Towards Accessibility

The Americans With Disabilities Act of 1990 and the Effects on Small and Medium Sized Businesses

by Lynnette E. Williams
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Dr. Francis Parker, Thesis Committee Chairman
Mr. Richard Harris, Thesis Committee Member

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In loving memory of my mother,
Lois M. Williams
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This handbook has been prepared for the fulfillment of the thesis/creative project requirement to obtain a Bachelor of Urban Planning and Development from the College of Architecture and Planning, Ball State University. While it is intended to assist businesses in complying with the ADA, this project is not a substitute for professional documents.
SUMMARY

The Americans With Disabilities Act of 1990 is an attempt to end discrimination against people with disabilities. Previous legislation regarding disabled individuals included the Rehabilitation Act of 1973, but does not go as far as the ADA. The Act attempts to take away barriers in such areas as employment, public accommodations, education, transportation, communication, and recreation.

Even though this legislation is intended to "level the playing field" for people with disabilities, many people fear the results of the ADA. For example, any entity who fails to offer the same and equal services to people with disabilities and remains inaccessible may be sued. Even though these penalties exist, many facilities still refuse to comply with the Act. The main basis for this attitude is the fear that fully complying with the Act will be very expensive.

There are many examples of easy, inexpensive, and simple steps an entity can take to insure all customers are receiving the same goods and services. Additionally, removing barriers can increase the number of customers, and in turn increase sales.

Most people do not intentionally discriminate against people with disabilities. However, conscious efforts need to be made to ensure accessibility. Efforts can be made through education and increased awareness of the problems this group faces.
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Chapter 1. Introduction

RATIONALE
The Americans With Disabilities Act of 1990 (Public Law 101-336) was signed into law July 26, 1990, and is one of the most empowering pieces of civil rights legislation since the 1960's. Because individuals with disabilities encounter discrimination in different ways than on the basis of sex, age, race, religion, etc., they have no legal basis on which to claim discrimination. The ADA attempts to address this situation by taking away barriers in such areas as employment, housing, public accommodations, education, transportation, communication, and recreation, etc.

In general, the Act itself has five "titles" or sections. They are as follows:

I. EMPLOYMENT
II. PUBLIC ENTITIES
III. PUBLIC ACCOMMODATIONS
IV. TELECOMMUNICATIONS
V. MISCELLANEOUS PROVISIONS

The implications this single piece of legislation has on planning are startling. It will effect planning agencies in most of its basic functions. As an employer, the planning agency must prohibit denial of a job to anyone qualified for the position who has a disability according to the ADA. As a provider of public services, planning offices must make public records accessible to disabled individuals and public notices, public hearings, codes, etc. must be available as well. In addition, development plans require a more careful review. The department must be sure that the plans are in accordance with all of the federal ADA guidelines set forth by the Architectural and Transportation Barriers Compliance Board, as well as state and local codes. The whole way a planner thinks about his or her surroundings must change drastically, and planners must address the issues that the ADA brings out and deal with efficiently.

THESIS PROBLEM
Even though this piece of legislation is intended to bring about positive change to society, many fear the results of the Act. Many business owners believe that new requirements will cause an economic hardship to the facility in question. However, an economic hardship does not necessarily have to result from efforts
towards making facilities accessible. Businesses can take a number of measures to show their willingness to make facilities accessible within their economic constraints. The problem that now exists is convincing businesses of this, and showing them ways to do this.

Based on the findings of this study, small and medium sized businesses may suffer a slight economic strain in the short run if they fully accommodate the disabled. However, many opportunities exist to provide accessibility that is inexpensive. The businesses will profit both economically and socially in the long run because an untapped customer market will open up for them. My hypothesis is that if a disabled person sees that Business A is making every attempt to accommodate them, and Business B is ignoring the ADA, the person with a disability will choose Business A. In addition, the reputation of the accommodating business among the community will be more favorable.

PURPOSE
The purpose of this project is to look into the ADA, and the public accommodations of small and medium sized businesses. It has been difficult, however, to pinpoint just one aspect on which to focus, especially when tying in a planning theme. Looking through sources at the many different aspects ADA relates to, narrowing down a course of study was difficult. The theme of this thesis is to assist businesses and localities in providing inexpensive and effective means of accessibility.

The ADA has delineated some guidelines for public entities to follow, but evaluation of Title III is on a case by case basis. This lack of definite structure will cause many discrepancies in implementation of the law. Because little is known about how to comply with the Act, a basis for businesses to follow is necessary. This report, as well as "Towards Accessibility: A Public Accommodations Handbook" included in the appendices will act as a guide for small and medium sized businesses.

Specifically, this report is intended to assist businesses located in the Village near Ball State University who have been most helpful in providing the information needed to put together such a report. The Public Accommodations Handbook is an attempt to give general background on the ADA, as well as practical ideas which various businesses and localities can follow in providing inexpensive and effective accessibility features. The results of the thesis and handbook should be applicable to any business or community and should serve as a tool for complying with the ADA.
SIGNIFICANCE
According to June Kailes in *People With Disabilities Explain It All For You*, a majority of Americans will at some point in their lives be "disabled" by definition and in practice. For example, one person might have a broken leg in one's younger years, or another may not be disabled until the later years, but most everyone will experience disability. With today's growing life expectancies, more and more people will live longer. As people grow older they will very often experience problems in doing everyday functions such as walking, driving, going to the grocery store, and other activities that most people take for granted. In this light the ADA potentially affects almost everyone. The Act has ramifications not only on those who are currently disabled, but also on those who could be disabled in the future, which could be just about anyone.

METHODOLOGY
The identified thesis problem requires several different types of research activities. For this study, a combination of interviews with owners of small and medium sized businesses, as well as personal interviews were conducted. In addition, a great deal of field research has taken place. The interviews with business owners took place in the "Village" of Ball State University, the main site of study. The "Village" is a commercial area near the main campus that contains many small and medium sized commercial establishments. Other areas were studied, such as Carbondale, Illinois, and Kokomo, Indiana, where positive actions have come about due to their active advisory committees. The summarized results of the study: "Towards Accessibility: A Public Accommodations Handbook" is a handbook designed to show business owners how they can make their facilities more accessible to people with disabilities.

SUMMARIES
The following chapters contain information from many different perspectives. Chapter Two is a literature review that discusses the ADA in general, as well as specific information concerning Title III — Public Accommodations. Chapter Three gives insight into the numbers of people with disabilities in general, and specifically at Ball State. Included in Chapter Three are the results of the ADA Summit also. Chapter Four is an explanation of the methodology and approach taken in data collection which also contains results from the interviews with various businesses and individuals who have taken part in my study. Chapter Five analyzes what the preceding results mean, and how they are important.
The concluding comments, Chapter Six, give an overview of the information presented, discuss the significance of results, and explores how changes can come about. The Appendices include interview questions, enforcement actions, etc. In addition, "Towards Accessibility: A Public Accommodations Handbook" is presented. This handbook acts as a practical tool that various businesses and localities can follow in providing inexpensive and effective accessibility features.
Chapter 2. Review of Literature

EQUAL OPPORTUNITY
One of the goals of the Americans With Disabilities Act (ADA) according to Mary Johnson, is to “assure quality of opportunity, full participation, independent living and economic self-sufficiency for those with disabilities” (1992). In other words, the disabled are in need of an equal opportunity in life. Without this, an equal basis for which to base competition and opportunity does not always exist. This can lead to dependency and non-productivity.

Discrimination has occurred against many disabled individuals in a number of ways, ranging from lack of access to blatant prejudice. One of the roots to this problem stems from the “non-disabled” feeling uncomfortable around an individual with a disability. According to Michael Clements, only 19% of American adults feel very comfortable when meeting a person who is mentally ill, and 59% feel the same when meeting a person in a wheelchair. Conversely, 27% said they feel very uncomfortable when meeting a mentally ill person and 6% are uncomfortable towards a person in a wheelchair.

The discrimination that has occurred to individuals with disabilities, even though not intended to be malicious, has had the same effect as it has had on other historically discriminated groups. Some unintentional discrimination includes architectural barriers, overprotective rules and policies, exclusionary qualifications, and segregation. Even though unintentional, these practices have caused a large portion of the disabled to be poor, out of work, on welfare, and blocked from society (Johnson, “People With Disabilities”, 1992).

According to the ADA, certain practices are considered discriminatory. They are the following:

a) Denying someone with a disability the opportunity to participate in, or benefit from, things provided other people
b) Providing unequal benefits to an individual (i.e. offering a lesser service)
c) Providing a separate, segregated service (there must be integration)

One example of an exclusionary practice would be to require showing only a driver’s license as identification. This practice would be discriminatory to those who have a disability which prohibits driving, such as blindness. The place of business would have to allow the usage of alternative forms of identification.
In essence, the disabled community would like to change the way they are thought of. As Evan J. Kemp, chairman of the Equal Employment Opportunity Commission says, “We’re a special-interest group that wants to lose its status as a special interest group”. People with disabilities would also like to do away with pity-evoking events, such as the Jerry Lewis Telethon. This event in particular suggests that the lives of those who are disabled are tragic. This image, as well as dependency on others, is what disabled people would like to see change (Griffin, 1991).

LEGISLATIVE HISTORY
The legislation that existed at both the federal and state levels prior to 1973 regarding people with disabilities was in the form of “rehabilitation acts.” These acts dealt with this group of people by labeling them as “handicapped.” Money was provided to fund states to train those who were “handicapped.”

On September 26, 1973, President Nixon signed the Rehabilitation Act of 1973 into law. Unlike the previous rehabilitation acts, this act dealt with discrimination. It was the first act that included a “non-discrimination” requirement. The removal of many “architectural barriers” came about because of this act. Ramps were installed, grab bars were put in restrooms, doorways were widened, guide dogs were finally allowed to enter places, etc. However, this requirement pertained only to entities that received federal funding.

In 1984 President Reagan asked the National Council on the Handicapped to prepare a report with recommendations for legislation dealing with improving the quality of life for disabled Americans. Submitted in 1986, “Toward Independence” recommended that congress consider an “enactment of a comprehensive law requiring equal opportunity for individuals with disabilities, with broad coverage and setting clear, consistent, and enforceable standards prohibiting discrimination on the basis of handicap.” This set the stage for a new disability act.

Senator Lowell Weicker (R-Connecticut) drafted the first official version of the ADA in 1987. The original intent of the bill was to assure that discrimination did not occur to disabled persons in relation to employment, transportation, communication, public access, etc. (McKee, “A Troubling Bill”, 1990). People testified on behalf of the bill all over the country. Many said that they had experienced blatant discrimination in everyday life, from finding an apartment to finding a job. However, strong lobbies existed on both sides of the issue. In opposition to the disabled were special interest business groups that
had a powerful voice in Congress as well. In the end, many compromises between the two forces were written into the bill. The Americans With Disabilities Act was finally signed into law on July 26, 1990 by President Bush on the White House Lawn in front of thousands of people with disabilities.

The ADA is the twentieth century emancipation proclamation for people with disabilities. For millions of Americans with disabilities, segregation, isolation, and inequality are over. Today, our nation says ‘no’ to second class citizenship for people with disabilities; ‘no’ to patronizing attitudes. Today, our country says ‘yes’ to treating people with disabilities with dignity and respect; and ‘yes’ to judging people with disabilities on the basis of ability and not on the basis of fear, ignorance, and prejudice. . . . This is the proudest day of my fifteen years in Congress because today 43 million Americans are finally written into our Constitution.²

STATISTICS
In the United States alone, it is estimated that 43 million Americans have some type of disability, according to the ADA. However, this is a conservative estimate in that the Arthritis Foundation alone has 35 million members (Johnson, "People With Disabilities", 1992). Seemingly, the number of disabled individuals will notably increase and become the majority in the following 30 years as the baby boomers move into the middle and late ages, and their incidence of disability will increase (qtd. in Johnson, "People With Disabilities", 1992).

There are many who stereotype a disabled person as one in a wheelchair. However, disabilities and other impairments can occur in a number of different ways. Of those disabled and of working age, it is estimated that less than 10% use a wheelchair. On the same note, just because a person may have a hearing or sight impairment does not mean that he or she is deaf or blind. An impairment may also be as simple as having problems climbing stairs or carrying groceries. In fact, one-tenth of the population over the age of 15 has this difficulty (Johnson, "People With Disabilities", 1992).

Many people have problems relating to individuals with disabilities. Ironically, chances are 80% that one will experience some sort of disability in an average life span, and a 95% chance that one will experience a non-permanent mobility impairment (Johnson, "People With Disabilities", 1992). These impairments may include a broken leg, sprained ankle, illness, or hearing or sight limitation. When disabilities occur, the number of activities that one is
involved in significantly decreases. For example, two-thirds of those disabled did not go to a movie in the last year, three-fourths did not go to the theater or a concert, and two-thirds did not go to a sporting event. The average non-disabled American would find this inactivity unbearable. Maybe this is the reason that the ADA has such overwhelming support from the general public: 96% support prohibiting discrimination in public places, 83% support requiring employers to make "reasonable accommodations" for disabled employees, and 93% support making new public transportation accessible (Fersh & Thomas, 1993).

The number of disabled individuals who are unemployed is staggering when compared to non-disabled people. The facts are that of the 43 million disabled, 67% of them are unemployed. This represents over 28 million willing and able potential employees. The number of unemployed disabled males is shocking. In 1981 the proportion of disabled men working full time was 30%. By 1988 that figure had gone down to 23%. What's more is that the disabled men who are employed earn 30% less than their non-disabled counterparts (in 1980), while disabled women earned 38% less.

In the future, matching disabled people with jobs will be increasingly easier. According to the U.S. Bureau of Labor and Statistics, more than 90% of new jobs will be in information and service type jobs throughout the year 2000. These jobs require brain power and skill, not physical proficiency.

A notion throughout this country states that the ADA's costs will outweigh its benefits. However, estimates indicate the contrary. According to Andrea Maier, reasonable accommodations will cost $16 million, and Equal Employment Opportunity Commission enforcement will cost $25 million. However, the estimated benefits are $164 million in increased productivity, and a savings of $222 million in decreased government support for the disabled. According to Justin Dart, chairman of the President's Committee on Employment of People with Disabilities, the cost to the nation per year in welfare programs, lost taxes and productivity is $300 billion (Lohman, 1992).

PUBLIC ACCOMMODATIONS
This section (Title II) of the ADA went into affect January 26, 1992 for existing facilities, and January 26, 1993 for new construction. "Title III prohibits discrimination in any manner that would prohibit the full and equal employment of the goods, services, facilities, privileges, advantages, and accommodations in any existing 'place of accommodation' as defined by the law." (Haft, 1992). The ADA defines twelve categories of "public accommodation." They are:
a) Places of lodging  
b) Establishments serving food or drink  
c) Places of exhibition or entertainment  
d) Places of gathering  
e) Sales or rental establishments  
f) Service establishments  
g) Stations used for specified public transportation  
h) Places of public display or collection  
i) Places of recreation  
j) Places of education  
k) Social service center establishments  
l) Places of exercise or recreation

All places of public accommodation must be accessible by all, no matter what disability. If the facility is not accessible, then it must be changed or altered unless changes are deemed not to be readily achievable. In addition, technically infeasible alterations necessary for accommodation are excused for that portion. If an alteration affects the access to a “primary function area”, the entity must provide access to the restrooms, telephones, and water fountains serving the altered areas, to the extent that the costs of removing barriers are not disproportionnate to the overall cost of alterations (Department of Justice, 1993).

Some examples of businesses included in the Act are hotels, restaurants, theaters, stadiums, convention centers, museums, libraries, schools, parking garages, recreation facilities, and sales service establishments such as grocery stores, clothing stores, banks, hospitals, law offices, and medical offices. The ADA affects commercial facilities tremendously.

Commercial facilities are those nonresidential facilities whose operation affects commerce or trade. These facilities can provide access in many ways. Some of the most common ways include department stores rearranging merchandise for easier accessibility, car rental agencies providing cars with hand controls, telephone companies having operators to assist speech impaired people, and buses equipped with wheelchair lifts. Businesses must provide alternative but equal services if “barrier removal” is structurally impossible. For example, home delivery to disabled customers may be necessary, employees may have to assist shoppers to retrieve merchandise, or goods may have to be relocated to accessible locations.
The concept of “readily achievable” mean “easily accomplished and able to be carried out without much difficulty or expense.” (Haft, 1992). Public facilities must be made accessible to this extent (Haft, 1992). In determining whether removing barriers is readily achievable, the factors to consider include:

a) Nature and cost of action needed
b) Overall size of the facility involved in the action
c) Number of persons employed at the facility
d) Financial resources of the entity
e) Type of services provided by the entity (Haft, 1992; Johnson, “People With Disabilities”, 1992)

Many people have estimated the costs of compliance with the ADA. Some sources say that a large portion of accessibility measures will cost very little, between $500 and $1000. Barbara Judy states that 81% of the necessary changes for accommodation cost $1000 or less, and 31% cost nothing (qtd. in McKee, 1990). On the same note, Marco Damiani says that 69% of accommodations cost less than $500 (Bodow, 1992). However, there are many sources who would argue and who say those estimates are quite conservative. For example, Greyhound Company claims full compliance would lead to $78 million a year in added expenses (Griffin, 1991). These opposing viewpoints make having an accurate idea of how expensive compliance really is difficult.

Most businesses do not realize how profitable accessibility really is. A good example is how one lady and her family cannot shop at the shopping center one mile from their house. Instead they have to go to the shopping center 8 miles away because it is accessible. Therefore her whole family shops at the center 8 miles away and spends their money there as well. Such simple things as curb cuts, accessible parking spaces, and ramps could make the shopping center barrier free. If an inaccessible store averages 100 customers a day, with an average customer sale of $10 they could be losing $100 dollars a day going on the conservative estimate that 10% of the population has a mobility problem. The facility could invest a couple hundred dollars to achieve accessibility and within a week would receive a return with increased profitability in the future (Johnson, “People With Disabilities”, 1992).

Many business owners ironically say that they do not need to install accessible features because they do not have any disabled customers. Naturally the business will not have disabled customers because it is inaccessible!
People who are disabled still like to do the things non-disabled people like to do, such as going to a restaurant. The disabled have to pass up numerous restaurants to find one that is accessible. When a person who is disabled finds a good restaurant that is accessible, that person remembers it and spreads the word. Additionally, when people with disabilities go to restaurants they do not go alone. They go as families, couples, and groups. Therefore, if a business is inaccessible they are losing the business of not only the person who is disabled, but their friends and family as well. When someone finds an accessible location, such as a restaurant or business, word spreads. An accessible restaurant may have many disabled customers per night. Therefore an inaccessible restaurant probably loses about $200 per night, while an access ramp may only cost between $100 and $1000 (Johnson, “People With Disabilities”, 1992).

The Department of Justice has a set of suggested priorities to give people a way to look at the barriers they have. (Magazine, 1993) The first priority of the ADA is to provide access so that disabled individuals can get in the door of an otherwise inaccessible building. The next step is to provide access to the activities that are inside the building, by barrier removal if necessary. Next, there must be access to restrooms. The ultimate goal is to provide access for all areas of a facility.

Some entities are excluded from having to comply with the public accommodation section of the ADA. Churches, multifamily housing, private clubs, and government entities (covered in Title II) are examples. Some types of activities may be excluded as well. For example, exclusions are acceptable if doing so ensures safety. A height restriction for an amusement ride is acceptable, as well as a requirement to know how to swim at a public pool.

Title III of the ADA establishes no exemptions concerning accessibility depending on the business size. Therefore, even the smallest businesses are theoretically required to provide the same accommodations as a large corporation, such as removing architectural and communication barriers, providing a sign interpreter, ramping the entrance, etc. However, when determining what is readily achievable for a business, size does come into play. (Haft, 1992). For example, a small non-profit organization will generally have to make fewer modifications than a Fortune 500 company. Therefore, the financial resources play a large role in determining what is readily achievable. Clearly, making public places accessible is a positive economic tool and should be on the forefront of a business owner’s mind.
PHYSICAL DESIGN

Naturally, physical design plays a large role in disabled access, and is of the utmost importance. Removing all obstacles that block the equal use of a facility by a disabled person to the greatest extent possible is important. Barrier free design is an attempt at making a site as accessible as possible to people with all types of disabilities. Sometimes accessibility may mean simply removing an architectural barrier such as a turnstile, or installing a raised toilet seat. Other times it may mean removing a communication barrier by installing flashing alarm systems for the hearing impaired, or installing raised elevator buttons for the sight impaired. Some other general examples of barrier free design include the following:

a) community facilities being located near accessible public transportation
b) providing short walking distances in the community with public seating located throughout
c) providing a level, smooth ground surface
d) providing accessible routes to and in between doors, halls, and waiting areas
e) locating parking spaces next to entrances
f) providing accessible restrooms, elevators, and drinking fountains
g) providing adequate turning radii for wheelchair users
h) providing adequate lighting and non-glare surfaces

Barrier free design is a definite positive step towards reaching the desired results of complete accessibility however, universal design (design intended to fit the needs of all) is the best instrument for accommodating people with disabilities. Most people do not consider who physical structures are designed around. Design standards are thought of as being for the general population, however in reality they represent a social need of particular groups while they exclude others (qtd. in Wehman, 1993). For example, steps are designed to fit the height of the average person, trains and buses are designed for those who are ambulatory, phones are designed for those who can hear and speak. People are now questioning these assumed design standards because it is possible to make facilities accessible to all. A few suggestions for facilities include:
a) make the main entrance accessible for wheelchair users by using concrete or wood decking
b) if the women's and men's restrooms are too small for a wheelchair and are next to each other, change them into one large "family" restroom
c) instead of adding an additional phone that is lower, just lower the existing phone and add a bench to sit on
d) install a TDD (Telecommunication Device for the Deaf) machine

There are many actions business and public facilities can take that do not necessarily cost a great deal. In addition, alterations can be phased in over time. Some solutions to consider include the following:

a) in order to indicate accessible parking spaces, widen some of them, and add signs
b) install curb cuts or ramps
c) remove plush or high pile carpeting and replace it with low pile carpeting
d) widen such doors as for dressing rooms, restrooms, etc
e) replace doorknobs with lever handle openers
f) arrange displays, tables, vending machines, etc. in such a way as to not obstruct passage
g) reposition phones lower
h) provide raised elevator buttons with braille
i) install a paper cup dispenser next to water fountains
j) provide visible and audible alarm systems
k) integrate seating for disabled customers with all others

A common concern in the business community is that ramps, and other various accessibility features may ruin the aesthetics of the facility, as well as take up too much space. Like anything else, ramps can be designed well or they can be designed poorly. Another option involves making a portable ramp available that can be easily disassembled and stored, for example, under the stairs. In this case a business can retain its exterior image, and still provide accessibility.

LIMITATIONS
In some areas limitations exist which restrict full accessibility for people with disabilities. For example, building a structure at grade in a region that is in a
floodplain is impossible. Swampy areas also pose design problems. Many times these areas are available to be accessible, but providing accessibility may be more expensive. For example, facilities on a coast are usually required to be built up on stilts. In order to be accessible, it may be necessary to install a wheelchair lift.

Another problem comes up when dealing with historic facilities. Generally, the idea of accessibility had never been thought at the time most of these facilities were built. These structures pose the most burdensome compliance problems. A historic facilities must go through numerous steps to determine the extent of compliance that is necessary. The procedures also vary depending on whether or not the facility is federally funded. If it is federally funded, or is eligible for listing in the National Register of Historic Places, the Advisory Council on Historic Preservation should be given a "reasonable opportunity" to examine the site and provide comment on the matter. The state's historic preservation authority should then be contacted. If either entity feels that "complete" compliance with the ADA would destroy or threaten the historic significance, then "minimum accessibility standards" may be imposed (Minton, 1992).

Alternative Minimum Standards are standards that allow certain exceptions to the normal compliance standards. They include the following:

a) Only one accessible route to an accessible entrance (for example, from a parking space to the access point)
b) A ramp with a slope of no more than 1:6, not exceeding two feet in run (the normal slope allowed is 1:12)
c) Only one accessible public entrance point. If another entrance must be used, for example a service entry, then it must be kept unlocked during normal business hours of operation
d) One unisex toilet must be provided along an accessible route
e) Only publicly used spaces on the level of the accessible entrance must be made accessible
f) Displays and visual information must be located where they can be seen by a seated person, no higher than 44 inches from the floor

Structural changes would not be required if for some rare circumstance even the "minimum standards" would destroy or threaten the historic significance. In such a case, other alternative means of providing access would have to be incorporated. They may include:
a) Using audio-visual materials to "depict" parts of the historic facility that are inaccessible

b) Assigning an employee to personally guide an individual through the facility

If the historic facility in question is not under federal authority, the entity itself should determine whether compliance would threaten or destroy the historic integrity. Following that step, the facility should consult with the state historic preservation office. These consultations should include all interested parties, including organizations representing individuals with disabilities to help in the assessment of what needs to be done.

Sometimes it may be difficult to assess whether or not compliance would threaten or destroy the historical significance. One way to make the decision easier is to look at the nature of the historic significance. For example, if complying with the ADA destroyed a unique architectural characteristic of the facility, then compliance would not be readily achievable. However, if the only reason the facility is "historic" in nature is that a particular event in history took place there, then compliance may very well be readily achievable.

FINANCING

"The ADA will save taxpayers billions of dollars by outlawing discrimination, putting disabled people on the job rolls and thereby reducing government disability payments" (qtd. in Griffin, 1991).

The ADA is not a piece of legislation that is meant to bankrupt businesses. However, many business owners seem to think that is what the effects will be. In general, the provisions in the ADA concerning financing provide a way to spread out the cost of complying to all taxpayers.

The ADA has two means of saving the entity money when complying. These financing measures are the result of the 1990 Internal Revenue Code -- Section 44 and Section 190. Section 44 deals with a tax credit. If a business spends over $250 dollars on making the facility accessible, then the remaining amount is eligible for the credit, and the credit only applies for amounts less than $10,250. For those amounts between $250 and $10,250, up to 50% of that amount is eligible for credit. The second financing measure, from Section 190, is the tax deduction. This mechanism, like the credit, is used if changes are made to make the facility more accessible. This deduction is used for expenses not exceeding $15,000. When used in conjunction with one another, a business can be credited
up to $5000 (50% of the $10,250), and deductions can be used for the remaining amount up to $15,000.

Businesses are eligible to use the tax credit and deduction if they have no more than 30 full-time employees or have no more than $1 million in gross receipts per year. When defining the expenditures that can be eligible for the credit and deduction, the IRS defined them as “eligible access expenditures.” They are the following:

a) To removal of architectural, communication, physical, or transportation barriers which prevent a business from being accessible to or usable by individuals with disabilities

b) To provide qualified interpreters or other effective means of making “aurally delivered” materials available to individuals with hearing impairments

c) To provide qualified readers, taped texts, and other effective methods of making visually delivered material available to people with visual impairments

d) To acquire or modify equipment or devices for individuals with disabilities

e) To provide similar services, modifications, or equipment (Johnson, “People With Disabilities”, 1992)

If a business spends more than $15,000 per year to make facilities more accessible the IRS may see these changes as capital improvements, therefore, they would have to be spread out over 30 years or more. However, if the changes are seen as repairs, then they can be deducted immediately which is a definite advantage.

Even with the tax advantages, some businesses claim the Act will cost much more. The Woolworth Company is one of those businesses. They contend that if all their shelves and aisles have to be accessible to a person in a wheelchair, they would lose 1/3 to 3/5 of productive retail space (Griffin, 1991). This would in turn cut down the store's generated sales.

**CASE STUDIES**

Many public facilities provide mainstream entertainment which is not accessible to the fullest extent possible. One example of this is the Georgia Dome in Atlanta (“Disability Complaints”, 1993). This facility opened in 1992, long after the ADA was enacted. However, there have been numerous complaints made by
the disabled community. Some of their complaints include inadequate sight lines from the designated wheelchair spaces, poor ramp access, and a lack of non-slip finishes on the flooring. When a facility such as this does not provide proper access, it is inexcusable due to the fact that the facility was built after ADA was passed.

Camden Yards in Baltimore, on the other hand, is a much more positive example of accessible design features (Minton, 1992). There, builders made a conscientious effort to provide access for all. Accessible design began during construction when a task force was assigned to monitor construction. The task force was comprised of four wheelchair users out of five people. The group met regularly with architects and toured the site during construction to check for its accessibility. Some of the comments made by the task force resulted in the addition of elevators and the lowering of water fountains. Throughout the stadium, there are 460 seats for disabled patrons. The “wheelchair” seats were more expensive, but the increased ticket sales to this new market is expected to more than make up for the additional cost. In addition, the seats can later be converted into regular seats if needed.

Because accessibility was built into the overall design, the accessibility included in Camden Yards only accounted for a small portion of the stadium’s total cost. Some of the features include “negotiable” ramps, accessible ticket windows, wheelchair battery rechargers, accessible private suites, TDD ticket phone lines, and amplifiers.

VIOLATIONS
ADA violations concerning public accommodations are handled through the Public Access Section in the Civil Rights Division of the Department of Justice (DOJ). The DOJ investigates complaints concerning violations of Title III as well as litigation proceedings. Any complaint that involves a pattern or practice of discrimination can be filed as a civil suit in a Federal district court by the Justice Department. The DOJ may seek injunctive relief -- also known as the “shall include” order. It requires places of public accommodation to alter its facilities to make them accessible, or to provide auxiliary services. Monetary damages can also be sought on behalf of the individuals, as well as civil penalties: up to $50,000 for the first violation can be awarded, and $100,000 for subsequent violations. Individuals may also file civil suit in Federal court, but they cannot receive monetary awards. However, the defendant can be ordered to remove the barriers and pay for the legal fees.
By October, 1993, 1200 complaints were filed concerning Title III violations (DOJ, 1993). Some of the alleged violations include failure to remove barriers, discriminatory policies, and lack of auxiliary aids. Complaints have been settled via three avenues: Litigation, Formal Settlement Agreements, and Informal Resolution. See Appendix A.

Litigation that has occurred through Title III includes Federal court decisions as well as pending decisions. There have been instances in which the DOJ has brought suit against entities and private civil actions have been brought up as well. In more than one case, the DOJ has filed amicus curiae memorandums in private suits.

Through Formal Settlements, voluntary agreements are signed by the DOJ and the respondent. These agreements involve provisions for enforcement, however no court action takes place (DOJ, 1993).

Informal Resolutions can take place instead of litigation or formal settlement. In some cases, respondents learn of the complaint and promptly take action to rectify the problem. In other cases lengthy negotiations occur.

Some contend that the ADA is nothing but an "Attorney's Full Employment Act". Nancy Fulco of the U.S. Chamber of Commerce estimated that it may take as long as 20 years to sort out the ADA. She claims that the way it is written encourages lawsuits as a way of handling disputes (Rodman, 1991). Another common misconception is that the law will excuse businesses because they do not know much about it, especially the technical aspects of it. “A public accommodation or other private entity shall not be excused from compliance with the requirements of this part because of failure to receive technical assistance, including any failure in the development or dissemination of any technical assistance manual authorized by the Act.” (ADA, 1990). In other words, ignorance is no excuse.

PLANNING DEPARTMENTS

Planners, perhaps more than any other group, must be knowledgeable on the subject of ADA due to the amount of exposure they will have with it. This exposure will be in many forms. Planning departments more than most other entities will be affected by the ADA in all of its major functions -- as an employer, as a provider of public services, as a government agency, and as a reviewer of proposed development (Minton, 1992). Planners should also be advocates for disabled individuals, keeping in mind that “almost” accessible is not accessible. Anything less than equal access is discrimination.
Outreach programs can provide a good way to get people with disabilities involved in public planning processes. A good source for reaching the disabled is through advocacy groups in the area, such as the Arthritis Foundation, Muscular Dystrophy Association, etc. Periodic visits to senior citizen homes can also help spread the word, as well as contacting churches, newspapers, radio stations, and television stations.

The Burlington (Vermont) Planning Commission has been quite successful at providing equal opportunity to all of their citizens, and encouraging them to participate in the planning process. The Commission conducted outreach programs to reach people with disabilities and to explain the planning process, as well as encourage them to attend and participate in meetings. The Commission met at places that were as accessible as possible, provided transportation to wheelchair users, and communicated via sign language and TDD's. The planning staff was also trained as to how to deal with accessibility and sensitivity issues. In order to find out which facilities are appropriate for having meetings, it can help to include a disabled person who is familiar with the Americans With Disabilities Act Accessibility Guidelines (ADAAG). Going on inspections with individuals with disabilities is invaluable as they are the experts, and they can point out potential problems with the facility.

Another step towards accessibility is offering a public database available at public places, such as the library, license branches, etc. The database should include the zoning ordinance, Plan Commission agendas, Board of Zoning Appeals agendas, minutes from previous meetings, public notices, and anything related to the public. The database should include an opportunity for input, and any comments people may have.

**RESPONSIBILITY**
The ADA states that any person who owns, leases, or operates a place of public accommodation is responsible for compliance. In other words, both the landlord and tenant are responsible for making accommodations, and compliance should be a contractual agreement. As a general rule, the landlord is responsible for making modifications to the building's entrance and common area. The tenant is responsible for changes once inside the facility, especially without structural changes. If a parent corporation owns a facility, that corporation is not liable for compliance, but they are considered in the formula for determining what is readily achievable.
CONTROVERSY
Although the ADA is well supported, there are some people who feel differently and do not believe in its merits. For example, "In solving the environment for one segment of the population, why do we have to degrade it for other segments?" (Campbell, 1991). This statement assumes, however, that there cannot be design well suited for all segments of the population. The main point is that design will be centered around one group of people however, the design may harm another group of people. For example, if a facility was to lower a telephone to fit the needs of those in wheelchairs this would harm the segment of the population who has a back problem, and cannot bend down to use the phone. There exists a design solution that provides access to all: build a bench for people to sit and use the phone. Another fear is that architecture will lack quality if design includes providing for people with disabilities. "Architecture for the disabled should be at least as well-designed as architecture in general." (Campbell, 1991).

The ADA will have some affect on the environment (Campbell, 1991). It is believed that it will increase the number of single story buildings (so expensive elevators or ramps will not be needed), the size of developments will increase (because small clustered developments are harder for disabled people to access), and the amount of paved space will increase. In other words, the ADA will "suburbanize America" (Campbell, 1991). This belief directly conflicts with today's models of high density developments.

The ramifications that the ADA will have on Urban Design is not a common discussion topic. In addition, few people have considered the impacts the ADA will have on the environment. The general method of looking at the environment is that each interest group has a certain agenda that is out of context and is fragmented. A common conception of how all the interests will work together holistically remains to be seen. Ideally, the environment will be created to suit the needs of all people. "Any change in the built environment made for the sake of any one segment of the population, shall also improve the environment for everyone -- or, if that is not possible, shall at the very least, not degrade the environment." (Campbell, 1991). The best mechanism to insure successful accessible design is through planning.
Chapter 3. Data

STUDENTS WITH A DISABILITY AT BALL STATE
The resource that disabled students at Ball State utilize is the Office of Disabled Student Development. Many services are offered through this office, such as classroom assistance, parking permits, and student activity groups, etc. The Office of Disabled Student Development produced a report which identifies the types of disabilities that students at Ball State University have. One underlying assumption in this report is that defining those who have a disability is a difficult matter due to the uncertainty of the term. Most people think of a disability as a visible physical impairment such as the use of a wheelchair or brace or hearing aid. However, the definition of disabilities as defined in the Americans With Disabilities Act is much more encompassing, estimating that 43 million Americans have a disability. Therefore, a disability can be something that isn’t necessarily apparent by appearance.

Another problem is that disability information at Ball State University is based on self-disclosure (ODSD, 1992). The reporting of a disability is usually done when applying to the University or when applying for special assistance or services. Therefore, most likely all wheelchair users, blind students, etc. are reported. However, such disabilities as epilepsy, low vision, mental disorders, etc. are probably reported only one-half of the time that they actually occur at Ball State.

One particular group that is hard to identify are those who have idiopathic disorders such as mental, psycho neurotic, and personality disorders (ODSD, 1992). Alcoholism and drug addiction fit into this category. Another category of disabilities include allergies, endocrine, metabolic, nutritional, and circulatory diseases. The fastest growing category at Ball State is learning disabilities (LD). LD includes attention disability disorder, dyslexia, and discalculia.

The Office of Disabled Student Development believes that only 50% of the actual cases of disabilities are reported. Many of these cases go unreported because they have no need for direct services offered by the Office. The numbers for the Fall 1992 semester are as follows:
classified as legally blind
27 classified as deaf or hearing impaired
126 classified as having an orthopedic or functional impairment of above category are wheelchair users
24 Vocational Rehabilitation
140 learning disabilities
103 other
457 Total

Fall 1993:
180 learning disabilities
36 hearing impaired
42 visually impaired
115 mobility impaired
152 other
525 Total (Office of Disabled Student Development)

PERCENT WITH A DISABILITY - NATIONAL, REGIONAL, AND LOCAL

Because the definition of disability is different than the definitions used for census purposes, finding correct and non-biased statistics to use for comparison purposes can be difficult. The categories offered by the 1990 Census of Social,

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<th>Indiana</th>
<th>Muncie</th>
<th>Midwest</th>
<th>U.S.</th>
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<tbody>
<tr>
<td>%</td>
<td>4.2%</td>
<td>4.5%</td>
<td>4.0%</td>
<td>4.6%</td>
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Source: Summary of Social, Economic, and Housing Characteristics, 1990 Census

Economic, and Housing Characteristics include “Percent with a mobility or self-care limitation” and “Percent in labor force of civilian noninstitutionalized persons 16 to 64 years with a work disability, no work disability, a mobility limitation, and no mobility limitation.” In Indiana, the percent of people with a mobility or self-care limitation between the ages of 16 and 64 years old is 4.2% The corresponding percentage in Muncie is 4.5%, in the Midwest region, 4.0%, and for the United States as a whole, 4.6% (Table 1). The reader should keep in
mind that these figures represent mobility impairments only, and do not portray all disabilities. The percentages for “Percent in work force of civilian noninstitutionalized persons 16 to 64 years” have the same basic trends. If anything, Muncie has a much lower percentage of people with disabilities than the other jurisdictions (Table 2).

### ADA SUMMIT COMMENTS

The ADA Summit on Implementation was an effort sponsored by the Indiana ADA State Steering Committee. This committee is devoted to providing support for businesses and government sectors in providing compliance with the Americans with Disabilities Act. The summit which took place on November 16 in Indianapolis, Indiana. It consisted of a panel of speakers in various economic sectors presenting their positions on how the Act has affected their industries. The state steering committee then posed questions to the speakers regarding their views. The industries I focused on at the Summit were the Eating, Hotel, and Entertainment Establishments, and Government.

### Eating, Hotel, and Entertainment Establishments

Three panelists participated in the Summit for this sector of business, representing the Edyvean Repertory Theater, Omni Severin Hotel, and Market Square Arena. Thomas Robertson was the representative from the Edyvean Theater in Indianapolis. He indicated that the impact of the ADA on performing arts was mainly in their physical plan. Their first concern was in providing accessibility to people in wheelchairs, lowering telephones, and lowering box office windows. Some of the secondary impacts include improving accessibility to potential audience members with other disabilities, providing sound enhancement equipment, and having performances with sign language. Providing services to
audience members with developmental disabilities is an issue that will need to be addressed in the future. He stated that there are a number of state grants available as well as private funding sources that will provide money for these modifications. The primary constraint in complying with the ADA is, not surprisingly, money. Many times these theaters are in rented buildings, and landlords do not share in the enthusiasm of making such improvements. Another constraint is that theaters are often in historical structures. In this case, a different prioritization of compliance exists concerning the ADA. Many of the services needed to comply with the Act are very specialized and may require additional staff training, and may be very expensive. Another prime concern of arts organizations is that businesses receive a low return on their investment. In the 1980’s the Edythean Theater provided translated plays into sign language. This service was cancelled for a few years because the theater found no audience for this service. Edythean offers the service again, but board members tend to be reluctant to keep it unless a financial return is realized. The theater has come across artistic resistance to such measures as sign language interpreters participating in the performances. Many complain that it changes the stage lighting, actors have to act different with someone else on stage, as well as other complaints. The audience has been somewhat unsupportive of such performances as well. Afterwards, there are complaints to the box office saying that the signers were annoying and distracting. Finally, there is concern that some of the events offered lead to a “ghettoization of special services.” This worry occurs if there are interpreters for only one show, and that becomes the “deaf show.” These efforts need to be more mainstream in the organization.

Caroline Callison was the representative from the Omni Severin Hotel. She began by stating that the ADA has affected this business in a very positive way. They have lowered telephones, installed a TDD machine, and are in the process of putting braille on all 483 rooms. Elevators also have braille to indicated floor levels. Mrs. Callison stated that the establishment found out about ADA through customers. A group of disabled individuals who use the Omni several times a year has provided the needed representation from a disabled group and has shown the Omni how the staff can provide the needed services. One of the suggestions was to elevate tables by using blocks so wheelchairs can fit underneath. Another suggestion was that glasses with stems are easier for some to grasp, and can easily be supplied. All of these suggestions were very readily achievable and cost very little. A book created by the American Hotel and Motel Association, “Accommodating All Guests” has provided a great
deal of help in knowing how to comply. The hotel has also employed disabled individuals, as well as provided training in the food and beverage industry. The market that the ADA creates is well worth providing the necessary accommodations. However, bringing people in from this market is hard to do; knowing how to market to this segment is a problem.

Rick Fuson represented Market Square Arena at the Summit. One of the problems this organization had concerning the ADA was the fragmented nature of information presented through the past few years. The initial information was that the ADA is coming, so be prepared. A task force was set up to define ADA implementation responsibilities for facilities of this kind. On their own, MSA went to seminars presented by law firms and architecture firms. A firm was hired to evaluate the facility. From the firm’s evaluation a better clarification existed as to the interpretation of the law, and what they looked for. A disabled attorney was hired to assist MSA in dealing with sensitivity issues, and to train full time employees as well as crowd management personnel. He emphasized the importance of getting away from the word “handicapped,” and to think in terms of “disabled” instead. Comment sheets were handed out to those sitting in the disabled seating section on the sixth floor. The majority of the comments were positive about the conditions of MSA, especially compared to what had previously existed. The ADA has made everyone more aware of the desires and needs of disabled, and therefore more accommodating. Prior to the ADA, no one ever thought about these issues at MSA. Other provisions made since the Act include increased disabled parking and van accessible spaces, and these areas are monitored. Braille signage in and outside of elevators was updated, as well as aisle and restroom signage. Sound tones were added to the elevators for floor notation. Brochures are available that offer services for larger accommodations, such as for big groups. All box office windows were lowered, and counters were installed in between them. In addition, two-way speakers were installed at the windows for sound enhancement. Ticketmaster has made a TDD available by MSA’s recommendation. Selected employees of MSA took sign language classes. Changes made to the restrooms made them more accessible, for example full length mirrors were installed. Mr. Fuson noted that prior to the ADA they never would have thought to install full length mirrors rather than ones above the sinks. Phones were lowered, and some are now available with volume control. An FM sound enhancement system was installed, large print and braille menus were made available at concession stands as well as Market Square Gardens restaurant, and automatic doors were installed at street level entrances.
One of the questions asked of the panel was one concerning advertising. How do you get the word out? The panel suggested to go through disability organizations in the area to publicize the services, such as in their newsletters. Another question concerned those with developmental disabilities. The panel said that dealing with the problems that go with developmental disabilities is a whole different ball game unlike dealing with physical disabilities.

**Government**

Richard Carlucci represented the Town of Plainfield. He stated that the town supports the goals and ideals of the ADA. However, the town is opposed to the unfunded, inflexible, one-size-fits-all laws and regulations. The time schedule is unrealistic for compliance. Federal laws (the ADA in particular) and mandates are a problem for three reasons. First, they are posed without consideration to local circumstances in implementing the law. They strain already tight budgets forcing local tax increases and thirdly, they set priorities for local governments without public input. Costs for the town buildings to come into compliance concerning accessibility were estimated to be $200,000 to $300,000. In addition, if all the crosswalks in the town were to become accessible, changes would cost approximately $270,000 to install the curb ramps at intersections alone. The time limits to provide such facilities pose budgeting problems as well. Holding public meetings will change in format, especially if alternative formats of communication are needed. One recommendation would be to set back deadlines for compliance for such things as curb ramps. In addition, Mr. Carlucci believes the federal government should fund the ADA. The town also does not have time to devote all of their effort to the ADA. Other regulations require city officials' time as well. Mr. Carlucci believes that the ADA should be phased in to local governments depending on the size of the community, and on the number of employees. In his opinion, towns below a certain size also should be exempt.
Chapter 4. Methodology

BACKGROUND
The amount of material available concerning actual studies of Title III compliance is minute. This lack of information poses a particular problem in that no documentation exists concerning "model" businesses that have complied in an unusually exemplary fashion. Therefore, most of my investigations were centered around interviews with small and medium sized business owners, as well as secondary research of related literature.

There are many means of choosing a sample of medium sized businesses that would have produced what I intended to find out. I could have looked at compliance with Title III on a regional level, state level, city level, or local level. However, for the purpose of this thesis/creative project, I have decided to look at small and medium sized business in Muncie, Indiana (Figure A). The location is at Ball State University (Figure B), more specifically, the Village (Figure C). The “Village” is a title given to the grouping of businesses on the south end of Ball
State's campus that are most commonly patronized by the students of Ball State. Because a large concentration of small and medium sized businesses is located in the Village an excellent opportunity exists for such a study. However, the Village is non-representative of the business population as a whole because of this large concentration. Nonetheless, the Village was a helpful resource in obtaining useful information.

To obtain the information that I needed, I used personal interviews with owners, managers, etc. Through the interviews I obtained the following information:

- The level of knowledge the facility has regarding the ADA - the expectations and costs associated with the legislation
- The information base on which the merchants are operating
- What the facility has done (if anything) to make it more accessible to people with all disabilities, the costs involved, and the financing measures used to make changes
- How the business has benefited from the changes
- What still needs to be done

These interviews were held in conjunction with the Village Merchants Association who provided the support needed to carry out this task. I selected nine Village merchants randomly for interviews (Appendix B). During the interview I asked the interviewee questions concerning his or her level of knowledge about the ADA in general, and their expectations having to do with compliance. In addition, I posed questions concerning what the facility has done, how they have benefited, costs of compliance, etc.

Nineteen questions were devised to ask the selected Village merchants (Appendix C). The merchants in the Village total 53, according to the Village Merchants Association. I selected the businesses randomly, however, my thesis committee requested that I revise the list slightly in order to get a better representation of businesses that may need help. The interviews took place in November and December.

After conducting the Village interviews, I then intended to do comparative field research of small and medium sized facilities that have already complied with Title III. However, this quest turned out to be impossible due to the lack of documentation concerning this aspect of the ADA. I had hoped to look at
businesses in the Central Indiana/Indianapolis region. However, no parallel examples of small and medium sized businesses that have complied with the ADA could be found. The fact that “model” businesses were not found says a great deal. It exemplifies that there is little concern for the rights of people with disabilities, contrary to the intentions of the Act. It also illustrates that businesses are either ignorant of the penalties for non-compliance, or they feel that their business will not be affected.

After weeks of making a considerable number of telephone calls, and numerous conversations with agencies concerned with people with disabilities, I decided that an appropriate angle to take would be to look at advisory committees and advocacy groups for individuals with disabilities. I hoped to gather information concerning the organizational structure of such groups, as well as their tasks, missions, accomplishments, and level of success. The groups I analyzed included the Partnership For Disability Issues in Carbondale, Illinois, and the Mayors Advisory Council for Physically Challenged Individuals in Kokomo, Indiana.

The results of the data from all sources, including interviews, secondary research, etc. were compiled and compared, looking for patterns of successful compliance as well as non-compliance. The final “product” of my investigations is a handbook entitled “Towards Accessibility: A Public Accommodations Handbook” (Appendix E). This handbook gives general background into the ADA, explains how the Act can be profitable, reports the current conditions in the Village, and provides a list of resources for small and medium sized businesses to follow.

INTERVIEW RESULTS
The following interviews took place during November and December, 1993. Responses are taken directly from the interviews

TIS Bookstore
This is one of the two “main” bookstores at Ball State. TIS is located on the south side of University Ave, and has been there since the late 1980’s. The building was built specifically for TIS at that time and is two levels. The bookstores caters to all of Ball State’s students. As campus bookstores usually do, they sell and buy text books. In addition, the store has a sportswear department, gift section, cards, compact discs, art supplies, and school supplies. I interviewed Pam Farris, Assistant Manager.
Level of Knowledge

TIS has heard of the ADA, especially through corporate management meetings of all of the TIS Bookstores. To this business, the ADA means that they must provide access to all people. The most direct effects are on the aisles of the store that must be wide enough to navigate a wheelchair. There must be an elevator since the store has two stories (there always has been an elevator), and restrooms must be accessible. TIS believes that the ADA intends to ensure equality, and in their case, an equal chance to shop and be served just like everyone else. TIS also indicated some items in which they still need to comply. For example, the entrance and exit doors are not automatic. Therefore cashiers are expected to watch for customers who may have a problem with the door. Inventory is also a problem for TIS in that if they have too much of it, piles begin to form in the aisles thereby causing difficulty in maneuvering through them.

Accessibility

TIS was not sure if they were accessible to people with hearing disabilities. The store noted that they did not have any employees who knew sign language. The sight impaired accessibility of TIS includes allowing guide dogs in the store if needed. However, the store has no braille or large print signs. When asked if they are accessible to those with mental impairments, TIS indicated that they did not know of anyone that comes in to the store who has this disability, but would be more than willing to help anyone in this situation. TIS says that they are accessible to people with physical limitations. Changes that TIS is considering in regard to the ADA include starting a service for those who need it in which students could call in book orders, and could then be home delivered. This service would be very helpful to many students, especially during the book rushes. There have been benefits to changes that TIS has made in response to the Act. For example, since the store has been trying to keep inventory off the selling floor, the appearance of the store has improved, and the clutter has lessened. TIS does not feel that they have many major obstacles to accessibility, especially concerning physical limitations. However, they did note that hiring an employee who knew sign language would be beneficial. TIS did not believe that Braille would be feasible. TIS does believe that making services and facilities accessible is a definite priority. The company knew before they located in the Ball State Village that a large number of disabled students are enrolled at the University. Therefore, they knew that they would have to play a positive role in the disabled community. The staff at TIS is very willing to make special measures to remove barriers for disabled customers. The cashiers keep a look out for people who may
have a hard time getting in the door by themselves. They are willing to take students' books upstairs to sell back, and they will go upstairs to find books for the customer as well. They have at times helped customers retrieve personal items from bookbags, helped in writing checks, etc. The staff, however, does not have any special training in providing these services.

**Clientele**

The bookstore could not estimate the number of disabled customers they have in a given time period. However, they do have a number of disabled customers considered “regulars,” and know them on a first name basis. TIS considers the only reason they may not have an extremely large number of disabled customers is that they may be going somewhere else for similar services. TIS indicates that they are as accessible as they can be, and improvements made towards further accessibility would not increase their disabled clientele. The bookstore also said that they have made no efforts to communicate their businesses accessibility to the disabled community.

**Miscellaneous**

The store was very willing to make special measures to facilitate to the disabled community. They are always open for suggestions, the staff greatly appreciates any input. TIS stated that much of their practical knowledge of how to make the facility more accessibility was from disabled customers themselves. They have firsthand experience in knowing what makes businesses more accessible.

**Wizard's Keep**

This business's focus is on science fiction and fantasy adventure items, such as books, games, models, video games, etc. The business is located in a basement, which reveals much about its initial accessibility. The business has been located here for four years, and the structure is not owned by the Wizard’s Keep owner, Stan Stephens (the person I interviewed). Approximately 1400 square feet of sales space exists at this establishment.

**Level of Knowledge**

Wizard’s Keep has heard of the ADA, and initially remembers hearing about the Act when it was in its formulative stage prior to enactment. The establishment believes that implications of the ADA on this business in particular include providing physical accessibility to the sales area in the basement. However, the facility is limited in that it is structurally impossible to provide a ramp to the lower level. Therefore, the implications for this business in particular are few since the business is underground. This implication assumes that physical
accessibility is the only thing to take into consideration. Wizard's Keep believes the impacts of the ADA on future building designs will be much greater. They also believe that the main way the store needs to comply (for physical accessibility) could only be accomplished by providing a ramp which was previously explained to be structurally impossible.

**Accessibility**

Wizard's Keep stated that they are accessible to the hearing impaired, and that they probably were not accessible to the sight impaired. The owner of Wizard's Keep believes their lack of accessibility is due to the nature of the business, and that the merchandise sold is intended for interactive use which would be impossible for someone who is blind or deaf. Wizard's Keep indicated that they are accessible to the mentally impaired, and do have customers from this clientele group (Hillcroft group home is located down the street). Finally, physical accessibility is not achieved due to the limitations of the stairs, however, once the customer is downstairs, accessibility is no problem. The aisles are very wide and open with no obstacles blocking mobility. This establishment does not have any plans to further enhance accessibility. The Wizard Keep's owner hope that the owner of the building would be interested in providing some alternative point of access to reach the basement, but he has done nothing. An alternative access point was considered -- the fire exit. However, the slope of the incline for the stairs is far too great to fit a ramp into the allotted area. As previously stated, the main entrance would be structurally impossible to fit in a ramp. Wizard's Keep does place a priority on making their facilities and services as accessible as possible however, they know that they are limited. One alternative the business has used was carrying a physically disabled customer downstairs into the store. Another alternative was bringing the merchandise upstairs to the entrance for customers to view and buy if desired. These alternatives are welcome to Wizard's Keep. The staff does not have any special training for these issues, though.

**Clientele**

This business stated that they average around one or two disabled customers per month. The owner stated that there probably would not be an increase in the number of disabled customers if facilities and services were more accessible due to the small target group this genre of business aims at. He also believes that this type of merchandise does not appeal to the blind (there is no braille versions of the merchandise) or deaf because of the nature of activities involved however, it does appeal to those who have a physical disability and are not extremely
mobile. Wizard's Keep has not communicated their willingness to serve the
disabled community to the best of their ability except to a few individuals.

**Miscellaneous**
Wizard's keep has had no complaints from the disabled community. They have
stated that they are always willing to accommodate anyone to the best of their
ability. Wizard's Keep also complained that the ADA has worried many because
of the extensive costs most small businesses expect will be required.

**Gordy's Art Mart Annex**
Gordy's Art Mart Annex is an art supply business whose main store is located in
downtown Muncie. The Art Mart Annex is located in the Village in order to
provide the Ball State campus a facility such as this so students do not have to
drive to the downtown store to purchase art supplies. The store's main customers
are art and art education majors. However, the store also has regular customers
in fields such as architecture, journalism, and telecommunications. The manager
of Art Mart Annex is Stacy Burke and she provided me with the following
information.

**Level of Knowledge**
Art Mart indicated that they had heard of the ADA, and Stacy specifically
remembers hearing a lot about it in her education psychology classes when she
has majoring in art education. She also has classroom setting experience with
students with disabilities. The implications of the ADA on this business in
particular are believed to mean that there must be a ramp from the parking area
to the sidewalk where the store is located. Aisles must be wide enough for
wheelchair users to be able to get around. Art Mart did indicate that the five or
six stairs to get to the upper area of the store does exclude wheelchair users from
accessing this space. However, the staff is always willing to retrieve items for
any customer. This business expects that the Act will open up an otherwise
closed world for people with disabilities. Even though the store believes that the
Act has no personal ramifications towards them, they believe that everyone must
comply with this law. In addition, Art Mart stated that the ADA has potential
to bring in a lot of customers that would not otherwise. The main accessibility
features that Art Mart understands they need to insure is keeping aisles clear,
and as wide as they can be. The few stairs that exist within the store would be
impossible to ramp due to the slope and space constraints.
Accessibility

Art Mart stated that they are accessible to people with hearing impairments. The manager does know how to sign. The customers who come in with this impairment also can read lips. The business said that they are not accessible to people who have sight impairments, as they do not have any Braille or large print signs. For those customers who are mentally impaired, the store makes no extra provisions. The store believes that they are accessible to people with physical impairments as a ramp outside of the store enables customers to get in the store. As noted previously the aisles also are accessible. Art Mart is not considering making any changes to the store in regard to the ADA. No changes to the Art Mart Annex have been made because the store was accessible the way it existed prior to when the business moved in. As it stands now, Art Mart has no other obstacles to accessibility other than the few steps within the interior of the store. This establishment says it is a priority to make services and facilities accessible to people with disabilities. Art Mart stated that none of the employees have any special training in dealing with disabled customers, but they believe that they should because of the Act. In the past, many of the employees were art education majors, who therefore had classes that deal with people with disabilities. The manager does know how to sign, so that is considered special training.

Clientele

Art Mart estimated that they average one disabled customer per month, however when they do come in, it seems to be very sporadic. One of the reasons this establishment cites as to why they have few disabled customers is that the Art Department here at Ball State is very inaccessible. It is very hard to those with physical disabilities especially to get around in the Art building. Therefore not that many disabled students have a need for art supplies. This business says that even if their facilities were more accessible they would not have any more disabled customers than they have now. Art Mart’s facilities have always been as they are currently because they were accessible when they moved in. The business has not made any efforts to communicate their accessibility.

Miscellaneous

Art Mart believes that those with disabilities benefit from painting, drawing, and other activities that involve creating art. They believe this could be very therapeutic to this group. Art Mart noted additionally that the staff is more than willing to help anyone that comes into the store in need of special services.
Discount Den

This business is a facility that offers drug store types of goods. For example, they have toiletries, magazines, non-prescription drugs, film, cigarettes, Ball State apparel, food, etc. Basically they have a little bit of everything. In addition, they have a large supply of new and used compact discs. With so many things that they sell, their floor space is very small. The store is one level, but the office is located in the back and requires going up stairs. I interviewed the manager, Connie Higgins.

Level of Knowledge

Discount Den had heard of the ADA and had seen articles in the newspaper, but had no idea what it meant. The manager assumed it meant that businesses must provide access. After hearing a little bit about the Act, Discount Den expected that it would limit their display space and the amount of inventory they could keep on the selling floor. Even though the store is not familiar with the requirements of the ADA, their business would probably have problems complying regarding aisles. Bulky displays stand at the end of the aisles which makes it hard to turn into the next aisle over.

Accessibility

Discount Den thought that they probably were not accessible to people with hearing impairments. However, they believe that they are accessible to those with sight impairments. One line of reasoning is that they do have sight impaired customers, and the employees always help them get what they need by shopping for them. However, the store does not have any Braille signage for this group which would allow them to shop independently. The store makes no special provisions for those with mental impairments. Discount Den stated that people with slight physical impairments, such as a broken ankle, will not find accessibility a problem in the store. However, wheelchair users will definitely find an accessibility problem in the store. First, the door to get in the store is narrow. Once the customer is inside, he/she must go through a security system that is very narrow as well. Next, a sharp turn is required to go any further due to a permanent display that is positioned directly in front of the security system. Connie stated that wheelchair users could get into the store, but this task is very difficult. Discount Den is not planning on making any major changes to the store in regard to the ADA. However, they do try to keep aisles clear of inventory, boxes, and other clutter that could impair mobility. Discount Den has made some changes, especially for sight impaired customers. Because the employees will gladly help them with shopping, these customers are more comfortable coming
into the store and asking for help. They sense they are not imposing. The only major obstacle to accessibility is the door and security system, as previously indicated. In addition, Discount Den believes the limited space available in the store is a major problem in that they do not have space to store inventory. Discount Den indicated that it places a priority on making services and facilities accessible to people with disabilities. The staff at Discount Den has been an excellent source for pointing out potential obstacles to accessibility. If they see something they think would be hard to move around, they point it out to the management. Although the staff does not have any special training with disabilities, they do provide special services. As previously mentioned the employees help out disabled customers in any way they can. For example, if a sight impaired customer just wants to browse and needs help, the staff is very willing to provide that assistance.

**Clientele**

This establishment has approximately three disabled customers per day, most of whom are in wheelchairs or are sight impaired. Discount Den thinks this number could be higher, but many potential customers are intimidated by the small doors, and the overall small site. They also indicated that if the store were more accessible, there would probably be even more disabled customers. The store said that since they have tried to be more accessible, they have had more disabled customers but Discount Den has made no efforts to advertise and communicate their accessibility.

**Miscellaneous**

This business is heavily reliant on walk-by business. For example, when it rains, business slows. The business believes that this may be one of the limiting factors in that disabled customers are not a main target group for them. Discount Den also is geared towards pedestrian customers, and not people who come there by car.

**Harry Gaunt Jewelers**

This establishment is one that deals with jewelry sales and repair, with an emphasis on custom designed diamonds. The space is around 500 square feet, which is relatively small store. Customers generally do not come into the store to browse. They already have a purpose when they enter the store. The manager, Alicia Schaekel provided me the information needed.
**Level of Knowledge**

The manager of Harry Gaunt Jewelers has heard of the ADA, and believes she heard through the media. She stated that the Act did not affect them in that the store is "grandfathered," and alterations were made prior to the ADA. Their expectations of the ADA are that places will have to be made more accessible. Harry Gaunt states that they will do this as much as possible within their framework. The ways in which this business needs to comply include providing a ramp from the outside sidewalk to the door of the business. In addition they believe it may be necessary to retrieve merchandise for some disabled customers.

**Accessibility**

The manager of Harry Gaunt Jewelers stated that they are accessible to customers with hearing impairments. They do not have any Braille for those with sight impairments, but they do not have any signs to begin with. For customers with mental impairments, the staff sometimes has to explain things further to them regarding the jewelry. Therefore, they believe that they are accessible to this group. The main obstacle to accessibility for physically impaired people is the step which leads to the entrance. However, once inside the space is very clear with no obstructions. They have no ramp. The store is not planning on making any changes with respect the Act, and there have been no changes previously made. As stated before, Harry Gaunt's major obstacle to accessibility is the step to the entrance. However the business does make treating all customers equally a priority. This is the nature of the business because the jewelry store deals with people on an individual basis and they do not categorize people with disabilities. The only special measures that have been made include explaining things about purchases on a more detailed basis to some customers who may need it.

**Clientele**

Harry Gaunt indicated that they do not have many disabled customers, with approximately one or two per year. They believe that this is because their business targets at a very small population to begin with. Therefore, out of that small population there are very few people with disabilities. This establishment stated that even if their facilities and services were more accessible, there would not be an increase in the number of disabled customers. In addition, they have not communicated any efforts aimed towards the disabled community.
**Miscellaneous**

This business believes that the ADA includes a grandfather clause excusing them from having to comply with the Act. Harry Gaunt Jewelers also stated that the step leading to the door of the facility is not high and does not prevent a great obstacle towards accessibility.

**Ben & Jerry’s Ice Cream**

Ben and Jerry’s is an ice cream store located on the north side of University Avenue with approximately 1000 square feet. The business has been at this location for less than one year and used to house a restaurant. The facility is positioned approximately one half story above grade. Ben and Jerry’s clientele is mainly students however, it also caters to the entire Muncie community. I interviewed Jeff McC Carroll, Manager.

**Level of Knowledge**

Ben and Jerry’s had heard of the ADA because of the store being a national franchise and devoted to accessibility. The implications to this business included the fact that they had to comply with the standards set forth by the Vermont based company. They knew that compliance was necessary in such ways as providing a ramp and lever door handles for the bathroom. Mr. McC Carroll had heard of the ADA previously from his father who is an architect. Ben and Jerry’s stated that the intentions of the Act include making every business and building accessible to people with disabilities. Some ways they feel they need to comply further include installing a water fountain as well as altering the counter height. However, there have never been any complaints.

**Accessibility**

Ben and Jerry’s said that they were accessible to people with hearing impairments by the fact that they do have at least one employee who can perform sign language. They indicated that they did not have any Braille or large print menus for those with sight impairments. However, Ben and Jerry’s did note that they were more receptive than others concerning people with mental impairments. For those with physical disabilities, Ben and Jerry’s stated they are in fact accessible. Ben and Jerry’s is not considering making any further changes to their facilities because they believe they are already in compliance with the ADA. There have been benefits to their accessibility, and can mainly be seen by the fact that they have quite a few customers who use wheelchairs. The store believes that the store poses no major obstacles to accessibility. Even though Ben and
Jerry's believes they are accessible they did admit that making services and facilities accessible to people with disabilities is not a priority. They said this fact is demonstrated by them not having braille menus. The staff at Ben and Jerry's treats all customers alike therefore, disabled customers are treated just as any other customer. However, Ben and Jerry's does have one employee who is trained in sign language.

**Clientele**

Ben and Jerry's have about ten disabled customers per week. They consider this number to be a high number and one which would not go up even if facilities were more accessible. The facilities at Ben and Jerry's have always been as they are today, so they have not noticed an increase in the number of disabled customers due to an alteration. Ben and Jerry's have not communicated their business's accessibility to the disabled community. However, such programs could be set up due to the national policy of giving 4% of their pre-tax profits to charities and organizations.

**Costs**

The costs of making the Ben and Jerry's building accessible were incurred prior to their store opening. The most costly accessibility feature was the ramp which extends from the west end of the building up to the entrance in the center of the building. It cost around $1500 in materials. In addition, lever door handles have been installed and replaced four times, each costing $16. Therefore, total costs have been $1564. Ben and Jerry's has not done a cost/benefit study on compliance.

**Mugley's Eatery and Pub**

Mugley's is located on the northwest corner of University Avenue and Martin Street. This facility acts as a grill during the day and early evening and also as a bar. The structure is one level, put it is positioned about one-half story above street level. The main entrance is along University Avenue, and is only accessible by stairs. The owner of Mugley's, Lee Shaul, is not the owner of the building. Mugley's caters to all of Ball State's students above the age of 21.

**Level of Knowledge**

Mugley's had heard of the Americans With Disabilities Act, and thought it had been through the media. Mugley's was not sure what the specific implications are to the business. However, the overall expectations of the ADA is to make highly trafficked areas accessible to people with handicaps in old and new
facilities. The ways in which Mugley’s feel they need to comply include providing handrails in the bathrooms, installing a ramp up to one of the entrances, installing a ramp to the upper level in the interior of the pub, and communicating the business’s accessibility.

**Accessibility**

Mugley’s believes they are somewhat accessible to those people with hearing impairments because they usually have at least one employee who can sign. They believe they are accessible to those with sight impairments due to the fact that they allow guide dogs in the facility however, they have no Braille or large print menus available. Concerning people with mental impairments, Mugley’s is reluctant to become fully accessible to this group. The reason cited was that in the alcohol business, it is difficult to not judge the mental level of people they serve. Liability issues surround this line of reasoning. Mugley’s stated that they are accessible to people with physical impairments. This business has considered many changes in regard to the ADA. One change involved installing a ramp along the east side of the building along Martin Street. However, this alteration is a responsibility of the landlord, and he is not willing to do this. Within the interior of the building, no changes have been considered. There have not been any changes to Mugley’s, so there have been no benefits. Mugley’s stated that their only major obstacle to accessibility is the steps leading into the front entrance. They also admitted that making services and facilities accessible is not a priority. Mugley’s commented that they do make special measures to facilitate to the needs of disabled customers. The main example of this is that they are willing to lift disabled customers who use wheelchairs in and out of the building. The only training that the staff has is in the form of special education classes however, this only applies to those employees who are majoring in this.

**Clientele**

Mugley’s estimated that they probably have 12 disabled customers per week. In addition, a lot of them are regulars. Mugley’s stated that the only reason they do not have more customers who have disabilities is due to the steps one must go up in order to enter. On the other hand, they did not think they would have any more disabled customers even if the facilities were more accessible. In addition, the business has not communicated any accessibility features to the disabled community.

**Miscellaneous**

The main obstacle to accessibility seen by the owner is the fact that the landlord is unwilling to make changes, such as installing a ramp. The fact that many
people who use wheelchairs are being carried into the bar is disturbing. This practice can bring up many questions concerning liability.

**Thomas Steck & Company**

Steck's is a business whose main emphasis is on men's clothing. They are located on the east side of Martin Street. The business has been at this location since the early 1960's, and is owned by Thomas and Patricia Steck. The structure was designed by an architect specifically for this business. The business is obviously located in the Village however, they rely on a much larger clientele group than just men at Ball State. I interviewed Patricia Steck.

**Level of Knowledge**

Steck's has heard of the ADA, mainly through media and literature. They believe that the ADA has few implications on their business specifically. However, they expect the ADA to require ramps and provide wide doors. Steck's believe they must comply by providing wide doors, disabled parking nearby, and no steps. Steck's has complied in all of these manners.

**Accessibility**

Thomas Steck and Company stated that they are not accessible to those with hearing impairments. They are accessible to people with sight impairments because they work with them, as well as all customers, on a one-on-one basis. The same goes for customers with mental impairments. Steck's believes they are accessible to physically impaired customers by helping them get in and out of the door, and they help carry packages. In addition, disabled customers are always welcome to park in their back alley for easier access to the entrance. Steck's is not considering any changes in regard to the ADA because they believe nothing needs to be changed since the facility was designed for the purpose of which it is currently used. The business stated that they have no major obstacles to accessibility, and it is a priority to make services accessible to people with all types of disabilities. Steck's staff makes special measures to facilitate to the needs of disabled customers, but they have no special training.

**Clientele**

Steck's has approximately four to five disabled customers per month. The only reason they have no more disabled customers than this can be credited to the fact that they deal only with men's clothing — applicable to a smaller segment of the population. They believe that even if the business’s facilities were more accessible, there would not be an increase in the number of disabled clients. Steck's has not made any efforts to communicate their accessibility. In addition,
they believe that if a person with a disability has any question concerning this matter, they would call and ask.

**Miscellaneous**

The owners of Steck's are very willing to assist disabled customers in any way possible. They noted, however, that all of their disabled customers (with a few exceptions) come into the store attended. Steck's attributes its accessibility to the fact that it was designed for its current use.

**John Jay & Company**

John Jay and Company is a styling salon located adjacent to University Square. This company has been at this location for three years. The salon serves the Ball State community to a certain extent, however because of the rather high prices, most of their clientele is not made up of Ball State students. John Jay and Company is owned by John Wuthrich. I interviewed the manager, Claudia Wuthrich.

**Level of Knowledge**

John Jay and Co. has heard of the ADA, but does not know from what source. The only implications of the ADA on this business concerns the ramp outside the store, and the railing in the bathroom. Overall, John Jay sees the ADA's impacts as providing help and care to people with disabilities and being sensitive to their needs. This business believes that they do not need to comply any further than what they have already done because they are not located on a main street.

**Accessibility**

John Jay said they were not accessible to people with hearing, sight, or mental impairments. However, they are accessible to people who are physically impaired. They have not been considering making any further changes in regard to the ADA because they do not know of anything else that could be done to this facility. Since changes were made to the facility there have been noticeable benefits. For example, wheelchair customers can now get in the door by themselves; whereas, before they needed assistance because there was no ramp. John Jay and Co. feel they have no major obstacles to accessibility because their aisles are sufficiently wide. They say making services and facilities accessible to people with disabilities is a priority. The staff does not make any special measures to facilitate to the needs of disabled customers other than moving the chair from a station so a wheelchair can fit into the area.
Clientele
This business has about three “regular” customers who have disabilities. They do have other disabled clients however, they are sporadic. John Jay attributes the fact that they do not have any more customers with disabilities than this to the rather high prices at this establishment. Even if the facilities were more accessible, the company believes they would not have any more disabled clients than they already have. There has always been a steady rate of disabled customers, so making the facilities more accessible was not a factor. John Jay and Co. has not communicated their business’s accessibility.

Costs
The changes and alterations that have been made to the site were completed by the University Square owners. However, John Jay and Co. did incur the cost of installing a bathroom handrail.

DISABILITY COMMITTEES
Active disability advocacy groups, community partnerships, advisory councils, etc. can be an important resource for communities. Many communities and localities have these sorts of groups, but they remain widely inactive. However, successful disability groups can offer a community invaluable resources towards insuring accessibility for all its citizens. The ideal advocacy group should include several members with differing disabilities. This wider perspective offers insights that a non-disabled individual could not.

Kokomo, Indiana
The Mayor’s Advisory Council for Physically Challenged Individuals (MACPCI) is an organization whose goal is to “serve as an advocacy group for all physically and/or mentally handicapped citizens of the City of Kokomo, Indiana, and the Kokomo area; and to advise the Mayor of Kokomo on matters which will improve the health, education, and quality of life for these citizens” (MACPCI, 1992). At the beginning of the 1992 year, the MACPCI established a series of goals. They are the following:

1. Check sidewalks and curb cuts around the city to allow for maximum use
2. Send reminders to businesses regarding aisle space for persons with disabilities
3. Improve community representation on MACPCI to encompass the deaf community and mental health community
4. Continue to monitor polling places for handicapped accessibility
5. Investigate the feasibility of special trash collection for persons with disabilities
6. Establish a handicapped scholarship fund
7. Establish state-wide networking with other handicapped groups
8. Establish a public relations presentation regarding the handicapped parking patrol
9. Complete and disseminate the handicapped accessibility guide
10. Continue to monitor parking lots for handicapped parking compliance (MACPCI, 1992)

In order to carry out these goals, several committees met to focus in on these issues. The committees included Accessibility, Administrative Oversight, Parking Patrol, Public Awareness, and Scholarship. Some successes of these committees included checking sidewalks and curb cuts for accessibility law compliance, working with the Target store to improve accessibility by widening some check-out aisles, approaching businesses and urging them to comply with accessibility laws, conferences with the City of Kokomo to bring up the problem of trash collection for people with disabilities, and monitoring several shopping malls to assure accessible parking to those who need it.

The MACPCI of Kokomo has also put together an accessibility guide that lists which establishments have accessible facilities for people with various disabilities. The guide was put together prior to ADA enactment; however, the same accessibility features are important. The access features that were surveyed indicate if the facility includes:

- Handicap designated parking
- Entrance information
- Elevator information
- Braille labeling
- Lowered public telephones
- Public restrooms equipped with accessibility features
- Lowered drinking fountains
Kokomo's sixteen member Advisory Council has done a great deal for Kokomo and is a good example for other communities to follow.

**Carbondale, Illinois**

The Partnership For Disability Issues is a voluntary committee sponsored by the City of Carbondale. This partnership was formed in 1983 and has a mission of promoting the interests and welfare of disabled persons and defending their fundamental rights (Constitution and By-Laws of the Partnership For Disability Issues, 1983). The Partnership identified several main issues which include educating the public on disability issues, advising the city on disability issues, lobbying on behalf of persons with disabilities, and reducing barriers set before individuals with disabilities (Kohring, 1994).

The Partnership's organizational structure is by way of one standing committee, the accessibility committee, and in addition, other various temporary committees are formed as needs arise. The accessibility committee takes on the Partnership's main goal of overcoming physical barriers which prohibit accessibility. Some of the duties of this committee include the following:

- Pursuing the on-going issue of increasing the time allowed on traffic signals for pedestrian crossing at intersections
- Identifying sidewalks which have barriers, such as garbage cans, unremoved snow and ice, cars parked in line with walkway, and overgrown shrubbery, tree limbs, etc
- Communication with authorities and businesses to eliminate barriers to the disabled community

Other issues this committee looks into include annually reviewing sidewalks. Inherent in this process, specific problems are identified, and then reported to the Illinois Department of Transportation.

Even though the accessibility committee is the only permanent committee at the Partnership, several other committees formed from time to time as well. Some of these temporary committees include the transportation committee, speakers bureau committee, and award committee. The awards committee was especially successful in that many businesses were recognized for their level of accessibility, as well as employers who have made extra provisions for disabled workers.
The Partnership was successful in writing a grant which, in turn, established the Southern Illinois Center For Independent Living. Other successes for the Partnership include winning a $5000 National Organization on Disability (NOD) achievement award. Carbondale won the award as they were recognized as being among the best communities in the United States concerning people with disabilities. Some of their winning criteria included making polling places accessible and planning a transportation system (Carbondale Communique, 1990).

The cash awards awarded to the Partnership went straight back into making Carbondale more accessible. In particular, the money was used to help support the Southern Illinois Center For Independent Living's transportation plan, specifically for an after-hours emergency service.

The Partnership for Independent Living fluctuates in the number of members, but is open to the public. It may range anywhere from eight to thirty people, representing city officials, service providers, people with disabilities, and concerned citizens. Generally, about half of those individuals have disabilities. Because the city sponsors the Partnership, they receive a small budget for postage, paper, etc. Some examples of the Partnership's efforts include the following:

- Presenting information to driver education classes at the high school level concerning pedestrians with disabilities
- Writing periodic memorandums to the Police Department instructing them to look into matters brought up by disabled citizens
- Inviting guest speakers to Partnership meetings
- Preparing a report concerning disaster preparedness for disabled individuals
- Securing media coverage of positive efforts made in the community to insure accessibility
- Serving as a "watch dog" to check for compliance
- Preparing an enforcement strategy for wheelchair users who choose to illegally use the street rather than the sidewalk.
- Surveying restaurants for compliance
- Acting as a consultant to the public explaining the Americans With Disabilities Act (Partnership for Disability Issues, 1989-1994)
Chapter 5. Analysis

VILLAGE MERCHANT INTERVIEWS
The interviews that have taken place have been insightful, and have revealed some of the problems businesses have in complying with the Act. One needs to keep in mind that each different establishment has a slightly different target clientele group. Even though all the businesses target the same general customer base (Ball State students) each establishment has a slightly different focus.

Level of Knowledge
Some of the common trends that have shown up include the fact that all the businesses generally want to help in providing access to disabled customers. All the establishments have at least heard of the ADA although there exists a wide range of knowledge concerning the actual legislation. The most common conception of the ADA is that it is involves making facilities accessible to people with physical disabilities, especially individuals who use wheelchairs. One establishment that had heard of the ADA did not know what the legislation meant. The merchants had some false conceptions as well, including the belief that a certain business was “grandfathered,” meaning they did not have to comply because the business was older than the Act. A few of the businesses believed that the ADA did not apply to them for various reasons. Some establishments see the ADA as a way of ensuring equality to people with disabilities, and providing sensitivity to these individuals. Many businesses believe they must provide additional ramps due to the ADA. Elevators, automatic doors, wide aisles, lever door handles, bathroom handrails, wide doors, and disabled parking spaces were also items seen as being necessary to comply with ADA.

Accessibility
Merchants had a variety of responses in regard to questions concerning accessibility. In general, most of the businesses believe that they have done everything within their means to insure accessibility. However, the merchants admit to not providing accessible services and facilities to customers with all types of disabilities.

Overall, businesses thought they were most accessible to people with hearing impairments. The merchants were evenly split in regard to their
facilities being accessible to customers with sight impairments and mental impairments. A majority of the businesses believed their facilities were accessible to physically impaired individuals.

Most of the Village merchants consider their facilities to be accessible to people with hearing impairments. This is due to the fact that many businesses employ individuals trained in sign language which is possible, due in large part, to the students enrolled in sign language classes at Ball State University.

Some of the cited forms of accessibility concerning those with sight impairments included allowing guide dogs in the facilities as well as giving these customers individualized attention. One reason stated for not being accessible in this area included the idea that certain businesses do not appeal to people with sight problems. Merchants also have not provided braille or large print signs, menus, directories, etc.

The accessibility offered to people with mental impairments was limited. Aside from offering individualized attention to this group, businesses generally did not know how to go about offering special services to these people. Again, some businesses felt as though their services would not appeal to this clientele group; however, one merchant in particular felt his services were most appropriate to individuals with mental disabilities.

The merchants in the Village generally see their facilities as being accessible to people with physical impairments. This type of accessibility is the most widely talked about form. In fact, most of the merchants associated the ADA with having to provide for people with physical disabilities and had not really considered the other types of disabilities. Some of the most common forms of accessibility to this group included keeping aisles clear, wide, and free of clutter and inventory. Ramping entrances also was a popular accessibility feature. Surprisingly, the issue of disabled parking spaces was listed only once as being a form of accessibility. A few of the merchants stated they often open doors for people who need assistance. Some of the major physical barriers posed in the Village by these businesses include unramped stairs. In some cases ramps would be structurally impossible, and some businesses will admit to this. Security systems were also cited as being an obstacle to accessibility due to the maneuvering necessary to avoid running into shelving.

None of the establishments are considering making further changes to their facilities even though most of the businesses admitted to having obstacles to accessibility. On the same note, a majority of the businesses did state that
making services and facilities more accessible to people with disabilities is a priority, but on the other hand, they all admitted to having a certain extent of inaccessibility.

Clientele
This category created some surprising responses, as well as some expected responses. The numbers of disabled customers per business varied greatly. The responses ranged from one to two customers per year, all the way to 21 per week. These numbers seemed very low considering the number of disabled students at Ball State. Some businesses considered their disabled clientele “regulars,” and on a first name basis, while other merchants described these customers as “sporadic.” The most interesting response came from all but one merchant. This response was the belief that even if facilities were more accessible, there still would not be an increase in the number of disabled clients. This response clearly demonstrates that businesses have no conception of how the ADA can in fact bring in more business. Some of the merchants cited reasons for accessibility not helping business. The common sentiment was that some businesses have such a small target group in the first place, and accessibility improvements would not broaden the clientele group significantly. Another insightful result was that none of the merchants have made any effort to advertise to disabled individuals, and have not communicated their accessibility.

Costs
Not surprisingly, only one of the merchants interviewed had cost estimates of expenses towards improving accessibility. Ironically, this merchant was the only businesses interviewed that had provided any sort of commensurate accessibility features. The cost of installing a ramp to this specific facility plus the cost of installing lever door handles on the bathroom door was around $1560. The costs and benefits of this sort of compliance is included in Figure D.

In general, most of the businesses have done things such as keeping aisles wide without clutter, providing staff help if needed, etc. However, the merchants have not considered some of the other simple and inexpensive ways they could become in compliance to a greater extent.

Attitudinal Analysis
Measuring a business’s level of accessibility and knowledge offer very helpful insight into the problems facing ADA compliance. An equally helpful area of
knowledge can be based on the overall attitude inherent at a business. Sometimes these factors are difficult to measure, while other times they are obvious.

One particular merchant in the Village was interested in starting a home delivery service to serve disabled individuals. This system would involve the person calling in the “order” to the merchant, and the business would, in turn, offer free delivery to the disabled client. This example of a general willingness to provide services within their means needs to be more widespread. Other merchants have expressed a willingness to provide equal services to disabled customers, especially when a structural barrier prohibits some customers from entering the facility.

Certain forms of “accessibility” can be considered inappropriate. For example, some of the merchants explained it is a practice to carry physically disabled customers up and down the stairs in order for them to access the business. This method of accessibility not only jeopardizes the health, safety, and general welfare of the individual with a disability, but it also places the business at risk concerning liability. Therefore, this form of “transportation” is not an acceptable means of accessibility.
More than once the topic of unresponsive landlords came up with the merchants. Because most of the merchants in the Village lease business space, landlords can present a problem. The responsibility of getting the disabled customer in the door of a facility is generally the landlord's. Once the individual is inside the door of the facility, then it is up to the business owner to provide interior accessibility. Even though some merchants would like to see their facilities more accessible, the landlord is at fault if accessibility is not provided in some cases. Perhaps this group should be targeted as heavily as the business owners.

DISABILITY COMMITTEES
The disability committees that exist in Kokomo, Indiana, as well as Carbondale, Illinois, have made great contributions to the community. However, there are some flaws in their programs. One important aspect to consider, however, is that they have made commendable efforts to deal with accessibility issues. More localities should follow in the footsteps of these communities.

The MACPCI in Kokomo devised a well thought out series of goals for the 1992 year. Some of the most impressive goals included sending reminders to businesses regarding aisle space for people with disabilities, investigating the feasibility of special trash collection for these individuals, and networking with other disability groups, and devising a "handicapped accessibility guide." The organizational structure of the committee seems to be appropriate as well. The five sub-committees within MACPCI seem to be a manageable number.

The goals for the Partnership For Disability Rights are less defined and of a more general nature. However, their specific activities have been a great success. One reason for their success may be the organizational structure of the committee as compared to the MACPCI. The Partnership has one standing sub-committee which deals with accessibility issues. These issues will never go away. However, their other sub-committees are temporary, and are formed only when needed. Conversely, the sub-committees formed within the MACPCI are permanent. Perhaps a less rigid structure would allow greater flexibility in looking at issues as they arise.

Although the MACPCI plays a positive role in the Kokomo community, a few areas are in need of improvement. One major defect with the MACPCI is their frequent use of the word "handicap." This word is very insulting to many, because people can have disabilities without being "handicapped." The ADA addresses this issue by calling for a change in terminology. "Disability," and
"disabled individuals" are now the accepted terms. The MACPCI in Kokomo should be more sensitive in this regard. Another inadequacy of the committee can be found within some of the sub-committees. There were a couple of sub-committees that did a great deal of work, while others set forth minimal efforts. This structure again brings up the issue that it may be more fitting to form temporary sub-committees rather than permanent ones.

The Partnership for Accessibility Issues cannot be commended enough. Their efforts have gone above and beyond other communities. One reason for their success is attributed to their "activeness" in the community, with various sectors represented on the committee. The Partnership has taken a proactive approach to ensuring accessibility rather than a reactive one. The committee itself has gone out and found problems on its own rather than waiting for complaints by disabled individuals. In addition, they have made many efforts above and beyond the call of duty. For example, they give presentations to high school drivers education classes concerning disabled individuals, and they make sure media coverage is given to the issue of accessibility. The image portrayed to the community by this committee is a very positive one.

Another illustration of the Partnership's service to the City of Carbondale is their award from the National Organization on Disability. The Partnership for Disability Issues has made the city an accessible home for many disabled individuals.
Chapter 6. Conclusions

SIGNIFICANCE OF RESULTS
The outcome of this study reveal unexpected information about the level of accessibility of many businesses. The results I anticipated — that some businesses would be in compliance with the Act, and others would not — did not hold true. Because I identified this surprise early in the process, I was able to make constructive use of this information.

The original plan of my methodology was to interview business owners in Muncie, most of whom had not removed barriers to provide accessibility. These results were to be compared to results of interviews and field studies of similar businesses in the central Indiana area that had fully complied with the law. The problem arose when it came to my attention that no businesses in the central Indiana region had, in fact, fully complied with the ADA. Therefore, I instead decided to take a different perspective, and find out what mechanisms promote greater accessibility. Specifically, I investigated two disability advocacy groups from Illinois and Indiana. Specific examples of successful means of promoting accessibility were offered from these organizations.

Although this change in methodology posed a temporary setback, it demonstrated the “information gap” that exists in society concerning disability issues. In retrospect, the lack of fully accessible businesses in the central Indiana region proved to be noteworthy, and further, it became a focus of my project.

One reason for the lack of compliance with the ADA stems from the method of enforcement. Many merchants are waiting to see exactly what penalties will be imposed if barriers are not removed. This “wait and see” attitude may be misleading because ADA compliance is reviewed on a case by case basis, and only if a specific complaint is filed. The main rationale for businesses not complying with the ADA is the conception that the costs will be too high. While this sentiment is the general attitude in the business community, few have actually looked into costs. This belief that costs would outweigh the benefits is simply that — a belief. Merchants have no evidence to support their assumption.

HOW CHANGE CAN COME ABOUT
The results of this study are tentatively conclusive in that definite ways exist for businesses to improve their accessibility within their economic means. What is
still uncertain is how to motivate businesses to do so. The guide for businesses to follow "Towards Accessibility: A Public Accommodations Handbook," will hopefully serve as one inspiration for businesses to follow. However, it is doubtful that I alone can convince a business to change their ways completely. This study has indicated that many merchants do not know the ways in which accessibility can improve their business. Possibly merchants will have a better understanding of the power of accessibility if they see examples of other businesses which have been successful.

In addition to following the guidelines and resources presented in the Handbook, merchants can also benefit from taking an initiative to increase the level of knowledge and accessibility within the community. One simple mechanism for doing this can be through forming a community organization, or a partnership between businesses concerned with accessibility issues. The power of a group is generally greater than one individual business, and much more can be accomplished in this manner. For example, the merchants that form the partnership could pool their money and resources and buy such items as braille printers, TDD machines, and other means of providing accessibility. The organization could also commend other businesses who have provided accessibility by giving out awards and publicizing them. This, in turn, makes the merchant feel good about his or her actions, as well as advertises this business's accessibility. Another important point to keep in mind is the importance of involving individuals with disabilities. This valuable consideration is a relatively easy thing to do because most every city has some sort of disability organization or advocacy group.

Many mechanisms can be implemented to bring about change, and only a small portion of them are listed in this document. The only real barrier towards bringing about change is ignorance. Hopefully this report will serve to lessen this barrier.
Litigation


On December 28, 1992, the Department of Justice filed its first lawsuit under the ADA, against Becker CPA Review for failing to provide effective auxiliary aids to students with hearing impairments. Becker, the nation’s largest CPA review course, prepares over 10,000 students a year to take the national certified public accountant exam. The Department is seeking (1) a permanent change in Becker’s policy so that sign language interpreters are provided to those who need them; (2) civil penalties; and (3) damages for the original complainant, two other people with hearing impairments who have reported that they were not accommodated, and any others who may have had similar experiences.

Finnock v. International House of Pancakes (IHOP), California

The Department has intervened in a private action in which the defendant is challenging the constitutionality of the ADA. The plaintiff claims that IHOP failed to undertake readily achievable barrier removal and to provide auxiliary aids and services. Pursuant to Federal statute, the Attorney General was notified of the defendant’s constitutional challenge, so that the United States would have the opportunity to intervene in the matter and defend the constitutionality of the statute. The Department’s brief will be filed this summer.

Kinney v. Yerusalam, Pennsylvania

A class of persons with mobility impairments sued the City of Philadelphia and charged that the City violated title II of the ADA by failing to install curb cuts whenever it resurfaced its streets. The Federal District Court found in favor of plaintiffs, and the City appealed. On May 10, 1993, the Department filed a friend of the court brief in the United States Court of Appeals for the Third Circuit. In its brief, the United States argued that the lower court correctly found a violation of title II. The United States also argued that the lower court properly held there is no "undue burden" defense in a case involving alterations, which include street resurfacing.

Livingston v. Guice, North Carolina

The plaintiff, who uses a wheelchair, filed suit in Federal District Court alleging that the State of North Carolina and a State court judge violated title II of the ADA by preventing her from entering a courtroom through the only accessible entrance known to her. On March 4, 1993, the Department filed, as amicus curiae, a memorandum in response to defendants’ motion to dismiss. The Department argued that the States have no Eleventh Amendment immunity from ADA suits, that there is a private right of action for damages under title II, and that the court should not postpone a decision in this case until the Department acted on a related administrative complaint.

Galloway v. Superior Court of the District of Columbia, District of Columbia

A blind person filed suit in Federal District Court charging that the Superior Court’s policy of excluding persons from jury service based solely on their disability violates title II of the ADA and section 504 of the Rehabilitation Act of 1973. The District Court found a violation of both statutes. On May 4 and 21, 1993, the Department filed, as amicus curiae, memoranda concerning the availability of damages to remedy the violations. The Department argued that the plaintiff is entitled to seek compensatory damages under both the ADA and section 504, and that neither an overt nor physical manifestation of emotional injury is necessary to support an emotional distress claim for compensatory damages.

Rosenthal v. State Board of Law Examiners, New York

A person with learning disabilities filed suit challenging the New York State Board of Law Examiners’ refusal to provide her with accommodations for taking the State bar examination. The Department filed an amicus brief in support of plaintiff’s claims under titles II and III of the ADA. The case was eventually settled, with the plaintiff receiving the accommodations, including a separate room for taking the exam, twice the usual amount of time, and the assistance of a person to transcribe her answers onto the multiple choice answer sheet.
Formal Settlement Agreements

In some cases, a voluntary agreement is reduced to writing as a formal settlement agreement, which is signed by both the Department and the respondent. A formal settlement agreement includes provisions for enforcement, but does not involve court action.

First Settlement Agreement Under Title III

In March 1993 the Department entered into its first formal settlement agreement under title III. The agreement resolved a complaint that a branch of the Municipal Credit Union in New York City could only be entered by steps and was therefore inaccessible to people who use wheelchairs, as well as to people with other mobility impairments. The complaint alleged that the Credit Union had failed to take steps to remove barriers to access and that such removal was readily achievable. The Credit Union agreed to install a permanent ramp at the entrance, to notify its customers of the change, post appropriate signs, and instruct the staff to provide any requested assistance to individuals with disabilities.

Inter-Continental Hotel, New York

The Department recently reached a formal settlement agreement with the Inter-Continental Hotel in midtown New York, a member of a chain of prestigious hotels in major cities. The hotel will make numerous changes to its 691-room facility and procedures over the next five years, including removing physical barriers in public areas such as the front entrance, lobby, and ballroom, as well as in 21 guest rooms; providing television decoders, telephone handset amplifiers, visual smoke alarms, and visual door knock and telephone indicators in 35 guest rooms; making elevator modifications to provide access for persons with vision impairments; and modifying reservation and room assignment policies to ensure that accessible rooms are made available to those who request them.

Informal Resolution of Complaints

A number of complaints have been successfully resolved without litigation or a formal settlement agreement. In some instances, the public accommodation promptly agreed, after learning of the complaint, to take action to resolve the issues. In others, extensive negotiation took place. Following are some examples of successful outcomes.

Existing facilities: barrier removal

- A national retail chain agreed to provide accessible parking spaces at a store that was the subject of a complaint, and took the initiative to implement the policy nationwide.

- A major rental car company agreed to provide accessible parking at a major metropolitan airport. The company restriped the parking lot, added appropriate signs, and instituted a valet service for customers with disabilities.

- A private school made changes (including modifications to restrooms and provision of a ramp) to the buildings in which its high school graduation ceremony and reception were being held. These actions followed a complaint by a person who uses a wheelchair and wanted to attend a relative's graduation from the school.

- A complainant, who uses a wheelchair, stated that she could not participate in a health club's arthritis rehabilitation program, which was taking place in an inaccessible swimming pool. The club agreed to install a wheelchair lift.

Communications: auxiliary aids

- A private psychiatric hospital provided a patient who is deaf with a qualified sign language interpreter for all of her psychoeducational and psychotherapeutic sessions. In addition, the hospital has developed a written policy for providing services to persons with disabilities.
• Several hotels have agreed to furnish auxiliary aids to guests who have hearing impairments. The auxiliary aids include telecommunication devices for deaf persons (TDDs), closed caption decoders for televisions, telephone amplifiers, visual smoke alarms, visual door knockers, visual phone alerts, and wake-up devices.

• An art institute provided an interpreter for a deaf student taking a post-secondary summer course. The institute hired contract interpreters for the 40-hour course and plans to hire a permanent staff person whose duties would include interpreting for future courses.

• A sports store that produces instructional videotapes provided transcripts of its video on how to fly a plane. The transcripts and video have assisted a deaf student in obtaining her pilot’s license.

**Discrimination in policies**

• A mortgage company agreed to pay damages to a complainant who alleged that the company rejected, on the basis of his disability, his application for refinancing his mortgage loan. The mortgage company paid to the complainant direct expenses that were sustained as a result of refinancing his mortgage elsewhere, and other damages, with a total payment of $6,000.

• A rental car company revised its policy relating to cash qualifications for rental car customers. Previously, customers who did not have credit cards could only rent a car with cash if they had a verifiable employment history. A person with a disability who was unemployed due to the disability, and who did not have a credit card, was denied service altogether. Now customers may complete a written application that includes disability-related income as an alternative to employment information.
APPENDIX B

Selected Village Merchants

Harry Gaunt Jewelers
Attn: Alicia Shaekel
414 N. Martin
289-6403

TIS Bookstore
Attn: Tim Tichenor
1717 University
282-1811

Mugley's Eatery & Pub
Attn: Lee Shaub
1700 W. University Ave.
Muncie, IN 47303

Gordy's Art Mart
Attn: Mr. or Mrs. Gordy
500 N. Calvert
284-2919

John Jay & Company
Attn: John Jay
1609 W. University
286-4000

Wizard's Keep
Attn: Stan Stephens
416 N. Martin Ave
286-5145

Thomas Steck and Company
Attn: Patricia Steck
506 N. Martin
289-1655

Discount Den
Attn: Connie Higgins
1801 W. University
282-3136

Ben & Jerry's Ice Cream
Attn: Jeff McCarroll
1704 W. University
288-0088
APPENDIX C

INTERVIEW QUESTIONS

Level of knowledge
1. Have you heard of the Americans With Disabilities Act?
2. What are the implications of the ADA on your business?
3. How did you hear of the ADA?
4. What are your expectations of the ADA? What are its impacts?
5. In what ways does your business need to comply?

Accessibility
6. Are your services and facilities accessible to people with the following disabilities?
   - Hearing impairments?
   - Sight impairments?
   - Mental impairments?
   - Physical limitations?
7. Are there changes that you have been considering in regard to the ADA?
8. If changes have been made, have there been any benefits?
9. Does your business have any major obstacles to accessibility?
10. Is it a priority of your business to make services accessible to people with all types of disabilities?
11. Does the staff make any special measures to facilitate the needs of disabled customers? Do they have any training?

Clientele
12. How many disabled customers do you have per week? Per month?
13. If you have few disabled customers, why do you think that is?
14. If your business's facilities were more accessible, would there be more disabled clients?
15. If you have made facilities more accessible, has there been an increase in the number of disabled customers?
16. Have you made any efforts to communicate the business's accessibility to the disabled community? (Sign in window, add in newspaper, sponsored event with DSD)

Costs
17. What were the costs of making alterations?
18. Did your business use financing measures offered through tax credits and deductions?
19. Has your business done a cost/benefit study on compliance?
APPENDIX D

Talladega, Alabama - A "User-Friendly" City For People With Disabilities
Talladega, Ala., Is
A User-Friendly City
For Disabled People

Stoplights Talk. Deliverymen
Sign and, at McDonald's,
Burgers Are Listed in Braille.

By Tony Horwitz
Staff Reporter of The Wall Street Journal

TALLADEGA, Ala.—Jennifer Culver is blind but can sense when others' eyes are
upon her, "I feel like people are staring at me," the 15-year-old says, "I feel like an
outcast."

But not in this town. Here in Talladega, visiting a crowded McDonald's, Jennifer
isn't self-conscious at all. Flipping through a Braille menu provided by the restaurant,
she shouts "Big Mac" and "Egg McMuffin" to several blind friends. "Here," explains Jennifer, who is part of her
school's cheerleading and track teams, "there are so many like me that it's no big
deal being blind."

Talladega, in fact, is almost custom-fit
to citizens with disabilities. Talking
to the efforts of the profoundly disabled. At first glance, Talladega seems an
unusually quiet city. Sunday's church services at the_balanced
services at the Balham

Eugene Pennington is both blind and
def, but he can make a broom by touch.
He has a有人说 of the stick into a rotating
drake, the end other end with broomsicum,
from which he

Some prison inmates in the state are
transcribed textbooks into Braille for
the visually impaired.

Mr. Pennington's palm was the
factory to
court the deaf and blind vote, and the town
caters to the disabled in dozens of small
ways. It has repaved bumpy sidewalks and
installed the talking traffic signals, which
are believed to be the first in the U.S. that
also name the street being crossed. Church
services are conducted in sign. Video
shops have sign-language tapes and
movies captioned for the hearing-
unimpaired.

Even prison inmates get in on the act,
transcribing textbooks into Braille for use
at the institute. "It's a way to keep
inmates busy," says

Mr. Pennington does his own banking
and shopping. At the supermarket, he
knows the products and brands by feel. Cashier
speak to him in a way that is respectful and
shows him the items he might want.

Now he looks forward to returning
soon. A deaf sister wants him to come live
with her in a rural area near Fayette. "But Mr. Pennington's life is full of
textbooks and friends, and he enjoys

In Talladega, he says, "I'm nothing special. I like that."
APPENDIX E

"Towards Accessibility:
A Public Accommodations Handbook"
Towards Accessibility: A Public Accommodations Handbook

in cooperation with the Village Merchants Association as a creative thesis project by Lynnette E. Williams
Acknowledgments

This handbook was developed with the assistance of a number of people. My thesis committee has been especially helpful, from the topic development stage to the final editing and formatting stage. My thesis committee includes Dr. Francis Parker (Chairman), and Mr. Richard Harris (Member). In addition, I would also like to thank my thesis professors, Dr. Tom Schurch and Dr. Linda Keys as well as the Department of Urban Planning and Development.

This handbook would not exist if I had no site to study. The Village merchants have been especially helpful in allowing me to photograph their facilities and to interview them. The Village Merchants Association, headed by Deb Wise has given me an avenue to apply my newly acquired knowledge of the Americans With Disabilities Act of 1990.

Other individuals who have taken time out of their schedules to answer many questions and concerns should be acknowledged as well. They are Linda Muckway, Curt Kohring, Emma Sullivan, Don McGillam, William Magazine, Nanette Bowling, Diane Callahan, and Marlene Kitchen (graphics). In addition, my fellow classmates have offered many constructive suggestions.

This handbook was prepared for the fulfillment of the thesis/creative project requirement to obtain a Bachelor of Urban Planning and Development from the College of Architecture and Planning, Ball State University. While it is intended to assist businesses in complying with the ADA, this project is not a substitute for professional documents.
General Background

RATIONALE
The Americans With Disabilities Act of 1990 (Public Law 101-336) was signed into law July 26, 1990, and is one of the most empowering pieces of civil rights legislation since the 1960's. Because individuals with disabilities encounter discrimination in different ways than on the basis of sex, age, race, religion, etc., they have no legal basis on which to claim discrimination. The ADA attempts to address this situation by taking away barriers in such areas as employment, housing, public accommodations, education, transportation, communication, and recreation, etc.

In general, the Act itself has five "titles" or sections:

I.  EMPLOYMENT
II. PUBLIC ENTITIES
III. PUBLIC ACCOMMODATIONS
IV. TELECOMMUNICATIONS
V.  MISCELLANEOUS PROVISIONS

Each title of the ADA plays an important role towards achieving accessibility. However, the scope of this study is Title III - Public Accommodations.

Although the importance of the ADA may not first be apparent, most Americans will at some point in their lives be considered "disabled" by definition and in practice. Be it a broken leg in one's younger years, or from the effects of aging in later years, most everyone will experience disability. Due to today's growing life expectancies, more and more will live longer. As people grow older, there exists a strong possibility that many will experience problems in doing everyday functions such as walking, driving, going to the grocery store, and other activities that most people take for granted. In this light the ADA will affect virtually everyone. For example, there is an 80% possibility that each individual will experience some sort of disability in an average life span, and a 95% chance that each individual will have a non-permanent mobility impairment. These impairments may include a broken leg, sprained ankle, illness, or hearing or sight limitation. When disabilities occur, the number of activities that one is involved in significantly decreases. For example, two-thirds of those disabled did not go to a movie in the last year, three-fourths did not go to the theater or a concert, and two-thirds did not go to a sporting event. The average non-disabled American would find this inactivity unbearable. Maybe this is the reason that the ADA has such overwhelming support from the general public: 96% support prohibiting discrimination in public places, 83% support requiring employers to make "reasonable accommodations" for disabled employees, and 93% support accessibility to public transportation.
With the assistance of the Village Merchants Association, businesses were interviewed to determine their level of accessibility, knowledge of the ADA, and their overall attitude towards the Act. With these results a determination was made of what information needed to be communicated to the businesses. This handbook offers that information.

PUBLIC ACCOMMODATIONS

This section (Title III) of the ADA went into affect January 26, 1992, for existing facilities, and January 26, 1993, for new construction. "Title III prohibits discrimination in any manner that would prohibit the full and equal employment of the goods, services, facilities, privileges, advantages, and accommodations in any existing 'place of accommodation' as defined by the law." The twelve categories of "public accommodations" according to the Act are the following:

a) Places of lodging.
b) Establishments serving food or drink.
c) Places of exhibition or entertainment.
d) Places of gathering.
e) Sales or rental establishments.
f) Service establishments.
g) Stations used for specified public transportation.
h) Places of public display or collection.
i) Places of recreation.
j) Places of education.
k) Social service center establishments.
l) Places of exercise or recreation.

Some examples of businesses included in the Act are hotels, restaurants, theaters, stadiums, convention centers, museums, libraries, schools, parking garages, recreation facilities, and sales service establishments such as grocery stores, clothing stores, banks, hospitals, law offices, and medical offices. Commercial facilities are those nonresidential facilities whose operation affects commerce or trade, and will be one of the areas most affected by the ADA.

Commercial entities can provide public accommodations in many ways. Some of the most common ways include department stores rearranging merchandise for easier accessibility, car rental agencies providing cars with hand controls, telephone companies having operators to assist speech impaired people, and buses equipped with wheelchair lifts. If businesses find that "barrier removal" is structurally impossible, then alternative but equal services must be provided. For example, home delivery to disabled customers may be necessary, employees may have to assist shoppers to retrieve merchandise, or goods may have to be relocated to accessible locations.

*Towards Accessibility*
The Department of Justice has a set of suggested priorities to give people a way to look at the barriers their facilities possess.4 The first priority of the ADA is to provide access so that disabled individuals can get in the door of an otherwise inaccessible building. The next step is to provide access to the activities that are inside the building, by barrier removal if necessary. Next, restroom accessibility must be provided. The ultimate goal is to provide access to all areas of a facility.

Title III of the ADA contains no exemption to providing accessibility depending on the business size. Therefore, even the smallest businesses are theoretically required to provide the same accommodations as a large corporation, such as removing architectural and communication barriers, providing a sign interpreter, ramping the entrance, etc. However, business size can be important when determining what is readily achievable for a specific business.5 For example, a small non-profit organization will generally have to make fewer modifications than a Fortune 500 company. However, the same basic goods and services must be offered to all. Therefore, financial resources play a large role in determining what is readily achievable. Nevertheless, accessibility to public places is a positive economic tool, and business owners should be aware of this significant factor.

VIOLATIONS
ADA violations concerning public accommodations are handled through the Public Access Section in the Civil Rights Division of the Department of Justice. The DOJ investigates complaints concerning violations of Title III as well as litigation proceedings. Any complaint that involves a pattern or practice of discrimination can be filed as a civil suit in a Federal district court by the Justice Department. The DOJ may seek injunctive relief—also known as the "shall include" order. It requires places of public accommodation to alter its facilities to make them accessible, or provide auxiliary services. Monetary damages can also be sought on behalf of the individuals, as well as civil penalties: up to $50,000 in awards for the first violation, and $100,000 for subsequent violations. Individuals may also file civil suit in Federal court, but they cannot receive monetary awards. However, the defendant can be ordered to remove the barriers and pay for the legal fees.

By October, 1993, 1200 complaints had been filed concerning Title III violations.6 Some of the alleged violations include failure to remove barriers, discriminatory policies, and lack of auxiliary aids. Many complaints have

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United States v. Venture Stores, Inc.

On May 26, 1993, a federal judge in Dallas, Texas, issued a consent decree involving a settlement by the Department of Justice against Venture Stores, Inc., a discount department store chain. Under the agreement, Venture will now accept credit cards as identification and will make payments to four individual plaintiffs.

The Department of Justice's complaint charged that Venture's check payment policy violated the ADA because it permitted only in-store customers with driver's licenses to pay for merchandise with a personal check. Unless they obtained a special check-cashing card.

Source: DOJ Enhancement Fact Sheet, 1993

Figure 1
been settled via three avenues: Litigation (court action is involved), Formal Settlement Agreements (out of court agreements with provisions for enforcement), and Informal Resolution (actions to resolve the problem are taken).

PHYSICAL DESIGN

Naturally, physical design plays a large role in disabled access, and is of the utmost importance. It is important that any obstacle that blocks the equal use of a facility by any disabled person is removed to the greatest extent possible. In this regard, "person with a disability" is defined as someone who:

a) has a physical or mental impairment that substantially limits one or more of the individual's major life activities;

b) has a record of such an impairment; or

c) is regarded as having such an impairment.  

Moreover, barrier free design is an attempt at making a site as accessible as possible to people with all types of disabilities. Sometimes accessibility means simply removing an architectural barrier such as a turnstile, or installing a raised toilet seat. Other times it may mean removing a communication barrier by installing flashing alarm systems for the hearing impaired, or installing raised elevator buttons for the sight impaired.

Some other general examples of barrier free design include the following:

a) community facilities located near accessible public transportation

b) providing short walking distances in the community with public seating located throughout
c) providing a level, smooth ground surface
d) providing accessible routes to and in between doors, halls, and waiting areas
e) locating parking spaces next to entrances

f) providing accessible restrooms, elevators, and drinking fountains
g) providing adequate turning radii for wheelchair users

h) providing adequate lighting and nonglare surfaces

Barrier free design is a definite positive step towards reaching the desired results of complete accessibility; however, universal design is the best instrument for accommodating people with disabilities. Most people do not consider the design standards physical structures must comply with. Design standards are thought of as being for the general population; however, in reality they represent a social need of particular groups while they exclude others.  

For example, steps are designed to fit the height of the average person, trains and buses are designed for those who are ambulatory, phones are designed for those who can hear and speak. These assumed design standards are now under scrutiny because facilities can be accessible to all. Among many suggestions to insure accessibility are the following:

• Towards Accessibility
• If the women’s and men’s restrooms are too small for a wheelchair and are next to each other, change them into one large unisex restroom
• Provide disabled parking spaces that are 8' wide with a sign designating them as such
• Install curb cuts or ramps
• Remove plush or high pile carpeting and replace it with low pile carpeting
• Widen doors for dressing rooms, restrooms, etc.
• Replace doorknobs with lever handle openers
• Arrange displays, tables, vending machines, etc. in such a way as not to obstruct passage
• Reposition phones lower and install a bench
• Provide raised elevator buttons with braille
• Install a paper cup dispenser next to water fountains
• Provide visible and audible alarm systems
• Integrate seating for disabled customers with all others
• Make the main entrance accessible by installing a ramp if needed
• Provide large print and braille versions of prices lists, menus, signs, etc.
• Add a “voice” to cash registers
• Curb cuts and ramps should have a slope no steeper than 1:12, meaning for every 1" drop, the ramp should slope out 12". The maximum horizontal length of a ramp with a slope between 1:12 and 1:16 is 30 feet, and for ramps between 1:16 and 1:20, there must be no more than 40 feet
• Lower counters, or a portion of the counter, to waist level
• When shelving items do so vertically rather than horizontally to insure people at all heights have access to merchandise
• Install amplified receivers on telephones
• Make the size of lettering large on signs with lighting
• Install grab bars in toilet stalls
• Install lever faucets
• Install full length mirrors in bathrooms
• Install a doorbell outside of entrance
• Advertise your businesses accessibility by placing the universal accessibility sign in store’s window, and be specific as to the nature of accessibility provided

A common concern in the business community is that ramps, and other various accessibility features may ruin the aesthetics of the facility, as well as take up too much space. Like anything else, some ramps are designed well and some are designed poorly. This adds a challenge to the design community that they are capable of handling. The Americans with Disabilities Accessibility Guidelines (ADAAG) are design and code standards that should be followed. These standards are very specific, stating exact dimen-
sions to follow. Any time an alteration is made to a facility, or accessibility is attempted, ADAAG should be followed, especially concerning technical matters.

PERCENT WITH DISABILITY - NATIONAL, REGIONAL, AND LOCAL
Because the definition of disability is different than the definitions used for census purposes, finding a correct and non-biased statistics to use for comparison purposes is difficult. Table one is taken from the 1990 Census of Social, Economic, and Housing Characteristics. The numbers represent "Percent with a mobility or self-care limitation" in Muncie, Indiana, Midwest region, and the U.S. as a whole (between the ages of 16 and 64). The reader should keep in mind that these figures represent mobility impairments only, and do not portray all disabilities.

STUDENTS WITH A DISABILITY AT BALL STATE UNIVERSITY
The resource that disabled students at Ball State University utilize is the Office of Disabled Student Development. This office offers many services, such as classroom assistance, parking permits, and student activity groups, etc. In a report produced by the Office of Disabled Student Development, the types of disabilities that students at Ball State have was discussed. One underlying assumption in this report is that defining those who have a disability is a difficult matter. Most people think of a disability as a visible physical impairment such as the use of a wheelchair or brace or hearing aid. However, the definition of disabilities as defined in the Americans With Disabilities Act is much more encompassing, estimating that 43 million Americans have a disability. Therefore, a disability can be something that is not necessarily apparent by appearance.

The Office of Disabled Student Development believes that only 50% of the actual cases of disabilities are reported. Many of these cases go unreported because not all disabilities need direct services offered through the Office. The numbers for the Fall 1993 semester are as follows:

- 180 learning disabilities
- 36 hearing impaired
- 42 visually impaired
- 115 mobility impaired
- 152 other
- 525 Total (Office of Disabled Student Development)

* Towards Accessibility
Profitability

COSTS V. BENEFITS
Estimates of how expensive compliance with the ADA is and will be are numerous. Many sources say that a large portion of accessibility measures will cost very little, between $500 and $1000. However, many sources would argue and say those estimates are quite conservative. These opposing viewpoints make having an accurate, unbiased conception of how expensive compliance really is difficult. Nonetheless, Barbara Judy states that 81% of the necessary changes for accommodation cost $1000 or less, and 31% cost nothing. On the same note, Marco Damiani estimates that 69% of accommodations cost less than $500.

Most businesses do not realize how profitable accessibility really is. If an inaccessible store averages 100 customers a day, with an average customer sale of $10 they could be losing $100 dollars a day going on the conservative estimate that 10% of the population has a mobility problem. The facility could invest several hundred dollars to achieve accessibility and within a week would receive a return with increased profitability in the future. Another incidence of increased profitability due to accessibility considers a pizza delivery business. Installing a TDD (Telecommunication Device for the Deaf) at this sort of establishment (purchasable for around $300) would have a very rapid recovery time. The following example is an actual calculation based on a business in the Village.

**Given:**
- Total cost for a ramp and lever door handle is $1564
- Minimum consumer purchase at this establishment is $1.75
- There are at least 10 disabled customers per week, and generally they do not come alone
- It is an assumption therefore, that 20 customers per week are directly affected by the ramp and/or door handle.

**Calculations:**

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Benefits:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1564</td>
<td>$1.75 per customer X 20 customers per week = $35 per week</td>
</tr>
</tbody>
</table>

**Cost Recovery Time:** 45 Weeks

**Analysis:**
If recovering costs for accessibility takes less than a year based on the $1.75 minimum purchase, costs will likely be recovered even faster if purchases are greater than this minimum. After the estimated 45 weeks to one year, purchases from disabled individuals would be counted as profit. Forty-five weeks is not a long recovery time.
FINANCING AVAILABLE
The ADA is not legislation meant to bankrupt businesses. However, many business owners think bankruptcy is exactly what will happen to them if they fully comply. In general, the provisions in the ADA concerning financing provide a way to spread out the cost of complying to all taxpayers.

The ADA has two means of saving a business money when complying. These financing measures result from the 1990 Internal Revenue Code — Section 44 and Section 190. Section 44 deals with a tax credit. If a business spends over $250 dollars on making the facility accessible, then the remaining amount is eligible for the credit, and the credit only applies for amounts less than $10,250. For those amounts between $250 and $10,250, up to 50% of that amount is eligible for credit. The second financing measure, from Section 190, is the tax deduction. This mechanism, like the credit, is used for changes made to make the facility more accessible. This deduction is for expenses not exceeding $15,000. When used in conjunction with one another, a business can be credited up to $5000 (50% of the $10,250), and deductions can be used for the remaining amount up to $15,000.

Businesses are eligible to use the tax credit and deduction if they have no more than 30 full-time employees or have no more than $1 million in gross receipts per year. "Eligible access expenditures" are those expenditures defined by the IRS that are eligible for the tax credit and deduction. They are the following:

a) To remove architectural, communication, physical, or transportation barriers which prevent a business from being accessible to or usable by individuals with disabilities
b) To provide qualified interpreters or other effective means of making "aurally delivered" materials available to individuals with hearing impairments
c) To provide qualified readers, taped texts, and other effective methods of making visually delivered material available to people with visual impairments
d) To acquire or modify equipment or devices for individuals with disabilities
e) To provide similar services, modifications, or equipment

*Towards Accessibility*
**Current Conditions in the Village**

**EXTERIOR CONDITIONS**
The main exterior conditions analyzed for this study are accessible parking spaces, sidewalks, and ramps. Each of these features should be fully accessible to people with all types of disabilities.

The parking available in the Village is minimal, and is mainly concentrated in the back of buildings. Some facilities have provided ample disabled parking spaces while some businesses need to look into this (Table 2). The chart shows the required number of disabled parking spaces according to the guidelines set forth by the ADA.

<table>
<thead>
<tr>
<th>Total Parking in Lot</th>
<th>Required Minimum Number of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 25</td>
<td>1</td>
</tr>
<tr>
<td>26 - 50</td>
<td>2</td>
</tr>
<tr>
<td>51 - 75</td>
<td>3</td>
</tr>
<tr>
<td>76 - 100</td>
<td>4</td>
</tr>
<tr>
<td>101 - 150</td>
<td>5</td>
</tr>
<tr>
<td>151 - 200</td>
<td>6</td>
</tr>
<tr>
<td>201 - 300</td>
<td>7</td>
</tr>
<tr>
<td>301 - 400</td>
<td>8</td>
</tr>
<tr>
<td>401 - 500</td>
<td>9</td>
</tr>
<tr>
<td>501 - 1000</td>
<td>2% of total</td>
</tr>
<tr>
<td>1001 and over</td>
<td>20 plus 1 for each</td>
</tr>
<tr>
<td></td>
<td>100 over 1000</td>
</tr>
</tbody>
</table>

*Source: ADA Accessibility Guidelines, 1991*

Several configurations are used for spaces, such as the one shown at a business located away from the Village (Figure 2). These spaces have a shared access aisle connecting with the access ramp. In addition, these spaces are clearly marked for use by disabled customers only.

All sidewalks should be accessible. As shown in Figure 3, the sidewalk has two ramped entrances. Although this is an attempt at accessibility, the slope of the ramp is bigger than the desired slope. The ADAAG calls for ramps to have a slope of no more than 1:12, extending no longer than 40 feet. A few exceptions exist for this when there are space limitations.
Some curb cuts may work well for people who use wheelchairs, but this curb design could be fatal for individuals with sight impairments (Figure 4). There is no indication that one has reached street level due to the extremely gradual slope. With no elevation differentiation, someone with a sight impairment could possibly walk into the intersection during traffic. On the other hand, ramps such as this are much easier for wheelchair users because of the gradual decline. This type of curb cut should be avoided if possible. Alternatives include adding a textured surface to the area of the curb that slopes so that sight impaired individuals will be aware of the presence of an intersection. Another alternative is for the curb to be cut and sloped for a portion big enough for a wheelchair to get through.

**ENTRANCES**

One of the most important aspects of providing accessibility to people with disabilities is getting them in the door of a facility which is one of the highest priorities in complying with the ADA according to the Department of Justice. However, in some instances this is not technically feasible. Those situations will be discussed in the following section.

The simplest way to insure accessibility is to put entrances at grade, i.e., on the ground level with no step needed (Figure 5). This feature is much more convenient for everyone, and it eliminates the need for a ramp. However, where this accessibility is not possible, ramping becomes necessary. This ramp design allows for easy accessibility for wheelchair users (Figure 6).

When space does not permit a "perfect" ramp design, makeshift ramps may be appropriate (Figure 7). Even
if this ramp does not fully comply with the suggested 1:12 slope, an effort was made to ensure accessibility. However, the health, safety, and general welfare of the customer should not be compromised.

A simple technique such as communicating the business's accessibility can also make a tremendous difference towards facility accessibility (Figure 8). This communication can be on a large scale, such as in a newspaper, or it can be as simple as posting a sign in the window or door. Advertising can enhance and improve the image of the business not only to disabled consumers, but also to the general public.

Once a customer can get to the entrance, the door should be at least 32 inches wide to insure wheelchair accessibility. Doors are also much easier to open by 

**everyone** if they require no more than five pounds of force (5lbf) to open them.
PROVIDING SERVICES

In some instances, providing accessibility to areas where there are steps may not be necessary as long as the same goods and services are offered. Here (Figure 9), the store is willing and able to provide the same services one would get if they were on the upper level because goods are brought down to the lower level. This form of accessibility is more of an "attitude" rather than a "physical" accessibility feature. A business’s sensitivity towards people with disabilities, and a general willingness to help exemplifies a much higher performance level of service. The same type of feature can be seen in Figure 10. If a customer is faced with a barrier (such as Figure 11), then alternative means of providing services must be offered. Installing a doorbell as well as signage to the outside is one easy technique that lets the store employees know someone outside needs assistance. Other than the cost of installing a doorbell, this service is an accessibility feature based on performance.

*Towards Accessibility*
NECESSITIES
One disability that is often overlooked is mental impairment. People with this type of disability generally benefit from the use of visual cues and graphic signage. A good example of this signage is the standard graphic representation sign for restrooms (Figure 12). Using these graphic tools can provide accessibility to those with mental impairments.

Restrooms are an essential part of everyone's life; therefore, they should be barrier free for everyone. Using lever door handles (Figure 13) rather than door knobs offers an easy and inexpensive form of accessibility (Not only should lever handles be used on restrooms, but on all doors where it is appropriate). Inside the restrooms, there should of course be at least one stall that is accessible according to ADAAG standards, as well as lever faucets, lowered towel dispensers, and full length mirrors (Figure 14).
Tall water fountains can pose a problem for wheelchair users. This problem can easily be solved by installing a paper cup dispenser next to the fountain or sink (Figure 15). This accessibility not only benefits the wheelchair user, but also small children who otherwise have to be lifted up.

**AISLES**

Aisles in a business play a very important role. They can make the facility very easy to maneuver in, or they can provide a tremendous hindrance to a disabled consumer. Aisles that are wide, with no obstructions offer the most barrier free type of service (Figure 16). However, boxes, displays, inventory, etc. can block passage (Figure 17). Merchandise should be shelved as low as possible, avoiding extremely tall aisles and displays.
Shelving merchandise in a vertical fashion rather than horizontal makes it easier for short people and wheelchair users to reach (Figure 18).

Many localities have made providing accessibility to people with disabilities a priority by forming committees, advisory councils, or advocacy groups. These groups can lay the groundwork for action to take place towards improving accessibility. In addition, groups, such as these, can provide an effective means of understanding what needs to be done in order to comply with the law.
Resources

NATIONAL
ADA Information Line
United States Department of Justice
Public Access Section
(202)-514-0301 (voice)
(202)-514-0383 (TDD)

United States Department of Education
Technical Assistance
(800)-949-4232

Architectural and Transportation Barriers Compliance Board
(800)-872-2253 (voice and TDD)

Equal Employment Opportunity Commission
(800)-669-3362 (voice)
(800)-800-3302 (TDD)

Federal Communications Commission
(202)-632-7260 (voice)
(202)-632-6999 (TDD)

Job Accommodation Network
(800)-526-7234 (voice)
(800)-526-7234 (TDD)

United States Department of Transportation
ADA Documents and information:
(202)-366-1656 (voice)
(202)366-2979 (TDD)

For Legal Questions:
(202)-366-9306 (voice)
(202)-755-7687 (TDD)
Internal Revenue Service
Tax Forms for Access Tax Credit; Tax Deduction
(800)-829-3676

*Towards Accessibility*
REGIONAL
Regional Disability and Business Technical Assistance Centers
Region Five
Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota
(312)-413-7756 (voice and TDD)

LOCAL / STATE
Indiana State Governors Committee
(317)-633-0288

ADA Training Network
(317)-541-0834

Center for Independent Living
(219)-745-5491

Indianapolis Resource Center for Independent Living
(317)-541-0611

MUNCIE
Office of Disabled Student Development
Ball State University
(317)-285-5293
Endnotes


9Because the categories of "mobility limitation" and "self-care limitation" are different than the definition of a disability denoted in the ADA, the percentages do not represent the numbers of people with "disabilities. They are intended to be used to compare regions.


12Many business owners say, ironically, that they do not need to install accessible features because they do not have any disabled customers. Naturally the business will not have disabled customers because it is inaccessible!


14This example was taken from a merchant interview.


*Towards Accessibility*
References

Aino, Elizabeth A. Access For All. Columbus: The Ohio Governor’s Committee on Employment of the Handicapped, Schooley Cornelius Assoc., 1977.


Harris, Richard. Periodic phone conversations, September-October, 1993. Director, Disabled Student Development at Ball State University.


The following are key terms that may need explanation throughout this proposal.


**Access aisle** -- Accessible pedestrian space between elements such as parking spaces, seating, furniture, etc. that provides clearances appropriate for use of these elements.

**Accessible** -- Describes a site, building, facility that complies with the ADA guidelines.

**Accessible route** -- A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access, aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts.

**Alteration** -- Any remodeling, renovation, reconstruction, or addition that affects or could affect the usability of the facility or a part thereof.

**Commercial facilities** -- Facilities that are intended for non-residential use and whose operation will affect commerce.

**Effects** -- The economic, social, and business results.

**Facility** -- Includes all or any portion of buildings, structures, site improvements, complexes, equipment, roads, walks, passageways, parking lots, or other property located on a site.

**Impairments** -- Some examples may include contagious and noncontagious diseases, orthopedic conditions, cancer, heart disease, mental retardation, HIV disease, drug addiction, alcoholism, etc. Homosexuality and bisexuality are not included as impairments, either physical or mental.
Major Life Activities -- May include caring for oneself, walking, talking, seeing, hearing, breathing, learning, and working.

Medium Sized Businesses -- Businesses that are large enough to be able to provide reasonable accommodations, but not large enough to be able to do so without creating some sort of initial economic burden.

Person with a disability -- Someone who:
   a) has a physical or mental impairment that substantially limits one or more of the individual's major life activities;
   b) has a record of such an impairment; or
   c) is regarded as having such an impairment.
This may be the most important aspect of the ADA because of its comprehensive scope (Mishkin and Shuster, 1991)

Public Accommodation -- Private entities whose operation affects commerce such as hotels, restaurants, bars, movie theaters, auditoriums, stores, laundromats, banks, medical offices, transportation terminals, museums, libraries, parks, zoos, schools, day care centers, recreation centers, etc.

Readily achievable -- Something that does not cause significant loss of profit or reduced efficiency.

TDD -- Telecommunication Device for the Deaf that uses graphic communication in the transmission of coded signals through a communication system.

Title III -- The third section of the ADA that deals with providing Public Accommodations.