

Accessibility Features Oklahoma Commons Initial Assessment

Brenda, Mac (service dog) and I visited the Oklahoma Commons Broadway and McGee Ave in Oklahoma City. Office of disability Concerns was asked to do an assessment of the accessibility features of the complex which now has several state agencies in residence.

Looking at the property two concerns are clearly evident. How would an Oklahoma Citizen who is ambulatory disabled visit their state agencies? And if an agency had a state employee or an applicant that may be disabled, visit their agency for work or interview? Well, that lack of accessible features causes agencies not to consider applicants who are disabled. And the lack of accessible features impact employee performance result in the of them being let go?

The Oklahoma Commons was purchased by the Land Commission. The business model was establish a “condo” association”. Several state agencies have purchased floor space in the building Called Oklahoma Commons. At times, even entire floors. Purchase prices were in the millions.

Office of Disabled was first contacted by concerned citizen over state use contracts for the janitorial service. In summary, Office of Disability Concerns wrote a letter to the Land Commission explaining the rules concerning state use contracts and asked, will they? Their response was that they are not a state agency and not bound to the states purchasing rules. The Commission further stated that the complex will be managed by a management company and no commission. As a result, Office of Disability Concerns requested the State Attorney General to provide an opinion if the Land Commission is bound to follow state procurement rules. The request was accepted, though it some time.

In about the same time received a call from Oklahoma Public Employee Association explaining that a couple of employees have come to them with concerns about the accessible features of Oklahoma Commons, specifically the parking. Office of Disability Concerns also received calls from other employees with the same concerns.

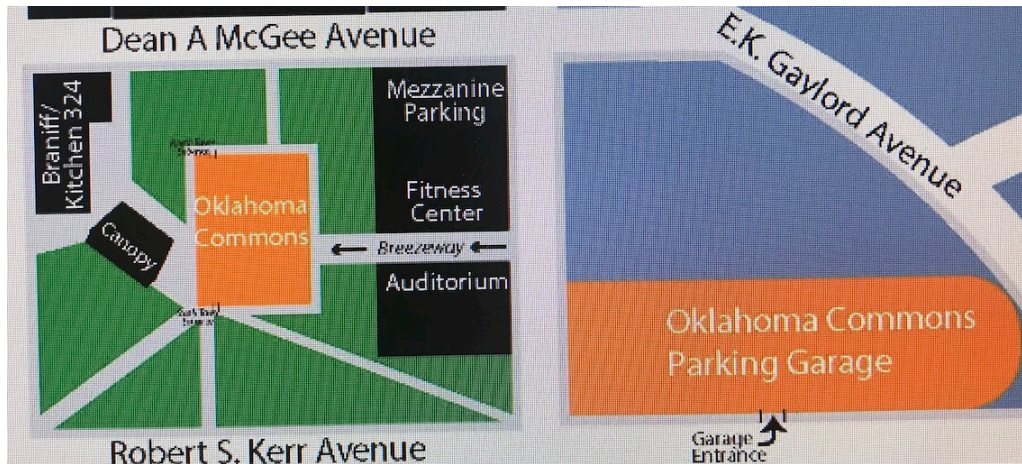
I contacted the General Counsel at the Land Commission (the one who I sent the letter about state use contracts). He provided a name and phone number. I called the number and left a message; no return calls for over a week. So that is when Brenda and I visited the commons.

When we arrived, we walked around the complex. We were approached by a security guard, explained what we were doing, he would not let us in the building. Went to look at parking and then met by Eddie Cordell stating he was the building manager, note this was not the name provided by the land commission. Eddie provided access to the public spaces on the lobby and ground floor.

This is an initial assessment.

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First want to orientate the lay out of the complex.



The entrance into the commons is on the south side of the “Orange Oklahoma Commons”. Parking is located in three areas; 1) Below the Commons, Mezzanine and Oklahoma Commons Parking Garage (I believe it is a reserved parking requiring permit). In terms of distance the Oklahoma Commons Parking Garage is a city block from the Commons entrance.

According to google the distance from the Oklahoma Commons Parking Garage to the entrance of the Commons is over 561 feet (as the crow flies).

The common concern from Oklahoma Public Employee Association and concerned Oklahoma state employees, was the lack of accessible parking. As explained to the Office of Disability Concerns that parking in the Mezzanine and under the building is strictly reserved for management of the state agencies (and maybe others been told the building is a mixed use building). All other employees are required to park at the Oklahoma Commons Parking Garage.

The Americans with Disabilities Act are CIVIL RIGHTS enacted in 1990.

When President Bush signed the Americans with Disabilities Act into law — the world's first comprehensive civil rights law for people with disabilities — in front of 3,000 people on the White House lawn on July 26, 1990, the event represented an historical benchmark and a milestone in America's commitment to full and equal opportunity for all of its citizens.

The President's emphatic directive on that day — "Let the shameful walls of exclusion finally come tumbling down" — neatly encapsulated the simple yet long overdue message of the ADA: that millions of Americans with disabilities are full-fledged citizens and as such are entitled to legal protections that ensure them equal opportunity and access to the mainstream of American life.

Enactment of the ADA reflects deeply held American ideals that treasure the contributions that individuals can make when free from arbitrary, unjust, or outmoded societal attitudes and practices that prevent the realization of their potential. The ADA

reflects a recognition that the surest path to America's continued vitality, strength and vibrancy is through the full realization of the contributions of all of its citizens.

A key element of the American with Disabilities Act is the concept called the “Accessible Route”.

*An **accessible route** is a continuous, unobstructed path connecting all **accessible elements and spaces in a building, facility, or site**. ... A facility is **defined** as all portions of a building, structure, site improvement, complex, equipment, **road**, walk, passageway, parking lot, or other real or personal property on a site.*

The American with Disabilities is broken into 4 different titles. Title II is focused on State and Local Governments, which include state agencies. The basic tenant of Title II is that state and local governments must provide “program accessibility”.

***The Americans with Disabilities Act (ADA)** became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. **The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion.** It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, **state and local government services**, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life.*

The concerns at the Commons includes Title I Employment.

Equal Employment Opportunity for Individuals with Disabilities

This title is designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities. Employers must provide reasonable accommodations to qualified applicants or employees. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process or to perform essential job functions.

This portion of the law is regulated and enforced by the [U.S. Equal Employment Opportunity Commission\(link is external\)](#). Employers with 15 or more employees must comply with this law. The regulations for Title I define disability, establish guidelines for the reasonable accommodation process, address medical examinations and inquiries, and define “direct threat” when there is significant risk of substantial harm to the health or safety of the individual employee with a disability or others.

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Parking

Under commons – Designated parking is in this location. Access is from McGee.



The accessible parking available in the lot is very limited considering the number of individuals employed in the complex as well as visiting Oklahoma Citizens. No van accessible van parking is made or designated.

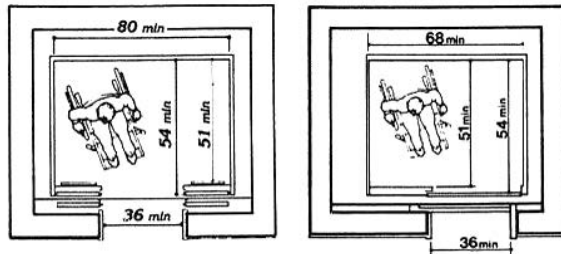
American with Disabilities Act van accessible parking

Van-accessible parking spaces are the same as accessible **parking** spaces for cars except for three features needed for vans: One of six accessible **parking** spaces, but always at least one, must be **van-accessible**. an additional sign that identifies the **parking** spaces as “**van accessible**.”

Limited number of spaces was calculated incorrectly based on the ADA Requirements. ALL Parking available must be used to calculate the number of required accessible parking spaces. Looks like only the spaces available under the commons was used to determine the number of spaces. Total number of spaces was not counted on this visit, but clearly with number of employees in commons would near the number 1101 to 1200 spots which require 18 designated accessible spaces.

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Following the accessible path, you enter the complex through a door. Need to note, all doors observed were made of glass, extremely difficult to open due to the effort to open. Interior doors are nowhere near the required opening force of 5 lbs. force. The exterior door then a second door to enter the lower corridor of the building.



Minimum Dimensions of Elevator Cars

The elevator is extremely small. The elevator was basically wide enough to hold one wheelchair, no room to turn around, so exit was to the back of the wheelchair. The elevator does not meet the minimum elevator inside dimensions.

On the route to the Commons building the entrance is on the Kerr Avenue. Has two types of doors. First is a revolving door, and second is two very large glass doors. The opening force is prohibitive for some individuals with disabilities. There is a call button that you can request for assistance.

In the American Disability Act Technical Manual paragraph 404.2:

404.2 Manual Doors, Doorways, and Manual Gates. Manual doors and doorways and manual gates intended for user passage shall comply with 404.2.

404.2.1 Revolving Doors, Gates, and Turnstiles. Revolving doors, revolving gates, and turnstiles shall not be part of an accessible route.



Also, there is a lack of signage identifying accessible features such as parking and restroom..



Looking at the Mezzanine Parking. That structure IS NOT ACCESSIBLE. No accessible Route is available. Access to parking spots is via stairs only. I would not recommend designating the entrance ramp, does meet ADA requirements for pedestrian ramps.

The Oklahoma Commons Garage is over 561 feet from the entrance of the Commons. This distance does not meet requirements.

Where parking serves multiple entrances to a facility, accessible spaces must be dispersed among accessible entrances. (If the number of accessible entrances exceeds the number of accessible spaces, additional accessible spaces are not required).

Accessible parking spaces must be located on the shortest accessible route to an accessible entrance, relative to other spaces in the same parking facility. A maximum travel distance is not specified in the Standards.

Accessible spaces required for one parking facility can be located in another if doing so results in substantially equal or better access in terms of travel distance to an accessible entrance, parking fee, or user conveniences such as protection from weather, better security and lighting. The minimum number must still be determined separately for each parking facility. Locating accessible spaces required for a parking structure in a surface lot often will not qualify for this exception because such a location typically offers less convenience, security, and protection from the elements.

On restrooms. Without detailed analysis the restroom looked compliant, except for the heavy glass doors. The opening force exceeded 5 lbs. and would be very difficult to some individuals with disabilities.

Conclusion

The requirement for an accessible route has not been met. No accessible parking spaces available to state agency employee or visiting Oklahoma citizens. What accessible parking that is available on a possible accessible route is located below the Commons has been reserved for management. No van accessible designated spot and the number of available spots would make parking extremely difficult. The Mezzanine's parking not accessible due to stairs, And the Oklahoma Commons Parking Garage is not accessible due to distance (not the shortest route).

And again, Oklahoma Citizen visiting state agencies or attending a conference at the Commons Center will not have an accessible route basically preventing attendance. As stated in the technical manual:

II-3.3000 Equality in participation/benefits. The ADA provides for equality of opportunity, but does not guarantee equality of results. The foundation of many of the

specific requirements in the Department's regulations is the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services.

Also, with several agencies receiving federal money, 504 considerations would need to be included.

And finally, every Title II entity must have published the ADA Notice. This notice outlines the commitment of the Title II entity. Below is a typical example:

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

*In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **[name of public entity]** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.*

Employment: ***[name of public entity]** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.*

Effective Communication: ***[Name of public entity]** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **[name of public entity's]** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.*

Modifications to Policies and Procedures: ***[Name of public entity]** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **[name of public entity]** offices, even where pets are generally prohibited.*

*Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **[name of public entity]**, should contact the office of **[name and contact information for ADA Coordinator]** as soon as possible but no later than 48 hours before the scheduled event.*

*The ADA does not require the **[name of public entity]** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.*

*Complaints that a program, service, or activity of **[name of public entity]** is not accessible to persons with disabilities should be directed to **[name and contact information for ADA Coordinator]**.*

***[Name of public entity]** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items*

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from locations that are open to the public but are not accessible to persons who use wheelchairs.

Note on Service Animals; Mac and I had no resistance to visit the public spaces at the commons.

The remaining question, does the Commons meet Title II?