



# Investigating Disability Issues

---

Jennifer LaFleur, ProPublica  
jlafleur@propublica.org

Twenty years since the passing of the ADA, disability issues remain a topic that receives little coverage by most news organizations. In that topic however, is a bounty of investigations waiting to be done. Here are some tips for getting more information on the disability front.

## Understand the law

The Americans with Disabilities Act covers:

**TITLE I - Employment:** Requires employers with 15 or more employees to provide qualified individuals with disabilities equal access to employment-related opportunities available to others. Complaints are filed with state and local human rights agencies and the EEOC.

**Title II -- State and local government:** Requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services and activities. Complaints may be filed with the local Americans with Disabilities Act coordinator for the governmental entity. Every local government with at least 50 employees must have a designated Americans with Disabilities Act coordinator on staff. Complaints also may be filed with the U.S. Department of Justice. Public transportation complaints are filed with the Federal Transit Administration. Education complaints are filed with the U.S. Department of Education.

**Title III - Public accommodations:** Businesses and nonprofit services must comply with basic nondiscrimination requirements that prohibit exclusion, segregation and unequal treatment. They must remove barriers in existing buildings where it is easy to do so given the organization's resources and provide effective communication with people having hearing, vision or speech disabilities. Complaints are filed with the U.S. Department of Justice, Disability Rights Section.

**Title IV - Telecommunications relay services:** Requires telephone companies to establish interstate and intrastate relay services 24 hours a day, seven days a week. Relay services allow callers with hearing and speech disabilities who use teletypewriters) and callers who use voice telephones to communicate through a third party. This section also requires closed captioning of federally funded public service announcements. Complaints are filed with the Federal Communications Commission.

## **Other disabilities laws:**

**Fair Housing Act:** This act, as amended in 1988 prohibits housing discrimination and requires owners of housing facilities to make reasonable accommodations. Complaints are filed with the U.S. Department of Housing and Urban Development.

**Air Carrier Access Act:** This act requires commercial air carriers to provide boarding assistance and certain other accessibility features in new aircraft and airport facilities. Complaints are filed with the U.S. Department of Transportation.

## **How to uncover the issues in your community:**

- Talk to disability advocates
- FOIA copies of complaints for your area
- Check for ADA lawsuits in your area
- Observe

Fitting In: Perspectives from St. Louis (2000)

Ten years after passage of the Americans with Disabilities Act, people with disabilities go about their daily lives with fewer obstacles than ever before, yet some major barriers remain. This series looked at how much of the promise of the ADA has become a reality in the St. Louis area and how much remains to be done.

The stories showed serious problems with accessibility in the St. Louis Area, especially with the local transit authority. The transportation part of the series resulted in the Federal Transit Administration's further examination of the Bi-State Development Agency, the St. Louis metropolitan area public transit company.

Among the problems we found with BiState:

- Bus drivers did not call stops verbally, so blind riders were unable to navigate the bus system.
- Bus drivers, in some instances, refused to pick up wheelchair users or follow appropriate protocol in dealing with lift failure problems.
- The agency did not repair broken wheelchair lifts in a timely manner.
- The paratransit system (door-to-door service for people who can't use the regular bus system.) had denial rates that were unacceptably high and procedures that were discriminatory against some of their riders.

The series prompted a federal investigation of the agency, which had to take steps to improve its service for disabled riders.

## **Resources:**

- Federal Transit Administration
  - non-compliance letters to transit agencies around the U.S.
  - complaints against transit agencies
- Department of Justice ADA complaints
- Regulatory documents from FTA and DOJ
- ADA construction guidelines from multiple agencies
- Court documents from ADA lawsuits
- Transportation statistics documents from local transit agency.

## Databases:

- Transit authority ridership data
- Transit authority wheelchair lift repair data
- Databases of curb ramps (for wheelchairs)
- Database of complaints to Dept of Justice

## Databases we built:

- Audit of restaurants. We used a questionnaire based on

## ADA guidelines and built a database of our results

- Audit of hotels
- Audit of polling places - started with a database from elections offices of all polling places and whether they were designated as accessible.

## **Tips for covering disability issues:**

- Become extremely familiar with regulations, which are complex. We had to become fluent in ADA transit regulations, building guidelines and many other laws governing ADA compliance.
- Know disability etiquette and preferred terminology before interviewing people with disabilities.
- If you want to do an audit of facilities:
- ADA audits are time-consuming. Make sure you have enough leeway to do them correctly.
- Practice - we had an ADA specialist walk us through an audit of our own building.
- Make the project accessible to people with disabilities. We made sure the online version was accessible to blind and low-vision readers by creating text-only pages that were large-print and easily read by screen-readers for the blind.

## **Links**

ADAPT: [www.adapt.org](http://www.adapt.org)

ADA Project: information and resource center:

[www.adaproject.org](http://www.adaproject.org)

Adapt-Ability Inc.: Nonprofit organization charged with enabling people with disabilities through technology, [www.adapt-ability.org](http://www.adapt-ability.org)

The Arc of The United States: [www.thearc.org](http://www.thearc.org)

Equip for Equality: [www.equipforequality.org](http://www.equipforequality.org)

National Council on Disability: [www.ncd.gov/](http://www.ncd.gov/)

National Council on Independent Living: [www.ncil.org](http://www.ncil.org)

National Organization on Disabilities: [www.nod.org](http://www.nod.org)

President's Committee on Employment of People with Disabilities: [www50.pcepd.gov/pcepd/](http://www50.pcepd.gov/pcepd/)

U.S. Census Bureau (statistics of income and program participation): [www.census.gov](http://www.census.gov)

U.S. Department of Justice ADA office: [www.doj.gov](http://www.doj.gov)

U.S. Federal Transit Administration

*NOTE: This is a copy of the questionnaire developed by the Post-Dispatch with the assistance of a disability consulting company. While these are only a FEW of the requirements for accessibility, these were the ones we chose that would prevent someone from entering a restaurant. Attached is the letter that was available for anyone who asked what we were doing. For more information, please contact Jennifer LaFleur, St. Louis Post-Dispatch at [jlafleur@post-dispatch.com](mailto:jlafleur@post-dispatch.com)*

## Post-Dispatch Restaurant Accessibility Assessment Questionnaire:

Name of restaurant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Date of audit: \_\_\_\_\_

Time of audit: \_\_\_\_\_

1. Is there a parking lot?

Yes \_\_\_\_\_

No \_\_\_\_\_ --> skip to #3

2. If there is a parking lot:

• How many total spaces? \_\_\_\_\_

• How many total disability accessible spaces? \_\_\_\_\_

How wide are they in inches? \_\_\_\_\_

• How many van accessible spaces? \_\_\_\_\_

How wide are they in inches? \_\_\_\_\_

3. If no parking lot:

How many accessible spaces are within 500 feet of the front door? \_\_\_\_\_

4. If the front door is not at the group level, is there a ramp?

• How wide is the ramp? \_\_\_\_\_

• From the beginning of the ramp – what is the height of the ramp, 1 foot into the ramp? \_\_\_\_\_

• How long is the ramp? \_\_\_\_\_

5. Is there an automatic opener for the front door?

Yes \_\_\_\_\_

No \_\_\_\_\_ -- is the door easily pushed open? Yes \_\_\_\_\_

No \_\_\_\_\_

6. If a knob or lever must be turned to open the front door, is it a:

Knob \_\_\_\_\_

Lever \_\_\_\_\_

Handle with latch \_\_\_\_\_

7. Is the seating area accessible?

Yes \_\_\_\_\_

No \_\_\_\_\_

Comments: (only smoking accessible, etc...)

----->TURN OVER TO COMPLETE

8. Does the restaurant have a braille menu available?

9. Does the restaurant have a wheelchair accessible restrooms?

Yes \_\_\_\_\_

No \_\_\_\_\_ --> skip to #10

How many total stalls? \_\_\_\_\_

How many accessible? \_\_\_\_\_

Yes \_\_\_\_\_ is the outside door marked with the symbol for accessibility?

No \_\_\_\_\_

Yes \_\_\_\_\_

No \_\_\_\_\_

Is there a grab bar on one side of the toilet? Mark one: \_\_\_ left \_\_\_ right \_\_\_ none

What is the height of the grab bar? \_\_\_\_\_

What is the length of the grab-bars? \_\_\_\_\_

Is there a grab bar on the wall behind the toilet? Mark one: \_\_\_ yes \_\_\_ no

What is the height of the grab bar? \_\_\_\_\_

What is the length of the grab-bars? \_\_\_\_\_

Is there an area of at least 30 X 48 in front of the toilet? \_\_\_\_\_

Please note if there is enough room next to the toilet for a wheelchair to pull up beside it:

Yes \_\_\_\_\_

No \_\_\_\_\_ if not describe any obstacles:

10. How wide is the restroom door? \_\_\_\_\_

11. What is the height from the floor to the bottom of the sink? \_\_\_\_\_

12. What is the height from the floor to the top of the sink? \_\_\_\_\_

Comments:

# ST. LOUIS POST-DISPATCH

PULITZER PUBLISHING COMPANY

NEWS DEPARTMENT  
JENNIFER LAFLEUR  
COMPUTER-ASSISTED REPORTING

I am a reporter from the St. Louis Post-Dispatch. I'm doing research on accessibility in the St. Louis metropolitan area. We are conducting a short survey of accessibility features at a randomly selected list of local businesses.

This business was selected and is among many where we are conducting this study. Our results will be reported in aggregate to show overall trends in this area. A reporter may contact you later for further comment, but survey results will be used in aggregate.

If you have questions or for more information, please contact Jennifer LaFleur at (314) 340-8296 or [jlafleur@postnet.com](mailto:jlafleur@postnet.com)

Thank you.