

April 17, 1995

MEMORANDUM TO CAROL H. RASCO

From: Diana Fortuna *DF* and Elisabeth *EC* 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.

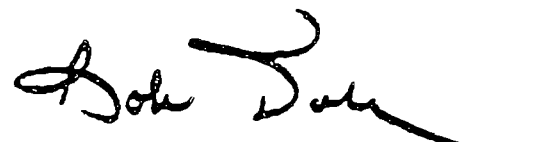
In this regard, we have heard that curb cuts are a unique, significant capital expense, and believe that our intent would be more properly fulfilled over a longer time period.

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.

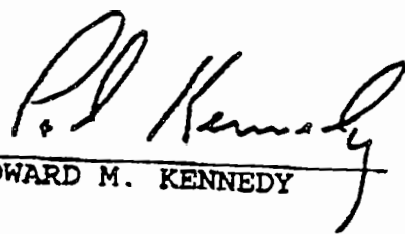
Sincerely yours,


TOM HARKIN


BOB DOLE

1/95 18:32 48490
2/26/95 16:01 SENATOR DOLE SH-141 → 48490

The Honorable Janet F. Reno
March 24, 1995
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EDWARD M. KENNEDY


ORRIN G. HATCH


JOHN MCCAIN

April 12, 1995

MEMORANDUM TO CAROL H. RASCO

From: Diana Fortuna and Elisabeth Cohen
Subject: Curb Cuts

Liz Savage explained that in response to the attached letter, Justice needs to write a "notice of a proposed rule making" which they are in the process of drafting. This notice then must be reviewed and approved by Deval Patrick and Janet Reno before it is published. The estimated time frame for their initial approval is roughly one month.

The notice then undergoes a 60 or a 90 day comment period. The received comments are then reviewed and the notice is revised if necessary and republished thus making the extension official.

In sum, the extension granting process will not be complete until sometime in the summer.

03/28/95

16:01

SENATOR DOLE SH-141 → 48490

NO. 039 002

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:

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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.

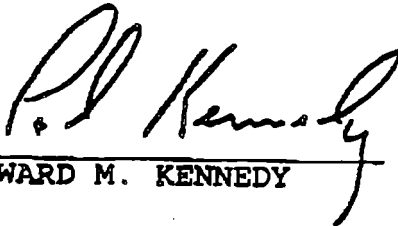
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Sincerely yours,


TOM HARKIN


BOB DOLE

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


EDWARD M. KENNEDY


ORRIN G. HATCH


JOHN MCCAIN

Diana:

I spoke with Liz who explained that in response to the curb cutting letter, Justice needs to do a "notice of a proposed rule making" which they are in the process of drafting. This notice is then needs to be reviewed and approved by Deval P. and Janet Reno before it is published (estimated time frame is roughly a month). The notice then undergoes a 60 or 90 day (she wasn't sure which #) comment period. These comments are then reviewed and the notice is republished and official.

In sum -- the process will take until sometime in the summer before the rule is established.

She said I (we) should feel free to call with any more questions.

Can you get a copy
of letter + send to
Carol w/a note
explaining status/
the above?
Thanks!
D

6906443