



**VIRGINIA LOTTERY®**

# **Retailer Accessibility Program**



February 2011

Dear Lottery Retailer:

As a valued business partner, we wanted to take this opportunity to provide you important information about the enhanced **RETAILER ACCESSIBILITY PROGRAM (RAP)**.

The Retailer Accessibility Program resulted from an agreement between the Lottery and the Virginia Office for Protection and Advocacy (VOPA) satisfying the Supreme Court of Virginia's ruling that lottery products should be more accessible to Virginians with disabilities. This new program will further assist our retailers in making certain their facilities meet the needs of all lottery players.

**Program highlights include:**

- For RAP purposes, compliance with the Americans with Disabilities Act will be focused solely on accessibility to lottery products. It includes parking, path of travel and counter access.
- *All new lottery retail locations licensed and activated **after** January 1, 2011*, must be compliant with certain provisions of the Americans with Disabilities Act, within 12 months after their license is activated.
- *All retail locations licensed and activated **before** January 1, 2011*, will be surveyed by the Lottery by December 31, 2013, to assess compliance with certain provisions of the Americans with Disabilities Act. Approximately one-third of the retailer base will be surveyed each year for the next three calendar years. The retailer must complete any necessary modifications within 12 months after the survey is conducted, based upon a tiered cost-to-repair calculation.
- Generally, if the necessary modifications are not completed by the specified date (again, you will have a year to comply), the retailer's lottery license will be suspended until all modifications are made.
- The Virginia Lottery will oversee and administer this program as part of its licensing activities. Accordingly, the Retailer Compliance Coordinator will be your point-of-contact for assistance. Your store's Sales Representative will not be involved in conducting these surveys or in resolving compliance concerns.



You are strongly encouraged to review the enclosed RAP Overview and Retailer Accessibility Survey form for additional details and requirements. The survey form lists the specific Americans with Disabilities Act provisions covered by this program. Another helpful resource is the Retailer Accessibility Guidelines booklet which further explains and illustrates the criteria Lottery retailers will need to meet. The Guidelines are located on the retailer page of the Virginia Lottery website at <http://www.valottery.com/retailer>

In the coming weeks, Lottery Retailer Compliance Representatives will begin conducting on-site surveys of retail locations. Please keep in mind that some retailers will be surveyed sooner than others, depending on their license activation date. The survey findings will be used to determine your compliance with established accessibility criteria, and what modifications – if any – you may need to make to your store. In the meantime, you can minimize potential disruption of your Lottery license by correcting any deficiencies you may already be aware of.

Further questions regarding RAP should be directed to the Retailer Compliance Coordinator at (804) 692-7250.

The Virginia Lottery looks forward to working with you on this important initiative.

Regards,

A handwritten signature in black ink that reads "W. Gail Morykon". The signature is fluid and cursive.

W. Gail Morykon  
Director of Security

Enclosures: Retailer Accessibility Program Overview  
Retailer Accessibility Survey

# Retailer Accessibility Program Overview

## Definitions:

### Americans With Disabilities Act (ADA)

For purposes of this program, compliance with the Americans With Disabilities Act will be focused solely on accessibility to Lottery products. Generally, accessibility will be required for parking, path of travel, and counter access. Specific criteria are detailed on the Retailer Accessibility Survey form and further explained in the Retailer Accessibility Guidelines at [valottery.com/retailer](http://valottery.com/retailer).

### Modification Cost Standards

Cost estimates for making common accessibility modifications (e.g. creating an accessible parking spot, adding a parking sign, installing a ramp, etc.)

### Retail Location

For purposes of this program, a retail location is defined as a particular **physical location** – irrespective of ownership.

### Retailer Compliance Coordinator (RCC)

Lottery employee responsible for overseeing program activities.

### Retailer Compliance Representative (RCR)

Lottery employee(s) responsible for conducting retailer accessibility surveys.

## Policy & Procedures

for all new retail locations licensed and activated **after January 1, 2011:**

- **Must be ADA compliant, within 12 months after their license is activated.**
  - RCR will conduct an initial on-site survey after retailer is activated.
  - RCC will notify retailer – in writing – of survey findings and what actions, if any, the retailer needs to take.
- **Retailer must make all necessary modifications.**
  - RCC will send retailer “reminder” letters every 90 days until modifications are completed.
- **Retailer must certify to the Lottery – in writing, using designated Lottery certification form – that the modifications have been completed.**
  - RCR will conduct a follow-up survey.
  - RCC will notify retailer – in writing – of survey findings and what actions, if any, the retailer needs to take.
- **If retail location is not accessible by last day of 12th month after activation (*date coincides with license expiration/renewal date*), retailer’s license will be suspended until all necessary modifications have been made.**

# Retailer Accessibility Program Overview

continued from page 3

## Policy & Procedures

for all retail locations licensed and activated **prior to January 1, 2011:**

- **Must be ADA compliant, within 12 months after the location is surveyed.**
  - RCRs will conduct all on-site surveys by December 31, 2013 (*Approximately 1/3 of pre-existing retailer base will be surveyed each year for the next three calendar years.*)
  - RCC will notify retailer – in writing – of survey findings and what actions, if any, the retailer needs to take.
- **Retailer must make all necessary modifications costing \$1,000 or less, based on the Modification Cost Standards.**
- **If necessary modifications cost more than \$1,000 (again, based on the Modification Cost Standards), retailer must make all modifications costing up to 20% of its Lottery commissions from the prior calendar year.**
- **If retailer disputes the Modification Cost Standards, retailer may submit 3 written estimates to Lottery. Lottery may, in its sole discretion, make an adjustment.**
  - RCC will send retailer “reminder” letters every 90 days until modifications are completed.
- **Retailer must certify to the Lottery – in writing, using designated Lottery certification form – that the modifications have been completed.**
  - RCR will conduct a follow-up survey.
  - RCC will notify retailer – in writing – of survey findings and what actions, if any, the retailer needs to take.
- **If retail location is not accessible by last day of 12th month after being surveyed, retailer’s license will be suspended until all necessary modifications have been made.**

### Extenuating Circumstances:

- If retailer contends it is legally barred from making any necessary modifications, or is prevented from doing so by circumstances beyond its control, retailer shall provide written proof of same to the Lottery.
- Lottery may, in its sole discretion, exempt retailer from making some or all of the necessary modifications.

### Reporting:

- The Lottery will notify the Virginia Office for Protection and Advocacy (VOPA) of any retail locations which are granted an exemption and any retail locations which require modifications costing in excess of 20% of its prior calendar year’s Lottery commission.
- If the latter, such notification will include the retailer’s commission for the prior year.

### Monitoring:

- Retailer must certify annually that it is ADA compliant. (*This certification is incorporated in the existing License Renewal Application.*)
- The Lottery will survey each retail location at least once every 3 years to verify continued accessibility. Non-compliance will be handled as described in these procedures.

# SAMPLE SURVEY

In the coming weeks, Lottery Retailer Compliance Representatives will begin conducting on-site surveys of retail locations. The survey findings will be used to determine your compliance with established accessibility criteria, and what modifications – if any – you may need to make to your store. Below is a sample of this survey.

## To Be Completed by Lottery Representative Only

### RETAILER ACCESSIBILITY SURVEY

Store Name \_\_\_\_\_ Retailer # \_\_\_\_\_ Chain # \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Latitude \_\_\_\_\_ Longitude \_\_\_\_\_ Phone number \_\_\_\_\_

#### GENERAL:

1. Does this retailer rent/lease its space from a landlord?  Yes  No
2. Does the lease agreement and/or property management agreement:  
Allow retailer to make changes to parking area, curb cuts, ramps, and doors without obtaining permission from a third party?  Yes  No  N/A
- Allow for these changes only with third party permission?  Yes  No  N/A

#### PARKING:

3. What type of parking does this retailer have?

- Private Lot – paved  Yes  No
- Private Lot – unpaved  Yes  No
- Street parking – if yes, please go to question #6  Yes  No
- Strip Mall – if yes, please go to question #7  Yes  No
- Other (please describe) \_\_\_\_\_  Yes  No

4. Describing the parking spaces:

- Are there **1-25** public parking spaces?  Yes  No
- \*Is at least one of these spaces designated as Accessible?  Yes  No  N/A
- \*Is this space Van Accessible? (96" space + 96" access aisle, 192" total)  Yes  No  N/A
- \*Is the proper signage in place?  
(International symbol sign, Van Accessible sign, and penalty sign)  Yes  No  N/A
- Are there **26-50** public parking spaces?  Yes  No
- \*Are at least two of these spaces designated as Accessible?  Yes  No  N/A
- \*Is one space Van Accessible? (96" space + 96" access aisle, 192" total)  Yes  No  N/A
- \*Is the proper signage in place?  
(International symbol sign, Van Accessible sign, and penalty sign)  Yes  No  N/A
- \*Is the other designated space a Standard space (96" space + 60" access aisle) or a Universal space (132" space + 60" access aisle)?  Yes  No  N/A
- \*Is the proper signage in place for Standard or Universal spaces?  
(International symbol sign and penalty sign)  Yes  No  N/A
- Are there **more than 50** public parking spaces?  Yes  No
- \*Is there at least one designated Accessible parking space for every 25 public parking spaces?  Yes  No  N/A
- \*Is one of every eight Accessible parking spaces, but not less than one, designated as Van Accessible? (96" space + 96" access aisle, 192" total)  Yes  No  N/A

continued on next page



- \*Is the proper signage in place for Van Accessible parking spaces?  
(International symbol sign, Van Accessible sign, and penalty sign)  Yes  No  N/A
- \*Are the other designated spaces standard Accessible spaces (96" space + 60" access aisle) or Universal spaces (132" space + 60" access aisle, 192" total)?  Yes  No  N/A
- \*Is the proper signage in place for Standard and Universal parking spaces?  
(International symbol sign and penalty sign)  Yes  No  N/A
- 5. \*Is/Are the accessible parking space(s) the closest to the entrance of the facility?  Yes  No
- 6. \*If the retailer has street parking, is a street parking space designated for Accessible parking?  Yes  No
- 7. \*If the parking lot is in a strip mall, are the Accessible parking spaces located on the shortest accessible route of travel to an accessible pedestrian exit from the parking facility?  Yes  No

**PATH OF TRAVEL:**

- 8. Is a curb cut or ramp required to get from the parking lot to the retailer?  Yes  No
- 9. If yes, is the curb cut or ramp:
  - \*Present?  Yes  No
  - \*In good repair?  Yes  No
  - \*At least 36" wide?  Yes  No
  - \*Made of a slip resistant surface?  Yes  No
  - \*If ramp, are edges flush with street and sidewalk?  Yes  No  N/A
  - \*If ramp, is the slope ratio no greater than 1" H for 12" L?  Yes  No  N/A
  - \*If ramp and ramp is more than 6" H or 72" L, is there a hand railing?  Yes  No  N/A
- 10. Does the path of travel from the Accessible parking space to the interior of the store:
  - \*Have a clear path of travel at least 36" wide?  Yes  No
  - \*Have doors at least 32" wide?  Yes  No
  - \*Have doors that may be opened with a closed fist – both directions?  Yes  No
  - \*Have door thresholds 1/2" high or less?  Yes  No

**INTERIOR:**

- 11. \*Is the path to the point where lottery tickets are sold/cashed clear and at least 36" wide?  Yes  No
- 12. \*If the floor has mats, are they secured and non-sliding?  Yes  No  N/A
- 13. \*If the purchase point is a counter, is it 36" high or less **OR** will store personnel offer an alternative method to accommodate customers with disabilities and allow them to purchase/cash tickets?  Yes  No
- 14. \*Is there a turning diameter of at least 60" **OR** T-shaped floor space with 36" aisles to allow a wheelchair user to reverse direction?  Yes  No