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RECEIVED

JUN 05 2017

CITY COUNCIL
WARD 7

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†CIVIL TRIAL SPECIALIST, CERTIFIED BY
MINNESOTA STATE BAR ASSOCIATION

June 5, 2017

The Honorable Christopher Coleman
Mayor of Saint Paul
15 West Kellogg Boulevard, #390
Saint Paul, MN 55102

Members of the St. Paul City Council:
Russ Stark, Ward 4 & Council President
Dai Thao, Ward 1
Rebecca Noecker, Ward 2
Chris Tolbert, Ward 3
Amy Brendmoen, Ward 5
Dan Bostrom, Ward 6
Jane L. Prince, Ward 7

Re: Opposition to Any Proposal to Exempt the Railroader/Barrio Building from
General Hours of Operation for Access to Skyway System

Dear Representatives,

We write in opposition to any proposals to exempt the Railroader/Barrio building from the normal General Hours of operation and access for its portion of the skyway system. Any skyway problems faced by the owner of the Railroader Building and its tenant Barrio have been caused by themselves and their own lack of action in support of their obligations under the City Code, state statute and federal ADA regulations.

When Barrio opened in the Railroader Building in June 2009 I was there with my friend Rick Cardenas who uses a wheelchair for mobility. We wanted to go inside, but there was no ramp provided for him to get up the few feet from sidewalk level to bar level. The only access for him/us was to wheel/walk ¾ block west to Sibley Street, go around the corner, enter that separate corner building on Sibley, take an elevator to the second floor, travel a convoluted hallway, go down another elevator to the basement, travel through another convoluted hallway to a third elevator, then up that third elevator to the ground floor of the Railroader building. This circuitous route was necessary because Barrio/Railroader had apparently been given a pass on the normal requirements for

wheelchair access up the few steps from the sidewalk to the main level of the bar. That day I complained about the lack of handicap access to the building to both the Mayor (who was tending bar for Barrio) and the local City Council Member, both of whom assured me that the access issue would certainly be addressed with all deliberate speed.

A year later the same Barrio/Railroader folk were looking to the City for special treatment by the elimination of the parking spaces along the north side of their block on 6th Street. This prompted me to write about the accessibility issue to Mayor Coleman, Council Member Thune and City Licensing Director Kessler. See my May 27, 2010 letter attached. Since nothing had been done (e.g., building of a ramp to the front entrance of Barrio) to meet accessibility requirements for the building/business, I suggested that "If the sidewalk/parking along that stretch is altered (seasonally or permanently) so as to better accommodate outside dining for the adjacent business, I hope at the same time that it is designed to better accommodate citizens in wheelchairs."

That letter was ignored. I did not even receive an acknowledgment to it from any of its recipients. And nothing was required of Railroader/Barrio to improve its handicap access, despite that the City agreed to make a major and expensive change to the street and sidewalk to aide their businesses, and despite that this change gave Railroader/Barrio several extra feet of space, part of which could have been used to build a ramp.

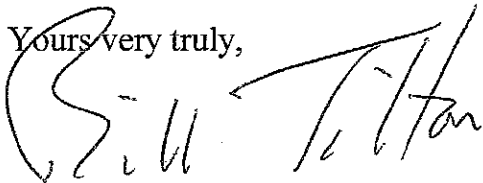
So, today the only 'fig leaf' remaining to excuse Railroader's/Barrio's lack of attention to its ADA responsibilities is that access marginally provided by a labyrinthine route starting $\frac{3}{4}$ block away, up and down three elevators, through three hallways and multiple tight turns and narrow doorways through multiple buildings, all while maneuvering an awkward sizeable wheelchair. We think that this is a glaring example of businesses who have been permitted to dodge their duties under the law, while at the same time receiving special privilege to use public space for private purposes.

And now Railroader/Barrio wants to abridge that one remaining accessible option, due to, it says, some "crazy show" by a few folk who have abused portions of the skyway system. We believe that there has not been demonstrated such sufficient outrageous behavior to justify any change in hours in the Railroader/Barrio area. This is particularly true given that we have seen no effort by Railroader/Barrio to monitor and police its own property. On this record, Railroader/Barrio has for years shirked its ADA responsibilities, with complicity by the City. It should not get more special treatment from the City now on this 'skyway hours of operation' issue. Let's instead require Railroader/Barrio to build a proper ramp on the exterior of its building, and on the internal skyway system they can install some good cameras and have a security guard regularly patrol the area, like other downtown businesses do in their portions of the skyway system.

The Railroader and Barrio are profitable businesses. They should step up to the plate and meet their legal obligations instead of looking for yet another way to dodge their duties.

Certainly the City of St. Paul should not further enable these businesses to avoid their legal and community responsibilities here. Should this minimal accessibility access to the Railroader/Barrio properties be closed off during hours that Barrio operates and during hours required for skyway access per City Code, be warned that legal action will be initiated against the City and both business entities under state and federal law.

Yours very truly,

A handwritten signature in black ink, appearing to read "William L. Tilton". The signature is written in a cursive style with a large, sweeping initial "W".

William L. Tilton

WLT/km
Enclosure

cc: Mr. Rick Cardenas
Mr. John Manillo

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May 27, 2010

The Honorable Chris Coleman
Mayor of the City of St. Paul
390 City Hall
15 Kellogg Boulevard West
Saint Paul, MN 55102

Mr. Dave Thune
St. Paul City Council Member
310-B City Hall
15 Kellogg Boulevard West
Saint Paul, MN 55102

Mr. Bob Kessler
Director, City Licensing
375 Jackson Street
Suite 220
Saint Paul, MN 55101

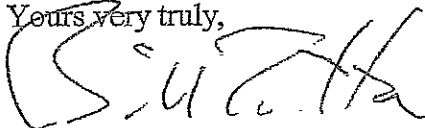
Re: Barrio Restaurant

Dear People:

I note from the papers that you are considering an expansion, temporary or permanent, of the sidewalk area in front of the buildings on the north side of Sixth Street across from Mears Park. The purpose of this letter is to formally request that you keep in mind the issue of wheelchair-accessibility along that route. If the sidewalk / parking along that stretch is altered (seasonally or permanently) so as to better accommodate outside dining for the adjacent businesses, I hope at the same time that it is designed to better accommodate citizens in wheelchairs.

Last summer when the new Barrio Restaurant I raised personally with couple of City officials the lack accessibility to that new venue. Because of a wheelchair, my drinking companion that night could not enter the front door of Barrio. Rather, he had to travel 3/4 of a block away, around the corner, to a building entrance on Sibley Street, then go up one elevator, down a long and convoluted hallway, down another elevator to the basement, through another convoluted hallway, and up a third elevator in order to get into the establishment, simply because of the lack of a ramp to get him up a few stairs. I had understood that the City was going to address that issue at that time, but apparently nothing has been done. It would be indeed unfortunate if the City was to permit or assist in the altering of the public space around these establishments without also taking into account the interests of citizens with special needs.

Yours very truly,



William L. Tilton

WLT/km
Enclosure

cc: Mr. Rick Cardenas
Mr. John Manillo