair programs to ensure that buses with working lifts would be available. As a result, many individuals who use wheelchairs waited for long periods of time until they were able to board a bus with a functioning wheelchair lift and, in some cases, had to seek alternate methods of transportation or abandon their trips. Under the agreement, Detroit agreed to establish systems for promptly identifying, removing from service, and repairing buses with malfunctioning wheelchair lifts, including daily maintenance checks and service logs for each bus. Detroit will also retrain its drivers and mechanics in the proper way to deploy wheelchair lifts and to assist passengers with disabilities with courtesy and respect. In addition, the city agreed to obtain alternative transportation promptly when there are breakdowns in accessible service, implement a complaint system to ensure that ADA-related complaints are quickly addressed and resolved, appoint an ADA coordinator, and retain an independent auditor to assess compliance with the agreement.

Title III

U. S. v. Century Management, Memphis, Tennessee -- The U.S. Attorney's Office for the Western District of Tennessee entered a consent agreement ensuring that 28 Memphis-area McDonald's restaurants owned by Fred Tillman and managed by Century Management will be accessible to individuals with mobility disabilities and individuals who are blind or have low vision. The consent decree provides for extensive barrier removal in these restaurants, including installing a standard accessible stall or accessible unisex restroom in all restaurants, providing accessible routes from parking and public sidewalks, improving signage, lowering self-service counters and placing dispensers within proper wheelchair reach ranges, and removing protruding objects from circulation paths. The consent order also provides for damages in the amount of \$40,000 to the complainant, an individual with a mobility disability who was injured when she attempted to use one of the inaccessible restrooms,

and a civil penalty to the United States of \$55,000. In a separate settlement agreement, the McDonald's corporation guaranteed that it would carry out the structural changes required by the consent decree in the event that Tillman or Century Management failed to comply.

2. Amicus Briefs

The Department files briefs in selected ADA cases in which it is not a party in order to guide courts in interpreting the ADA.

Title II

Wisconsin Community Services v. City of Milwaukee -- The Department filed an amicus brief in response to a request by the U.S. Court of Appeals for the Seventh Circuit for its views on the application of the ADA to a case challenging a local government zoning decision. In that case the plaintiff, which operates an outpatient clinic for persons with mental-health problems, tried to move its operations

to a larger building in a business zone. The city denied plaintiff's request for a special-use permit to operate in the new location. The Seventh Circuit asked the Department to file an amicus brief to answer a series of questions, including whether the ADA title II regulation requiring reasonable modifications in policies, practices, and procedures applies to zoning decisions and, if so, whether the regulation only establishes a duty to accommodate if intentional discrimination or disparate impact discrimination is proved. The Department argued that the title II regulation regarding reasonable modifications applies to zoning. It also argued that there are three distinct theories of discrimination under title II – intentional, disparate impact, and reasonable accommodation. Under both disparate impact or reasonable accommodation, the Department argued that plaintiff must show that a public entity's rule or practice has a harsher impact on him or her, due to a disability, than on individuals who do not have the disability. Although the two theories are similar, the Department argued that under disparate impact theory the remedy is to invalidate the policy completely, whereas under reasonable modification the policy only needs to be modified to accommodate the individual who is subjected to a greater burden.

New Jersey Protection and Advocacy v. Riverside Township -- The Department filed an amicus brief in the U.S. District Court for the District of New Jersey arguing that all public entities, including those with fewer than 50 employees, are obligated to make existing sidewalks readily accessible to and usable by individuals with disabilities by installing curb ramps. New Jersey Protection and Advocacy sued Riverside Township, a municipality in Burlington County, New Jersey, claiming that Riverside Township violated the ADA by failing to install curb ramps in public sidewalks. The township, which has fewer than 50 employees, asserted that it did not have an obligation to install curb ramps in

existing sidewalks because transition plans, in which public entities identify the structural changes needed to make existing facilities accessible, are only required for public entities with 50 or more employees. Plaintiffs asked the court to reject this view and rule that public entities regardless of size have an obligation to install curb cuts to provide access to its existing public sidewalks. In its amicus brief the Department agreed with the plaintiffs, arguing that the exemption for small public entities only applies to the administrative obligation to complete a transition plan and not to the substantive obligation to make its public sidewalk program accessible.

B. Formal Settlement Agreements

The Department sometimes resolves cases without filing a lawsuit by means of formal written settlement agreements.

Title II

**** Project Civic Access Agreement Approved by Waukegan, Illinois** -- The Department reached an agreement with Waukegan, Illinois, under Project Civic Access, a nationwide effort to ensure that cities, counties, towns, and villages throughout the United States comply with the ADA. The goal of Project Civic Access is to ensure that people with disabilities have an equal opportunity to participate in civic life. Departmental investigators, attorneys, and architects survey State and local government facilities and programs across the country for the purpose of identifying modifications needed to comply with ADA requirements. To date, 143 Project Civic Access agreements have been signed with 136 communities. Each community agreed to take specific steps, depending on local circumstances, to make core government functions more accessible

to people with disabilities. Waukegan agreed to make structural changes in its newly constructed and altered facilities, including the municipal hall, the police station, fire stations, and the public library. The agreement also addresses curb cuts, effective communication, municipal parking, the city's websites, grievance procedures, and the accessibility of city programs operated at lakefront facilities, the animal shelter, and the public works building.

**** Anne Arundel County, Maryland --**

The Department reached an agreement with the Anne Arundel County Department of Detention Facilities resolving a complaint by a deaf individual that he was denied appropriate auxiliary aids and services necessary for effective communication during his incarceration at the Jennifer Road Detention Center, one of two detention centers operated by the agency. The county agreed to ensure that appropriate auxiliary aids and services are made available in all programs and services at its detention centers. In particular, the county agreed to establish procedures for evaluating whether inmates are deaf or hard of hearing and for determining what, if any, auxiliary aids and services are necessary to ensure effective communication; maintain a list of sign language and oral interpreting services that are available to provide qualified interpreters; provide captioned televisions, TTYs, and volume control and hearing aid compatible telephones; and appoint an ADA coordinator.

Wilton Manors, Florida -- The Department entered an agreement with the City of Wilton Manors to resolve a complaint that the city hall and police department were not accessible to persons with mobility impairments. The city agreed to provide accessible stalls and make other accessibility modifications to the two public restrooms in the city hall. The city also agreed to install accessible handrails

for ramps at the entrances to the city hall and police department and for stairs leading to the city council chamber.

Hennepin County, Minnesota -- The U.S. Attorney's Office for the District of Minnesota reached an agreement with Hennepin County resolving a complaint filed by a deaf inmate of the Hennepin County Adult Correctional Facility alleging that the county failed to provide an interpreter for chemical dependency treatment and other programs and services at the county's adult correctional facility. The county agreed to issue a policy ensuring effective communication and the provision of appropriate auxiliary aids for deaf inmates and detainees at its correctional facilities, including the adult facility and its juvenile detention center. The county will ensure that deaf inmates and detainees have access to interpreters and other appropriate auxiliary aids for the booking process, medical evaluations, court-mandated treatment, and other programs and services. The county will also develop an ADA training curriculum for employees who provide programs and services to inmates and detainees and will ensure the availability of TTYs to provide equal access to telephone services. The county also agreed to develop an emergency notification system for deaf inmates and detainees so that emergency evacuations are conducted in a safe and efficient manner.

Cook County Hospital, Chicago,

Illinois -- The U.S. Attorney's Office for the Northern District of Illinois entered a settlement agreement with Cook County Hospital resolving a complaint by a deaf individual alleging that during a visit to the emergency room she was not provided with a sign language interpreter for more than six hours despite requests by her and her deaf companion. The hospital agreed to provide sign language interpreters and any other auxiliary aid or services necessary to

communicate effectively with patients and companions of patients who are deaf or hard of hearing. The hospital must call for an interpreter within 10 minutes of a patient's request and provide an interpreter within one hour in at least 80 percent of all unscheduled interpreter requests. When appointments have been scheduled in advance, interpreters must be made available at the time of the appointment. The agreement also requires the hospital to make TTYs available in patient rooms, at public telephone locations, and in the hospital's emergency room; provide training in recognizing and meeting the needs of deaf persons to all hospital administrators, emergency room personnel, social and psychiatric workers, and any physicians who are employed by the hospital; provide an effective complaint resolution mechanism; and pay the complainant \$7,500 in damages.

Title III

Broadway Grocery, Seattle, Washington -- The Department reached an agreement with the former owner of Broadway Grocery, resolving a complaint that an individual was refused service because she was accompanied by her service animal. The former owner agreed to pay the complainant \$250 in damages.

**** Valley Radiologists Medical Group, Mountain View, California** -- The Department entered an agreement with Valley Radiologists Medical Group, a radiologic imaging company with eight office locations in northern California, resolving a complaint from an individual who uses a wheelchair alleging that she was unable to get a bone density x-ray because the clinic did not assist her in getting onto the exam table. Under the agreement, Valley Radiologists agreed to purchase four mechanical lifts and eight transfer boards; ask a patient, when scheduling an appointment, if he or she will

need any special assistance, modification of policy, or auxiliary aid or service at the examination because of a disability, and be prepared to provide the appropriate assistance and equipment at the appointment; adopt a nondiscrimination policy and post it in each of its office locations; and conduct training for all its medical and administrative staff on the requirements of the ADA, the operation of the transfer equipment, and on techniques for assisting individuals with mobility disabilities to transfer to the exam table.

St. Francis Healthcare, Wilmington, Delaware -- The Department entered into a settlement agreement with St. Francis Healthcare to resolve a complaint alleging that St. Francis Hospital was failing to provide effective communication for deaf patients and deaf companions of hearing patients. An individual who is deaf alleged that the hospital failed to provide a sign language interpreter during his entire hospital stay, including in the emergency department. The hospital agreed to provide appropriate auxiliary aids and services to ensure effective communication, including qualified sign language and oral interpreters; TTYs in all public areas of the hospital and in patient rooms, upon request; visual alarms; and captioned television programming. It also agreed to pay the complainant \$3,500 in compensatory damages.

Super 8 Motel, West Greenwich, Rhode Island -- The Department reached an agreement with Congress Hospitality, Inc., resolving a complaint about inaccessible facilities at a Super 8 Motel in West Greenwich, Rhode Island, that it owns and operates. Congress Hospitality agreed to modify two of the motel's 47 sleeping rooms to make them fully accessible to persons with disabilities and to provide four parking spaces reserved for persons with disabilities in the motel's parking lots, two of which will be van-accessible spaces. It will also modify the

**** Washington Hospital Center Will Provide Accessible Medical Facilities and Equipment** -- The Department joined a settlement agreement with Washington Hospital Center and private plaintiffs resolving the Department's investigation and a private lawsuit against the hospital alleging a failure to provide accessible medical services to individuals with disabilities. The plaintiffs alleged that the hospital failed to provide accessible inpatient rooms and bathrooms, adequate assistance with eating, drinking, and toileting, and accessible exam tables and other medical equipment. Under the settlement, the Washington Hospital Center agreed to create a minimum of 35 accessible patient rooms and to spend an additional \$200,000 with the goal of making 10 percent of the non-ICU inpatient rooms in the hospital accessible. Accessible rooms will include an accessible toilet room and will fully comply with the ADA Standards for Accessible Design, except for certain identified rooms which will be made as accessible as possible within existing space constraints. The hospital will purchase adjustable height beds for all of its accessible inpatient rooms in order to facilitate a more independent and safer transfer for wheelchair users between their wheelchairs and the beds. The hospital will also develop a barrier removal plan, survey all of the equipment in the hospital, and purchase accessible equipment (such as accessible exam tables and chairs, lifts, radiologic equipment, and wheelchair scales) needed to ensure that individuals with disabilities receive equal access to medical services. When not operating at full capacity, the hospital will hold open the accessible rooms for use by patients with disabilities. It will also review its policies and train staff to address the needs of individuals with disabilities and appoint an ADA officer to oversee implementation of the agreement.

motel's entrances, lobby, service counters, and accessible routes in order to be accessible to persons with disabilities and provide a refund of \$111 to the complainants for their expenses while staying at the motel.

**** Ticketmaster, Inc., Los Angeles, California** -- The Department entered an agreement with Ticketmaster, Inc., the world's largest ticketing company, to make its ticketing services more accessible for people with disabilities. Ticketmaster agreed to make agents available to sell accessible seating via telephone and e-mail during all hours its system is operational (approximately 22 hours a day). Ticketmaster also agreed to take appropriate steps to inform customers promptly if its inventory of accessible seating is sold-out and whether additional seating might be available directly from the venue, and agreed to streamline the process for purchasing more

than one companion seat. Ticketmaster will work with venues to implement procedures to reserve the inventory of unsold accessible seats for customers with disabilities until two weeks prior to the event, even if general seating is sold-out. Ticketmaster also agreed to designate a disability coordinator and continue its efforts to develop a system to sell accessible seating directly on its website.

**** Limo Economy Cab, Eau Claire, Wisconsin** -- The Department entered into an agreement with Limo Economy Cab to resolve a complaint that the company refused to transport a person who uses a wheelchair and his companion. The company prohibited its drivers from transporting wheelchairs because its insurance company did not cover the transportation of wheelchairs unless they were transported on a rack. The company agreed to transport wheelchairs; conduct a training

program for its drivers; assist in loading and unloading wheelchairs, if necessary (including simple assembly and disassembly where no tools are required); and pay compensatory damages of \$500 for each of the two complainants.

**** Sunoco, Inc., Philadelphia,**

Pennsylvania -- The Department reached a settlement agreement with Sunoco, Inc., that will ensure access for people with disabilities to its Optima gas stations and convenience stores. Sunoco currently operates approximately 29 newly constructed Optima stations under the brand names “Optima Fuel Center” and “Optima Quick Mart” on Wal-Mart property in New York, Pennsylvania, West Virginia, New Hampshire, Maine, and Massachusetts. Sunoco agreed to build future stores in compliance with the ADA Standards for Accessible Design. In addition, Sunoco agreed to take steps at each of its existing Optima locations to make its gasoline stations and convenience stores more accessible to people with disabilities and to bring the stores into compliance with the ADA Standards. For example, Sunoco will provide accessible exterior transaction drawers, curb ramps, public restrooms, and convenience store entrances. Sunoco also agreed to provide the required number of accessible parking spaces near an accessible entrance to each convenience store, one accessible fuel island and dispenser, and to offer refueling assistance at any pump upon request.

Northwest Medical Center, Phoenix, Arizona -- The U.S. Attorney’s Office for the District of Arizona signed a settlement agreement with Northwest Medical Center resolving a complaint from a deaf individual alleging that the medical center refused to provide a sign language interpreter for a medical appointment and then refused to see her as a new patient because she had requested an interpreter. Northwest agreed to ensure effective communication by providing

appropriate auxiliary aids and services, including sign language interpreters; post a sign in the waiting area announcing its policy; provide ADA training for its staff; and pay \$4,000 in compensatory damages and \$2500 in civil penalties.

C. Other Settlements

The Department resolves numerous cases without litigation or a formal settlement agreement. In some instances, the public accommodation, commercial facility, or State or local government promptly agrees to take the necessary actions to achieve compliance. In others, extensive negotiations are required. Following are some examples of what has been accomplished through informal settlements.

The U.S. Attorneys obtained informal settlements in the following cases --

District of Arizona -- A family physician practice group refused to accept a new patient who is deaf and required other deaf and hard of hearing patients to have their family members interpret. The practice group developed and implemented a written policy for providing interpreters to ensure effective communication.

An individual who uses a service animal complained that a hotel refused to allow him to be accompanied by his service animal. The hotel agreed to establish a nondiscrimination policy for guests with service animals, conduct staff training on the ADA, issue a letter of apology, and provide the complainant with a certificate for a complimentary stay at the hotel.

An individual who is deaf complained that a doctors’ office failed to provide a sign language interpreter. The office agreed to adopt and post a written policy to ensure

effective communication for individuals with disabilities, train current and future office staff on compliance with the ADA, and maintain a contact list of organizations that supply qualified sign language interpreters.

Northern District of Iowa -- An individual who uses a service animal complained that an Iowa grocery store refused to allow her to shop with her service animal. The store agreed to implement a policy allowing customers with disabilities to be accompanied by their service animals.

District of Minnesota -- An individual who uses a service animal complained that a retail store would not allow her service animal to enter. The store modified its policies to permit access to service animals.

Two individuals who are deaf complained that they repeatedly tried to order pizza by telephone but were unable to get through using the relay service. They went to the restaurant and were informed that the business had a policy of not accepting relay service calls. The restaurant owner stated he did not need to follow the ADA, called the police, and banned the couple from returning to his restaurant. The restaurant rescinded its unwritten policy of not accepting relay service calls from deaf customers, trained its employees on use of the relay service, and agreed to allow the couple to return as customers.

Eastern District of New York -- An individual who uses a wheelchair complained that a Long Island bank branch office was inaccessible because of steps to its entrance. The bank installed a ramp at that branch and also removed barriers at several other branches.

An individual who uses a wheelchair complained that a grocery store was inaccessible because it kept the accessible gate at the security bollards locked to prevent theft of its shopping carts. The store agreed to keep the accessible gate unlocked to provide access for persons who use wheelchairs, scooters, and walkers.

Southern District of New York -- Two customers with mobility disabilities complained that they were unable to access the manual elevators serving the dining level of a three-level restaurant and lounge on the upper floors of a hotel despite repeated requests for assistance. The facility agreed to provide elevator access to patrons on all three levels and to station staff by the elevator banks on each level to direct and assist patrons with disabilities.

An individual who uses a wheelchair complained that the main entrance and toilet rooms of a New York City museum were not accessible and that museum staff were not helpful in assisting persons with mobility impairments. The museum renovated its toilet rooms, increased accessibility from the parking lot to museum entrances, made an accessible van available to transport visitors on the hilly site, and trained staff to assist visitors with disabilities.

II. Mediation

Under a contract with the Department of Justice, The Key Bridge Foundation receives referrals of complaints under titles II and III for mediation by professional mediators who have been trained in the legal requirements of the ADA. An increasing number of people with disabilities and disability rights organizations are specifically requesting the Department to refer their complaints to mediation. More than 400 professional mediators are available nationwide to mediate ADA cases. Over 75 percent of the cases in which mediation has been completed have been successfully resolved. Following are recent examples of results reached through mediation.

- In Illinois, a person who is deaf complained that a medical specialist's office refused to provide an interpreter for an initial visit. The physician's office agreed to provide an interpreter as requested by the patient. Further, if the patient requires an urgent referral to a specialist or hospital, the physician's office will coordinate efforts to ensure that the auxiliary aid needed by the patient will be provided.
- In Pennsylvania, a wheelchair user complained that an amusement park allowed vehicles to park improperly in accessible spaces. The amusement park agreed to provide ADA training for all seasonal staff on ensuring appropriate use of accessible parking. The park increased the number of accessible spaces by more than 60%, including van-accessible spaces, and also installed appropriate signage.
- A wheelchair user complained that the check-out aisles of a Georgia grocery store were not accessible and that store employees refused to assist him when he was unable to use the check-out aisle. The grocery store made all check-out aisles accessible, and the complainant agreed to participate in quarterly staff meetings to provide disability sensitivity training to employees.
- In Nevada, a wheelchair user complained that a casino's gaming tables were inaccessible. The casino installed accessible tables at each type of game it offers and made a \$5,000 donation to Hurricane Katrina Relief efforts.
- A person with a mobility disability complained that a Pennsylvania restaurant did not have an accessible entrance. Because a long ramp was required, the parties agreed to enlist an architect to draw up plans and apply for a zoning variance. The variance was granted, and the compliant ramp was completed.
- In California, a wheelchair user complained that a restaurant did not have accessible restrooms. The restaurant installed two accessible restrooms in recently acquired, expanded space.
- The mother of an adolescent with Down Syndrome complained that a California physical therapy provider refused to serve her child because of his disability. The respondent agreed to conduct ADA training at that location and all affiliated companies as well. The provider agreed

- to establish a central hotline to address quickly any future complaints, pay \$8,000 in compensation to the complainant, and pay complainant's legal fees of \$20,000.
- In South Carolina, a disability advocacy group complained that a restaurant housed in a historic building was inaccessible. The restaurant renovated both restrooms and installed an accessible ramp so that all sections of the restaurant are now accessible.
 - In Mississippi, a wheelchair user complained of several accessibility issues in her town. The town installed accessible parking and accessible routes at the fire and police departments, city hall, city auditorium, health department, and electric department; and accessible restrooms in city hall. The town also provided curb cuts at intersections along the main street and near five central businesses.
 - A wheelchair user complained that a Pennsylvania hotel failed to honor her reservation. The hotel implemented steps to guarantee reserved accessible rooms, including removing accessible rooms from the general room inventory; sending a confirmation letter guaranteeing the room at the time of reservation; and limiting ability to override the reservation system to the general manager. In addition, the hotel established an interactive employee training program at nine area facilities on disability sensitivity and awareness and a "mystery guest" program to monitor compliance on a regular basis.
 - In Wisconsin, a couple complained that they were not allowed to bring food into a restaurant for their young son who has severe food allergies. The owner of the restaurant, who also owns two other restaurants, agreed to allow persons to bring outside food into the restaurants if needed due to a disability. The restaurants trained their employees and posted the policy on their websites.
 - In Illinois, a person who is deaf complained that a hotel was not accessible to people with hearing disabilities. The hotel agreed to have two portable communication kits available at all times and provide ongoing ADA training for all employees. In addition, the hotel reimbursed the complainant for his room and provided \$200 in compensation.

III. Certification of State and Local Accessibility Requirements

The ADA requires that newly constructed or altered places of public accommodation and commercial facilities comply with title III of the ADA, including the ADA Standards for Accessible Design (ADA Standards). The Justice Department is authorized to certify that State and local accessibility requirements, which are often established through building codes, meet or exceed the ADA's accessibility requirements. In any lawsuit that might be brought, an entity that complies with a certified State or local code can offer that compliance as rebuttable evidence of compliance with the ADA.

In implementing its certification authority, the Department works closely with State and local officials, providing, as needed, detailed technical assistance to facilitate efforts to bring those accessibility requirements into accord with the ADA Standards. In addition, the Department responds to requests from private entities for review of the accessibility provisions of model codes and standards, and provides informal guidance regarding the extent to which they are consistent with the minimum accessibility requirements of the ADA.

The States of Texas, Maine, Florida, Maryland and North Carolina, currently have accessibility codes certified by the Department of Justice. Requests for certification from the States of California, Indiana, New Jersey and Utah, for recertification from the State of Washington and for technical assistance from the State of Michigan and the International Code Council (a model code organization), are pending before the Department. Recent certification-related activity includes --

North Carolina -- On November 28, 2005, the Department notified North Carolina of its decision to certify that the North Carolina Accessibility Code meets or exceeds the new construction and alterations requirements of title III of the Americans with Disabilities Act. Notice of this final certification was published in the Federal Register on December 8, 2005.

IV. Technical Assistance

The ADA requires the Department of Justice to provide technical assistance to businesses, State and local governments, and individuals with rights or responsibilities under the law. The Department provides education and technical assistance through a variety of means. Our activities include providing direct technical assistance and guidance to the public through our ADA Website, ADA Information Line, and ADA Fax on Demand; developing and disseminating technical assistance materials to the public; undertaking outreach initiatives; and coordinating ADA technical assistance government wide.

ADA Website

The Department's ADA Website on the Internet's World Wide Web provides direct access at anytime to ADA information offered by the Department and by other Federal agencies.

The ADA Home Page (www.ada.gov) is the entry point to the website. It provides direct access to --

- ◆ ADA regulations and technical assistance materials in English and Spanish (which may be viewed online or downloaded for later use),
- ◆ electronic versions of the ADA Standards for Accessible Design, including illustrations and hyperlinked cross-references,
- ◆ selected ADA legal documents, settlement agreements, and technical assistance letters,

- ◆ the ADA Business Connection, including ADA Business Briefs in English and Spanish,
- ◆ Reaching out to Customers with Disabilities, a web based interactive online course that explains the requirements of title III,
- ◆ The ADA Video Gallery with accessible streaming video, including Ten Small Business Mistakes and the ADA Signing Ceremony,
- ◆ an online ordering form for the ADA Technical Assistance CD-ROM,
- ◆ links to the Department's press releases, and
- ◆ links to Internet webpages of other Federal agencies and Federal grantees that contain ADA information.

The ADA Website also provides information about --

- ◆ the toll-free ADA Information Line,
- ◆ the Department's ADA enforcement activities,
- ◆ the ADA technical assistance program,
- ◆ certification of State and local building codes,
- ◆ proposed changes in ADA regulations and requirements, and
- ◆ the ADA mediation program.

ADA Information Line

The Department of Justice operates a toll-free ADA Information Line to provide information and publications to the public about the requirements of the ADA. Automated service, which allows callers to order publications by mail or fax, is available 24 hours a day, seven days a week. ADA specialists are available on Monday, Tuesday, Wednesday, and Friday from 9:30 a.m. until 5:30 p.m. and on Thursday from 12:30 p.m. until 5:30 p.m. (Eastern Time). Foreign language service is also available.

To obtain general ADA information, get answers to technical questions, order free ADA materials, or ask about filing a complaint, please call:

800-514-0301 (voice)
800-514-0383 (TTY)

ADA Fax On Demand

The ADA Information Line Fax Delivery Service allows the public to obtain free ADA information by fax 24 hours a day, seven days a week. By calling the number above and following the directions, callers can select from among 34 different ADA technical assistance publications and receive the information, usually within minutes, directly on their fax machines or computer fax/modems. A list of available documents and their code numbers may also be ordered through the ADA Information Line.

Publications and Documents

Copies of the Department's ADA regulations and technical assistance publications can be obtained by calling the ADA Information Line, visiting the ADA Home Page, or writing to the address listed below. All materials are available in standard print as well as large print, Braille, audiotape, or computer disk for persons with disabilities.

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYAV
Washington, D.C. 20530

Some publications are available in foreign languages. For further information please call the ADA Information Line.

Copies of the legal documents and settlement agreements mentioned in this publication can be obtained by writing to --

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
FOIA/PA Branch, NALC Room 311
Washington, D.C. 20530
Fax: 202-514-6195

Currently, the FOIA/PA Branch maintains approximately 10,000 pages of ADA material. The records are available at a cost of \$0.10 per page (first 100 pages free). Please make your requests as specific as possible in order to minimize your costs.

The FOIA/PA Branch also provides access to ADA materials on the World Wide Web. A link to search or visit this website is provided from the ADA Home Page.

V. Other Sources of ADA Information

The **Equal Employment Opportunity Commission** offers technical assistance to the public concerning the employment provisions of title I of the ADA.

ADA publications
800-669-3362 (voice)
800-800-3302 (TTY)

ADA questions
800-669-4000 (voice)
800-669-6820 (TTY)
www.eeoc.gov

The **Federal Communications Commission** offers technical assistance to the public concerning the communication provisions of title IV of the ADA.

ADA publications and questions
888-225-5322 (voice)
888-835-5322 (TTY)
www.fcc.gov/cgb/dro

The **U.S. Department of Transportation, Federal Transit Administration** provides information about the transportation provisions of title II of the ADA.

ADA Assistance Line for regulations and complaints
888-446-4511 (voice/relay)
www.fta.dot.gov/ada

The **U.S. Architectural and Transportation Barriers Compliance Board, or Access Board**, offers technical assistance to the public on the ADA Accessibility Guidelines.

ADA publications and questions
800-872-2253 (voice)
800-993-2822 (TTY)

www.access-board.gov

The **ADA and IT Technical Assistance Centers** are funded by the U.S. Department of Education through the National Institute on Disability and Rehabilitation Research (NIDRR) in ten regions of the country to provide resources and technical assistance on the ADA.

ADA technical assistance
800-949-4232 (voice & TTY)
www.adata.org

Project ACTION is funded by the U.S. Department of Transportation to provide ADA information and publications on making transportation accessible.

Information on accessible transportation
800-659-6428 (voice/relay)
<http://projectaction.easterseals.com>

The **Job Accommodation Network (JAN)** is a free telephone consulting service funded by the U.S. Department of Labor. It provides information and advice to employers and people with disabilities on reasonable accommodation in the workplace.

Information on workplace accommodation
800-526-7234 (voice & TTY)
www.jan.wvu.edu

VI. How to File Complaints

Title I

Complaints about violations of title I (employment) by units of State and local government or by private employers should be filed with the Equal Employment Opportunity Commission. Call 800-669-4000 (voice) or 800-669-6820 (TTY) to reach the field office in your area.

Titles II and III

Complaints about violations of title II by units of State and local government or violations of title III by public accommodations and commercial facilities should be filed with --

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYAV
Washington, D.C. 20530

If you wish your complaint to be considered for referral to the Department's ADA Mediation Program, please mark "Attention: Mediation" on the outside of the envelope.

The Attorney General has determined that publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice.