

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 351

Approved August 1, 2005

RESOLVED, That His Honor, the Mayor, is hereby authorized to execute a Settlement Agreement with the United States Department of Justice making certain commitments about compliance with the Americans with Disabilities Act over the next three years.

CITY COUNCIL
JUL 21 2005
READ AND PASSED
PRES.
CLERK

APPROVED
8/1/05
MAYOR

IN CITY COUNCIL
JUN 16 2005
FIRST READING
REFERRED TO COMMITTEE ON
FINANCE
Claire Bestor CLERK
Hart County

THE COMMITTEE ON
FINANCE
Approves Passage of
The Within Resolution
Ann M. Stein Clerk
7-14-05

Circumstances Aponte, By Request

SETTLEMENT AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
AND
THE CITY OF PROVIDENCE, RHODE ISLAND
UNDER THE AMERICANS WITH DISABILITIES ACT
DJ 204-66-47

BACKGROUND

SCOPE OF THE INVESTIGATION

The United States Department of Justice (Department) initiated this matter as a compliance review of the City of Providence, Rhode Island (City) under title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-12134, and the Department's implementing regulation, 28 C.F.R. Part 35. Because the City receives financial assistance from the Department of Justice, the review was also conducted under the authority of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the Department's implementing regulation, 28 C.F.R. Part 42, Subpart G.

The review was conducted by the Disability Rights Section of the Department's Civil Rights Division and focused on the City's compliance with the following title II requirements:

- to conduct a self-evaluation of its services, policies, and practices by July 26, 1992, and make modifications necessary to comply with the Department's title II regulation, 28 C.F.R. § 35.105;
- to notify applicants, participants, beneficiaries, and other interested persons of their rights and the City's obligations under title II and the Department's regulation, 28 C.F.R. § 35.106;
- to designate a responsible employee to coordinate its efforts to comply with and carry out the City's ADA responsibilities, 28 C.F.R. § 35.107(a);
- to establish a grievance procedure for resolving complaints of violations of title II, 28 C.F.R. § 35.107(b);

- to operate each program, service, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, 28 C.F.R. § 35.150, by:
 - delivery of services, programs, or activities in alternate ways, including, for example, redesign of equipment, reassignment of services, assignment of aides, home visits, or other methods of compliance or, if these methods are not effective in making the programs accessible,
 - physical changes to buildings (required to have been made by January 26, 1995), in accordance with the Department's title II regulation, 28 C.F.R. § 35.151, and the ADA Standards for Accessible Design (Standards), 28 C.F.R. pt. 36, App. A, or the Uniform Federal Accessibility Standards (UFAS), 41 C.F.R. § 101-19.6, App. A.
- to ensure that facilities for which construction or alteration was begun after January 26, 1992, are readily accessible to and usable by people with disabilities, in accordance with 1) the Department's title II regulation and 2) the Standards or UFAS, 28 C.F.R. § 35.151;
- to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, including furnishing auxiliary aids and services when necessary, 28 C.F.R. § 35.160;
- to provide direct access via TTY (text telephone) or computer-to-telephone emergency services, including 9-1-1 services, for persons who use TTY's and computer modems, 28 C.F.R. § 35.162;
- to provide information for interested persons with disabilities concerning the existence and location of the City's accessible services, activities, and facilities, 28 C.F.R. § 35.163(a); and
- to provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to information about accessible facilities, 28 C.F.R. § 35.163(b).

As part of its compliance review, the Department reviewed the following facilities, which – because construction or alterations commenced after January 26, 1992 – must comply with the ADA's new construction or alterations requirements:

Public Safety Complex and Roger Williams Park and Zoo.

The Department's program access review covered those of the City's programs, services, and activities that operate in the following facilities: City Hall, Office of Inspections and Standards, Paul Cabrai Water Park, and Vincent Brown Recreation Center.

The Department conducted a program access review of the following polling places: Washington Park Community Center, Fox Point Boys and Girls Club, Roger Williams Park Casino and Dalrymple Boat House. This review was limited to the areas of the facilities used by the voting public: parking, the route from the parking area to the area used for voting, and the area used for voting.

The Department reviewed the City's policies and procedures regarding voting, emergency management and disaster prevention, and sidewalk maintenance to evaluate whether persons with disabilities have an equal opportunity to utilize these programs.

Finally, the Department reviewed the City's policies and procedures regarding providing effective communication to persons who are deaf or hard-of-hearing.

JURISDICTION

1. The ADA applies to the City because it is a "public entity" as defined by title II. 42 U.S.C. § 12131(1).
2. The Department is authorized under 28 C.F.R. Part 35, Subpart F, to determine the compliance of the City with title II of the ADA and the Department's title II implementing regulation, to issue findings, and, where appropriate, to negotiate and secure voluntary compliance agreements. Furthermore, the Attorney General is authorized, under 42 U.S.C. § 12133, to bring a civil action enforcing title II of the ADA should the Department fail to secure voluntary compliance pursuant to Subpart F.
3. The Department is authorized under 28 C.F.R. Part 42, Subpart G, to determine the City's compliance with section 504 of the Rehabilitation Act of 1973, to issue findings, and, where appropriate, to negotiate and secure voluntary compliance agreements. Furthermore, the Attorney General is authorized, under 29 U.S.C. § 794 and 28 C.F.R. §§ 42.530 and 42.108-110, to suspend or terminate financial assistance to the City provided by the Department of Justice should the Department fail to secure voluntary compliance pursuant to Subpart G or to bring a civil suit to enforce the rights of the United States under applicable federal, state, or local law.
4. The parties to this Agreement are the United States of America and the City of Providence, Rhode Island.
5. In order to avoid the burdens and expenses of an investigation and possible litigation, the parties enter into this Agreement.
6. In consideration of, and consistent with, the terms of this Agreement, the Attorney General agrees to refrain from filing a civil suit in this matter regarding all matters contained within this Agreement, except as provided in the section entitled "Implementation and Enforcement."

ACTIONS TAKEN BY CITY

7. The staff at the Roger Williams Park and provides persons who are blind or have low vision and persons who are deaf or hard of hearing with auxiliary aids and services that allow them to experience this facility. Braille and audio tape presentations of zoo facts and information are available at the entrance to the zoo.
8. The paddle boat and dock at the Visitors Center of the Zoo are accessible.
9. The new Public Safety Center, with some minor exceptions, was also accessible.
10. The Mayor's Office for Citizen Concerns provides assistance to citizens with disabilities in need of services.
11. The City has a designated ADA Coordinator who provides responds to grievances.
12. The Mayor's Advisory Commission assisted the City in completing its Self-Evaluation and Transition Plan.

REMEDIAL ACTION

NOTIFICATION

13. Within six months of the effective date of this Agreement, the City will adopt the attached Notice (Attachment A); distribute it to all agency heads; publish the Notice in a local newspaper of general circulation serving the City; post the Notice on its Internet Home Page; and post copies in conspicuous locations in its public buildings. It will refresh the posted copies, and update the contact information contained on the Notice, as necessary, for the life of this Agreement. Copies will also be provided to any person upon request.
14. Within six months of the effective date of this Agreement, and on yearly anniversaries of this Agreement until it expires, the City will implement and report to the Department its written procedures for providing information for interested persons with disabilities concerning the existence and location of the City's accessible programs, services, and activities.

GRIEVANCE PROCEDURE

15. Within six months of the effective date of this Agreement, the City will adopt the attached ADA Grievance Procedure (Attachment B), distribute it to all agency heads, and post copies of it in conspicuous locations in each of its public buildings. It will refresh the posted copies, and update the contact information contained on it, as necessary, for the life of the Agreement. Copies will also be provided to any person upon request.

GENERAL EFFECTIVE COMMUNICATIONS PROVISIONS

16. Within six months of the effective date of this Agreement, the City will identify sources of qualified sign language and oral interpreters, real-time transcription services, and vendors that can put documents in Braille, and will implement and report to the Department its written procedures, with time frames, for fulfilling requests from the public for sign language or oral interpreters, real-time transcription services, and documents in alternate formats (Braille, large print, cassette tapes, etc.).
17. The City will take steps to ensure that all appropriate employees are trained and practiced in using the Rhode Island State Relay Service to make and receive calls.

9-1-1

18. Within twelve months of the effective date of this Agreement, the City will ensure that each 9-1-1 call station is equipped with a TTY or computer equivalent.
19. Within twelve months of the effective date of this Agreement, the City will develop procedures for answering 9-1-1 calls that include training all call takers to use a TTY to take 9-1-1 calls, to recognize a "silent" open line as a potential TTY call and respond by TTY, and to ensure that TTY calls are answered as quickly as other calls received.
20. The City will monitor its incoming 9-1-1 TTY calls to ensure they are answered as quickly and accurately as other calls received.
21. The City will incorporate correct TTY call-taking procedures into 9-1-1 call takers' performance evaluations and will amend its personnel policies to include written disciplinary procedures for call takers who fail to perform TTY call-taking consistent with the training and procedures. The City will implement and report to the Department its evaluation and procedures within eighteen months of the effective date of this Agreement.

LAW ENFORCEMENT AND EFFECTIVE COMMUNICATION

22. Within six months of the effective date of this Agreement, the City will adapt for its own use and implement the Policy Statement on Effective Communication with People Who are Deaf or Hard of Hearing [Attachment C] and distribute to all police officers the *Guide for Law Enforcement Officers When in Contact with People Who are Deaf or Hard of Hearing* [Attachment D].
23. Within six months of the effective date of this Agreement, the City will contract with one or more local qualified oral/sign language interpreter agencies to ensure that the interpreting services will be available on a priority basis, twenty-four hours per day, seven days a week, to its police department or make other appropriate arrangements (such as contracting directly with or hiring qualified interpreters).
24. Within twelve months of the effective date of this Agreement, the City will ensure that each police station or substation and each jail or detention facility is equipped with a working TTY to enable persons who are deaf, hard of hearing, or who have speech impairments to make outgoing telephone calls. Where inmate telephone calls are time-limited, the City will adopt policies permitting inmates who use TTY's a longer period of time to make those calls, due to the slower nature of TTY communications compared with voice communications.

EMPLOYMENT

25. Within six months of the effective date of this Agreement, the City will amend its employment policies, as necessary, to comply with the regulations of the U.S. Equal Employment Opportunity Commission implementing title I of the Americans with Disabilities Act of 1990, codified at 29 C.F.R. Part 1630. At minimum, those policies will provide that the City:
 - will not discriminate on the basis of disability in its hiring or employment practices.
 - will not ask a job applicant about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. Medical examinations or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position.
 - will make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of the City's business. If an applicant or an employee requests a reasonable accommodation and the individual's disability and need for the accommodation are not readily apparent or otherwise known, the City may ask the individual for

information necessary to determine if the individual has a disability-related need for the accommodation.

- will maintain any employee's medical records separate from personnel files and keep them confidential.
- will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent the City's selection criteria have the effect of disqualifying an individual because of disability, those criteria will be job-related and consistent with business necessity.

VOTING

26. Some of the City polling places may be owned or operated by other public entities subject to title II or by public accommodations subject to title III and, as such, would be subject to the obligation to provide program access or to remove barriers to accessibility under the ADA. This Agreement does not limit such future enforcement action against the owners or operators of these polling places by any person or entity, including the Department.
27. Within twelve months of the effective date of this Agreement, the City will provide opportunities for same-day balloting for voters with disabilities whose assigned polling place does not have accessible parking, exterior route, entrance, and interior route to the voting area. The method for providing these opportunities may include allowing the individual to vote at another nearby location that is accessible, vote by an absentee ballot that is accepted if postmarked on the day of the election (or picked up by election officials at the home of the voter on the same day as the election), provide curbside voting at the inaccessible polling place, or any other method that ensures that disabled voters have the same degree of information available to them when casting their ballots as others.
28. Within twelve months of the effective date of this Agreement, the City will develop and implement a way for persons who are blind or have low vision to vote independently and privately, whether through ballots and instructions in alternate formats (in-person and absentee), Braille templates and audio instructions, the provision of accessible voting machines, or some other method.
29. Within twelve months of the effective date of this Agreement, the City will make all voter registration materials available in alternate formats, including Braille, large print, audio tape, and computer disk.
30. Starting twelve months from the effective date of this Agreement, when the City purchases or otherwise acquires new voting machines, one such newly-acquired machine

per polling location will be the most accessible model for persons with disabilities (including those with mobility and visual impairments) that has been approved for City use by the applicable governing authority (e.g., State Secretary of Elections or other such official).

31. Starting twelve months from the effective date of this Agreement, when setting up its voting equipment, the City will ensure that the equipment's accessibility to persons with disabilities is maximized, such as setting up table-top equipment on accessible tables and within the reach ranges required by the Standards, as shown in Attachment F.
32. Within the month prior to the next election that utilizes the City's polling places, and at yearly anniversaries of the effective date of this Agreement until it expires, the City will train poll workers on the rights of people with disabilities and the practical aspects of assuring those rights. The training will cover, at minimum, the need to maintain the physical accessibility of polling locations; how to assist people with disabilities, as necessary; and how to operate any non-standard voting equipment or accessible features of standard equipment (particularly new, accessible equipment).

EMERGENCY MANAGEMENT PROCEDURES AND POLICIES

33. If the City contracts with another entity, such as the American Red Cross or another local government, to provide its emergency preparedness plans and emergency response services, the City will ensure that the other entity complies with the following provisions on its behalf.
34. Within twelve months of the effective date of this Agreement, the City will implement and report to the Department its written procedures that ensure that it regularly solicits and incorporates input from persons with a variety of disabilities and those who serve them regarding all phases of its emergency management plan (preparation, notification, response, and clean up).
35. Within three months of the effective date of this Agreement, the City will implement and report to the Department its written procedures that ensure that its community evacuation plans enable those who have mobility impairments, vision impairments, hearing impairments, cognitive disabilities, mental illness, or other disabilities to safely self-evacuate or be evacuated by others. Some communities are instituting voluntary, confidential registries of persons with disabilities who may need individualized evacuation assistance or notification. If the City adopts or maintains such a registry, its report to the Department will discuss its procedures for ensuring voluntariness, appropriate confidentiality controls, and how the registry will be kept updated, as well as its outreach plan to inform persons with disabilities of its availability. Whether or not a registry is used, the City plan should address accessible transportation needs for persons with disabilities.

36. Within twelve months of the effective date of this Agreement, the City will implement and report to the Department its written procedures that ensure that if its emergency warning systems use sirens or other audible alerts, it will also provide ways to inform persons with hearing impairments of an impending disaster. The use of auto-dialed TTY messages to pre-registered individuals who are deaf or hard of hearing, text messaging, e-mails, open-captioning on local TV stations and other innovative uses of technology may be incorporated into such procedures, as well as lower-tech options such as dispatching qualified sign language interpreters to assist with emergency TV broadcasts.
37. Within twelve months of the effective date of this Agreement, the City will implement and report to the Department its written procedures that ensure that at least one emergency shelter has a back-up generator and a way to keep medications refrigerated (such as a refrigerator or a cooler with ice). Such shelter(s) will be made available to persons whose disabilities require access to electricity and refrigeration, for example, for using life-sustaining medical devices, providing power to motorized wheelchairs, and preserving certain medications, such as insulin, that require refrigeration. The written procedures will include a plan for notifying persons of the location of such shelter(s).
38. Within eighteen months of the effective date of this Agreement, the City will implement and report to the Department its written procedures that ensure that persons who use service animals are not separated from their service animals when sheltering during an emergency, even if pets are normally prohibited in shelters. The procedures will not unnecessarily segregate persons who use service animals from others but may take into account the potential presence of persons who, for safety or health reasons, should not be in contact with certain types of animals.
39. Some of the of the City's emergency shelters may be owned or operated by other public entities subject to title II or by public accommodations subject to title III and, as such, are subject to the obligation to provide program access or remove barriers to accessibility under the ADA. This Agreement does not limit such future enforcement action against the owners or operators of these facilities by any person or entity, including the Department.
40. Within eighteen months of the effective date of this Agreement and until all emergency shelters have accessible parking, exterior routes, entrances, interior routes to the shelter area, and toilet rooms serving the shelter area, the City will identify and widely publicize to the public and to persons with disabilities and the organizations that serve them the most accessible emergency shelters.
41. To the extent that the City provides opportunities for post-emergency temporary housing to its residents, within twelve months of the effective date of this Agreement, it will develop, implement, and report to the Department its plans for providing equivalent opportunities for accessible post-emergency temporary housing to persons with

disabilities. Within one year of the effective date of this Agreement, the City will ensure that information it makes available regarding temporary housing includes information on accessible housing (such as accessible hotel rooms within the community or in nearby communities) that could be used if people with disabilities cannot immediately return home after a disaster if, for instance, necessary accessible features such as ramps or electrical systems have been compromised.

SIDEWALKS

42. Within twelve months of the effective date of this Agreement, the City will implement and report to the Department its written process for soliciting and receiving input from persons with disabilities regarding the accessibility of its sidewalks, including, for example, requests to add curb cuts at particular locations.
43. Within six months of the effective date of this Agreement, the City will identify and report to the Department all streets, roads, and highways that have been constructed or altered since January 26, 1992. Paving, repaving, or resurfacing a street, road, or highway is considered an alteration for the purposes of this Agreement. Filling a pothole is not considered an alteration for the purposes of this Agreement. Within three years of the effective date of this Agreement, the City will provide curb ramps or other sloped areas complying with the Standards or UFAS at all intersections of the streets, roads, and highways identified under this paragraph having curbs or other barriers to entry from a street level pedestrian walkway.
44. Within twelve months after the effective date of this Agreement, the City will provide curb ramps or other sloped areas complying with the Standards or UFAS at any intersection having curbs or other barriers to entry from a street level pedestrian walkway, whenever a new street, road, or highway is constructed or altered.
45. Beginning no later than three months of the effective date of this Agreement, the City will identify all street level pedestrian walkways that have been constructed or altered since January 26, 1992. Paving, repaving, or resurfacing a walkway is considered an alteration for the purposes of this Agreement. Within three years of the effective date of this Agreement, the City will provide curb ramps or other sloped areas complying with the Standards or UFAS at all places where a street level pedestrian walkway identified under this paragraph intersects with a street, road, or highway.
46. Within six months after the effective date of this Agreement, the City will provide curb ramps or other sloped areas complying with the Standards or UFAS at all newly constructed or altered pedestrian walkways where they intersect a street, road, or highway.

WEB-BASED SERVICES AND PROGRAMS

47. Beginning no later than three months of the effective date of this Agreement, and on subsequent anniversaries of the effective date of this Agreement, the City will distribute to all persons – employees and contractors – who design, develop, maintain, or otherwise have responsibility for content and format of its website(s) or third party websites used by the City (Internet Personnel) the technical assistance document, “Accessibility of State and Local Government Websites to People with Disabilities,” which is Attachment H to this Agreement (it is also available at www.ada.gov/websites2.htm).
48. Within six months of the effective date of this Agreement, and throughout the life of the Agreement, the City will do the following:
 - A. Establish, implement, and post online a policy that its web pages will be accessible and create a process for implementation;
 - B. Ensure that all new and modified web pages and content are accessible;
 - C. Develop and implement a plan for making existing web content more accessible;
 - D. Provide a way for online visitors to request accessible information or services by posting a telephone number or e-mail address on its home page; and
 - E. Periodically (at least annually) enlist people with disabilities to test its pages for ease of use.

PHYSICAL CHANGES TO FACILITIES

49. The elements or features of the City’s facilities that do not comply with the Standards, including those listed in Attachments I, J, and K, prevent persons with disabilities from fully and equally enjoying the City’s services, programs, or activities and constitute discrimination on the basis of disability within the meaning of 42 U.S.C. § 12132 and 28 C.F.R. §§ 35.149 and 35.150.
50. The City will comply with the cited provisions of the Standards when taking the actions required by this Agreement.
51. Within eighteen months of the effective date of this Agreement, the City will install signage as necessary to comply with 28 C.F.R. § 35.163(b), after having surveyed all facilities that are the subject of this Agreement for the purpose of identifying those that have multiple entrances not all of which are accessible.

52. Newly Constructed Facilities: In order to ensure that the following spaces and elements in City facilities, for which construction was commenced after January 26, 1992, are readily accessible to and usable by persons with disabilities, the City will take the actions listed in Attachment I.
53. Altered Facilities: In order to ensure that the following spaces and elements in City facilities, for which alterations commenced after January 26, 1992, are readily accessible to and usable by persons with disabilities, the City will take the actions listed in Attachment J.
54. Program Access in City Existing Facilities: In order to ensure that each of the City's programs, services, and activities operating at a facility that is the subject of this Agreement, when viewed in its entirety, is readily accessible to and usable by persons with mobility impairments, the City will take the actions listed in Attachment K.

MISCELLANEOUS PROVISIONS

55. Except as otherwise specified in this Agreement, at yearly anniversaries of the effective date of this Agreement until it expires, the City will submit written reports to the Department summarizing the actions the City has taken pursuant to this Agreement. Reports will include detailed photographs showing measurements, architectural plans, work orders, notices published in the newspaper, copies of adopted policies, and proof of efforts to secure funding/assistance for structural renovations or equipment.
56. Throughout the life of this Agreement, consistent with 28 C.F.R. § 35.133(a), the City will maintain the accessibility of its programs, activities, services, facilities, and equipment, and will take whatever actions are necessary (such as routine testing of accessibility equipment and routine accessibility audits of its programs and facilities) to do so. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 C.F.R. § 35.133(b).
57. Within six months of the effective date of this Agreement, the City will develop or procure a two-hour training program on the requirements of the ADA and appropriate ways of serving persons with disabilities. The City will use the ADA technical assistance materials developed by the Department and will consult with interested persons, including individuals with disabilities, in developing or procuring the ADA training program.
58. Within one year of the effective date of this Agreement, the City will deliver its training program to all City employees who have direct contact with members of the public. At the end of that period, the City will submit a copy of its training curriculum and materials to the Department, along with a list of employees trained and the name, title, and address of the trainer.

IMPLEMENTATION AND ENFORCEMENT

59. If at any time the City desires to modify any portion of this Agreement because of changed conditions making performance impossible or impractical or for any other reason, it will promptly notify the Department in writing, setting forth the facts and circumstances thought to justify modification and the substance of the proposed modification. Until there is written Agreement by the Department to the proposed modification, the proposed modification will not take effect. These actions must receive the prior written approval of the Department, which approval will not be unreasonably withheld or delayed.
60. The Department may review compliance with this Agreement at any time. If the Department believes that the City has failed to comply in a timely manner with any requirement of this Agreement without obtaining sufficient advance written agreement with the Department for a modification of the relevant terms, the Department will so notify the City in writing and it will attempt to resolve the issue or issues in good faith. If the Department is unable to reach a satisfactory resolution of the issue or issues raised within 30 days of the date it provides notice to the City, it may institute a civil action in federal district court to enforce the terms of this Agreement, or it may initiate appropriate steps to enforce title II and section 504 of the Rehabilitation Act.
61. For purposes of the immediately preceding paragraph, it is a violation of this Agreement for the City to fail to comply in a timely manner with any of its requirements without obtaining sufficient advance written agreement with the Department for an extension of the relevant time frame imposed by the Agreement.
62. Failure by the Department to enforce this entire Agreement or any provision thereof with regard to any deadline or any other provision herein will not be construed as a waiver of the Department's right to enforce other deadlines and provisions of this Agreement.
63. This Agreement is a public document. A copy of this document or any information contained in it will be made available to any person by the City or the Department on request.
64. This Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or agents of either party, that is not contained in this written Agreement (including its Attachments, which are hereby incorporated by reference), will be enforceable. This Agreement does not purport to remedy any other potential violations of the ADA or any other federal law. This Agreement does not affect the City's continuing responsibility to comply with all aspects of the ADA and section 504 of the Rehabilitation Act.

65. This Agreement will remain in effect for three years. person signing for the City represents that he or she is authorized to bind the City to this Agreement.
66. The effective date of this Agreement is the date of the last signature below.

For the City of Providence, Rhode
Island:

By: _____
ALAN SEPE
Acting Director of City Property
City of Providence, Rhode Island
25 Dorrance Street
Providence, Rhode Island 02904

For the United States:

R. ALEXANDER ACOSTA,
Assistant Attorney General for Civil Rights

By: _____

JOHN L. WODATCH, Chief
JEANINE WORDEN, Deputy Chief
MARY LOU MOBLEY, Senior Counsel
ELIZABETH L. BACON, Supervisory Attorney
THOMAS ESBROOK, Investigator
MARK J. MAZZ, Architect
MICHELE ANTONIO MALLOZZI, Architect
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYA
Washington, DC 20530

Date: _____

Date: _____

Attachment I: Modifications to Newly Constructed Facilities

Please Note: Paragraph 51 of the Settlement Agreement requires that within three months of the effective date of this Agreement, the City will provide signage as necessary to comply with 28 C.F.R. § 35.163(b), after having surveyed all facilities that are the subject of this Agreement for the purpose of identifying those that have multiple entrances not all of which are accessible.

In order to ensure that the following spaces and elements in City facilities, for which construction was commenced after January 26, 1992, are readily accessible to and usable by persons with disabilities, the City will take the following actions:

Public Safety Complex - 325 Washington Street Within three years of the effective date of this agreement, except where otherwise noted, the City will complete the following modifications to the Public Safety Complex:

A. Parking Garage and Front Parking Lot

1. The parking garage (459 parking spaces), and the front parking lot immediately in front of the Public Safety Complex (57 parking spaces), lack adequate numbers of spaces designated for people with disabilities and appropriate signage. In the parking garage, on the shortest accessible route to the accessible entrance, provide 2 van accessible spaces and 7 standard spaces designated as reserved for people with disabilities. In the front parking lot, provide 1 van accessible space and 2 standard spaces designated as reserved for people with disabilities. Standard accessible spaces shall be a minimum of 96 inches wide and served by access aisles at least 60 inches wide. Van accessible spaces shall be a minimum of 96 inches wide and served by access aisles at least 96 inches wide. All spaces designated as reserved for people with disabilities shall have vertical signs with the International Symbol of Accessibility located such that they cannot be obstructed by parked vehicles. Van accessible spaces shall have an additional "Van-Accessible" sign located below the International Symbol of Accessibility. Standards §§ 4.1.2(5), 4.6, 4.30.7(1).
2. In the parking garage, the spaces reserved for persons with disabilities are inaccessible because the cross slope of the access aisle is not level. Provide designated accessible parking spaces and access aisles that are flat and level, with slopes and cross-slopes not exceeding 1:50 in all directions, with surfaces that are firm, stable, and slip-resistant. Standards §§ 4.1.2(5), 4.3.6, 4.5.1, 4.6.3.
3. The parking garage doorway is inaccessible because there is a 2 inch change in level at the threshold to the door. Provide an accessible door with a threshold that is no greater than ¼ inch, or is no greater than ½ inch and is beveled with a slope no greater than 1:2. Standards §§ 4.1.3(7)(a), 4.13.8, 4.5.2.

B. Telephone on Accessible Route

1. The telephone at the Public Safety Complex is inaccessible because it lacks signage. Provide an accessible telephone with a clear floor space of at least 30 inches by 48 inches that allows either a forward or parallel approach by a person using a wheelchair such that bases, enclosures, and fixed seats do not impede approaches to the telephone; with the highest operable part of the telephone mounted no more than 48 inches above the floor for a front approach or no more than 54 inches above the floor for a side approach; that is hearing aid compatible and has a volume control mechanism; with telephone books, if provided, located between 15 and 48 inches above the finished floor for a front approach or between 9 and 54 inches above the finished floor for a side approach; with a cord of at least 29 inches long from the telephone to the handset; and with signage that complies with the Standards. Standards §§ 4.1.3(17), 4.31, 4.30.7(2).

C. Lobby Elevators

1. The two elevators at the Public Safety Complex are inaccessible because the doors close less than 5 seconds after notification and do not remain open for 20 seconds after reopening. Provide doors that open and close automatically with a reopening device that will stop and reopen the car door and hoistway door automatically if the door becomes obstructed by an object or person. Ensure that the device is capable of completing these operations without requiring contact for obstructions passing through the opening at heights of 5 inches and 29 inches above the finished floor; that door reopening devices remain effective for at least 20 seconds, after which the doors may close; that the minimum time from notification that a car is answering a call until the doors of that car start to close is 5 seconds; and that the minimum time for elevator doors to remain fully open in response to a car call is 3 seconds. Standards §§ 4.1.3(5), 4.10.6, 4.10.7, 4.10.8, Figs. 20, 21.
2. The left elevator at the Public Safety Complex is inaccessible because the emergency communication system does not work. Provide a two-way communication system such that it does not require voice communication, the highest operable part is a maximum of 48 inches above the finished floor of the car, and it is identified by a raised symbol and lettering located adjacent to the device. If the system uses a handset, ensure that the length of the cord from the panel to the handset is at least 29 inches. If the system is located in a closed compartment, ensure that the compartment door hardware operates without tight grasping, pinching or twisting of the wrist. Standards §§ 4.1.3(5), 4.10.14.

D. Police Department Locker Rooms

1. The door on the employee-only Police Department men's locker room is inaccessible because the pressure required to open the door is 15 pounds. Provide a door that requires no more than 5 pounds of force to open. Standards §§ 4.1.3(7)(b), 4.13.11(2)(b).
2. The benches in the Men's and Women's Police Department locker rooms are not attached to the wall. In each locker room, provide a 24 inch by 48 inch bench fixed to the wall along the bench's longer dimension. Ensure that the bench has sufficient structural strength and is mounted with its surface between 17 inches and 19 inches above the finished floor. Provide clear floor space alongside the bench to allow a person using a wheelchair to make a parallel transfer onto the bench. Standards §§ 4.1.3(21), 4.35.4, 4.26.3.

E. Municipal Court

1. The courtroom is inaccessible to people with hearing impairments because there is no assistive listening system. Provide a permanently installed assistive listening system (ALS) or a portable ALS with an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system. Also provide 2 receivers for use by the general public and signage indicating their availability. 28 C.F.R. 35.160; Standards §§ 4.1.3(19)(b), 4.30, 4.33.

F. Drinking Fountains

1. The drinking fountains throughout the Public Safety Complex are inaccessible because the controls require more than 5 pounds to operate. Provide a drinking fountain with controls mounted on or near the front edge that are operable with one hand, that require 5 lbf or less to operate, and that can be operated without tight grasping, pinching, or twisting of the wrist. Standards §§ 4.1.3(10), 4.15.4, 4.27.4.

G. Toilet Rooms with Stalls 1st Floor – Public and Police Department (Employee only)

1. The toilet room doors are inaccessible because the pressure required to open the doors is greater than 5 pounds. For each toilet room, provide doors that require no more than 5 pounds of force to open. Standards §§ 4.1.3(7)(b), 4.13.11(2)(b).
2. The route to the toilet stall in the first floor public men's room is inaccessible because the paper towel dispenser is a protruding object that would not be detectable to a blind person using a cane. Provide an accessible route at this location such that no objects with their bottom edges measuring between 27

inches and 80 inches above the finished floor protrude more than 4 inches into walks, halls, corridors, passageways, or aisles. Free-standing objects mounted on posts or pylons may overhang 12 inches maximum from 27 inches to 80 inches above the ground or finished floor. Standards §§ 4.1.2(3), 4.4.

H. Auditorium

1. There is no accessible route connecting the wheelchair seating areas and the stage because the rise to the stage is 4 ½ inches. Provide an accessible route connecting the wheelchair seating locations to all spaces used by performers. Standards §§ 4.1.3(19)(a), 4.3, 4.33.5.
2. The performances on the stage are inaccessible to people with hearing impairments because there is no assistive listening system. Provide a permanently installed assistive listening system (ALS) or a portable ALS with an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system. Also provide 4 receivers (4% of 105 total seats) for use by the general public and signage indicating their availability. 28 C.F.R. 35.160; Standards §§ 4.1.3(19)(b), 4.30, 4.33.

I. Housing Court and Offices

1. The door in the courtroom is inaccessible because the pressure required to open the door exceeds 5 pounds. Provide a door that requires no more than 5 pounds of force to open. Standards §§ 4.1.3(7)(b), 4.13.11(2)(b).

Attachment J: Modifications to Altered Facilities

Please Note: Paragraph 51 of the Agreement requires that within three months of the effective date of this Agreement, the City will provide signage as necessary to comply with 28 C.F.R. § 35.163(b), after having surveyed all facilities that are the subject of this Agreement for the purpose of identifying those that have multiple entrances not all of which are accessible.

Altered Facilities: In order to ensure that the following spaces and elements in City Facilities, which were altered after January 26, 1992, are readily accessible and usable by persons with disabilities, the City will take the following actions:

Public Library - 225 Washington Street This Settlement Agreement with all Attachments does not address the library programs which are made possible through payments from the City of Providence in conjunction with the State of Rhode Island and private entities.

Roger Williams Park and Zoo Within three years of the effective date of this agreement, except where otherwise noted, the City will complete the following modifications to the **Roger Williams Park and Zoo**:

A. General Features - Parking, Entrance, Accessible Route, etc.

1. The signage designating parking as reserved for persons with disabilities is too low. At each space designated as reserved for persons with disabilities, provide a vertical sign with the International Symbol of Accessibility located such that it cannot be obstructed by vehicles parked in the space. Standards §§ 4.1.2(5), 4.1.6(1)(b), 4.6.4, 4.30.7(1).
2. The van accessible parking reserved for persons with disabilities lacks the appropriate signage. At van accessible spaces, provide a "Van-Accessible" sign located below the International Symbol of Accessibility such that the sign cannot be obstructed by vehicles parked in the space. Standards §§ 4.1.2(5), 4.1.6(1)(b), 4.6.4, 4.30.7(1).
3. The telephone at the park entrance is inaccessible because it lacks volume control and signage. Provide an accessible telephone with a clear floor space of at least 30 inches by 48 inches that allows either a forward or parallel approach by a person using a wheelchair such that bases, enclosures, and fixed seats do not impede approaches to the telephone; with the highest operable part of the telephone mounted no more than 48 inches above the floor for a front approach or no more than 54 inches above the floor for a side approach; that is hearing aid compatible and has a volume control mechanism; with telephone books, if provided, located between 15 and 48 inches above the finished floor for a front

approach or between 9 and 54 inches above the finished floor for a side approach; with a cord of at least 29 inches long from the telephone to the handset; and with signage that complies with the Standards. Standards §§ 4.1.3(17), 4.1.6(1)(b), 4.31, 4.30.7(2).

4. The interior door at "Tropical America" is inaccessible because the pressure required to open the door is 16 pounds. Provide a door that requires no more than 5 pounds of force to open. Standards §§ 4.1.3(7)(b), 4.1.6(1)(b), 4.13.11(2)(b).

B. Toilet Rooms with Stalls - 4 toilet rooms near Zoo entrance and restaurant.

1. The toilet room signs are not accessible. For each toilet room provide a toilet room sign with the International Symbol of Accessibility and raised and Braille characters. The sign shall be mounted on the wall adjacent to the latch side of the door with the centerline of the sign at 60 inches above the finished floor and situated such that a person can approach within three inches of the sign without encountering an obstruction or standing within a door swing. Standards §§ 4.1.2(7)(d), 4.1.6(1)(b), 4.30.1, 4.30.2, 4.30.3, 4.30.5, 4.30.7.
2. The toilet room doors are inaccessible because the pressure required to open the doors exceeds 5 pounds. For each toilet room provide doors that require no more than 5 pounds of force to open. Standards §§ 4.1.3(7)(b), 4.1.6(1)(b), 4.13.11(2)(b).
3. The urinal in the Men's toilet room near the Zoo entrance is inaccessible because the rim height is 19 inches. In the Men's toilet room, provide a urinal with an elongated rim mounted 17 inches or less above the finished floor, a clear floor space of at least 30 inches wide and 48 inches deep centered on the urinal, and a flush control height of 44 inches or less above the finished floor. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.5, 4.18.2, 4.18.3, 4.18.4.
4. The toilet in the Men's room near the restaurant is inaccessible because the flush control is 53 inches high and on the closed side. Provide a flush control mounted on the "open" side of the toilet's clear floor space; 44 inches or less above the finished floor; and requiring a maximum of 5 pounds of force to operate; or provide an automatic flush device. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.5, 4.17.2, 4.27.4.
5. No accessible coat hooks have been provided in the men's and women's toilet rooms near the entrance. In each toilet room, provide a coat hook at a maximum height above the finished floor of 48 inches for a forward approach or 54 inches for a side approach and that is accompanied by clear floor space of 30 by 48 inches that allows a forward or parallel approach by a person using a wheelchair.

Standards §§ 4.1.3(12)(a), 4.1.6(1)(b), 4.25.2, 4.25.3, 4.2.4, 4.2.5, 4.2.6.

6. The toilet paper dispensers in the designated accessible stalls in all four toilet rooms are inaccessible because they are over the grab bars. In each designated accessible stall, provide a toilet paper dispenser that is mounted with its top at least 1½ inches under the side grab bar and 36 inches or less from the rear wall and is centered at least 19 inches above the finished floor. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.3, Fig. 30(d).
7. There are no rear grab bars in the men's and women's toilet rooms near the restaurant. In each designated accessible toilet stall, provide a rear grab bar that is at least 36 inches in overall length, with the closer end no more than 6 inches from the side wall; mounted 33 to 36 inches above the finished floor; with a diameter between 1¼ and 1½ inches; with 1½ inches between the grab bar and the wall; and at least 1½ inches between the grab bar and any other object, such as a toilet seat cover dispenser. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.6, 4.26.2, Fig. 30.
8. The men's and women's toilets near the entrance are inaccessible because the flush controls require too much force to operate. Provide a flush control mounted on the "open" side of the toilet's clear floor space; 44 inches or less above the finished floor; and requiring a maximum of 5 pounds of force to operate; or provide an automatic flush device. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.5, 4.17.2, 4.27.4.
9. Although there are 8 stalls in the women's toilet room near the restaurant, there is no ambulatory stall provided. Provide at least one stall that is exactly 36 inches wide with an outward swinging, self-closing door and parallel grab bars complying with Fig. 30(d). Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, Fig. 30(d).

C. Single user Men's and Women's Toilet Rooms at Visitor's Center

1. The toilet room signs are on the wrong side of the door. For each toilet room, provide a toilet room sign with raised and Braille characters. The sign shall be mounted on the wall adjacent to the latch side of the door with the centerline of the sign at 60 inches above the finished floor and situated such that a person can approach within 3 inches of the sign without encountering an obstruction or standing within a door swing. Standards §§ 4.1.2(7)(d), 4.1.6(1)(b), 4.30.1, 4.30.4, 4.30.5, 4.30.6.
2. The toilet room doors are inaccessible because the pressure required to open the doors exceeds 5 pounds. For each toilet room, provide a door that requires no

more than 5 pounds of force to open. Standards §§ 4.1.3(7)(b), 4.1.6(1)(b), 4.13.11(2)(b).

3. No accessible mirror has been provided. In each toilet room, provide a mirror with the bottom edge of its reflecting surface no more than 40 inches above the finished floor. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.6.
4. The lavatories are inaccessible because the hot water pipes are not insulated or otherwise configured to protect against contact. In each toilet room, provide hot water and drain pipes that are insulated or otherwise configured to protect against contact. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.6, 4.19.4.
5. The urinal is inaccessible because the flush control exceeds 44 inches. Provide a urinal with an elongated rim mounted 17 inches or less above the finished floor, a clear floor space of at least 30 inches wide and 48 inches deep centered on the urinal, and a flush control height of 44 inches or less above the finished floor. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.5, 4.18.2, 4.18.3, 4.18.4.
6. In each toilet room the toilet is inaccessible because the toilet flush control is on the closed side. In each toilet room provide a flush control mounted on the "open" side of the toilet's clear floor space; 44 inches or less above the finished floor; and requiring a maximum of 5 pounds of force to operate; or provide an automatic flush device. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.5, 4.27.4.
7. The toilet paper dispensers are inaccessible because they are above the grab bars. In each toilet room, provide a toilet paper dispenser that is mounted within reach, with its top at least 1½ inches under the side grab bar, and centered at least 19 inches above the finished floor. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.6, Fig. 29(b).
8. The side grab bars at each toilet are inaccessible because they are lower than 33 inches. In each toilet room, provide grab bars that are mounted between 33 and 36 inches above the finished floor. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.4, Fig. 29.

D. Education Center Toilet Rooms with Stalls

1. The toilet room signs are not accessible. For each toilet room, provide a toilet room sign with raised and Braille characters. The sign shall be mounted on the wall adjacent to the latch side of the door with the centerline of the sign at 60 inches above the finished floor and situated such that a person can approach within 3 inches of the sign without encountering an obstruction or standing within

a door swing. Standards §§ 4.1.2(7), 4.1.6(1)(b), 4.30.1, 4.30.4, 4.30.5, 4.30.6.

2. The toilet room doors are inaccessible because the pressure required to open the doors exceeds 5 pounds. For each toilet room, provide a door that requires no more than 5 pounds of force to open. Standards §§ 4.1.3(7)(b), 4.1.6(1)(b), 4.13.11(2)(b).
3. No accessible mirror has been provided. In each toilet room, provide a mirror with the bottom edge of its reflecting surface no more than 40 inches above the finished floor. Standards §§ 4.19.6.
4. The lavatory in each toilet room is inaccessible because the faucets require excessive pressure. In each toilet room, provide a lavatory with a faucet that can be operated with 5 pounds of force or less and can be used with one hand and without tight grasping, pinching, or twisting of the wrist (lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs). Standards §§ 4.19.5, 4.27.4.
5. The toilet paper dispensers are inaccessible because they are above the grab bars. In each toilet room, provide a toilet paper dispenser for each designated accessible stall that is mounted with its top at least 1½ inches under the side grab bar and 36 inches or less from the rear wall and is centered at least 19 inches above the finished floor. Standards 4.17.3, Fig. 30(d).
6. In the Women's toilet room, the toilet is inaccessible because the flush control is on the closed side. Provide a flush control mounted on the "open" side of the toilet's clear floor space; 44 inches or less above the finished floor; and requiring a maximum of 5 pounds of force to operate; or provide an automatic flush device. Standards §§ 4.16.5, 4.17.2, 4.27.4.

E. Admin Park Building - "Unisex" Toilet, but signage says "Men."

1. The toilet room is inaccessible because the signage lacks raised and Braille characters and it is not mounted on the latch side of the door. Provide a toilet room sign with the International Symbol of Accessibility and raised and Braille characters. The sign shall be mounted on the wall adjacent to the latch side of the door with the centerline of the sign at 60 inches above the finished floor and situated such that a person can approach within 3 inches of the sign without encountering an obstruction or standing within a door swing. Standards §§ 4.1.2(7)(d), 4.1.6(1)(b), 4.30.1, 4.30.4, 4.30.5, 4.30.6, 4.30.7.
2. The toilet room door is inaccessible because the pressure required to open the door is 10 pounds. Provide a door that requires no more than 5 pounds of force to

open. Standards §§ 4.1.3(7)(b), 4.1.6(1)(b), 4.13.11(2)(b).

F. Education Center

1. The Education Center is inaccessible to people with hearing impairments because it has no assistive listening system. Provide a permanently installed assistive listening system (ALS) or a portable ALS with an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system. Also provide 4 receivers (4% of 100 total seats) for use by the general public and signage indicating their availability. 28 C.F.R. 35.160; Standards §§ 4.1.3(19)(b), 4.1.6(1)(b), 4.30, 4.33.

G. "Casino" (constructed before 1992)

1. Parking and General Features
 - a. Although the parking lot has a total of 75 parking spaces, only two are designated as reserved for people with disabilities, the pavement markings are unclear, the access aisles are not level, and there are no van accessible spaces. On the shortest accessible route to the accessible entrance, provide one van accessible space and two standard spaces designated as reserved for people with disabilities. Standard accessible spaces shall be a minimum of 96 inches wide and served by access aisles at least 60 inches wide. Van accessible spaces shall be a minimum of 96 inches wide and served by access aisles at least 96 inches wide. All spaces designated as reserved for people with disabilities shall have vertical signs with the International Symbol of Accessibility located such that they cannot be obstructed by parked vehicles. Van accessible spaces shall have an additional "Van-Accessible" sign located below the International Symbol of Accessibility. Ensure that all spaces and access aisles for persons with disabilities are flat and level, with slopes and cross-slopes not exceeding 1:50 in all directions, and that their surfaces are firm, stable, and slip resistant. Standards §§ 4.1.2(5), 4.6, 4.30.7(1).
 - b. The parking designated as reserved for persons with disabilities is not dispersed among the accessible facility entrances. Provide accessible parking such that some accessible parking spaces serve each of the accessible facility entrances. Standards §§ 4.1.2(5)(a), 4.1.2(5)(b), 4.1.6(1)(b), 4.6.2.
 - c. The route from the front of the Casino building to the parking area is inaccessible because the ramp surface has settled, leaving a one to two inch gap in the access route. Provide a ramp that is at least 36 inches wide

and has a slope not exceeding 1:12 and a cross slope not exceeding 1:50. Provide level landings at the top and bottom of the ramp that are at least as wide as the ramp and at least 60 inches long. If the ramp changes direction, provide a level landing measuring at least 60 inches by 60 inches at the change in direction. On both sides of the ramp, provide handrails between 1¼ inches and 1½ inches in diameter with a continuous gripping surface. Ensure that the handrails extend at least 12 inches beyond the top and bottom of the ramp parallel with the ground surface, that they are mounted between 34 inches and 38 inches above the ramp surface, that they will not rotate within their fittings, and that they have ends that are rounded or return smoothly to floor, wall, or post. Provide edge protection that is at least 2 inches high at the ramp's drop off sides. Ensure that the ramp and its level landing at the top and bottom are designed and maintained so that water does not accumulate on walking surfaces. Standards §§ 4.1.2(1), 4.1.2(2), 4.3.8, 4.8.

- d. The route from the front of the Casino building to the parking area is inaccessible because the sidewalk is not level. Provide at least one accessible route within the boundary of the site connecting these elements that, to the maximum extent feasible, coincides with the route for the general public. The accessible route must have a minimum clear width of 36 inches, or a minimum clear width of 42 inches if there is a turn around an obstruction less than 48 inches wide; have passing spaces at least 60 inches by 60 inches at least every 200 feet; have a minimum clear headroom of 80 inches; have a surface that is firm, stable, and slip resistant; have, in the absence of a curb ramp, ramp, elevator, or platform lift, no level changes in excess of ½ inch vertically; and have a running slope of less than 1:20 (5%) (or have been constructed as a fully accessible ramp) and a cross slope of less than 1:50 (2%). Standards §§ 4.1.3(1), 4.3, 4.5, Fig. 7.
- e. There is a step up at the entrance of the Casino. Provide at least one accessible route within the boundary of the site connecting these elements that, to the maximum extent feasible, coincides with the route for the general public. The accessible route must have a minimum clear width of 36 inches, or a minimum clear width of 42 inches if there is a turn around an obstruction less than 48 inches wide; have a minimum clear headroom of 80 inches; have a surface that is firm, stable, and slip resistant; have, in the absence of a curb ramp, ramp, elevator, or platform lift, no level changes in excess of ½ inch vertically; and have a running slope of less than 1:20 (5%) (or have been constructed as a fully accessible ramp) and a cross slope of less than 1:50 (2%). Standards §§ 4.1.3(1), 4.1.6(1)(b), 4.3, 4.5, Fig. 7.

2. Second Floor Assembly Area - Reception/Events Area

- a. The door at the Reception/Events Area is inaccessible because the pressure required to open the door is 15 pounds. Provide a door that requires no more than 5 pounds of force to open. Standards §§ 4.13.11(2)(b).
- b. The door at the Reception/Events Area is inaccessible because knob hardware is used. Provide a door with hardware that is easy to grasp with one hand and that does not require tight grasping, pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. Standards §§ 4.13.9.
- c. The Reception/Events Area is inaccessible to people with hearing impairments because it has no assistive listening system. Provide a permanently installed assistive listening system (ALS) or a portable ALS with an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system. Also provide a minimum of 2 receivers for use by the general public and signage indicating their availability. 28 C.F.R. 35.160; Standards §§ 4.1.3(19)(b), 4.30, 4.33.

3. Elevator - interior Casino to second floor

- a. The elevator is inaccessible because the hoistway signage lacks raised characters and Braille, and the characters are not 2 inches high. Provide signage at hoistway entrances with raised and Braille floor designations on both jambs such that the centerline of the characters is 60 inches above the finished floor and the characters are 2 inches high. Standards §§ 4.10.5, Fig. 20.
- b. The elevator is inaccessible because the doors do not stay open at least 20 seconds after reopening, and the doors close less than 5 seconds after notification. Provide doors that open and close automatically with a reopening device that will stop and reopen the car door and hoistway door automatically if the door becomes obstructed by an object or person. Ensure that the device is capable of completing these operations without requiring contact for obstructions passing through the opening at heights of 5 inches and 29 inches above the finished floor; that door reopening devices remain effective for at least 20 seconds, after which the doors may close; that the minimum time from notification that a car is answering a call until the doors of that car start to close is 5 seconds; and that the minimum time for elevator doors to remain fully open in response to a car

call is 3 seconds. Standards §§ 4.10.6, 4.10.7, 4.10.8, Figs. 20, 21.

4. Second Floor Ballroom

- a. There is no accessible route connecting the wheelchair seating areas and the stage; the rise to the stage, at 15 inches, prevents vertical access. Provide an accessible route connecting the wheelchair seating locations to all spaces used by performers. Standards §§ 4.3, 4.33.5.
- b. The stage is inaccessible to people with hearing impairments because there is no assistive listening system. Provide a permanently installed assistive listening system (ALS) or a portable ALS with an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system. Also provide a minimum of 2 receivers for use by the general public and signage indicating their availability. 28 C.F.R. 35.160; Standards §§ 4.30, 4.33.

5. Men's and Women's Toilet Rooms with Stalls - Basement

- a. For each toilet room, the toilet room sign is on the wrong side of the door, is not 60 inches high, and lacks raised and Braille characters. For each toilet room, provide a toilet room sign with the International Symbol of Accessibility and raised and Braille characters. The sign shall be mounted on the wall adjacent to the latch side of the door with the centerline of the sign at 60 inches above the finished floor and situated such that a person can approach within 3 inches of the sign without encountering an obstruction or standing within a door swing. Standards §§ 4.30.1, 4.30.4, 4.30.5, 4.30.6, 4.30.7.
- b. The Women's toilet room door is inaccessible because the pressure required to open the door is 10 pounds. Provide a door that requires no more than 5 pounds of force to open. Standards §§ 4.13.11(2)(b).
- c. The Men's toilet room door is inaccessible because the pressure required to open the door is 12 pounds. Provide a door that requires no more than 5 pounds of force to open. Standards §§ 4.13.11(2)(b).
- d. Although an audible alarm is provided in this facility, there is no visual alarm appliance in the toilet rooms. Provide a visual alarm appliance in each of the toilet rooms. Standards §§ 4.28.1, 4.28.3.
- e. The toilet in the women's room is inaccessible because the flush control is on the closed side. Provide a flush control mounted on the "open" side

of the toilet's clear floor space; 44 inches or less above the finished floor; and requiring a maximum of 5 pounds of force to operate; or provide an automatic flush device. Standards §§ 4.22.4, 4.16.5, 4.17.2, 4.27.4.

- f. No accessible coat hook has been provided. In each toilet room, provide a coat hook at a maximum height above the finished floor of 48 inches for a forward approach or 54 inches for a side approach and that is accompanied by clear floor space of 30 by 48 inches that allows a forward or parallel approach by a person using a wheelchair. Standards §§ 4.25.2, 4.25.3, 4.2.4, 4.2.5, 4.2.6.
- g. The rear grab bars at the toilet are inaccessible because they are more than 6 inches from the side walls. In each designated accessible stall in each toilet room, provide a rear grab bar that is at least 36 inches in overall length with the closer end no more than 6 inches from the side wall. Standards § 4.17.6, Fig. 30. . Standards §§ 4.1.2(7)(d), 4.30.1, 4.30.4, 4.30.5, 4.30.6, 4.30.7.

Attachment K: Program Access in Existing Facilities

Please Note: Paragraph 51 of the Agreement requires that within three months of the effective date of this Agreement, the City will provide signage as necessary to comply with 28 C.F.R. § 35.163(b), after having surveyed all facilities that are the subject of this Agreement for the purpose of identifying those that have multiple entrances not all of which are accessible.

The technical requirements and, where appropriate, the scoping requirements of the Standards are used as a guide for determining whether a program or activity held in an existing facility is "readily accessible to and usable by" persons with disabilities and for determining what changes are necessary to make this program or activity accessible if it continues to be provided in the existing facility in question. See 28 C.F.R. §§ 35.150(b)(1), 35.151.

In order to ensure that each of the City's programs, services, and activities operating at a facility that is the subject of this Agreement, when viewed in its entirety, are readily accessible to and usable by persons with mobility impairments, the City will take the following actions:

- I. **City Hall** - 25 Dorrance Street Within three years of the effective date of this agreement, except where otherwise noted, the City will complete the following modifications to the City Hall:
 - A. General Features - Accessible Route, Exterior Entrances, Signage, etc.
 1. The building is inaccessible because the facility lacks accessible signage at all inaccessible entrances. Provide accessible directional signage with the International Symbol of Accessibility at inaccessible entrances directing users to the accessible entrance, and provide accessible signage with the International Symbol of Accessibility at all permanent accessible entrances. Standards §§ 4.1.3(8)(d), 4.13, 4.30.
 2. The signage provided is inaccessible because not all permanent room number signs have raised and Braille characters. Provide permanent room signage with upper case, sans serif or simple serif type letters and numerals, meeting the requirements of the Standards for character height, raised characters, finish and contrast, accompanied by Grade 2 Braille; mounted on the wall adjacent to the latch side of the door or on the nearest adjacent wall at a height of 60 inches above the finished floor to the centerline of the sign; and located so that a person may approach within 3 inches of the signage without encountering protruding objects or standing within the swing of a door. Standards §§ 4.30.1, 4.30.4, 4.30.5, 4.30.6.

3. Although the facility contains an emergency alarm system, the alarm system is inaccessible because there are no visual alarms. Provide visual alarm devices in toilet rooms and any other general usage areas (e.g., meeting rooms), hallways, lobbies, and any other area for common use. Such devices shall be integrated into the facility alarm system and shall meet the requirements of the Standards for lamp type, color, pulse duration, intensity, and flash rate. Visual alarm appliances shall be placed 80 inches above the highest floor level within the space or 6 inches below the ceiling, whichever is lower. Visual alarm appliances shall be located such that no place in any room or space, including common corridors or hallways, required to have a visual alarm appliance shall be more than 50 feet from the signal. In large rooms and spaces exceeding 100 feet across, without obstructions 6 feet above the finished floor, devices may be placed around the perimeter, spaced a maximum of 100 feet apart, in lieu of suspending appliances from the ceiling. Standards § 4.28.3.
4. The EEO office door is inaccessible because the pressure required to open the door is 8 pounds. Provide a door that requires no more than 5 pounds of force to open. Standards § 4.13.11(2)(b).
5. The lift at the designated accessible entrance to City Hall is inaccessible because it is locked. Provide a lift at this location that facilitates unassisted entry, operation, and exit from the lift. Standards § 4.11.3.

B. Main Lobby

Elevator

1. The elevator is inaccessible because, after reopening, the doors do not stay open at least 20 seconds, and the doors close less than 5 seconds after notification. Provide doors that open and close automatically with a reopening device that will stop and reopen the car door and hoistway door automatically if the door becomes obstructed by an object or person. Ensure that the device is capable of completing these operations without requiring contact for obstructions passing through the opening at heights of 5 inches and 29 inches above the finished floor; that door reopening devices remain effective for at least 20 seconds, after which the doors may close; that the minimum time from notification that a car is answering a call until the doors of that car start to close is 5 seconds; and that the minimum time for elevator doors to remain fully open in response to a car call is 3 seconds. Standards §§ 4.10.6, 4.10.7, 4.10.8, Figs. 20, 2.

Telephone - 1st Floor Lobby

2. The telephone on the 1st floor is inaccessible because there is no signage at the telephone. Provide an accessible telephone with a clear floor space of at least 30 inches by 48 inches that allows either a forward or parallel approach by a person using a wheelchair such that bases, enclosures, and fixed seats do not impede approaches to the telephone; with the highest operable part of the telephone mounted no more than 48 inches above the floor for a front approach or no more than 54 inches above the floor for a side approach; that is hearing aid compatible and has a volume control mechanism; with telephone books, if provided, located between 15 and 48 inches above the finished floor for a front approach or between 9 and 54 inches above the finished floor for a side approach; with a cord of at least 29 inches long from the telephone to the handset; and with signage that complies with the Standards. Standards §§ 4.31, 4.30.7(2).

C. Tourism Office

1. The tourism office door is inaccessible because the twist-type door knob is hard to open. Provide a door with hardware that is easy to grasp with one hand and that does not require tight grasping, pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. Standards § 4.13.9.

D. Toilet Rooms with Stalls - 1st Floor

1. The 1st floor toilet room signs are not on the latch side of the doors, and they lack raised and Braille signage. For each toilet room provide a toilet room sign with the International Symbol of Accessibility and raised and Braille characters. The sign shall be mounted on the wall adjacent to the latch side of the door with the centerline of the sign at 60 inches above the finished floor and situated such that a person can approach within 3 inches of the sign without encountering an obstruction or standing within a door swing. Standards §§ 4.1.2(7)(d), 4.30.1, 4.30.4, 4.30.5, 4.30.6, 4.30.7.
2. The door of the 1st floor women's toilet room is inaccessible because it has excessive door opening pressure. Provide a door that requires no more than 5 pounds of force to open. Standards § 4.13.11(2)(b).
3. The 1st floor women's toilet room door is inaccessible because it has bolt latch hardware. Provide a door with hardware that is easy to grasp with one hand and that does not require tight grasping, pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms,

and U-shaped handles are acceptable designs. Standards § 4.13.9.

4. Although an audible alarm is provided in this facility, there is no visual alarm appliance in any toilet room. Provide a visual alarm appliance in each toilet room. Standards §§ 4.28.1, 4.28.3.
5. The 1st floor toilet rooms' lavatories are inaccessible because the lavatory apron height is less than 29 inches and the hot water pipes are not insulated or otherwise configured to protect against contact. In each toilet room provide a lavatory with the top of its rim or counter 34 inches or less above the finished floor; the bottom edge of the apron at least 29 inches above the finished floor; knee and toe clearances that comply with Fig. 31; and hot water and drain pipes that are insulated or otherwise configured to protect against contact. Standards §§ 4.19.2, Fig. 31, 4.19.4.
6. No accessible coat hook has been provided in the 1st floor men's and women's toilet rooms. In each designated accessible toilet stall, provide a coat hook at a maximum height above the finished floor of 48 inches for a forward approach or 54 inches for a side approach and that is accompanied by clear floor space of 30 by 48 inches that allows a forward or parallel approach by a person using a wheelchair. Standards §§ 4.25.2, 4.25.3, 4.2.4, 4.2.5, 4.2.6.
7. The toilet paper dispensers in the 1st floor men's and women's toilet rooms are inaccessible because they are above the grab bar. In each designated accessible toilet stall, provide a toilet paper dispenser that is mounted with its top at least 1 ½ inches under the side grab bar and 36 inches or less from the rear wall and is centered at least 19 inches above the finished floor. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.3, Fig. 30(d).

E. Toilet Rooms with Stalls - 5th Floor

1. The 5th floor toilet room signs lack the International Symbol of Accessibility and Braille characters. For each toilet room, provide a toilet room sign with the International Symbol of Accessibility and raised and Braille characters. The sign shall be mounted on the wall adjacent to the latch side of the door with the centerline of the sign at 60 inches above the finished floor and situated such that a person can approach within 3 inches of the sign without encountering an obstruction or standing within a door swing. Standards §§ 4.1.2(7)(d), 4.30.1, 4.30.4, 4.30.5, 4.30.6, 4.30.7.
2. The doors of the 5th floor men's and women's toilet rooms are inaccessible because they have excessive door opening pressure. For each toilet room,

provide a door that requires no more than 5 pounds of force to open. Standards § 4.113.11(2)(b).

3. The toilet paper dispensers in the 5th floor men's and women's toilet rooms are inaccessible because they are above the grab bar. In each designated accessible toilet stall, provide a toilet paper dispenser that is mounted with its top at least 1½ inches under the side grab bar and 36 inches or less from the rear wall and is centered at least 19 inches above the finished floor. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.17.3, Fig. 30(d).
4. Although an audible alarm is provided in this facility, there is no visual alarm appliance in any toilet room. Provide a visual alarm appliance in each toilet room. Standards §§ 4.28.1, 4.28.3.
5. No accessible coat hooks have been provided in the 5th floor men's and women's toilet rooms. In each designated accessible toilet stall, provide a coat hook at a maximum height above the finished floor of 48 inches for a forward approach or 54 inches for a side approach and that is accompanied by clear floor space of 30 by 48 inches that allows a forward or parallel approach by a person using a wheel chair. Standards §§ 4.25.2, 4.25.3, 4.2.4, 4.2.5, 4.2.6.

F. Offices and Counters - 1st Floor

1. All the office doors are inaccessible because twist-type hardware is used. Provide a door with hardware that is easy to grasp with one hand and that does not require tight grasping, pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. Standards § 4.13.9.
2. The Board of Canvassers and the Vital Statistics doors are inaccessible because the pressure required to open the doors is 8 and 14 pounds, respectively. Provide a door that requires no more than 5 pounds of force to open. Standards § 4.13.11(2)(b).
3. The route into the Registrar's Office is inaccessible because the counter is a protruding object that would not be detectable to a blind person using a cane. Provide an accessible route at this location such that no objects with their bottom leading edges measuring between 27 inches and 80 inches above the finished floor protrude more than 4 inches into walks, halls, corridors, passageways, or aisles. Free-standing objects mounted on posts or pylons may overhang 12 inches maximum from 27 inches to 80 inches

above the ground or finished floor. Standards §§ 4.1.2(3), 4.1.6(1)(b), 4.4.

G. Offices and Counters - 2nd Floor

1. The Tax Assessor's Office door is inaccessible because the pressure required to open the door is 14 pounds. Provide a door that requires no more than 5 pounds of force to open. Standards § 4.13.11(2)(b).
2. The Tax Assessor's Office door is inaccessible because knob hardware is used. Provide a door with hardware that is easy to grasp with one hand and that does not require tight grasping, pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. Standards § 4.13.9.
3. The computers in the Assessor's Office are inaccessible because they are placed on a 42 inch high counter. Provide a computer on a table or counter that has clear floor space that is 30 inches wide and 48 inches deep; knee clearance at least 27 inches high, 30 inches wide, and 19 inches deep; and a surface between 28 and 34 inches above the finished floor. Standards §§ 4.2.4.1, 4.32.

H. Offices and Counters - 3rd Floor

1. The door to the City Council Chamber is inaccessible because knob hardware is used. Provide a door with hardware that is easy to grasp with one hand and that does not require tight grasping, pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. Standards § 4.13.9.
2. The City Council Chamber is inaccessible to people with hearing impairments because there is no assistive listening system. Provide a permanently installed assistive listening system (ALS) or a portable ALS with an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system. Also provide 2 receivers (4% of 56 total seats) for use by the general public and signage indicating their availability. 28 C.F.R. 35.160; Standards §§ 4.30, 4.33.

I. Offices and Counters - 4th & 5th Floors

1. All the office doors are inaccessible because the pressure required to open the doors exceeds 5 pounds. Provide doors that require no more than 5 pounds of force to open. Standards § 4.13.11(2)(b).

2. All the doors are inaccessible because knob hardware is used. Provide doors with hardware that is easy to grasp with one hand and that do not require tight grasping, pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. Standards § 4.13.9.

J. Probate Court - 5th Floor

1. The courtroom door is inaccessible because the pressure required to open the door is 22 pounds. Provide a door that requires no more than 5 pounds of force to open. Standards § 4.13.11(2)(b).
2. The courtroom door is inaccessible because knob hardware is used. Provide a door with hardware that is easy to grasp with one hand and that does not require tight grasping, pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. Standards § 4.13.9.
3. The courtroom is inaccessible to people with hearing impairments because there is no assistive listening system. Provide a permanently installed assistive listening system (ALS) or a portable ALS with an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system. Also provide a minimum of 2 receivers for use by the general public and signage indicating their availability. 28 C.F.R. 35.160; Standards §§ 4.30, 4.33.

II. **Department of Inspections and Standards - 190 Dyer Street** Within three years of the effective date of this agreement, except where otherwise noted, the City will complete the following modifications to the Department of Inspections and Standards:

A. Parking, Access Route, Entrance, etc.

1. The van accessible parking reserved for persons with disabilities lacks the appropriate signage. At van accessible spaces, provide a "Van-Accessible" sign located below the International Symbol of Accessibility such that the sign cannot be obstructed by vehicles parked in the space. Standards §§ 4.6.4, 4.30.7(1).
2. The parking reserved for persons with disabilities is inaccessible because the surface of the access aisle is pitted and cracked. Provide designated accessible parking spaces and access aisles that are flat and level, with slopes and cross-slopes not exceeding 1:50 in all directions, with surfaces

that are firm, stable, and slip-resistant. Standards §§ 4.3.6, 4.5.1, 4.6.3.

3. The building is inaccessible because there is no signage directing persons to the accessible entrance, and there is no signage with the international symbol of access at the entrance. Provide accessible directional signage with the International Symbol of Accessibility at inaccessible entrances directing users to the accessible entrance, and provide accessible signage with the International Symbol of Accessibility at all permanent accessible entrances. Standards §§ 4.1.3(8)(d), 4.13, 4.30.
4. The entry door is inaccessible because the threshold is not beveled. Provide an accessible door with a threshold that is no greater than ¼ inch, or is no greater than ½ inch and is beveled with a slope no greater than 1:2. Standards §§ 4.13.8, 4.5.2.
5. The signage provided is inaccessible because there is no accessible permanent room signage at the permanent rooms. Provide permanent room signage with upper case, sans serif or simple serif type letters and numerals, meeting the requirements of the Standards for character height, raised characters, finish and contrast, accompanied by Grade 2 Braille; mounted on the wall adjacent to the latch side of the door or on the nearest adjacent wall at a height of 60 inches above the finished floor to the centerline of the sign; and located so that a person may approach within 3 inches of the signage without encountering protruding objects or standing within the swing of a door. Standards §§ 4.30.1, 4.30.4, 4.30.5, 4.30.6.

B. Toilet Rooms with Stalls (Men's and Women's)

1. The toilet room signage is inaccessible. For each toilet room, provide a toilet room sign with the International Symbol of Accessibility and raised and Braille characters. The sign shall be mounted on the wall adjacent to the latch side of the door with the centerline of the sign at 60 inches above the finished floor and situated such that a person can approach within 3 inches of the sign without encountering an obstruction or standing within a door swing. Standards §§ 4.1.2(7)(d), 4.30.1, 4.30.4, 4.30.5, 4.30.6, 4.30.7.
2. The toilet room doors are inaccessible because the pressure required to open the doors exceeds 5 pounds. For each toilet room, provide a door that requires no more than 5 pounds of force to open. Standards § 4.13.11(2)(b).
3. In each toilet room, the lavatory is inaccessible because the bottom edge is

less than 29 inches and the hot water pipes are not insulated or otherwise configured to protect against contact. For each toilet room, provide a lavatory with the top of its rim or counter 34 inches or less above the finished floor; the bottom edge of the apron at least 29 inches above the finished floor; knee and toe clearances that comply with Fig. 31; and hot water and drain pipes that are insulated or otherwise configured to protect against contact. Standards §§ 4.19.2, Fig. 31, 4.19.4.

4. In the women's toilet room, no accessible mirror has been provided. Provide a mirror with the bottom edge of its reflecting surface no more than 40 inches above the finished floor. Standards § 4.19.6.
3. In both toilet rooms, a standard accessible stall for wheelchair users has not been provided. For both toilet rooms, provide a "standard" accessible toilet stall at least 60 inches wide and at least 59 inches deep (or at least 56 inches deep with a wall-mounted toilet) such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls, and dispensers, comply with the Standards. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.22.7, 4.13, 4.16, 4.17, 4.26, 4.27, Fig.30.

III. **VINCENT BROWN RECREATION CENTER - 438 Hope Street** Within three years of the effective date of this agreement, except where otherwise noted, the City will complete the following modifications to the Vincent Brown Recreation Center:

A. **Parking**

1. Although the parking lot has a total of 28 parking spaces, only one is designated as reserved for people with disabilities, the existing access aisle is only 74 inches wide, and the parking lot lacks appropriate signage. On the shortest accessible route to the accessible entrance, provide one van accessible space and one standard space designated as reserved for people with disabilities. Standard accessible spaces shall be a minimum of 96 inches wide and served by access aisles at least 60 inches wide. Van accessible spaces shall be a minimum of 96 inches wide and served by access aisles at least 96 inches wide. All spaces designated as reserved for people with disabilities shall have vertical signs with the International Symbol of Accessibility located such that they cannot be obstructed by parked vehicles. Van accessible spaces shall have an additional "Van-Accessible" sign located below the International Symbol of Accessibility. Standards §§ 4.1.2(5), 4.6, 4.30.7(1), Fig. a.
2. The parking reserved for persons with disabilities is inaccessible because

the cross slope of the parking space is 3.3 degrees. Designated accessible parking spaces and access aisles shall be flat and level, with slopes and cross-slopes not exceeding 1:50 in all directions, with surfaces that are firm, stable, and slip-resistant. Standards §§ 4.3.6, 4.5.1, 4.6.3.

B. Lobby

1. The ramp in the entrance lobby is inaccessible because the ramp handrails are not between 34 and 38 inches high and lack extensions. Provide handrails that are between 1¼ inches and 1½ inches in diameter with a continuous gripping surface along both sides of the ramp, extending at least 12 inches beyond the top and bottom of the ramp parallel with the ground surface. Ensure that handrails are mounted between 34 inches and 38 inches above the ramp surface, with ends rounded or returned smoothly to the floor, wall, or post, and that they do not rotate within their fittings. Standards § 4.8.5.

C. Locker Rooms

1. The signage provided on the locker room doors is inaccessible because it is 58 inches high and mounted on the door. For each locker room, provide permanent room signage with upper case, sans serif or simple serif type letters and numerals, meeting the requirements of the Standards for character height, raised characters, finish and contrast, accompanied by Grade 2 Braille; mounted on the wall adjacent to the latch side of the door or on the nearest adjacent wall at a height of 60 inches above the finished floor to the centerline of the sign; and located so that a person may approach within 3 inches of the signage without encountering protruding objects or standing within the swing of a door. Standards §§ 4.1.2(7), 4.1.6(1)(b), 4.30.1, 4.30.4, 4.30.5, 4.30.6.
2. The locker room door is inaccessible because the pressure required to open the door is excessive. For each locker room, provide a door that requires no more than 5 pounds of force to open. Standards § 4.13.11(2)(b).
3. In the women's locker room only, the soap dispenser is inaccessible because the controls are obstructed by the garbage can. Provide a soap dispenser with the controls a maximum height above the finished floor of 48 inches for a forward approach or 54 inches for a side approach and that is accompanied by clear floor space of 30 by 48 inches that allows a forward or parallel approach by a person using a wheelchair. Standards §§ 4.27.2, 4.27.3, 4.2.4, 4.2.5, 4.2.6, Fig. 4.

4. In the women's locker room only, the toilet in the designated accessible stall is inaccessible because its centerline measures 19 ½ inches from the side wall. Provide a toilet with a centerline that measures 18 inches from the rear side wall. Standards § 4.17.3, Fig. 30.⁴
5. The toilet paper dispensers in the designated accessible stalls in both locker rooms are inaccessible because they are too far from the rear wall (40 and 41 inches). In each designated accessible stall, provide a toilet paper dispenser that is mounted within reach, with its top at least 1½ inches under the side grab bar, and centered at least 19 inches above the finished floor. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.6, Fig. 29(b).
6. The side grab bar in the designated accessible stall in the Men's toilet room is inaccessible because it is only 36 inches long. Provide a side grab bar that is at least 42 inches in overall length, with the far end mounted at least 54 inches from the rear wall and the closer end 12 inches or less from the rear wall. Standards §§ 4.1.3(11), 4.1.6(1)(b), 4.22.4, 4.16.4, Fig. 29(b).
7. The side grab bar in the designated accessible stall in the Men's locker room is inaccessible because the further end is 48 inches from the rear wall. Provide a rear grab bar that is at least 36 inches in overall length, with the closer end no more than 6 inches from the side wall; mounted 33 to 36 inches above the finished floor; with a diameter between 1¼ and 1½ inches; with 1½ inches between the grab bar and the wall; and at least 1½ inches between the grab bar and any other object, such as a toilet seat cover dispenser. Standards §§ 4.17.6, 4.26.2, Fig. 30.
8. The rear grab bars at the toilets in the designated accessible toilet stalls in both locker rooms are inaccessible because the closer end is 12 inches from the side wall. Provide a rear grab bar that is at least 36 inches in overall length, with the closer end no more than 6 inches from the side wall; mounted 33 to 36 inches above the finished floor; with a diameter

⁴ Shifting a toilet a small distance to comply with the centerline requirement need not be expensive. The important factor is maintaining the correct distance between the side grab bar and the toilet. Options include moving the partition on which the grab bar is mounted or installing an offset flange to shift the toilet. Another option is to mount the grab bar on a board attached to the side wall or partition. The board must extend 1 ½ inch below the grab bar and 18 inches above the grab bar to achieve the appropriate distance between toilet and grab bar.

between 1¼ and 1½ inches; with 1½ inches between the grab bar and the wall; and at least 1½ inches between the grab bar and any other object, such as a toilet seat cover dispenser. Standards §§ 4.17.6, 4.26.2, Fig. 30.

9. The showers in both locker rooms are inaccessible. In each room, provide a shower that is exactly 36 inches wide and 36 inches deep with a 48 inch long and 36 inch wide clear floor space alongside the shower opening, and an L-shaped shower seat mounted on the wall opposite the controls and extending the full depth of the stall; OR a shower that is at least 30 inches deep and 60 inches wide with no curb or threshold and with a 36 inch deep and 60 inch wide clear floor space at the shower opening. Ensure that the shower has grab bars, controls, a shower spray unit, and a seat, curb, and enclosure, if provided, that comply fully with the Standards and with Figs. 35, 36, and 37, as applicable. Standards § 4.21, Figs. 35, 36, 37.
10. No accessible towel hooks have been provided near the showers. In each locker room, provide a towel hook at a maximum height above the finished floor of 48 inches for a forward approach or 54 inches for a side approach and that is accompanied by clear floor space of 30 by 48 inches that allows a forward or parallel approach by a person using a wheelchair. Standards §§ 4.1.3(12)(a), 4.1.6(1)(b), 4.25.2, 4.25.3, 4.2.4, 4.2.5, 4.2.6.

IV. **FOX POINT BOYS AND GIRLS CLUB (ALSO A POLLING PLACE) - 90 Ives Street** Within three years of the effective date of this agreement, **except** where otherwise noted, the City will complete the following modifications to the Fox Point Boys and Girls Club:

1. The van accessible parking reserved for persons with disabilities lacks the appropriate signage. At van accessible spaces, provide a "Van-Accessible" sign located below the International Symbol of Accessibility such that the sign cannot be obstructed by vehicles parked in the space. Standards §§ 4.6.4, 4.30.7(1).
2. The building is inaccessible because the entrance to the voting location lacks signage. Provide accessible directional signage with the International Symbol of Accessibility at inaccessible entrances directing users to the accessible entrance, and provide accessible signage with the International Symbol of Accessibility at all permanent accessible entrances. Standards §§ 4.1.3(8)(d), 4.13, 4.30.
3. The ramp is inaccessible because the ramp handrails lack extensions. Provide handrails that are between 1¼ inches and 1½ inches in diameter such that the inside handrail is continuous and both handrails have a

continuous gripping surface along both sides of the ramp extending at least 12 inches beyond the top and bottom of the ramp parallel with the ground surface; the handrails do not rotate within their fittings; and both handrails are mounted between 34 inches and 38 inches above the ramp surface and 1½ inches from the wall, with ends rounded or returned smoothly to the floor, wall, or post. Standards §§ 4.1.2(1), 4.1.2(2), 4.1.6(1)(b), 4.3.8, 4.8.5.

4. The accessible entryway door to the voting area is inaccessible because there is a ¾ inch change in level at the threshold to the door. Provide an accessible door with a threshold that is no greater than ¼ inch, or is no greater than ½ inch and is beveled with a slope no greater than 1:2. Standards §§ 4.13.8, 4.5.2.

V. **WASHINGTON PARK COMMUNITY CENTER (ALSO A POLLING PLACE) - 42 Jillson Street** Within three years of the effective date of this agreement, except where otherwise noted, the City will complete the following **modifications** to the Washington Park Community Center:

1. Although the parking lot has a total of 16 parking spaces, no spaces are designated as reserved for people with disabilities. On the shortest accessible route to the accessible entrance, provide one van accessible space and one standard space designated as reserved for people with disabilities. Standard accessible spaces shall be a minimum of 96 inches wide and served by access aisles at least 60 inches wide. Van accessible spaces shall be a minimum of 96 inches wide and served by access aisles at least 96 inches wide. All spaces designated as reserved for people with disabilities shall have vertical signs with the International Symbol of Accessibility located such that they cannot be obstructed by parked vehicles. Van accessible spaces shall have an additional "Van-Accessible" sign located below the International Symbol of Accessibility. Standards §§ 4.1.2(5), 4.6, 4.30.7(1).
2. The interior doorway is inaccessible because it has an opening width of only 29 inches. Provide a door with a clear opening of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop. Standards § 4.13.5, Fig. 24.
3. The interior doorway is inaccessible because the pressure required to open the door is 10 pounds. Provide a door that requires no more than 5 pounds of force to open. Standards § 4.13.11(2)(b).
4. The ramp is inaccessible because it lacks edge protection. Provide edge

protection at least 2 inches high at the drop off sides. Standards § 4.8.7.

5. The ramp is inaccessible because it lacks handrails on both sides, the inside handrail is not continuous, and the handrail ends are neither rounded nor return smoothly to floor. Provide a ramp that is at least 36 inches wide with a slope not exceeding 1:12 and a cross slope not exceeding 1:50; with level landings at least as wide as the ramp and 60 inches long at the top and bottom of the ramp; and with edge protection at least 2 inches high at the drop off sides. Provide handrails that are between 1¼ inches and 1½ inches in diameter with a continuous gripping surface along both sides of the ramp, extending at least 12 inches beyond the top and bottom of the ramp parallel with the ground surface. Ensure that handrails are mounted between 34 inches and 38 inches above the ramp surface, with ends rounded or returned smoothly to the floor, wall, or post, and that they do not rotate within their fittings. Ensure that the ramp and approaches are designed so that water will not accumulate on walking surfaces. Standards §§ 4.3.8, 4.8.