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Folder Title:
ADA [Americans with Disabilities Act] Curb Cuts

Stack:	Row:	Section:	Shelf:	Position:
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Action

Thanks so much for update!

ADA - Curb Cuts

April 17, 1995

APR 18 1995

MEMORANDUM TO CAROL H. RASCO

From: Diana Fortuna and Elisabeth Cohen

Subject: Curb Cuts

Attached please find the letter from Harkin, Dole, Kennedy, Hatch and McCain requesting the Department of Justice extend the time period for installation of curb ramps. As stated in the letter, public entities were supposed to complete all necessary curb cuts by January 26, 1995; however, this appears to be a "unique, significant capital expense". The letter reasons that the intent of the ADA to include fair, balanced provisions and cost-sensitive safeguards for state and local governments would be best fulfilled over an extended time period.

Liz Savage explained that, in response to the attached letter, Justice is in the process making the necessary follow-up for a "proposed rule making" to grant the extension. She seemed to indicate that Deval Patrick and Janet Reno will approve this proposal and that the extension will be granted.

The standard protocol for granting this extension will span a roughly three month process. The process is currently underway and is expected to be complete and official by sometime this summer.

United States Senate

WASHINGTON, DC 20510

March 24, 1995

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

Dear Madam Attorney General:

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

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

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

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

Sincerely yours,

Tom Harkin

TOM HARKIN

Bob Dole

BOB DOLE

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

EDWARD M. KENNEDY

ORRIN G. HATCH

JOHN McCAIN