

**SETTLEMENT AGREEMENT
UNDER THE AMERICANS WITH DISABILITIES ACT
BETWEEN
THE UNITED STATES OF AMERICA
AND
PORT AUTHORITY OF NEW YORK AND NEW JERSEY
DJ # 204-48-317**

BACKGROUND

1. The parties to this settlement agreement (the “Agreement”) are the United States of America and the Port Authority of New York and New Jersey (“Port Authority”).
2. The United States Attorney’s Office (“USAO”) for the District of New Jersey initiated an investigation of Port Authority, which is responsible for the Newark Liberty International Airport rail station (the “Station”), for its compliance with Title II of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. § 12131-12165, and its implementing regulation, 28 C.F.R. Part 35; 49 C.F.R. Parts 37 and 38 (Department of Transportation (“DOT”) regulations). Pursuant to this investigation, the USAO reviewed available information about the Station and conducted an on-site survey of the Station. The USAO investigation revealed that Port Authority has violated Title II of the ADA by failing to make the Station, for which it is responsible, readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

JURISDICTION

3. The United States Department of Justice, of which the USAO is a component, is responsible for administering and enforcing Title II of the ADA, 42 U.S.C. § 12131-12165, and its implementing regulation, 28 C.F.R. Part 35 and 49 C.F.R. Parts 37 and 38.
4. The United States is authorized to investigate alleged violations of Title II of the ADA. The United States is also authorized under the ADA to determine Port Authority’s compliance with Title II of the ADA and Title II’s implementing regulation, and where appropriate, to resolve the matter by informal resolution, such as through the terms of this Agreement. If informal resolution is not achieved, the United States is authorized to issue findings, and to initiate negotiations to secure voluntary compliance. 28 C.F.R. pt. 35, Subpart F.
5. Title II of the ADA prohibits public entities from discriminating against any individual on the basis of disability, including by excluding such individual from participation in or denying such individual the benefits of the services, programs, or activities of the public entity. 42 U.S.C. § 12132.
6. Port Authority is a public entity within the meaning of Title II of the ADA, 42 U.S.C. § 12131(1)(B). Port Authority owns, and is therefore responsible for, the Station (*see* 42 U.S.C. § 12161(5)), an intercity rail station as defined by 42 U.S.C. § 12161(3).

7. The ADA required Port Authority to make the Station readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. 42 U.S.C. § 12162(e)(1); 49 C.F.R. § 37.41. Station facilities include the station structure, the platform, and any parking facility.
8. A transportation facility is readily accessible to and usable by individuals with disabilities if it meets the requirements set forth in the ADA Standards for Transportation Facilities, set out at Appendices B and D to 36 CFR part 1191, Appendix A to 49 C.F.R. Part 37 (the “DOT Standards”). 49 C.F.R. § 37.9(a). The United States assessed this facility’s compliance with the former Appendix A to 49 C.F.R. Part 37, as codified in the October 1, 2006, edition of the Code of Federal Regulations, which was the 1991 ADA Standards, 28 C.F.R. Part 36. 49 C.F.R. § 37.9(c)(1). But any identified violations shall be remedied to bring the facility into compliance with the currently applicable DOT Standards.
9. Port Authority has fully cooperated with the United States’ investigation. The United States and Port Authority agree that it is in the parties’ best interest, and the United States believes that it is in the public interest, to resolve this investigation on mutually agreeable terms without litigation and have therefore agreed to the terms of this Agreement. Accordingly, Port Authority has agreed to resolve this matter as set forth below.

INVESTIGATION

Description of the Newark Liberty International Airport Rail Station

10. The Station is located on Martin Road, in Newark, N.J., and serves passengers using Amtrak and NJ Transit trains along the Northeast Corridor.
11. The Station is comprised of two boarding platforms and six tracks, with the eastern-most boarding platform (the “East Platform”) serving Track 1 and Track A and the western-most boarding platform (the “West Platform”) serving Track 4 and Track 5.

Station Entrance and Upper Lobby Approach Routes

12. The Station does not have an exterior station entrance, but rather only an interior corridor linking to the AirTrain shuttle, which connects the Station to Newark Liberty Airport and airport parking structures. There are two accessible fare gates at the station entrance. There is a visual paging system in this station that displays PA announcements.
13. Along the corridor from the AirTrain shuttle station to the fare gates and staffed kiosk at the interior entrance to the Station there are two wall-mounted ticket machines that project further (at 7 inches) than permitted under the ADA standards, without cane-detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
14. Along the corridor from the fare gates and staffed kiosk at the interior entrance of the Station to the elevator/escalators leading down to the East Platform there are two wall-mounted display kiosks that project further (at 6 inches) than permitted under the ADA

- standards, without cane-detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
15. Along the corridor between the elevators/escalators leading down to the two train platforms there is a wall mounted AED storage box that projects further (at 7.5 inches) than permitted under the ADA standards, without cane-detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
 16. Along the corridor between the elevators/escalators leading down to the two train platforms there are six wall-mounted display kiosks that project further (at 6 inches) than permitted under the ADA standards, without cane-detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
 17. Along the corridor between the elevators/escalators leading down to the two train platforms there are two wall-mounted ticket machines that project further (at 7 inches) than permitted under the ADA standards, without cane-detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
 18. There is no Braille and raised letter sign centrally located near the fare gates and staffed kiosk at the interior entrance to the Station identifying this station. 1991 ADA Standards § 10.3.1(4); DOT Standards § 810.6.1.

West Platform

19. Along Track 5 of the West Platform, there are no Station Identification Signs located beyond the track so those in the train cars may see clearly the name of the station when looking out of either side of the train car windows. 1991 ADA Standards § 10.3.1(5). DOT Standards § 810.6.3.
20. At each wall-mounted passenger-assistance phone on the West Platform, the handset cord is less (at 14 inches) than the minimum required 29-inch length. 1991 ADA Standards § 4.31.8. DOT Standards § 704.2.4.
21. At the north and south end walls of the two enclosed passenger waiting buildings on the West Platform, there are fire sprinkler stand pipe valves that project further (at 17 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
22. There is no Braille and raised letter sign centrally located at each boarding area of the West Platform identifying this station. 1991 ADA Standards § 10.3.1(4); DOT Standards § 810.6.1.

West Platform – Northern Passenger Waiting Building

23. In this waiting building there are two floor-mounted stainless steel Schedule Display kiosks with slanted monitors that project further (at 6 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
24. The handset cords on the two wall-mounted passenger-assistance phones in this waiting building are less (at 14 inches) than the minimum required 29-inch length. 1991 ADA Standards § 4.31.8; DOT Standards § 704.2.4.
25. The unisex, single-user restroom numbered 221 has the following violations:
 - a. The force to open the entry door is more (at 9 pounds of force) than the maximum permissible 5 pounds of force. 1991 ADA Standards § 4.13.11; DOT Standards § 404.2.9.
 - b. The toilet seat is higher (at 19.5 inches) than the maximum permissible 19 inches. 1991 ADA Standards § 4.16.3; DOT Standards § 604.4.
 - c. The soap dispenser button is mounted higher (at 51 inches) than the maximum allowable 44 inches for a dispenser with a forward approach over an obstruction. 1991 ADA Standards § 4.2.5; DOT Standards § 308.2.2.
 - d. The bottom of the reflecting surface of the mirror above the lavatory is higher (at 49.5 inches) than the maximum allowable 40 inches from the floor. 1991 ADA Standards § 4.19.6; DOT Standards § 603.3.
 - e. The wall mounted hand dryer projects further (at 7 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
 - f. The toilet paper dispenser is mounted further (at approx. 54 inches) than the 36 inch maximum distance from the rear wall. 1991 ADA Standards § 4.16.6 & Fig. 30(d); DOT Standards § 604.7.
26. The unisex, single-user restroom numbered 222 has the following violations:
 - a. The force to open the entry door is more (at 9 pounds of force) than the maximum permissible 5 pounds of force. 1991 ADA Standards § 4.13.11; DOT Standards § 404.2.9.
 - b. The soap dispenser button is mounted higher (at 48 inches) than the maximum allowable 44 inches for a dispenser with a forward approach over an obstruction. 1991 ADA Standards § 4.2.5; DOT Standards § 308.2.2.

- c. The bottom of the reflecting surface of the mirror above the lavatory is higher (at 49 inches) than the maximum allowable 40 inches from the floor. 1991 ADA Standards § 4.19.6; DOT Standards § 603.3.
- d. The wall mounted hand dryer projects further (at 7 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
- e. The toilet paper dispenser is mounted further (at approx. 45 inches) than the 36 inch maximum distance from the rear wall. 1991 ADA Standards § 4.16.6 & Fig. 30(d); DOT Standards § 604.7.

West Platform – Southern Passenger Waiting Building

- 27. In this waiting building there are two floor-mounted stainless steel Schedule Display kiosks with slanted monitors that project further (at 6 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
- 28. The handset cords on the two wall-mounted passenger-assistance phones in this waiting building are less (at 14 inches) than the minimum required 29-inch length. 1991 ADA Standards § 4.31.8; DOT Standards § 704.2.4.
- 29. The unisex, single-user restroom numbered 217 has the following violations:
 - a. The force to open the entry door is more (at 7 pounds of force) than the maximum permissible 5 pounds of force. 1991 ADA Standards § 4.13.11; DOT Standards § 404.2.9.
 - b. The toilet seat cover dispenser is mounted on the wall behind the toilet in a manner that does not allow a 30 inch by 48 inch clear floor space to be within the maximum 24 inch side reach range over an obstruction. 1991 ADA Standards §§ 4.2.4.1, 4.2.6; DOT Standards §§ 305.3, 308.3.2.
 - c. The soap dispenser button is mounted higher (at 50 inches) than the maximum allowable 44 inches for a dispenser with a forward approach over an obstruction. 1991 ADA Standards § 4.2.5, DOT Standards § 308.2.2.
 - d. The bottom of the reflecting surface of the mirror above the lavatory is higher (at 49.5 inches) than the maximum allowable 40 inches from the floor. 1991 ADA Standards § 4.19.6; DOT Standards § 603.3.
 - e. The wall mounted hand dryer projects further (at 7 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.

- f. The toilet paper dispenser is mounted further (at approx. 52 inches) than the 36 inch maximum distance from the rear wall. 1991 ADA Standards § 4.16.6 & Fig. 30(d); DOT Standards § 604.7.
30. The unisex, single-user restroom numbered 218 has the following violations:
- a. The force to open the entry door is more (at 11 pounds of force) than the maximum permissible 5 pounds of force. 1991 ADA Standards § 4.13.11; DOT Standards § 404.2.9.
 - b. The toilet seat cover dispenser is mounted on the wall behind the toilet in a manner that does not allow a 30 inch by 48 inch clear floor space to be within the maximum 24 inch side reach range over an obstruction. 1991 ADA Standards §§ 4.2.4.1, 4.2.6; DOT Standards §§ 305.3, 308.3.2.
 - c. The soap dispenser button is mounted higher (at 50 inches) than the maximum allowable 44 inches for a dispenser with a forward approach over an obstruction. 1991 ADA Standards § 4.2.5; DOT Standards § 308.2.2.
 - d. The bottom of the reflecting surface of the mirror above the lavatory is higher (at 49.75 inches) than the maximum allowable 40 inches from the floor. 1991 ADA Standards § 4.19.6; DOT Standards § 603.3.
 - e. The wall mounted hand dryer projects further (at 7 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
 - f. The toilet paper dispenser is mounted further (at approx. 51 inches) than the 36 inch maximum distance from the rear wall. 1991 ADA Standards § 4.16.6 & Fig. 30(d); DOT Standards § 604.7.

East Platform

- 31. Along Track A of the East Platform, there are no Station Identification Signs located beyond the track so those in the train cars may see clearly the name of the station when looking out of either side of the train car windows. 1991 ADA Standards § 10.3.1(5); DOT Standards § 810.6.3.
- 32. At each wall-mounted passenger-assistance phone on the East Platform, the handset cord is less (at 14 inches) than the minimum required 29-inch length. 1991 ADA Standards § 4.31.8; DOT Standards § 704.2.4.
- 33. At the north and south end walls of the two enclosed passenger waiting buildings on the East Platform, there are fire sprinkler stand pipe valves that project further (at 17 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.

34. There is no Braille and raised letter sign centrally located at each boarding area of the West Platform identifying this station. 1991 ADA Standards § 10.3.1(6); DOT Standards § 810.6.2.

East Platform – Northern Passenger Waiting Building

35. In this waiting building there are two floor-mounted stainless steel Schedule Display kiosks with slanted monitors that project further (at 6 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
36. The handset cords on the two wall mounted passenger-assistance phones in this waiting building are less (at 14 inches) than the minimum required 29-inch length. 1991 ADA Standards § 4.31.8; DOT Standards § 704.2.4.
37. The unisex, single-user restroom numbered 229 has the following violations:
 - a. The force to open the entry door is more (at 9 pounds of force) than the maximum permissible 5 pounds of force. 1991 ADA Standards § 4.13.11; DOT Standards § 404.2.9.
 - b. The metal skirt under the lavatory is mounted so the underside is lower (at 26.5 inches) than the minimum 27 inches height required for knee clearance. 1991 ADA Standards § 4.19.2; DOT Standards § 606.3.
 - c. The soap dispenser button is mounted higher (at 51 inches) than the maximum allowable 44 inches for a dispenser with a forward approach over an obstruction. 1991 ADA Standards § 4.2.5; DOT Standards § 308.2.2.
 - d. The bottom of the reflecting surface of the mirror above the lavatory is higher (at 49.75 inches) than the maximum allowable 40 inches from the floor. 1991 ADA Standards § 4.19.6; DOT Standards § 603.3.
 - e. The wall mounted hand dryer projects further (at 7 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
 - f. The toilet paper dispenser is mounted further (at approx. 46 inches) than the 36 inch maximum distance from the rear wall. 1991 ADA Standards § 4.16.6 & Fig. 30(d); DOT Standards § 604.7.
38. The unisex, single-user restroom numbered 230 has the following violations:
 - a. The force to open the entry door is more (at 7 pounds of force) than the maximum

permissible 5 pounds of force. 1991 ADA Standards § 4.13.11; DOT Standards § 404.2.9.

- b. The metal skirt under the lavatory is mounted so the underside is lower (at 26 inches) than the minimum 27 inches height required for knee clearance. 1991 ADA Standards § 4.19.2; DOT Standards § 606.3.
- c. The toilet seat cover dispenser is mounted higher (at 56 inches to the slot) than the maximum allowable 54 inches for a side reach. 1991 ADA Standards § 4.2.6; DOT Standards § 308.3.1.
- d. The soap dispenser button is mounted higher (at 49 inches) than the maximum allowable 44 inches for a dispenser with a forward approach over an obstruction. 1991 ADA Standards § 4.2.5; DOT Standards § 308.2.2.
- e. The bottom of the reflecting surface of the mirror above the lavatory is higher (at 49.5 inches) than the maximum allowable 40 inches from the floor. 1991 ADA Standards § 4.19.6; DOT Standards § 603.3.
- f. The wall mounted hand dryer projects further (at 7 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
- g. The toilet paper dispenser is mounted further (at approx. 45 inches) than the 36 inch maximum distance from the rear wall. 1991 ADA Standards § 4.16.6 & Fig. 30(d); DOT Standards § 604.7.

East Platform – Southern Passenger Waiting Building

- 39. In this waiting building there are two floor-mounted stainless steel Schedule Display kiosks with slanted monitors that project further (at 6 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
- 40. The handset cords on the two wall mounted passenger-assistance phones in this waiting building are less (at 14 inches) than the minimum required 29-inch length. 1991 ADA Standards § 4.31.8; DOT Standards 704.2.4.
- 41. The unisex, single-user restroom numbered 225 has the following violations:
 - a. The force to open the entry door is more (at 7 pounds of force) than the maximum permissible 5 pounds of force. 1991 ADA Standards § 4.13.11; DOT Standards § 404.2.9.
 - b. The toilet seat cover dispenser is mounted on the wall behind the toilet in a manner that does not allow a 30 inch by 48 inch clear floor space to be within the maximum 24 inch side reach range over an obstruction. 1991 ADA Standards

§§4.2.4.1, 4.2.6; DOT Standards §§ 305.3, 308.3.2.

- c. The soap dispenser button is mounted higher (at approx. 48 inches) than the maximum allowable 44 inches for a dispenser with a forward approach over an obstruction. 1991 ADA Standards § 4.2.5; DOT Standards § 308.2.2.
 - d. The bottom of the reflecting surface of the mirror above the lavatory is higher (at 48.5 inches) than the maximum allowable 40 inches from the floor. 1991 ADA Standards § 4.19.6; DOT Standards § 603.3.
 - e. The wall mounted hand dryer projects further (at 7 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.
 - f. The toilet paper dispenser is mounted further (at approx. 47 inches) than the 36 inch maximum distance from the rear wall. 1991 ADA Standards § 4.16.6 & Fig. 30(d); DOT Standards § 604.7.
 - g. The floor surface at the floor drain located along the accessible route to the toilet and lavatory has a cross slope steeper (at 5.4%) than the maximum 1:50 (2.0%) allowable. 1991 ADA Standards § 4.3.7; DOT Standards § 403.3.
42. The unisex, single-user restroom numbered 226 has the following violations:
- a. The force to open the entry door is more (at 10 pounds of force) than the maximum permissible 5 pounds of force. 1991 ADA Standards § 4.13.11; DOT Standards § 404.2.9.
 - b. The toilet seat cover dispenser is mounted on the wall behind the toilet in a manner that does not allow a 30 inch by 48 inch clear floor space to be within the maximum 24 inch side reach range over an obstruction. 1991 ADA Standards §§ 4.2.4.1, 4.2.6; DOT Standards §§ 305.3, 308.3.2.
 - c. The metal skirt under the lavatory is mounted so the underside is lower (at 26 inches) than the minimum 27 inches height required for knee clearance. 1991 ADA Standards § 4.19.2; DOT Standards § 606.3.
 - d. The bottom of the reflecting surface of the mirror above the lavatory is higher (at 48.5 inches) than the maximum allowable 40 inches from the floor. 1991 ADA Standards § 4.19.6; DOT Standards § 603.3.
 - e. The wall mounted hand dryer projects further (at 7 inches) than permitted under the ADA standards, without cane detectable elements below. 1991 ADA Standards § 4.4; DOT Standards § 307.2.

- f. The toilet paper dispenser is mounted further (at approx. 55 inches) than the 36 inch maximum distance from the rear wall. 1991 ADA Standards § 4.16.6 & Fig. 30(d); DOT Standards § 604.7.

REMEDIAL ACTIONS TO BE TAKEN BY PORT AUTHORITY

43. To resolve this matter, Port Authority agrees to take the following steps to make the Station readily accessible to and useable by individuals with disabilities, including individuals who use wheelchairs, within fifteen months of the execution of the Agreement:

Station Entrance and Upper Lobby Approach Routes

44. Port Authority will bring the two ticket machines mounted on the wall along the corridor from the AirTrain shuttle station to the fare gates and staffed kiosk at the interior entrance to the Station into compliance with DOT Standards § 307.2 by removing, relocating or modifying these elements, or by installation of cane detectable barriers.
45. Port Authority will bring the two display kiosks mounted on the wall along the corridor from the fare gates and staffed kiosk at the interior entrance of the Station to the elevator/escalators leading down to the East Platform into compliance with DOT Standards § 307.2 by removing, relocating or modifying these elements, or by installation of cane detectable barriers.
46. Port Authority will bring the AED storage box mounted on the wall along the corridor between the elevators/escalators leading down to the two train platforms into compliance with DOT Standards § 307.2, by removing, relocating or modifying this element, or by installation of cane detectable barriers.
47. Port Authority will bring the six display kiosks mounted on the wall along the corridor between the elevators/escalators leading down to the two train platforms into compliance with DOT Standards § 307.2, by removing, relocating or modifying these elements, or by installation of cane detectable barriers.
48. Port Authority will bring the two ticket machines mounted on the wall along the corridor between the elevators/escalators leading down to the two train platforms into compliance with DOT Standards § 307.2, by removing, relocating or modifying these elements, or by installation of cane detectable barriers.
49. Port Authority shall provide signs in Braille with raised letters identifying this station that are centrally located near the fare gates and staffed kiosk at the interior entrance to the Station. DOT Standards § 810.6.1.

West Platform

50. Port Authority shall provide Station Identification Signs along Track 5 of the West Platform located beyond the track so those in the train cars may see clearly the name of the station when looking out of either side of the train car windows. DOT Standards § 810.6.3.
51. Port Authority shall bring the wall-mounted passenger-assistance phones on the West Platform into compliance with applicable standards by modifying, replacing or removing these elements. DOT Standards § 704.2.4.
52. Port Authority shall bring the fire sprinkler stand pipe valves located at the north and south end walls of the two enclosed buildings on the West Platform into compliance with DOT Standards § 307.2, by removing, relocating or modifying these elements, or by installation of cane detectable barriers.
53. Port Authority shall provide signs identifying the station in Braille with raised letters that are centrally located at each boarding area of this platform. DOT Standards § 810.6.1.

West Platform – Northern Passenger Waiting Building

54. Port Authority shall bring the two floor-mounted stainless steel Schedule Display kiosks with slanted monitors in the northern waiting building into compliance with DOT Standards § 307.2, by removing, relocating or modifying these elements, or by installation of cane detectable barriers.
55. Port Authority shall bring the two wall-mounted passenger-assistance phones in the northern waiting building into compliance with the applicable standards by modifying, replacing or removing these elements. DOT Standards § 704.2.4.
56. Port Authority shall make the following modifications to the unisex, single-user restroom numbered 221:
 - a. Port Authority shall modify or replace the entry door such that it requires no more than 5 pounds of force to push or pull. DOT Standards § 404.2.9.
 - b. Port Authority shall modify or replace the toilet seat such that it is mounted within the 17”-19” height range allowable. DOT Standards § 604.4.
 - c. Port Authority shall position the soap dispenser such that the button is mounted no higher than 44 inches from the floor. DOT Standards § 308.2.2.
 - d. Port Authority shall provide at least one mirror positioned with the bottom edge of the reflecting surface no higher than 40 inches from the floor. DOT Standards § 603.3.

- e. Port Authority shall bring the wall mounted hand dryer into compliance with DOT Standards § 307.2, by removing, relocating or modifying this element, or by installation of cane detectable barriers.
 - f. Port Authority shall position the toilet paper dispenser to 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. DOT Standards § 604.7.
57. Port Authority shall make the following modifications to the unisex, single-user restroom numbered 222:
- a. Port Authority shall modify or replace the entry door such that it requires no more than 5 pounds of force to push or pull. DOT Standards § 404.2.9.
 - b. Port Authority shall position the soap dispenser such that the button is mounted no higher than 44 inches from the floor. DOT Standards § 308.2.2.
 - c. Port Authority shall provide at least one mirror positioned with the bottom edge of the reflecting surface no higher than 40 inches from the floor. DOT Standards § 603.3.
 - d. Port Authority shall bring the wall mounted hand dryer into compliance with DOT Standards § 307.2, by removing, relocating or modifying this element, or by installation of cane detectable barriers.
 - e. Port Authority shall position the toilet paper dispenser to 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. DOT Standards § 604.7.

West Platform – Southern Passenger Waiting Building

58. Port Authority will bring the two floor-mounted stainless steel Schedule Display kiosks with slanted monitors in the northern waiting building into compliance with DOT Standards § 307.2, by removing, relocating or modifying these elements, or by installation of cane detectable barriers.
59. Port Authority shall bring the two wall-mounted passenger-assistance phones in the northern waiting building into compliance with the applicable standard by replacing, modifying or removing these elements. DOT Standards § 704.2.4
60. Port Authority shall make the following modifications to the unisex, single-user restroom numbered 217:
- a. Port Authority shall modify or replace the entry door such that it requires no more than 5 pounds of force to push or pull. DOT Standards § 404.2.9.

- b. Port Authority shall reposition the toilet seat cover dispenser such that it allows a 30 inch by 48 inch clear floor space. DOT Standards § 305.3.
 - c. Port Authority shall position the soap dispenser such that the button is mounted no higher than 44 inches from the floor. DOT Standards § 4.22.7.
 - d. Port Authority shall provide at least one mirror positioned with the bottom edge of the reflecting surface no higher than 40 inches from the floor. DOT Standards § 603.3.
 - e. Port Authority bring the wall mounted hand dryer into compliance with DOT Standards § 307.2, by removing, relocating or modifying this element, or by installation of cane detectable barriers.
 - f. Port Authority shall position the toilet paper dispenser to 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. DOT Standards § 604.7.
61. Port Authority shall make the following modifications to the unisex, single-user restroom numbered 218:
- a. Port Authority shall modify or replace the entry door such that it requires no more than 5 pounds of force to push or pull. DOT Standards § 404.2.9.
 - b. Port Authority shall reposition the toilet seat cover dispenser such that it allows a 30 inch by 48 inch clear floor space. DOT Standards § 405.3.
 - c. Port Authority shall position the soap dispenser such that the button is mounted no higher than 44 inches from the floor. DOT Standards § 308.2.2.
 - d. Port Authority shall provide at least one mirror positioned with the bottom edge of the reflecting surface no higher than 40 inches from the floor. DOT Standards § 603.3.
 - e. Port Authority will bring the wall mounted hand dryer into compliance with DOT Standards § 307.2, by removing, relocating or modifying this element, or by installation of cane detectable barriers.
 - f. Port Authority shall position the toilet paper dispenser to 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. DOT Standards § 604.7.

East Platform

62. Port Authority shall provide Station Identification Signs along Track A of the East Platform located beyond the track so those in the train cars may see clearly the name of

the station when looking out of either side of the train car windows. DOT Standards § 810.6.3.

63. Port Authority shall bring the passenger-assistance phones on the East Platform into compliance with the applicable standard by replacing, modifying or removing these elements. DOT Standards § 704.2.4.
64. Port Authority shall bring the fire sprinkler stand pipe valves located at the north and south end walls of the two enclosed passenger waiting buildings on the East Platform into compliance with DOT Standards § 307.2, by removing, relocating or modifying these elements, or by installation of cane detectable barriers.
65. Port Authority shall provide signs identifying the station in Braille with raised letters that are centrally located at each boarding area of this platform. DOT Standards § 810.6.2.

East Platform – Northern Passenger Waiting Building

66. Port Authority will bring the two floor-mounted stainless steel Schedule Display kiosks with slanted monitors in the northern waiting building into compliance with DOT Standards § 307.2, by removing, relocating or modifying these elements, or by installation of cane detectable barriers.
67. Port Authority shall bring the two wall-mounted passenger-assistance phones in the northern waiting building into compliance with the applicable standard by replacing, modifying or removing these elements. DOT Standards § 704.2.4.
68. Port Authority shall make the following modifications to the unisex, single-user restroom numbered 229:
 - a. Port Authority shall modify or replace the entry door such that it requires no more than 5 pounds of force to push or pull. DOT Standards § 404.2.9.
 - b. Port Authority shall position the soap dispenser such that the button is mounted no higher than 44 inches from the floor. 1991 ADA Standards § 308.2.2.
 - c. Port Authority shall provide at least one mirror positioned with the bottom edge of the reflecting surface no higher than 40 inches from the floor. DOT Standards § 603.3.
 - d. Port Authority will bring the wall mounted hand dryer into compliance with DOT Standards § 307.2 , by removing, relocating or modifying this element, or by installation of cane detectable barriers.
 - e. Port Authority shall position the toilet paper dispenser to 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the

dispenser. DOT Standards § 604.7.

69. Port Authority shall make the following modifications to the unisex, single-user restroom numbered 230:
- a. Port Authority shall modify or replace the entry door such that it requires no more than 5 pounds of force to push or pull. DOT Standards § 404.2.9.
 - b. Port Authority shall modify or replace the metal skirt under the lavatory to provide the minimum 27 inches height required for knee clearance. DOT Standards § 606.3.
 - c. Port Authority shall reposition the toilet seat cover dispenser such that the slot is no higher than 48 inches from the floor for a side reach. DOT Standards § 308.3.1.
 - d. Port Authority shall position the soap dispenser such that the button is mounted no higher than 44 inches from the floor. DOT Standards § 308.2.2.
 - e. Port Authority shall provide at least one mirror positioned with the bottom edge of the reflecting surface no higher than 40 inches from the floor. DOT Standards § 603.3.
 - f. Port Authority will bring the wall mounted hand dryer into compliance with DOT Standards § 307.2, by removing, relocating or modifying this element, or by installation of cane detectable barriers.
 - g. Port Authority shall position the toilet paper dispenser to 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. DOT Standards § 604.7.

East Platform – Southern Passenger Waiting Building

70. Port Authority will bring the two floor-mounted stainless steel Schedule Display kiosks with slanted monitors in the northern waiting building into compliance with DOT Standards § 307.2, by removing, relocating or modifying these elements, or by installation of cane detectable barriers.
71. Port Authority shall bring the two wall-mounted passenger-assistance phones in the northern waiting building into compliance with the applicable standard by replacing, modifying or removing these elements. DOT Standards § 704.2.4.
72. Port Authority shall make the following modifications to the unisex, single-user restroom numbered 225:

- a. Port Authority shall modify or replace the entry door such that it requires no more than 5 pounds of force to push or pull. DOT Standards § 404.2.9.
 - b. Port Authority shall reposition the toilet seat cover dispenser such that it allows a 30 inch by 48 inch clear floor space. DOT Standards § 305.3.
 - c. Port Authority shall position the soap dispenser such that the button is mounted no higher than 44 inches from the floor. DOT Standards § 308.2.2.
 - d. Port Authority shall provide at least one mirror positioned with the bottom edge of the reflecting surface no higher than 40 inches from the floor. DOT Standards § 603.3.
 - e. Port Authority will bring the wall mounted hand dryer into compliance with DOT Standards § 307.2, by removing, relocating or modifying this element, or by installation of cane detectable barriers.
 - f. Port Authority shall position the toilet paper dispenser to 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. DOT Standards § 604.7.
 - g. Port Authority shall modify the floor surface at the floor drain located along the accessible route to the toilet and lavatory such that the cross slope does not exceed 1:48 (2.08%). DOT Standards § 403.3.
73. Port Authority shall make the following modifications to the unisex, single-user restroom numbered 226:
- a. Port Authority shall modify or replace the entry door such that it requires no more than 5 pounds of force to push or pull. DOT Standards § 404.2.9.
 - b. Port Authority shall reposition the toilet seat cover dispenser such that it allows a 30 inch by 48 inch clear floor space. DOT Standards § 305.3.
 - c. Port Authority shall modify or replace the metal skirt under the lavatory to provide the minimum 27 inches height required for knee clearance. DOT Standards § 606.3.
 - d. Port Authority shall provide at least one mirror positioned with the bottom edge of the reflecting surface no higher than 40 inches from the floor. DOT Standards § 603.3.
 - e. Port Authority will bring the wall mounted hand dryer into compliance with DOT Standards § 307.2, by removing, relocating or modifying this element, or by installation of cane detectable barriers.

- f. Port Authority shall position the toilet paper dispenser to 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. DOT Standards § 604.7.

ENFORCEMENT

74. In consideration of the terms of this Agreement, the United States agrees to refrain from filing a civil suit in this matter, except as provided in paragraph 75 of this Agreement.
75. The United States may review compliance with this Agreement at any time. If the United States believes that this Agreement or any portion of it has been violated, the United States will raise its concern with Port Authority and will attempt to resolve its concern with Port Authority in good faith. If the United States is unable to reach a satisfactory resolution of the issue or issues within 30 days of the date it provides notice to Port Authority, the United States may institute a civil action in federal district court.
76. For the purposes of the immediately preceding paragraph, it is a violation of this Agreement for Port Authority to fail to comply in a timely manner with any of the requirements in this Agreement without obtaining sufficient advance written agreement with the United States for an extension of the relevant timeframe imposed by the Agreement.
77. Failure by the United States to enforce any provision of this Agreement shall not be construed as a waiver of the United States' right to enforce that provision or any other provision of this Agreement.
78. This Agreement constitutes the entire agreement between the parties. This Agreement shall not be considered an admission of wrongdoing or liability by Port Authority but is entered into to resolve a disputed claim. No other statement, promise, or agreement, either written or oral, made by any party or agents of any party, that is not contained in this written Agreement shall be enforceable.
79. All notices, demands, or other communications, including reporting materials, to be provided under this Agreement shall be in writing and delivered by email or overnight delivery to the following persons and addresses (or such other persons and addresses as any party may designate in writing from time to time):

For the United States:

Michael E. Campion
Assistant U.S. Attorney
Chief, Civil Rights Unit
U.S. Attorney's Office
970 Broad Street
Newark, New Jersey 07102
(973) 645-3141
michael.campion@usdoj.gov

For Port Authority:

James Kerwin
Attorney
Port Authority of New York & New Jersey
4 World Trade Center, 25th Floor
New York, NY 10007
(212) 435-3522
jkerwin@panynj.gov

80. This is a public document and may be made available to the public by either party.
81. The effective date of this Agreement is the date of the last signature below.
82. This Agreement shall remain in effect for three years from its effective date.

FOR THE UNITED STATES

Date: _____

RACHAEL A. HONIG
ACTING UNITED STATES ATTORNEY

By: _____
MICHAEL E. CAMPION
Assistant United States Attorney
Chief, Civil Rights Unit

FOR PORT AUTHORITY:

HUNTLEY A. LAWRENCE
DIRECTOR, AVIATION DEPARTMENT

10/29/2021
Date: _____

DocuSigned by:
By: Huntley A. Lawrence
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Huntley A. Lawrence