

MEMORANDUM TO SENATOR DOLE

DA: March 26, 1995
FR: Alec Vachon 
RE: SIGN LETTERS TO JUSTICE RE ADA

- * Attached are two letters for signature to Justice--
(1) one asking that the deadline for making curb cuts by local communities be extended up to 10 years (Justice is ready to move on this);
(2) the other, simplifying the process by which local building codes can be approved as consistent with ADA (originally proposed by a building inspector from Overland Park).

- * Per attached memo, you had approved these letters in early February (all co-signers approved them immediately except Hatch--his staff sat on these letters for a month--consumed by Balance Budget, then other matters).

United States Senate

WASHINGTON, DC 20510

March 24, 1995

The Honorable Janet F. Reno
Attorney General
U.S. Department of Justice
Constitution Avenue & 10 Street, N.W.
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 recommend a procedure to simplify the process by which state and local building codes are certified as complying with ADA. We believe the procedure proposed below would ease the regulatory burden on the Justice Department and on state and local governments, and better serve the needs of people with disabilities by improving accessibility without resort to enforcement through complaints.

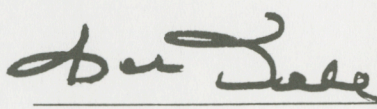
Currently, under Title III of ADA, the Justice Department can issue a "certificate of equivalency" that a state or local building code meets the requirements of ADA. However, Justice apparently will not certify--although it will informally review--any of the three model codes upon which virtually every state and local building code is based. Those model codes are prepared by Building Officials & Code Administrators, the International Conference of Building Officials, and the Southern Building Code Congress.

We believe the task of certifying even a fraction of the 15,000 state and local building codes would be a huge undertaking for the Justice Department. Therefore, we recommend that Justice first certify or otherwise approve the model codes, and devise an expedited procedure to certify state or local codes that use an approved model code.

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

Sincerely yours,

TOM HARKIN



BOB DOLE

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EDWARD M. KENNEDY

ORRIN G. HATCH

JOHN McCAIN

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The Honorable Janet F. Reno
Attorney General
U.S. Department of Justice
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Dear Madam Attorney General:

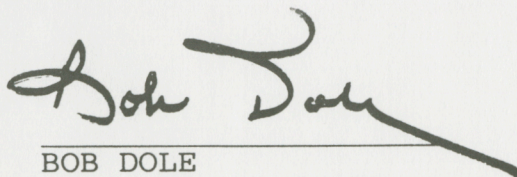
As the principal Senate co-sponsors of the Americans with Disabilities Act ("ADA"), we are writing to request the U.S. Department of Justice extend the time period for installation of curb ramps by public entities under 28 C.F.R. 35.150. We are, of course, strong supporters of ADA and its fundamental 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

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