



United States Department of the Interior
NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

P4 P4217(2740)
2740-16-18
PCR-18-33

MAY 09 2018

ADA Coordinator
Human Resources/Risk Management Office
11 North 3rd Street
Jacksonville Beach, FL 32250

Dear ADA Coordinator:

We are in receipt of a disability rights complaint received from a visitor of the Jacksonville Beach, Neptune Beach and Atlantic Beach. The claim raised within the complaint, is described as:

1. Jacksonville Beach has beach wheelchairs but they are too heavy and they have to be returned by 5: p.m.
2. Neptune Beach does not have beach wheelchairs.
3. Atlantic Beach only has three beach wheelchairs that are too heavy.
- 4.

This complaint was accepted for review pursuant to Section 504 of the Rehabilitation Act of 1973, as amended and Title II of the Americans with Disabilities Act (ADA). These laws prohibit discrimination based on disability in federally assisted programs, activities, services and conducted programs of the Department of the Interior and by State and local government programs, services and activities conducted by public entities whether or not they received Federal financial assistance. The National Park Service (NPS) has jurisdiction for all public entities for which it has administered Federal assistance and for those complaints, which are delegated to it because of Department of the Interior being a designated enforcement agency under Title II of the ADA.

I am attaching a copy of the complaint. Based on the above complaint, we request a review of the allegation and an assessment of the Accessibility features in terms of the facility, policies and procedures. Please also describe any possible corrective actions, as needed, to assure accessibility requirements are met.

Please contact us if you would like to receive a copy of the complaint that will be redacted of personally identifiable information.

For further information and technical assistance, please contact Mary Denery, Manager, Policy, Compliance and Evaluation Branch, of this office, at 202-354-1868, or by email to mary_denery@nps.gov.

Please respond to this office within thirty (30) days of receiving this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rose Blankenship", is written over a large, light blue oval scribble.

Rose Blankenship
Chief, Office of Equal Opportunity Programs

cc: Director, Office of Civil Rights, Department of the Interior
Chief, Public Civil Rights, Department of the Interior

U.S. Department of Justice
Civil Rights Division
Disability Rights Section
Correspondence Tracking System

625852

Complaint #: 100054504
CTS #: 625852
Srcr #: 18-30ECU-3LD9
Issue: PHAC
Filed: No
Effort: Yes

Section: DRS
Discrimination:
Complaint Received: CTSOWN - 02/28/2018
Filed Organization:

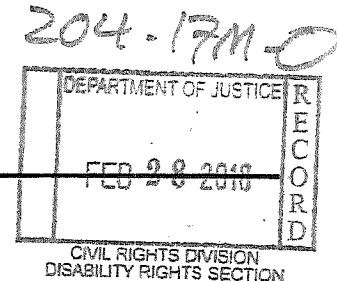
Complaint: The three beach cities in Duval County, Florida, make it impossible for disabled people to use "their" ocean in violation of the ADA and also in violation of the Florida Constitution. 1. One cure would be to allow a return to driving on the beach which was halted in a racist reaction to anti-desegregation court orders. (Driving on the beach makes possible delivery disabled people smack down to the water.) A bogus argument is beach driving is bad for turtles, but turtles only object to driving at night. Another bogus argument is safety, but the only injuries have been when driving was not allowed. 2. A cure not as good as #1 would be to allow people with disabled parking decals to drive and to park on the beach. 3. A cure not as good as #1 or as #2 would be to provide a van shuttle service to take disabled from parking down to the water. 4. A cure not good at all, but better than nothing, would be beach wheelchairs at each beach. But the beach wheelchairs there presently do not make it possible for me to use the beach. a. Neptune Beach claims to have some of these wheelchairs but they don't. b. Atlantic Beach makes beach wheelchairs available, but they have only 3, and these chairs are absolutely impossible for my wife, the driver, and for me, the passenger, to use. Too heavy. Impossible to push up the ramps. No brakes so dangerous to push on ramps. Designed to prevent passenger from helping with hands or a good foot. Impossible to steer at all. Cannot make 90 degree turns on ramps. c. Jacksonville Beach, same problems with dysfunctional wheelchairs. Also, wheelchairs must be returned by 5. Not OK. What if your spouse works till 5 or 6? What if passenger is sensitive to bright sun and prefers beach at 6p? How is it OK for able people to use beach at 5,6,7,8,9p yet not OK for me? I think it is illegal to make it impossible for me to use the ocean. I believe the ocean has religious properties which can help to heal me as it did for my grandparents. [REDACTED] former member, Florida House [REDACTED]

Person #: 200071313
Type: CW - Correspondent/Writer
Title:
Name: [REDACTED]
Organization:

Contact By: PHON
Disability: MOBL
Phone: [REDACTED]
E-Mail: downtobusinessandy@yahoo.com

200071314
Type: RS - Respondent/Subject
Title:
Name:
Address: [REDACTED]
Organization: [REDACTED]

Contact By: PHON
Disability:
Phone: [REDACTED]
E-Mail: n/a





U.S. Department of Justice
Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530

March 12, 2018

Notice of Referral of Complaint for Appropriate Action

To: Mr. John W. Burden, Director
Office of Civil Rights
Office of the Secretary
U.S. Department of the Interior
1849 C Street, N.W., Room 4309
Washington, D.C. 20240

[REDACTED]
[REDACTED]
[REDACTED]

From: Disability Rights Section, Civil Rights Division, U.S. Department of Justice

Reference:

CTS# 625852; regarding the beaches, Duval County, FL; received by DOJ on February 28, 2018

The Disability Rights Section has reviewed the enclosed complaint and determined that it raises issues that are more appropriately addressed by the U.S. Department of Interior under title II of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act. We, therefore, are referring this complaint to that agency for appropriate action. This letter serves to notify that agency and the complainant of this referral. The Disability Rights Section will take no further action on this matter.

To check the status of the complaint, or to submit additional information, the complainant may contact the referral agency at the address above or at the following telephone number(s):

202-208-5693 (Voice)
202-501-8572 (TTY)

If the agency has any questions or concerns about this referral or believes that it raises issues outside the agency's jurisdiction, please do not hesitate to contact the Department of Justice at the address and phone number attached hereto.

DJ# 204-17M-0