

# Great Lakes Chronicle

ILLINOIS\*INDIANA\*MICHIGAN\*MINNESOTA\*OHIO\*WISCONSIN

November 2005

Volume 2, Issue 3

## In The Headlines

### **Hurricane Victims With Disabilities Receive Assistance Through Department Of Education**

President Bush signed into law the "[Assistance for Individuals with Disabilities Affected by Hurricanes Katrina and Rita Act of 2005](#)," granting the U.S. Education Department authority to permit hurricane-affected Gulf Coast states access to \$25.9 million in federal funds for Vocational Rehabilitation (VR) services without the states having to provide matching funds.

The VR services may include education, training, assistive technology or various supports necessary for employment of individuals with disabilities affected by Hurricanes Katrina or Rita that contribute to the economic growth and development of communities.

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### **Congressional Briefing "Emergency Management and People with Disabilities: Before, During and After Disasters"**

A [Congressional briefing on emergency planning](#) will be held on November 10 from 1:30 PM to 3:30 PM in the Gold Room 3 of the Rayburn House Office Building. Participating along with the Congressional Bipartisan Disabilities Caucus will be the U.S. Department of Homeland Security, the National Council on Disability, the National Spinal Cord Injury Association, the National Organization on Disability, the National Council on Independent Living and Paralyzed Veterans of America. Each organization or entity will have panelists there to discuss:

- Who is responsible for each aspect of emergency management?
- Disaster planning for people with disabilities – special considerations, coordination issues

- What happened to people with disabilities During the disaster – How it was the same and different for individuals with out disabilities?
- Rebuilding – what should be kept in mind and what can be better address – Institutionalization and housing?
- What should Congress do?

For additional information individuals may contact the National Organization on Disability at 202–293–5960(Voice) or 202–293–5968(TTY).

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### **New Accessibility Standards Go into Effect for Postal Service Facilities**

All newly constructed, renovated or altered facilities owned or leased by the U.S. Postal Service must comply with [new standards](#) based on the guidelines published last year by the [U.S. Access Board](#) under the Architectural Barriers Act (ABA). The new standards replace the Uniform Federal Accessibility Standards (UFAS) for the Postal Service.

Several other Federal agencies are responsible for similar action that will apply the new guidelines to other types of ABA facilities. These include the Department of Defense for military facilities, the Department of Housing and Urban Development for residential facilities, and the General Services Administration.

The [Access Board](#) has developed a [new web page](#) to track adoption of the new standards. This will assist in determining which agency's standard applies to a given construction or alteration project and whether the existing or new standard is in effect.

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### **New ADA Transportation Guidance From Department of Transportation**

Four new guidance documents interpreting the [Department of Transportation's \(DOT\) Americans with Disabilities Act Regulations](#) were released. These four guidance documents provide further clarification on the intent of the DOT transportation regulations under the ADA. One document includes information regarding the responsibilities of transit agencies to provide paratransit service in a way that goes beyond "curb-to-curb service" if necessary to actually get the passenger from his or her point of origin to his or her destination.

The 4 new documents are:

- [Full-Length, Level-Boarding Platforms in New Commuter and Intercity Rail Stations](#)
- [Origin-to-Destination Service](#)

- [Paratransit Requirements for §5311–Funded Fixed–Route Service Operated by Private Entities](#)
- [Use of "Segways" on Transportation Vehicles](#)

Individuals may order these materials by contacting the Great Lakes ADA and Accessible IT Center at 800–949–4232 (Voice/TTY) or via our on–line [contact form](#).

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### **U.S. Department of Labor, Office of Disability Employment Policy (ODEP), Issues New Fact Sheets**

[Office of Disability Employment Policy \(ODEP\)](#) is a federal agency in the [Department of Labor](#) and it's mission is to provide leadership to increase employment opportunities for adults and youth with disabilities. It's customers include:

- Individuals with disabilities and their families
- Private employers and their employees
- Federal, state, and local government agencies
- Educational and training institutions
- Disability advocates
- Providers of services and government employers

The new fact sheets issued are:

- [Diverse Perspectives: People with Disabilities Fulfilling Your Business Goals](#)
- [Focus on Ability: Interviewing Applicants with Disabilities](#)
- [Employment Laws: Disability & Discrimination](#)
- [Employers and the ADA: Myths and Facts](#)
- [Opening Doors to All Candidates: Tips for Ensuring Access for Applicants with Disabilities](#)

Individuals may order these materials by contacting the Great Lakes ADA and Accessible IT Center at 800–949–4232 (Voice/TTY) or via our on–line [contact form](#).

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## **ADA Audio Conference Series**

The ADA Audio Conference is a collaborative effort of the ADA & IT Technical Assistance Centers. The 2005–2006 ADA Audio Conference Series moved to a new website, [www.ada-audio.org](http://www.ada-audio.org). The program is available in three formats: Teleconference, real-time captioning and a NEW Service: Real-time Streaming Audio via the Internet. Real–time streaming audio allows you to hear the session using Windows Media Player with a web interface to allow participation during the question and answer portion of the session. Each session is scheduled from 1:00

to 2:30 PM Central Time (90 minutes). A written transcript and digital recording of each session is archived on the [ADA Audio web site](#)

### **First session of the Accessible Information Technology 2–Part Series**

#### **November 15, 2005» Pros and Cons of Web Accessibility Validation Tools**

How do you know if your web site is accessible? The increased interest in creating accessible web sites has spawned several products which can be utilized to "test" a site for accessibility and provide feedback to the designer/developer in order to promote a more accessible design. Is one tool better than another? Can I be assured that my web site is accessible if it "passes" one or more of these tests? This session will explore the various tools that are available and discuss the pros and cons of their use as well as "tips" for evaluating the accessibility of web sites.

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## **Great Lakes ADA Center – In Depth**

### **New Online Way to Request Trainings from Great Lakes ADA and Accessible IT Center**

The Great Lakes ADA and Accessible IT Center provides trainings with up-to-date information on the ADA and its implementation tailored to meet specific customer needs. In addition, the Center expanded its role to conduct outreach, technical assistance and trainings to encourage the incorporation of Accessible Information Technology in K–12 and post secondary school settings.

Individuals may visit the new [Training page](#) on the Great Lakes site to get information about the types of training that are available including some on-line training opportunities. Additionally, individuals can now request trainings through an [on-line training request form](#).

Over the past 14 years the Center has provided presentations to for profit and non-profit businesses, architects, employers, individuals with disabilities, federal, state and local governmental entities, educational institutions, and social service organizations.

If you have additional questions about the trainings offered by the Great Lakes ADA and Accessible IT Center you may contact the Center by calling 800–949–4232(Voice/TTY) or via our [on-line contact form](#).

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# Federal Agency Update

## U.S. Access Board

### *Courthouse Advisory Committee to Meet in San Francisco*

The quarterly meeting of the Courthouse Access Advisory Committee will be held November 17<sup>th</sup> and 18<sup>th</sup> in San Francisco. The Access Board organized the committee last year to develop design solutions and best practices for ensuring access to courthouses. In addition, the committee is exploring outreach and partnership opportunities for disseminating the information to be developed in order to promote accessible courthouse design.

The Committee has organized subcommittees focused on courtroom access issues, courthouse areas other than courtrooms, and education and outreach. The meeting, which is open to the public, will be held at:

Hiram Johnson State Building  
455 Golden Gate Avenue  
San Francisco, CA

The first day of the meeting will be from 9:00 am – 5:00 pm and from 9:00 am – 3:00 pm the second day.

For further information, contact the U.S. Access Board at: [caac@access-board.gov](mailto:caac@access-board.gov), 202-272-0026 (Voice), or 202-272-0082 (TTY).

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## U.S. Department of Transportation

### *Federal Highway Administration (FHWA) Project on Visibility of Detectable Warnings*

The FHWA is conducting research on the visibility of detectable warnings for people with low vision in order to develop more specific guidance on visual properties, including color, contrast, and reflectance. Specifications for detectable warnings focus on tactile features, but also call for visual contrast between the warning field and the area surrounding it for the benefit of people with low vision. Fifty people with low vision participated in testing the visibility of a variety of detectable warning colors and contrasts. Testing, which was completed in August, was conducted on 13 different colors or markings against the colors of common sidewalk or street materials (concrete, brick, and asphalt).

A report on the study will be available in the upcoming months. For further information, contact Joe Moyer of the FHWA at 202-493-3370 or Email: [Joe.Moyer@fhwa.dot.gov](mailto:Joe.Moyer@fhwa.dot.gov).

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## U.S. Equal Opportunity Commission (EEOC)

### ***EEOC Issues 2 New Question and Answer Documents***

The EEOC has issued a question–and–answer–style document about a little–known provision of the ADA that protects applicants and employees from discrimination based on their association with people with disabilities. The document is entitled, "[Questions and Answers about the Association Provision of the Americans with Disabilities Act](#)".

The second document entitled, "[Questions and Answers About Blindness and Vision Impairments in the Workplace and the Americans with Disabilities Act](#)", focuses on issues for employers and individuals that are blind and visually impaired in the employment arena.

This latest Q & A document is the fifth in a series of fact sheets issued by the EEOC for persons with disabilities, and/or focusing on the ADA and specific disability issues.

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## U.S. Department of Health and Human Services

### ***HHS Honors 7 Individuals and Organizations During "Celebrating Persons with Disabilities" Event***

The [Department of Health and Human Services \(HHS\)](#) and its Office on Disability honored seven individuals and organizations from across the country, who are working to empower people with disabilities to lead lives of independence, promise and self determination.

The third annual "Celebrating Persons with Disabilities" helps HHS bring greater national awareness of the abilities of persons with disabilities during October's National Disability Employment Awareness Month. The recipients received the HHS Secretary's Highest Recognition Award for advancing the goals of the Americans with Disabilities Act and President Bush's New Freedom Initiative to eliminate barriers that keep persons with disabilities from participating fully in community life.

The individuals and organizations that were recognized for their work include:

- Governor Robert L. Ehrlich (Governor Maryland)
- Extreme Makeover: Home Edition
- American Academy of Pediatrics (Elk Grove Village, IL)

- Deaf West Theatre (Los Angeles, CA)
  - Jayne Greenberg, Ph.D. (Miami, FL)
  - William Henderson, Jr., Ed.D. (Dorchester, MA)
  - Sound Associates, Inc. (New York, NY)
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## **U.S. Department of Justice**

### ***DOJ OBTAINS OVER \$1 MILLION SETTLEMENT IN MAJOR DISABILITY DISCRIMINATION SUIT***

The [DOJ](#) reached a settlement agreement with a developer and several architectural firms in Michigan, Indiana, Illinois, Ohio, Wisconsin, Virginia, and Nebraska, resolving two lawsuits that alleged disability related housing discrimination. Under the agreement, the developer and architectural firms have agreed to retrofit 49 apartment complexes and pay \$1,060,000.

"Following today's agreement, the Justice Department will have facilitated – in 2005 alone – the availability of more than 10,000 newly-accessible housing units to persons with disabilities," said Bradley J. Schlozman, Acting Assistant Attorney General for the Justice Department's Civil Rights Division. "While it is less expensive to make housing accessible in the first place, we are pleased with the defendants' cooperation with the government to reach this agreement, which retrofits nearly 50 apartment complexes."

### ***New Settlement Agreements***

The Department has announced 4 new settlement agreements under the ADA. The agreements are with:

- [Skyline Mountain Resort](#)
- [Exodus Women's Center](#)
- [Norwegian American Hospital](#)
- [Dr. Robila Ashfaq](#)

Also, the Department has released the October issue of the [Disability Rights Online News](#). The on-line news provides information about other enforcement efforts in addition to the above settlement agreements of the Department under Federal disability laws.

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## **Accessible IT**

## Effective Web Design Using Well–Chosen Defaults

Web designers have the ability to shape the user experience when individuals visit a web site. Web designers and authors tend to be one and the same these days, presenting some issues for web users, both in usability and accessibility. Although following technical accessibility standards are a good way to ensure compliance to a law or best practice, sometimes the results are less than desired. Although technical accessibility was accomplished, functional accessibility may not be met.

Technical accessibility refers to accessibility as defined by a technical specification. For example, if a web page is to be deemed accessible by way of the [Section 508 standards](#), it must meet all technical requirements under Subpart B, § 1194.22 – "Web–based intranet and internet information and applications." This means that, among other things, images on a website will be tagged with ALT text, data tables will be marked–up proper headers, and properly tagged frames. If coded properly, a technically accessible page will pass validation (such as WebXact) tests.

Functional accessibility refers to a web page or application implementing design elements and features that contribute to the overall navigation, perceived usefulness, and usability of a web page. A functionally accessible web page may or may not meet technical accessibility standards, but likely will, as technical accessibility standards tend to be minimum accessibility requirements. A functionally accessible web page will give users information and allow them to complete their web–based tasks in an efficient manner.

Simply put, functionally accessible web pages are going to be easier to use.

### **Tips for achieving functional accessibility:**

Use descriptive titles for web pages

More and more people are relying on the power of powerful search engines (such as Google.com), and search engines use page titles to index pages within their search results. For example, leaving a web page describing a college's admission requirements with no TITLE attribute will come up as a search result called "No Title," leaving web surfers to skip your page within search results. Page titles also have the advantage of letting people using assistive technology to determine whether a page is relevant to their needs without having to peruse the entire page, saving user's time.

Use descriptive titles for link text

Links are one of the cornerstones of the web experience, and



almost nothing can be worse for a user of links to have to constantly hear "click here" for navigating a page. Using text in links that accurately describe the resource linked-to may take some creativity on your part, but will save your users lots of time and frustration.

Don't be afraid to make use of images

Believe it or not, images on websites are not taboo! Many people believe that the use of images on a web page is a liability. The fact of the matter is, they do not need to be. Images can help communicate a message effectively. In fact, images that are anything but informative can also stay, just ensure that standards are met to help users of assistive technology differentiate between useful and non-useful images. Always mark up images in brief, concise ALT tags.

Break paragraphs up for easier reading

People who visit web pages tend to seek out information at a glance. Unfortunately, web authors sometimes forget that, and tend to lose web reader's attention with long paragraphs. Break complex paragraphs into smaller ones, as it will help in the digestion and parsing of information for all users.

The Web Accessibility Management Tool (WAMT) helps web authors and developers in assessing design and content issues that contribute to functional accessibility problems on websites.

Overall, following tips and guidelines geared for functionality and usability will help in communication of the message, and less need for help desk requests. For more information on functional accessibility, contact the Accessible IT Initiative at the Great Lakes Center at: 800-949-4232 (Voice/TTY) or through the on-line [contact form](#).

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## Disability Law Update

**The Federal Communications Commission (FCC) has begun a rulemaking process to examine FCC closed captioning rules for television.**

The [FCC](#) seeks comments on whether additional enforcement mechanisms should be required to ensure full compliance with its rules and to increase the accountability for noncompliance. The FCC seeks comments on the following areas:

- non-technical quality standards for closed captioning
- technical quality standards for closed captioning
- monitoring of captioning
- complaint procedures

- accessibility of contact information
- standardized FCC complaint form for consumers to use
- fines and penalties for failure to caption
- requirement for compliance reports by broadcasters
- availability of captioners to provide live and pre-broadcast captions

Comments are due to the FCC by November 10, 2005. To submit an electronic comment visit the [FCC web site](#).

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## The Docket

### City of Chicago is sued for Violations of the ADA

A disability rights organization filed [a federal complaint against the City of Chicago](#) for its continuing failure to provide and maintain curb-cuts that comply with the Americans with Disabilities Act (ADA) of 1990.

"The City's non-compliance creates inconvenient and often dangerous barriers to the general public as they travel through the City as pedestrians," said Executive Director Jo Holzer of the Council for Disability Rights, which filed the suit along with 7 individuals.

The complaint seeks relief from the City of Chicago that will guarantee consistent and permanent access for individuals with disabilities.

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### JOHNSON, GORDON R. v. EXXON MOBIL 7<sup>th</sup> Circuit Court

In an employment case, summary judgment was awarded to the defendant. The [court ruled](#) that the employer is affirmed where plaintiff's application for Social Security Disability Insurance judicially stopped his ADA claim.

Johnson has been receiving Social Security Disability Insurance (SSDI) Benefits since being terminated by Exxon. On his application for those benefits, he stated that he had been unable to work because of his disability.

Exxon filed a motion for summary judgment, claiming that Johnson's SSDI application judicially stopped his claim that he could have worked "with or without reasonable accommodation," which was an element of his ADA claim. Johnson provided an explanation for the inconsistency between his SSDI application and his ADA claim, but the court ruled that this explanation was not sufficient to overcome Exxon's summary judgment motion.

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### 3<sup>rd</sup> Circuit: County Court Workers May Not Sue Under ADA

In a decision that impacts all court workers in Pennsylvania, the [3<sup>rd</sup> U.S. Circuit Court of Appeals has ruled](#) that county courts are "state entities" -- despite the fact that they are locally funded -- and are therefore entitled to immunity under the 11<sup>th</sup> Amendment.

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# Events

## National

### ***2005 U.S. Business Leadership Network Conference, November 1–3, 2005, Pittsburg, PA***

The 2005 U.S. BLN Conference entitled, "Ignite Business to See Ability," is being co-sponsored by the U.S. Department of Labor, Office of Disability Employment Policy and U.S. Department of Education, Office of Special Education and Rehabilitative Services. Attendees will have the opportunity to meet with BLN chapters and employers from across the U.S. This 3 day event provides networking, education and resources related to the business case for employment of people with disabilities and marketing to customers with disabilities.

For information about registration visit the [BLN web site](#).

### ***24<sup>th</sup> Annual Perspectives of Employment of Persons with Disabilities Conference, December 7–9, 2005, Bethesda, MD***

The Perspectives on Employment of Persons with Disabilities conference is sponsored by the Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Labor, Environmental Protection Agency and the Equal Employment Opportunity Commission.

Participants will have an opportunity to learn about the variety of tools, techniques, and resources that are available to assist federal managers in meeting their obligations under the Rehabilitation Act of 1973. This conference offers new and updated information on personnel policies and practices, developments in the law, technology, and the resources that will enable federal agencies to achieve its goals. For information about registration visit the [conference web site](#).

### ***C–SUN Annual International Technology and Persons with Disabilities Conference, March 20–25, 2006, Los Angeles, CA***

The conference being held at California State University, Northridge Center on Disabilities is the largest of this type. The 21<sup>st</sup> Annual International Technology and Persons with Disabilities Conference is a comprehensive, international conference, where technologies across all ages, disabilities, levels of education and training, employment, and independent living are addressed. For registration information visit the [Conference web site](#).

### ***Service & Inclusion Conference, December 8–10, Alexandria, VA***

This conference titled, "A Meaningful Place for All," will bring the disability and service communities together to: Celebrate and reflect upon 10 years of disability inclusion in national service, strategize about practices to improve the inclusion of individuals with disabilities in national service and build practices to ensure ongoing progress.

For more information, contact the National Service Inclusion Project at [nsip@umb.edu](mailto:nsip@umb.edu) or 888–491–0326 (Voice/TTY).

### ***2006 ADA Symposium, April 10–12, 2006, St. Louis, MO***

Save the Date: The 2006 ADA Symposium will be held April 10–12, 2006 in St. Louis, Missouri. More information will be available soon. If questions please contact the Great Lakes Center at 800–949–4232 (Voice/TTY) or via our on–line [contact form](#).

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## **Regional**

### ***2005 Michigan Rehabilitation Conference, November 8–10, 2005, Grand Rapids, MI***

The Michigan ADA Steering Committee is the Theme Partner for the 2005 Michigan Rehabilitation Conference. The Conference will be held November 8–10 at the Amway Grand Plaza hotel and at the DeVos Place in Grand Rapids, MI. The theme of this year's conference is Business and Rehabilitation, the Essential Partnership. The three–day conference will feature more than 90 educational sessions, 70 vendors and a Micro–enterprise Showcase. For more information or to register for the conference, go to <http://www.maro.org/mrc.html>

### ***Building Your Net Worth – The Annual Conference for People with Disabilities, December 5–6, 2005, Indianapolis, IN***

The conference will include workshops on the ADA and other disability laws, in addition to having sessions on financial management, starting a business, grass roots strategic planning, and more. For registration and more information, visit <http://www.in.gov/gpcpd/conference/index.html>

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## **The Great Lakes Vine**

### **Illinois ADA Project**

The Illinois ADA Project's Conference, Making the ADA WORK for Business, was held on September 12, 2005 and was highly successful. The conference was a collaborative effort between public and private organizations. There were 51 attendees at the Conference: 12 from private corporations, 26 from private non-profit organizations, and 5 from government agencies. The attendees rated the Conference as "Excellent" (96%) or "Good" (4%).

The Steering Committee will next meet in December to discuss plans for the upcoming year and ways to improve our outreach efforts into the future. For more information about the Committee meeting please contact Alan Goldstein at 312-895-7318 or via email to [alan@equipforequality.org](mailto:alan@equipforequality.org)

## **ADA Indiana**

### ***Building Your Net Worth – The Annual Conference for People with Disabilities***

The Indiana Governor's Council for People with Disabilities is hosting their annual conference in Indianapolis on December 5th and 6th at the Westin Hotel. The conference will include workshops on the ADA and other disability laws, in addition to having sessions on financial management, starting a business, grass roots strategic planning, and more. Robin Jones, from the Great Lakes ADA and Accessible IT Center, will be a keynote speaker on Tuesday, December 6<sup>th</sup>. For registration and more information, visit <http://www.in.gov/gpcpd/conference/index.html>.

### ***Statewide Video Conference on Title I and Reasonable Accommodation on Thursday, December 1<sup>st</sup>***

ADA-Indiana will be offering a concurrent training on Title I of the ADA in several Indiana communities using video conferencing technology. The site locations, registration details, and more information will be available soon on ADA-Indiana's website. For more information, please call Matt Norris at 800-825-4733 or email [adainfo@indiana.edu](mailto:adainfo@indiana.edu).

### ***2005 – 2006 ADA Audio Conference Series in Indiana***

ADA-Indiana is sponsoring the [2005–2006 Audio Conference Series](#) in six Indiana communities: Bloomington, Evansville, Indianapolis (two locations), Westville, and West Lafayette. The Audio Conference held at these locations is free, open to the public and no pre-registration is required. The site locations and times are available on the [ADA-Indiana website](#). For more information, please call Matt Norris at 800-825-4733 or email

adainfo@indiana.edu.

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## Michigan ADA Steering Committee

The Michigan ADA Steering Committee is the Theme Partner for the 2005 Michigan Rehabilitation Conference. The Conference will be held November 8–10 at the Amway Grand Plaza hotel and at the DeVos Place in Grand Rapids, MI. The theme of this year's conference is Business and Rehabilitation, the Essential Partnership. The three–day conference will feature more than 90 educational sessions, 70 vendors and a Micro–enterprise Showcase. For more information or to register for the conference, go to <http://www.maro.org/mrc.html>

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## ADA Minnesota

### ADA MINNESOTA ANNOUNCES NEW WEBSITE

Please visit ADA Minnesota's new website at [www.adaminnesota.org](http://www.adaminnesota.org). We are excited to share this site with people with disabilities, large and small businesses, government entities, colleges and universities and more. If you would like us to link your website to this site, please contact Cindy Tarshish, at: [cindytm@mcil-mn.org](mailto:cindytm@mcil-mn.org).

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## ADA Ohio

At its Annual Meeting, [ADA–OHIO](#) installed new officers for the Board of Trustees.

- Leslie Paull, Chair, is a policy analyst for the Ohio Developmental Disability Council
- Sheila Adair, Secretary, is Director of EEO for Navistar International
- Bernie Pontones, Treasurer, is a state director for the Ohio Vietnam Veterans Association.

The Board of Trustees establishes policy for [ADA–OHIO](#) and oversees the activities of the Executive Director.

Other additions were Keith McNeil and Fazeel Khan who joined the Professional Advisory Board. Mr. McNeil is Regional Attorney and Associate Director for Ohio Civil Rights and Fazeel Khan is an attorney for Blaugrund, Herbert & Martin, Inc. The Professional Advisory Board is composed of individuals representing various organizations which have an interest in disability issues. Its members advise the Executive Director and Board of Trustees on various issues and projects of importance to the agency.

Also at the meeting, [ADA–OHIO](#) said goodbye to its liaison from

Ohio Rehabilitation Services Commission (RSC), David Cameron. Mr. Cameron retired from RSC after 37 years of service. A new liaison will be appointed at a later date.

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### **ADA Wisconsin Partnership**

This November the ADA Wisconsin Partnership will be publishing the first of edition of our new quarterly statewide electronic newsletter, "Partnership LINK." The "Partnership LINK" will promote issues of access and disability and is intended to be a forum for our partners across Wisconsin working in the disability industry. Understanding that there are model service programs, important events, best practices and helpful publications that could be shared by variety of stakeholders, we hope the "LINK" will become utilized to share helpful resources and current news items with partners across the state. Watch for the "LINK", coming next month.

We are also pleased to announce another new Wisconsin publication, Hiring and Supporting Employees with Disabilities, a booklet recently produced by the ADA Wisconsin Partnership in cooperation with the Green Bay Chamber of Commerce.

For more information, please call Tammy Liddicoat at 608-244-5310. Visit the ADA Wisconsin Partnership website for updates on projects and events, <http://www.adawipartnership.org/>.

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## **From the Technical Assistance Desk:**

### **Question of the Month**

#### **Question:**

A friend of mine uses paratransit services in the city where we live. With all of the transportation out there, who must provide these services and to whom should they be provided?

#### **Answer:**

Subpart F of the ADA Transportation Regulations states that public entities operating a fixed route system (that is, consistent routes traveled on a regular schedule) shall provide paratransit or other special services to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

Complementary paratransit service must be provided to origins and destinations within corridors that have a width of 3/4 of a mile on each side of each fixed route. At the end of each route, the entity



must also serve an area that looks like a semicircular "cap" and has a 3/4 mile radius from the end point of the route. Also, service must be provided in corridors that are completely surrounded by fixed routes even if the routes aren't within the 3/4 of a mile radius of the fixed route.

Paratransit eligibility is not simply a matter of whether or not a person has a disability, but instead relates to whether or not an individual can use the transportation entity's fixed route system. Eligibility is a functional determination of a person's ability to use the regular transit system as it currently exists, and not simply a medical or psychiatric diagnosis. An individual must fit into one of the three ADA paratransit eligibility categories.

Category 1 includes individuals who are unable, due to a physical or mental impairment, to board, ride or disembark independently from any readily accessible vehicle on the regular fixed route system. This means that, if an individual needs an attendant to board, ride, or disembark from an accessible fixed route vehicle (including navigating the system), the individual is eligible for paratransit.

Category 2 includes those persons with a physical or mental impairment who could use accessible fixed route transportation, but the accessible fixed route transportation is not available at that time on that route (e.g., the accessible vehicle is down for maintenance, the lift cannot be deployed, etc.)

Category 3 includes any individual with a disability who has a specific impairment-related condition which prevents that person from traveling to a boarding location or from a disembarking location on the system is also eligible. In this case, the impairment must prevent travel to or from a stop. Significant inconvenience or difficulty does not form a basis for eligibility under this category. Additionally, barriers not under control of the public entity providing the fixed route service (such as weather) do not by themselves form a basis for eligibility under this category. The regulation makes the interaction between an impairment-related condition and the environmental barrier (whether distance, weather, terrain, or architectural barriers) the key to eligibility determinations.

The Department of Transportation's requirements in 49 CFR Part 37 address the acquisition of accessible vehicles by public and private entities, requirements for complementary paratransit service by public entities operating a fixed route system and provision of nondiscriminatory accessible transportation service. Accessibility specifications for transportation vehicles are addressed in 49 CFR Part 38.

For additional information on the transportation requirements of the

Americans with Disabilities Act you can contact the Great Lakes ADA & Accessible IT Center at 800-949-4232(Voice/TTY) or via our [on-line contact form](#).

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## Resources and Publications

The Great Lakes ADA Center disseminates publications related to all aspects of the ADA to inform and raise awareness of disability issues and to foster voluntary compliance with the ADA. The Great Lakes ADA Center disseminates materials including posters, regulations and technical bulletins on various ADA topics. Materials are available in alternative formats.

The following documents provide information regarding the rights and responsibilities of individuals and transit providers covered by the transportation provisions of the ADA:

- [Paratransit Requirements for §5311-Funded Fixed-Route Service Operated by Private Entities](#)
- [Title 49-Transportation](#)
- [Transportation Vehicle Accessibility Guidelines](#)

## Resource of the Month

[Origin to Destination Service](#)

To obtain the resource of the month or to receive hardcopy versions of the above materials contact the Great Lakes ADA and Accessible IT Center by calling 800-949-4232 (Voice/TTY) or via our [on-line contact form](#).

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## Staff and Credits

- Robin Jones – Project Director
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- Janet Peters – AIT Initiative Coordinator
- Julio Chavarria – Network Analyst
- Nilay Shah – Assistant Network Analyst
- Claudia Diaz – Project Coordinator
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