



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

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CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

March 27, 2018

Daniel F. Richards, Esq.
Wiles & Richards
Attorneys at Law
37265 Euclid Avenue
Willoughby, Ohio 44094

Re: OCR Docket #15-17-4001

Dear Mr. Richards:

This letter is to inform you of the disposition of the above-referenced complaint received by the U.S. Department of Education (the Department), Office of Civil Rights (OCR), against Mentor Public Library (the Library) on October 3, 2016, alleging that the Library is inaccessible to individuals with mobility impairments. Specifically, the complaint alleged that the Library's parking, including routes to the building from parking areas, is inaccessible.

OCR is responsible for enforcing Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35 (Title II). Title II prohibits discrimination on the basis of disability by public entities. As a public entity, the Library is subject to Title II; accordingly, OCR had jurisdiction to investigate this complaint.

Based on the complaint allegations, OCR investigated whether qualified individuals with disabilities are being excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any of the Library's services, programs or activities because the Library's facilities are inaccessible to or unusable by persons with disabilities, in violation of the regulation implementing Title II at 28 C.F.R. §§ 35.149-151.

The complaint alleged that the Library's main facility parking lots and routes to building entrances from parking lots are inaccessible to individuals with mobility impairments, including the Read House and a Library-owned auxiliary parking lot near the Library.

OCR's investigation of the complaint included a review of documents obtained from the Library and two onsite visits that OCR conducted in June and August 2017 to inspect the Library site. After a careful review of the information obtained during the investigation, OCR has concluded that some routes from parking areas as well as the designated accessible parking at the Library are not accessible to individuals with mobility impairments, in violation of Title II. The Library signed the enclosed Resolution Agreement (Agreement) on March 12, 2018, which, once implemented, will fully address OCR's findings in accordance with Title II. A summary of the

applicable legal standards, OCR’s investigation, the bases for OCR’s determinations, and the terms of the Agreement are presented below.

Applicable Legal Standards

The regulation implementing Title II at 28 C.F.R. § 35.149 requires that no person with a disability shall, because a public entity’s facilities are inaccessible to or unusable by persons with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of the public entity, or be subjected to discrimination by the public entity. The regulation references standards for determining whether an entity’s programs, activities, and services are accessible to individuals with disabilities, depending upon whether the facilities are determined to be existing, new construction, or alterations. The applicable standard depends upon the date of construction or alteration of the facility. Under Title II, existing facilities are those for which construction began on or before January 26, 1992.

For new construction, the facility or newly constructed part of the facility must itself be readily accessible to and usable by persons with disabilities. 28 C.F.R. § 35.151(a). With regard to alterations, each facility or part of a facility that is altered by, on behalf of, or for the use of an institution after the effective date of the Title II regulation in a manner that affects or could affect the usability of the facility or part of the facility must, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by persons with disabilities. 28 C.F.R. § 35.151(b).

New construction or alterations commenced after January 26, 1992, but prior to September 15, 2010, must comply with either the Uniform Federal Accessibility Standards (UFAS) or the 1991 Americans with Disabilities Act (ADA) Standards for Accessible Design (the 1991 ADA Standards) except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(k) of the 1991 ADA Standards would not apply. New construction or alterations commenced on or after September 15, 2010, and before March 15, 2012, may comply with the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards), UFAS, or the 1991 ADA Standards. New construction or alterations commenced on or after March 15, 2012, must comply with the 2010 ADA Standards.

For existing facilities, the regulations require an institution to operate each service, program, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. This compliance standard is referred to as “program access.” This standard does not necessarily require that the institution make each of its existing facilities or every part of a facility accessible if alternative methods are effective in providing overall access to the service, program, or activity. 28 C.F.R. § 35.150(a).

To provide program access in existing facilities, an institution may use such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternative accessible sites, alteration of existing facilities, construction of new facilities, or any other methods that result in making it program or activity accessible to persons with disabilities. A recipient is not required to make structural changes in existing facilities where other methods are

effective in providing program access. However, in choosing among available methods for providing program access, the institution is required to give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate. 28 C.F.R. § 35.150(b). Where programs or activities cannot or will not be made accessible using alternative methods, structural changes may be required in order for recipients to comply. In reviewing program access for an existing facility, the 2010 ADA Standards may be used as a guide to understanding whether individuals with disabilities can participate in the program, activity, or service.

The Title II regulation also requires, at 28 C.F.R. § 35.163, that a public entity ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities. A public entity must also provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

Summary of OCR's Investigation and Analysis

- Construction Dates and Standards**

The Library reported that the building first opened in 1991. It reported that the building entrance was reconfigured in 2008, so that the entry doors were recessed into alcoves as a solution to address adverse weather. The Library reported that renovations were made to its drive-through window along with other interior renovations in 2016. Further, it reported that a cement sidewalk/walkway in the front of the building at the Lauren J Drive side was installed in 2012, and that sealcoating was applied to the parking lot at this site and the lot was restriped in May 2017. It reported that the Read House underwent renovations in 2012, which included the addition of an accessible entrance, including a ramp and entrance door, at the rear.

As the Library was constructed in 1991, OCR determined that it is an existing facility under Title II. However, the renovations relevant to the allegations of this complaint to its outside access routes and parking, including the Read House, occurred in 2012 and 2017. These are considered alterations. As set forth above, the Title II regulations require alterations that affect access to an area that contains a primary function to be made such that the route, including sidewalks, parking areas, and entrances, is readily accessible. Thus, the regulations require that alterations to the routes and parking at issue in this complaint should have been made to comply with the 2010 ADA Standards. Where OCR found non-compliance, the applicable 2010 ADA Standards are identified in the following summary of OCR's investigation.

- Library Site Description**

The Library's main facility is situated on property in a residential area with Mentor Avenue as the southern boundary and Lauren J Drive as the northern boundary. The only building entrance in use at the time of OCR's investigation was on the Lauren J Drive side of the building, where the parking lot for the building is located. There is no pedestrian sidewalk connecting a public

sidewalk along residential Lauren J Drive to the building entrance. Pedestrians accessing the Library from Lauren J Drive travel across the parking lot to the building entrance. Vehicle users access and use the parking lot by entering one marked entrance apron at the west end of the property and exit by using another marked exit apron at the east end of the property. There is a long, one-way exit driveway that runs alongside the entire west side of the building that is used for a book/material return window and drop box which is built into the library building's west side. Library users can also exit the site by using this driveway, southbound only, onto Mentor Avenue. This drive is only accessed via the parking lot from Lauren J Drive. There is a pedestrian sidewalk that runs adjacent to this book drop/exit drive, which leads to the public sidewalk on Mentor Avenue, at the south side of the Library site.

There is a Library-owned auxiliary parking lot at Sharonlee Drive and Mentor Avenue, to the west of the Library. This lot is not immediately adjacent to the Library, as there is a residential property in between the Library and this parking lot. The auxiliary parking lot is connected to the Library site only by means of the public sidewalk along Mentor Avenue, and then to the sidewalk positioned along the book drop/exit drive that leads to the Lauren J Drive side building entrance.

The Library also owns the property immediately to the east, on which the Read House, formerly a residential home, is located. Mentor Avenue to the south fronts the Read House site. The only route connection to the Read House from the Library is a meandering concrete sidewalk between the buildings, which can be accessed from the Lauren J Drive parking lot/front of the Library building. The Library uses the Read House as a place to hold programs and outdoor activities. There is no public parking lot at the Read House site. There is only a residential-style driveway on the property off of Mentor Avenue that leads to the garage at the rear of the Read House. There is space for two cars to park in front of the garage. The driveway has a turnaround loop off of the drive on the west side, at about mid-point along the driveway.

- **Library Site Arrival Points – Access Routes**

- **Lauren J Drive Parking Lot Route**

The route to the Library building from the site arrival point at the parking lot on the Lauren J Drive side of the building is composed of an asphalt parking lot surface and concrete sidewalk surface that surrounds the entire front of the Library. The asphalt parking lot surface is smooth and level. The route is at least 48 inches wide from all points. The running slope along the parking lot is less than 1:20, and the cross slope is less than 1:48.

The route to the building from the designated accessible parking spaces is on the shortest route possible. There are 5 designated accessible parking spaces, each at the end of parking rows, and they are nearest to the building when compared to other parking spaces in the lot. There is a large pedestrian crossing marked with stripes from the 2 designated parking spaces in the center row of the parking lot to the raised walkway in front of the building. The walkway immediately around the building is made of stamped finished concrete that is firm, stable, and slip-resistant with no cracks. The running slope along the sidewalk is 1:20, and the cross slope is less than 1:48. There are three curb ramps from the parking surface to the walkway surface surrounding

the building, spaced at roughly even intervals along the front walkway, leading to the building. In addition, there is a ramp from the parking surface at the west end of the parking lot that leads to a sidewalk that connects to the public sidewalk at Mentor Avenue.

- **Central Curb Ramp**

At the front sidewalk/walkway at the north side of the Library leading to the building entrances, there is a centrally positioned curb cut/ramp from the parking lot surface up to the sidewalk. There is no transition height change from the parking surface to the ramp. The ramp has a cross slope of 1:48 and a running slope of less than 1:12. The ramp is flared at each side, with flares that do not exceed 1:10. There are more than 36 inches of maneuvering clearance at the top of the ramp. There is a 45-inch clear width at the ramp cut where it meets the parking lot surface.

- **West Curb Ramp**

There is a curb ramp at the far west side of the front walkway. This leads to the parking lot area on the west end of the Library's parking lot and the book drop box driveway. The running slope of the ramp is just over 1:7, which is greater than the 1:12 maximum allowed under the 2010 ADA Standards at 406.1. The cross slope is less than 1:48. There are flared sides to the curb cut measuring 1:56 and 1:45, which are greater than the 1:10 maximum allowed under the 2010 ADA Standards at 406.3. There is a 45-inch clear width at the ramp where it meets the parking lot. There is no transition height change at the ramp and asphalt parking lot surface. There are more than 36 inches of maneuvering clearance at the top of the ramp. There is a detectable warning tactile pad at the foot of the ramp near where it meets the parking surface, though OCR notes here that the 2010 ADA Standards do not require detectable warnings on curb ramps.

- **East Curb Ramp**

There is a curb ramp at the east end of the front walkway. This leads to the parking spaces at the east side of the lot. This ramp also leads from parking to a concrete sidewalk on the east side of the Library building that is used for travel to the Read House from the parking lot. The ramp has a cross slope of 1:48 and a running slope of less than 1:12. There are no side flares on the ramp (the ADA does not require them). There are more than 36 inches of maneuvering space clearance at the top of the ramp at the sidewalk. There are 52 inches of clear width at the ramp where it meets the parking lot surface. There is no transition height change at the ramp and asphalt parking lot surface. There is a detectable warning tactile pad at the foot of the ramp.

- **Curb Ramp at Sidewalk Along Book Drop Drive to Mentor Avenue**

From the west curb ramp, there is a painted crosswalk across the book drop/exit driveway that leads to another curb ramp that serves to provide access to the sidewalk that leads to the Mentor Avenue public sidewalk, along the book drop box drive. The running slope of the ramp is 1:7, which is greater than the 1:12 maximum allowed under the 2010 ADA Standards at 406.1, and the cross slope is 1:46, which is greater than the 1:48 maximum allowed under the 2010 ADA Standards at 406.1. There are flared sides to the curb cut measuring more than 1:5 each, which is

greater than the 1:10 maximum allowed under the 2010 ADA Standards at 406.3. There are 50 inches of clear width at the ramp where it meets the parking lot surface. There is no transition height change at where the ramp meets the parking lot surface. There are more than 36 inches of maneuvering clearance at the top of the ramp. There is a detectable warning tactile pad at the foot of the ramp. The sidewalk to Mentor Avenue is 225' long and 36 inches wide. There is no passing space for persons using wheelchairs along the sidewalk, as required for routes longer than 200 feet under the 2010 Standards at 403.5.3.

- **Mentor Avenue Public Transportation Arrival Point Route**

In addition to the Library's access from the Lauren J Drive parking lot for persons arriving by automobile, the Library is served by public transportation via a bus line along Mentor Avenue. There is a bus stop in front of the Library on Mentor Avenue at the public sidewalk. The 2010 ADA Standards at 206.2.1 stipulate that:

At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.

The Mentor Avenue public sidewalk connects to the sidewalk along the book drop drive, which connects to the Library entrance at Lauren J Drive. There is no signage at the unused Mentor Avenue entrance nor at any other unused building entrance to direct persons to the location of the accessible building entrance, at the Lauren J Drive side of the building. Section 216.6 of the 2010 ADA Standards addresses signage at entrances as follows:

Where not all entrances comply with Section 404, entrances complying with 404 shall be identified by the International Symbol of Accessibility complying with 703.7.2.1. Directional signs complying with 703.5 that indicate the location of the nearest entrance complying with 404 shall be provided at entrances that do not comply with 404.

- **Sharonlee Drive Auxiliary Parking Lot Route**

In addition to the Library's Lauren J Drive parking lot, there is an auxiliary staff/overflow parking lot located to the west of the Library, at the corner of Mentor Avenue and Sharonlee Drive. This lot has 35 parking spaces, none of which are designated or marked as accessible, nor are there any curb ramps or features to render the lot accessible. The lot is not connected in any fashion to the Lauren J Drive parking lot. It is accessed off of Sharonlee Drive, to the west of the Library. There is a residence on Mentor Avenue between the Library and the Sharonlee Drive parking lot, and extensive walking or wheelchair travel is required to get to the Library from this parking lot. From this parking lot to the Mentor Avenue public sidewalk, there is a sidewalk that is approximately 40 feet long and 60 inches wide, with a step up from the parking lot surface. To get to the Library from the parking lot, one must travel along the 40-foot-long sidewalk to the Mentor Avenue public sidewalk, then 100 feet along the Mentor Avenue public sidewalk past a residential home on the north side of the street, and then turn left to travel north for 225 feet along the Library's sidewalk that abuts the side property line of the residential home. This sidewalk measures 36 inches wide, and continues along the entire book/material drop box drive.

This leads to the Lauren J Drive parking lot, where the building entrance is located. Even if there were designated spaces in the Sharonlee Drive parking lot, this lot is too far removed from the Library to provide parking on a shortest accessible route to the Library building. However, the 2010 ADA Standards at 208.3 provide that the Library may locate required parking spaces in different parking facilities if substantially equivalent or greater accessibility is provided in terms of distance from an accessible entrance or entrances, parking fee, and user convenience. The existing spaces already designated as accessible in the Lauren J Drive parking lot are ideally positioned to provide the shortest route possible for individuals with disabilities using the Library, though currently there is an insufficient number of spaces in the lot, as explained below in the Sharonlee parking lot description.

Based on the information obtained and summarized above, OCR has determined that the access routes to the Library from the parking lots at Lauren J Drive and Sharonlee Drive as well as the public transportation route are inaccessible to individuals with mobility impairments, as required under Title II. In particular, there are accessibility concerns at some sidewalk curb ramps and the book drop drive sidewalk, and there is a lack of signage at the site to direct persons to the Library's accessible entrance at arrival points and non-used entrance doors of the Library.

- **Lauren J Drive Parking Lot**

The Library's parking lot at Lauren J Drive has 78 parking spaces, of which 5 are designated and marked as accessible for individuals with disabilities. The 2010 ADA Standards at 208.2 require 4 spaces to be designated as accessible spaces for a lot of this size. However, there are no parking spaces designated as van accessible in the parking lot; the 2010 ADA Standards at 208.2.4 require that one such space be provided for every 6 accessible spaces, and at least one must be provided if fewer than 6. The asphalt parking lot is flat and in excellent condition with respect to surface quality, and presented as if new. As noted above, the Library reported that the lot was sealcoated and striped in May 2017. The 5 accessible parking spaces are positioned at the end/head of parking rows, which run north/south, so they are the closest parking spaces to the building. The spaces each measure 96 inches wide. Each of the 5 accessible spaces has a marked full-length access aisle painted adjacent to the space, on the south side of the spaces. The access aisles each measure 64 inches wide. The position of the access aisles puts them alongside the vehicular way, or through route, where vehicles operate, including around the front of the building where people are dropped off and picked up. The 2010 ADA Standards at 502.3.4 require that access aisles shall not overlap the vehicular way. Each designated accessible parking space has a sign posted to mark it as a parking space for persons with disabilities, as well as a painted marking bearing the International Symbol of Accessibility on the pavement surface. The posted signs are mounted on poles, positioned at the head of each space. The sign marking the space furthest to the east is posted at 52 inches from the pavement to the bottom of the sign. The signs marking the other 4 spaces are posted at 55 inches from the pavement to the bottoms of the signs. The 2010 ADA Standards at 502.6 require signs to be posted 60 inches from the ground surface to bottom of the sign.

Based on the information obtained and summarized above, OCR has determined that the parking lot at Lauren J Drive is inaccessible to individuals with mobility impairments as required under Title II. In particular, there is no designated van accessible parking, the signs for accessible

parking spaces are not mounted at the correct height, and the marked access aisles for the accessible designated spaces are along the vehicular way, which poses a safety issue for individuals getting out of and into vehicles.

- **Sharonlee Drive Parking Lot**

There are a total of 35 parking spaces at the auxiliary Sharonlee Drive parking lot, which is an inaccessible lot (explained above) under the 2010 ADA Standards at 208.1, and 501 & 502, including all of the scoping requirements for parking contained therein.

While the Sharonlee Drive parking lot lacks accessible parking for the Library, the 2010 ADA Standards at 208.3 allow that, if one parking lot is closer to an accessible entrance of a building, space totals can be combined for the lots to determine an appropriate number of accessible spaces for the accessible lot. When applying this allowance, the total number of provided spaces in the accessible parking lot would have to equal the accessible spaces provided if each lot is viewed separately. In this instance, in the Lauren J Drive lot with 78 spaces, 4 accessible spaces are required, with one space configured as van accessible. For the Sharonlee Drive lot with 35 spaces, 2 spaces are required, with one configured as van accessible. For the Library to provide accessible parking at its main branch, considering the inability of individuals with mobility impairments to access the Sharonlee Drive parking lot, it could provide all parking at the Lauren J Drive parking lot, since it has the potential for full accessibility. This would require that a total of 6 spaces be designated as accessible parking spaces, with 2 of those configured as van accessible in the Lauren J Drive parking lot.

Based on the information obtained and summarized above, OCR has determined that the parking lot at Sharonlee Drive is inaccessible to individuals with mobility impairments due to its distance from the Library and lack of accessibility features, as required under Title II.

- **Library Entrance at Lauren J Drive**

The Library's entrance on the Lauren J Drive parking lot side of the building serves as its sole functioning entrance. While there are other doors to the building, including one on the Mentor Avenue side of the building, they are not open from the outside and are only for emergency egress from inside the building. These doors do not have exterior signage to direct Library users to the accessible entrance at the Lauren J Drive side of the building. The 2010 ADA Standards at Section 216.6 require that, where not all entrances are accessible under the ADA Standards, entrances complying with 404 shall be identified by the International Symbol of Accessibility complying with 703.7.2.1. As noted, directional signs complying with 703.5 that indicate the location of the nearest entrance complying with 404 shall be provided at entrances that do not comply with 404.

The entrance is centrally located on the Lauren J Drive parking lot side. From the parking surface, there is the stamped concrete sidewalk surrounding the entire north side of the building. Up against the building under the covered areas leading to the entrance doors, there is concrete pavement outside of each door entrance. There are also some narrow ribbons of individual paver bricks woven between concrete surface areas near the entrances that compose the rest of the

sidewalk surface. These surfaces are all smooth and level.

The Library's entrance is split in that it is configured with two separate but identical recessed doors—one on the east side and one on the west side—that lead into the central lobby of the building. There is a covered area over each side of the door/entrance that extends out from the building over the entrances. The covered entry areas are protected from the elements by windows on the north side of the entrances. These windows create recesses outside of the doors. There are brick posts that function to hold up the roofs sheltering each side of the entrance areas. In the recesses, the doors are set in so that the area outside the doors measures 70 inches long by 74 inches wide. There is a 35-inch-wide space between the door and the window on the north side of each recess. The clear width space to get into the recesses (both sides) is 65 inches between the building wall and outer brick column.

The Library's east and west entry doors are identical in size, hardware, and configuration. The doors have beveled thresholds that measure 1/3-inch high. Both doors are served by automatic door openers with wall mounted controls (2 for each door – one inside and one outside) with the bottom of each of the 4 control push buttons mounted at 38-39 inches above the floor or pavement. The controls are mounted in positions outside the doors on the north wall along the outside of the building, so that they do not impede maneuvering for persons using wheelchairs. There are also controls mounted at positions inside the doors adjacent to each door so they do not impede maneuvering for persons using wheelchairs. The doors appropriately stay open at least 10 seconds once they are in the fully opened position. The doors have closers and take 10 seconds to close from an open position of 90° to a position of 12° from the latch. Both doors have accessible handles mounted on the outside of the doors at 34 inches from the bottom of the handles to the pavement, and push bars on the inside of the doors that are mounted 44 inches from the floor to the push bars. The clear opening doorway width for each of the doors when the doors are fully open measures 32 inches at the narrowest point. This is the width measured against a push bar on the door and a latch on the opposite point in the door casing where the bar meets the latch.

Based on the information obtained and summarized above, OCR has determined that the Library's designated accessible entrance does not fully comply with the 2010 ADA Standards, as required under Title II. In particular, as the Library has multiple doors around the building, there is no signage bearing the International Symbol of Accessibility to mark the entrance at the Lauren J Drive side of the building as the designated accessible entrance.

- **The Read House – Access Route from Library & Site Access**

General access to the Read House for those arriving by automobile to the Library is via the Lauren J Drive parking lot. Visitors must transit a meandering sidewalk at the east side of the Library, and head southeast towards the Read House. The sidewalk is 47 inches wide, and the total distance from the sidewalk in the front of the Library at the parking lot to the accessible door of the Read House is 268 feet. There is a wider space suitable for passing, over 60 inches by 60 inches, mid-way along the sidewalk under a decorative pergola that covers the walk. The sidewalk is generally level along its course from the Lauren J Drive parking lot to the Read House, and nowhere is the running slope steeper than 1:20.

With regard to parking at the Read House site, there is no marked public parking of any sort. The house retains its original residential property configuration, in that it has a single car-width concrete driveway, in good repair, off of Mentor Avenue. The house faces south. There is a detached garage behind the house with room for several vehicles to park in front of the garage, as is typical in a residential property. The garage on the property is used for storage. There is a single car-width concrete pavement turn around loop along the west side of the drive. The Read House property does not have a designated drop-off/pick-up area for individuals/passengers with mobility impairments. Potential exists at the Read House for parking and/or a drop-off area for individuals with mobility impairments, rather than requiring them to travel the distance between the Library and its parking facility at Lauren J Drive. The 2010 ADA Standards at 208.3.1 state that parking spaces that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance complying with 206.4.

The entrance to the Read House is at the rear of house. There is a ramp made of composite material that provides wheelchair access. There are handrails along the top of the ramp rail mounted at 36 inches from the ramp surface to the top of the gripping surface of the rails. The clearance between the rail and the adjacent surface is more than 1 ½ inch. The handrail gripping surface has a circular cross section with an outside diameter of 2 inches. The clear width distance between the handrails is 38 inches. The ramp has two runs with a transition level in between. The runs each measure 154 inches long, and the level transition measures 145 inches long. The running slope of the bottom run is 4.76 degrees, or 1:12, and the running slope of the top run is 4.76 degrees, or 1:12. The cross slope for both runs is less than 1:48. The transition level is 42 inches wide at its narrowest point (between posts). The transition level has a cross slope of less than 1:48. The ramp runs and transition level measure 42 inches wide at the narrowest point, which is the width between anchor posts. The 2010 ADA Standards at 405.7 require a 60-inch-by-60-inch clear maneuvering space at the intermediate transition landing where a ramp changes direction.

The entrance door to the Read House has a clear opening width of 36 inches between the face of the door and the stop when the door is open 90°. The front approach on the pull side of the door provides more than the required 18 inches of maneuvering clearance beyond the latch side and more than the required 60 inches of clear depth. In addition, the surface of the maneuvering clearance is level. The front approach on the push side of the door provides more than the required 18 inches of maneuvering clearance beyond the latch side and more than the required 60 inches of clear depth. The surface of the maneuvering clearance is level. The door is equipped with hardware that is operable with one hand and does not require tight grasping, pinching, or twisting of the wrists. The door handles are mounted at 34 inches high. The door does not have an automatic opener/closer. The threshold is 1/2 inch high.

Based on the information obtained and summarized above, OCR has determined that the Library's Read House is inaccessible to individuals with mobility impairments, as required under Title II. In particular, the Read House has no designated accessible parking or designated passenger zone loading area at the site. In addition, the ramp at the rear entrance lacks sufficient clear maneuvering space at the transition level for wheelchair users.

Resolution and Conclusion

Based on the above information, OCR has determined that there is sufficient evidence to determine that the Library's access routes and parking at the main branch, including the Read House, are inaccessible to individuals with mobility impairments, in violation of Title II. On March 12, 2018, the Library provided OCR with the enclosed resolution agreement, which, once implemented, will fully address OCR's findings in accordance with Title II. The resolution agreement requires the Library to modify its facilities in compliance with the 2010 ADA Standards as follows:

1. Modify the curb ramp integrated into the front walkway/sidewalk that abuts the building at the public entrance facing Lauren J Drive entrance, at the west end of the building, so that the ramp is in compliance with the 2010 ADA Standards at 406.1 and 406.3.
2. Modify the curb ramp integrated into the sidewalk along the book drop drive from the Lauren J Drive parking lot so that the ramp is in compliance with the 2010 ADA Standards at 406.1 and 406.3.
3. Modify the sidewalk along the book drop drive that connects the Lauren J Drive parking lot to Mentor Avenue to include a passing space at mid-point along the route in compliance with 403.5.3.
4. Modify the accessible parking spaces at the Lauren J Drive parking lot so that the access aisles for each space are not in the path of the vehicular way in compliance with 502.3.4.
5. Modify the accessible parking spaces at the Lauren J Drive parking lot so that there are six total spaces designated as accessible with at least two of the spaces designated as van accessible, and marked as such, in compliance with 208.2.4.
6. Post signs at each accessible parking space which are in compliance with 502.6.
7. Modify the ramp at the accessible entrance of the Read House so that the intermediate transition level has sufficient clear landing space for persons using wheelchairs in compliance with 405.7.4.
8. Post signage at the building entrance on Lauren J Drive identifying it as the location of the Library's designated accessible entrance consistent with 216.6.
9. Post directional signage at non-functioning entrance doors to direct visitors to the Library's designated accessible entrance consistent with 703.5.
10. Post signage at the public transportation site arrival point at the Mentor Avenue sidewalk to direct Library visitors to the designated accessible entrance at the Lauren J Drive side of the Library consistent with 206.2.1.
11. Either create an accessible parking space on the site of the Read House or create a marked drop-off/pick-up zone for individuals with mobility impairments consistent with 208.3.1 and complying with 502 and 503.

Finally, OCR notes that, as a matter of technical assistance, the Library's use of certain doors only for emergencies may raise an emergency egress problem for persons with disabilities as well as a situation involving different treatment towards individuals with disabilities under 28

C.F.R. § 35.130 if emergency-only exits are inaccessible, and that an appropriate emergency evacuation plan should be developed to address this.

This concludes OCR's investigation of the complaint and should not be interpreted to address the Library's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the Library may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the harmed individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

OCR appreciates the assistance provided to OCR by you and the Library during the course of this investigation. The OCR contact person for the monitoring of the agreement is xxxxxxxxxxxx who may be reached (216) xxxxxxxxxx or by e-mail at xxxxxxxxxx@ed.gov. OCR looks forward to receiving the Library's first monitoring report by October 31, 2018, which should be directed to xxxxxxxxxx. If you have questions regarding this letter, please contact me at (216) xxxxxxxxxx.

Sincerely,

/s/

Lisa M. Lane
Supervisory Attorney/Team Leader

Enclosure