

In this month's newsletter I am excited to bring you information regarding recent Public Accommodations issues the Commission has worked on and the Americans with Disabilities Act (ADA).

Please be sure to take a look at the upcoming training on Titles I, II and III of the Americans with Disabilities Act!

- Karen Richards

"There is a plan and a purpose, a value to every life, no matter what its location, age, gender or disability."

- Sharron Angle



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Campaign to Ensure ADA Compliance at Gas Stations

On July 15, 2015 a Public/Private Partnership Kicked off a Campaign to Ensure ADA Compliance at Gas Stations.

in recognition that there is still work to be done to fully realize the goals of the ADA, Vermont state agencies, the U.S. Attorneys Office, non-profits and the business community embarked on an unprecedented collaboration to educate gas station and convenience store owners about their responsibilities under the ADA and Vermont's Public Accommodations Act. In an effort spearheaded by the Vermont Human Rights Commission (VHRC), the U.S. Attorneys Office in Burlington, the Department of Motor Vehicles, the Agency of Agriculture, the Agency of Natural Resources and Department of Disability, Aging and Independent Living joined forces with Disability Rights Vermont, Champlain Oil, the Vermont Retail & Grocers Association, the Vermont Petroleum Association and the American Petroleum Institute to distribute information through a variety of means to all of Vermont's gas stations and convenience stores.

The goal of the campaign was to raise awareness about the specific requirements that gas stations have towards individuals with mobility impairments. Over 30,000 Vermonters have been issued a registration plate or parking card indicating some degree of mobility impairment.

This project grew out of anecdotal information, complaints and observations by Commission staff concerning the number of gas stations not in compliance with their ADA responsibilities.

In order to comply with the ADA and Vermont law, entities that sell gasoline must:

- Pump gas for the individual with a plate or parking card, provided more than one staff person is on duty at the time;
- Charge that individual the same self-service price available to patrons who pump their own gas;
- Prominently display the international symbol of accessibility and provide a means for individuals with disabilities to communicate the need for assistance either through a call button on the fuel dispenser, signage with a telephone number to call and/or signage indicating that individuals with disabilities may honk their horn for assistance. Signage must comply with ADA font size requirements;
- Ensure that the operable parts of the fuel dispensers are no more than 54" from the surface of the vehicular way if the fuel dispenser is installed on an existing curb or 48" if it is not on a curb. This applies only if major alterations to the station (fuel dispenser or tank replacement, paving, interior or exterior renovation)

While some gas stations, primarily those connected with the larger oil companies do not have proper signage and a means to request assistance with pumping fuel, most do not. For David Sagi, the Title II ADA Program & Service Coordinator for the State of Vermont, and a wheelchair user, the lack of compliance has real consequences. "I travel a lot with my job," he said. "I've had to memorize where the remaining full service stations are because I can't count on being able to get gasoline at a self-serve station."

The Vermont Retail & Grocers Association (VRGA) and the Vermont Petroleum Association (VPA), which represent the industry, were on board from the beginning of the project. "This is really about equal rights and ensuring that all Vermonters have access to an essential service," said Jim Harrison, executive director of the VRGA. "This is not a matter of hostility or indifference. Gas stations simply need information about their responsibilities." In order to assist gas stations in complying, the VRGA/VPA have printed up decals that can be placed on gas station pumps and paid for a mailing to all gas stations with a Frequently Asked Questions flyer and information about how to obtain the decals.

The goal of the VHRC is to gain compliance through education. If however, we find gas stations that are not in compliance, we may have to resort to enforcement. We are hopeful that gas stations will see this as an opportunity to be welcoming to a broader range of customers and visitors to the state.

ACCESSIBLE PARKING

This is another area where the HRC receives numerous complaints. The most common complaints relate to improper signage, insufficient numbers of spaces, and non-compliant space sizes. The basic requirements are:

- Signs should say “Van Accessible” and the bottom of the sign should be at least 60 inches from the ground.
- Parking spaces must be either 11 feet wide with a 5 foot access area or 8 feet wide with an 8 foot access area (a total of 96 inches either way) and marked with a painted international symbol of accessibility.
- If the accessible entrance is not visible, signage should direct a person to it.
- Total number of parking spaces determines number of accessible spaces required (e.g. 1-25 spaces- 1 accessible; 26-50, 2 spaces, etc.)

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NEWS

In a recent HRC parking case, the complainant received damages of \$2500 for the failure of a hotel and the City responsible for plowing to keep its accessible spaces free of ice and snow. The hotel and the City also agreed to tighten up the contract governing how soon the spaces would be plowed and to prioritize the accessible spaces.



NEWS

SUCCESS STORY– IMPLEMENTING THE ADA IN BETHEL, VERMONT

In 2012, the then Town Manager of Bethel, Vermont, applied for the New England ADA Center's ADA Field-Based Training. Since receiving the grant, New England ADA Center and Vermont Center for Independent Living staff have collaborated with the Town of Bethel to increase access for all at the town recreation facility. [Read the full success story](#)

Image: Drawing of the future bathhouse from the Master Plan.



Did you know?

One of the most common issues in places of public accommodation has to do with **service animals**.

Here's a brief primer:

A service animal is either a dog or miniature horse (no other animals qualify)

The dog (or horse) must be specially trained to perform some task for the person with the disability.

There is no such thing as a certification for service animals so don't ask for it. The fact that someone has a certification does not mean the dog is a service animal.

A public accommodation may ask only two questions: 1) Is this dog needed because of a disability? 2) What work or task has the dog been specially trained to do?

If the person answers these questions, the service animal should be permitted. If you choose not to allow it, you do so at the peril of violating the law.

The dog in most cases must be leashed or harnessed and must be well behaved. If it is not, you can ask it to be removed but must still provide services to the person.

Never ask about the disability!



Kathy Gips, Director of Training at the New England ADA Center

Training: Titles I, II and III of the Americans with Disabilities Act

The Human Rights Commission is pleased to have Kathy Gips, Director of Training at the New England ADA Center on **Wednesday, May 11, 2016** to provide an all day training for advocates, municipal employees, attorneys, etc. and will offer CLE credits for attorneys (location to be announced). **About the Trainer:**

Kathy provides trainings and technical assistance on the principles of universal design, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the federal Fair Housing Act and related federal and state laws to architects, designers, businesses, non-profit organizations, public and private schools, people with disabilities, advocates for people with disabilities, and state and local governments. She has over twenty years experience in the disability field. After college Kathy worked at mental health facilities in Vermont where she encouraged patients to express themselves through dance and dramatics. Prior to working for Adaptive Environments, she was assistant director for community services at the Massachusetts Office on Disability where she assisted municipalities in establishing commissions on disability and helped develop the Community Access Monitor Project.

Please contact the Vermont Human Rights Commission with questions about this training by telephone at (802)828-1625 or email at human.rights@vermont.gov