

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

FAUSTINO XAVIER BETANCOURT-  
COLÓN, *et al.*,

Plaintiffs,

v.

CITY OF SAN JUAN, a public entity also  
known as the Municipality of San Juan

Defendant.

Case No. 19-cv-1837-JAG-GLS

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UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

CITY OF SAN JUAN, a public entity also  
known as the Municipality of San Juan

Defendant.

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**UNITED STATES' UNOPPOSED MOTION TO INTERVENE AS A PLAINTIFF**

The United States of America moves, unopposed by the parties and pursuant to Federal Rule of Civil Procedure 24, to intervene as a plaintiff in this matter, as of right and/or by permission. The United States has a significant interest in ensuring that Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12134, and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, are properly and uniformly enforced, and its claims against Defendant City of San Juan involve questions of law and fact that are common to the claims brought by the Plaintiffs. For the reasons more fully set forth in the accompanying memorandum, the United States respectfully requests that the Court grant this motion.

Respectfully submitted,

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE UNITED  
STATES' UNOPPOSED MOTION TO INTERVENE AS A PLAINTIFF**

This civil rights action was brought by individuals with mobility disabilities who allege that Defendant City of San Juan (“City” or “San Juan”) violates Section 504 of the Rehabilitation Act (“Section 504”), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12131-12134, by failing to install and maintain curb ramps necessary to ensure its sidewalks are accessible to individuals with mobility disabilities. Am. Compl. ¶¶ 1-4, 11, ECF No. 11. Plaintiffs seek injunctive and declaratory relief on behalf of themselves and all other persons with mobility disabilities who live in, work in, or visit San Juan and seek to use the City’s pedestrian rights-of-way. *Id.* ¶¶ 3, 21. Specifically, Plaintiffs ask that the Court order San

Juan to cure existing violations and adopt remedial measures and other policies and practices that ensure that the City's sidewalks are readily accessible to and useable by individuals with disabilities. *Id.*, Prayer for Relief ¶ B.

The United States' complaint in intervention, attached as Exhibit A, alleges similar violations and seeks similar declaratory and injunctive relief. As outlined in greater detail in the Complaint, the United States Department of Transportation Federal Highway Administration (FHWA) investigated the accessibility of pedestrian walkways in the El Vedado neighborhood of San Juan based on a complaint received from a resident of that neighborhood in 2017. Ex. A ¶¶ 21-22. In March 2019, FHWA issued a Letter of Findings (LOF) to San Juan, detailing numerous violations of Section 504 and Title II of the ADA. *Id.* ¶ 22. These included noncompliant or missing curb ramps, physical barriers such as utility poles that obstructed pedestrian walkways, and vehicles parked on sidewalks in front of homes and businesses completely blocking the path of travel. *See* 28 C.F.R. §§ 35.133(a), .149–150. *Id.* FHWA also found that San Juan had violated ADA programmatic requirements, including that the City appoint an ADA coordinator, provide a public notice of its ADA obligations, and adopt an ADA grievance procedure. *See* 28 C.F.R. §§ 35.106–.107. *Id.* ¶ 23.

FHWA's LOF required that San Juan enact various remedial measures to address the violations identified. *Id.* FHWA then spent nearly three years attempting to secure the City's voluntary compliance with its demands. *Id.* ¶ 24. On March 24, 2022, FHWA determined that its conciliation efforts had failed and referred its noncompliance findings to the United States Department of Justice to take appropriate enforcement action. *Id.* ¶¶ 26-27. *See* 28 C.F.R. 35.174; 49 C.F.R. § 27.125. The Department of Justice subsequently conducted additional investigation which confirmed that the accessibility barriers identified by the FHWA in the El

Vedado neighborhood are substantial and widespread throughout the City. *Id.* ¶¶ 28-33. As a result, the United States seeks to intervene in this matter, and to file the attached complaint in intervention seeking declaratory and injunctive relief, in order to ensure that San Juan complies with Title II and Section 504 and takes necessary remedial measures to make its public sidewalk system accessible to individuals with disabilities.

The United States moves to intervene as of right, pursuant to Rule 24(a), because the Department of Justice, as the federal agency charged with enforcing and implementing Title II of the ADA, has a significant protectable interest in ensuring the ADA is properly and uniformly enforced. *See* Fed. R. Civ. P. 24(a); 42 U.S.C. § 12101(b)(2)-(3). Alternatively, the United States requests the Court's permission to intervene, pursuant to Rule 24(b), because the United States' claims against San Juan involve questions of law and fact that are common to the claims brought by the Plaintiffs, and because resolution of Plaintiffs' claims involves the interpretation of statutes that the United States Attorney General is entrusted by Congress to administer. Fed. R. Civ. P. 24(b)(1)-(2). Counsel for both parties consent to the United States' intervention.

## **I. ARGUMENT**

The United States satisfies the criteria for intervention as of right, under Rule 24(a), and permissive intervention, under Rule 24(b), and should be permitted to intervene on either basis.

### **A. The United States May Intervene as of Right**

To intervene as a matter of right under Rule 24(a), a movant must establish that: (1) their motion is timely; (2) they have an interest in the property or transaction that is the subject of the action; (3) disposition of the action realistically threatens their ability to protect that interest; and (4) their position is not adequately represented by an existing party. *Puerto Rico Tel. Co. v. Sistema de Retiro de los Empleados del Gobierno y la Judicatura*, 637 F.3d 10, 14 (1st Cir.

2011) (citing Fed. R. Civ. P. 24(a)). In analyzing motions under Rule 24(a), the First Circuit has explained that the “inherent imprecision of Rule 24(a)(2)’s individual elements dictates that the rule should be applied with an eye toward the commonsense view of the overall litigation.”

*Ungar v. Arafat*, 634 F.3d 46, 51 (1st Cir. 2011) (internal quotation marks omitted). Here, the United States’ motion satisfies all four criteria for intervention as of right.

First, the First Circuit has advised that the concept of timeliness for an intervention petition “is not measured, like a statute of limitations, in terms of specific units of time, but rather derives meaning from assessment of prejudice in the context of the particular litigation.” *P. R. Tel. Co.*, 637 F.3d at 15. Thus, the key question here is whether the United States’ intervention at the current stage of litigation would prejudice the parties. It would not. While the case has advanced past the motion to dismiss stage, the parties have not engaged in formal discovery. Moreover, while mediation has been ongoing for more than a year, the United States has been aware of and engaged in the mediation as a nonparty and, as evidenced by the parties’ consent to intervention, would be welcomed as a formal participant.

Second, the United States has a significant interest in this litigation. The Department of Justice, as the federal agency charged with enforcing and implementing Title II of the ADA, has a strong interest in ensuring the ADA is properly and uniformly applied. The Department of Justice’s protection and advancement of this interest via intervention is consistent with Congress’s intent to create “clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities,” and to reserve a “central role” for the federal Government in enforcing the standards established in the ADA. 42 U.S.C. § 12101(b)(2)-(3). In this matter, the United States also has a specific interest in ensuring that San Juan implements appropriate remedial measures to address the ADA violations found by FHWA.

Third, disposition of this action could impair the United States' ability to protect its interests. Any remedial plan agreed to or ordered that addresses the accessibility of sidewalks throughout San Juan will likely impact the United States' ability to ensure that sidewalks in San Juan comply with the ADA and Section 504 and that FHWA's noncompliance findings are appropriately resolved. *See Daggett v. Comm. on Gov't Ethics & Election Pracs.*, 172 F.3d 104, 110–11 (1st Cir. 1999) (holding that the possibility the litigation could end with an injunction adversely affecting intervenors' interests was adequate to satisfy this aspect of Rule 24(a)(2)). And, as already illustrated by the United States' earlier filing of an SOI, how the ADA is interpreted and applied in this case could affect the United States' ability to ensure that both San Juan and other cities and municipalities do not discriminate against individuals with disabilities in how they provide and maintain their public sidewalks.

Fourth, the Plaintiffs do not adequately represent the interests of the United States. "Typically, an intervenor need only make a 'minimal' showing that the representation afforded by a named party would be inadequate." *B. Fernandez & Hnos., Inc. v. Kellogg USA, Inc.*, 440 F.3d 541, 545-46 (1st Cir. 2006) (quoting *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n. 10 (1972); *see also Conservation L. Found. of New England, Inc. v. Mosbacher*, 966 F.2d 39, 44 (1st Cir. 1992) ("An intervenor need only show that representation may be inadequate, not that it is inadequate.")). Here, the private plaintiffs cannot adequately represent the interests of the United States because the United States represents the public interest, and the Plaintiffs do not have the same interests or expertise that the Department of Justice possesses as the agency entrusted by Congress with enforcing and implementing Title II of the ADA. 42 U.S.C. §§ 12101(b)(2)–(3), 12134; *see Perez v. Perry*, 2013 WL 5372882, at \*2-5 (W.D. Tex.

Sept. 24, 2013) (permitting the United States to intervene where the Attorney General was “charged by statute with enforcing and administering the Voting Rights Act” and any order by the court could have “broad consequences for the United States and its role in administering [the Voting Rights Act]”); *see also Heaton v. Monogram Bank of Ga.*, 297 F.3d 416, 424-25 (5th Cir. 2002) (noting that “[g]overnment agencies . . . must represent the public interest” and “[i]t cannot be assumed that the existing [private] parties to the litigation would protect the FDIC’s and the public’s interest” in the proper regulation of the federal deposit insurance system). Thus, whether this matter is resolved voluntarily or through litigation, the United States’ formal participation is critical to ensure that its interests are protected and that any remedial plan for San Juan, a large municipality of particular importance in Puerto Rico, comports with the United States’ views on the proper interpretation and application of Title II. If intervention is denied, the United States’ ability to adequately protect its interests will be impaired.

Finally, all of the above elements evaluated through a “commonsense” view of the litigation—and taking into account the parties’ consent to intervention—support the conclusion that the United States should be allowed to intervene as of right.

#### **B. Alternatively, the United States Should be Permitted to Intervene**

Where a party is not entitled to intervene as of right, a court may still grant permissive intervention under Rule 24(b). Rule 24(b)(2) empowers the court to permit intervention on timely motion by a governmental officer or agency where “a party’s claim or defense is based on: (A) a statute or executive order administered by the officer or agency; or (B) any regulation, order, requirement, or agreement issued or made under the statute or executive order.” And Rule 24(b)(1)(B) empowers the court to “permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact.”



Here, the United States' intervention falls squarely within Rule 24(b)(2). *See* Fed. R. Civ. P. 24 advisory committee's note (explaining that subsection (b) was amended in 1946 to include explicit reference to governmental agencies and officers in order to avoid exclusionary construction of the rule, and citing, with approval, cases in which governmental entities were permitted to intervene); *see also* 7C CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FED. PRAC. & PROC. CIV. § 1912 (3d ed.) (noting that courts have allowed intervention liberally to government agencies and collecting cases). As discussed above, the Department of Justice is the federal agency that administers and enforces the ADA and Section 504, and issues the ADA's implementing regulations, and here the parties' claims and defenses entirely concern the application and enforcement of Title II and Section 504. *See Halderman v. Pennhurst State Sch. & Hosp.*, 612 F.2d 84, 92 (3d Cir. 1979) (en banc) (permitting United States to intervene based on its enforcement of federal statute and regulations protecting individuals with developmental and cognitive disabilities), *rev'd on other grounds*, 451 U.S. 1. Additionally, the United States' motion is timely and does not unduly delay the proceedings or prejudice the original parties. On the contrary, the United States anticipates its participation will help facilitate an appropriate and efficient resolution of this matter.

The United States also satisfies Rule 24(b)(1)(B) because the proposed complaint in intervention implicates several questions of fact and law that are common to the claims already brought by the Plaintiffs. Indeed, the most essential question—whether San Juan has failed to provide and maintain an accessible public sidewalk system thereby discriminating against people with mobility disabilities—is identical.

## II. CONCLUSION

For all of the above reasons, the United States respectfully requests that the Court grant the United States' motion to intervene.

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# **Exhibit A**

**IN THE UNITED STATES DISTRICT COURT  
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**COMPLAINT IN INTERVENTION OF THE UNITED STATES**

The United States of America respectfully alleges:

1. The United States brings this suit against the City of San Juan, Puerto Rico (“City” or “San Juan”) to enforce Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12131-34, as amended, and its implementing regulation, 28 C.F.R. pt. 35, and Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 794, and its implementing regulations for recipients of federal funding from the United States Department of Transportation (“USDOT”), 49 C.F.R. pt. 27. San Juan has violated Title II and Section 504 by failing to provide people with disabilities, including individuals with mobility impairments, an equal opportunity to access and benefit from the City’s public sidewalk system.

## **JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action under Title II of the ADA, 42 U.S.C. § 12133, Section 504, 29 U.S.C. § 794, and 28 U.S.C. §§ 1331 and 1345.

3. The Court may grant the relief sought in this action pursuant to 42 U.S.C. § 12133, 29 U.S.C. § 794a, and 28 U.S.C. §§ 2201-2202.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391, because it is where Defendant resides and where the acts or omissions giving rise to this action occurred.

## **PARTIES**

5. Plaintiff-intervenor is the United States of America. The United States, through the United States Department of Justice (“Department”), is authorized to enforce the ADA and Section 504. 42 U.S.C. § 12133; 29 U.S.C. § 794a; 49 C.F.R. § 27.125.

6. Defendant City of San Juan is the largest municipality in the Commonwealth of Puerto Rico; it is also Puerto Rico’s capital and home to the Commonwealth’s executive, legislative, and judiciary branches of government. San Juan is a “public entity” within the meaning of 42 U.S.C. § 12131(1) and 28 C.F.R. § 35.104 and is therefore subject to Title II of the ADA and its implementing regulation. Additionally, San Juan receives Federal financial assistance, including from USDOT, and is therefore subject to Section 504. 29 U.S.C. § 794(a). According to 2020 estimates by the U.S. Census Bureau, there are more than 37,000 residents of San Juan with ambulatory disabilities.

## **FACTS**

### **A. Statutory & Regulatory Background**

7. Congress enacted the ADA in 1990 to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. 42 U.S.C.

§ 12101(b)(1). In enacting the ADA, Congress found that “discrimination against individuals with disabilities persists in such critical areas as . . . transportation, . . . recreation, . . . and access to public services[.]” and that the forms of discrimination encountered by individuals with disabilities include “the discriminatory effects of architectural [and] transportation . . . barriers,” “failure to make modifications to existing facilities and practices,” and “relegation to lesser services, programs, activities, benefits, jobs, or other opportunities[.]” *Id.* § 12101(a)(3), (5).

8. Title II of the ADA requires that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132; *see also* 28 C.F.R. § 35.130(a).

9. San Juan’s provision and maintenance of a public sidewalk system, including sidewalks, curb ramps, crosswalks, and other pedestrian rights-of-way, is a covered “service, program, or activity” under Title II of the ADA. *See* 42 U.S.C. § 12132; 28 C.F.R. § 35.130(a); *see also* Order on Nov. 12, 2022, ECF No. 24.

10. People who have mobility impairments that substantially limit a major life activity, such as walking, who use and seek to use San Juan’s public sidewalk system are qualified individuals with disabilities under the ADA. *See* 42 U.S.C. § 12131(2); 28 C.F.R. §§ 35.104, .108; *see also* Order Den. Mot. to Dis. 8, ECF No. 17.

11. In the context of physical accessibility, Title II requires that no qualified individual with a disability shall “be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity” because the entity’s facilities are “inaccessible to or unusable by individuals with disabilities.” 28 C.F.R. § 35.149. Facilities include “roads” and “walks” controlled by a public entity. 28 C.F.R. § 35.104.

12. For existing facilities, a public entity must “operate each service, program, or activity so that . . . when viewed in its entirety, [it] is readily accessible to and usable by individuals with disabilities.” 28 C.F.R. § 35.150(a).

13. Newly constructed or altered facilities must be “readily accessible to and usable by individuals with disabilities.” 28 C.F.R. § 35.151(a)(1), (b)(1). Such facilities must comply with either the Uniform Federal Accessibility Standards, or the 1991 or 2010 ADA Standards for Accessible Design (depending on the date of construction or alteration). 28 C.F.R. § 35.151(c).

14. A public entity must also maintain its facilities in a manner that ensures they are readily accessible to and usable by people with disabilities. 28 C.F.R. § 35.133.

15. Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance. 29 U.S.C. § 794(a); *see also* 49 C.F.R. § 27.7.

## **B. The Allegations of the Current Plaintiffs**

16. This lawsuit was initially filed on September 6, 2019 by four plaintiffs with mobility disabilities (“the Betancourt Plaintiffs”) who use wheelchairs or scooters and who live in or frequently visit San Juan. The Betancourt Plaintiffs filed an Amended Complaint on December 5, 2019. ECF No. 11.

17. The Betancourt Plaintiffs allege that San Juan has violated Section 504 and Title II of the ADA by failing to install and maintain curb ramps necessary to ensure its public sidewalk system is accessible to individuals with mobility disabilities. Pls.’ Am. Compl. ¶ 1.

18. The inaccessibility of sidewalks in San Juan has severely limited their ability to safely travel about the city and to engage in various aspects of city life. *Id.* ¶¶ 6, 30.

19. The barriers the Betancourt Plaintiffs encounter make it difficult and in some cases impossible to access various City facilities and public accommodations. *Id.* ¶¶ 36-38, 40-

45, 48-49, 52-55, 59-60.

20. To navigate around these barriers they often must risk injury to themselves or damage to their mobility devices by traveling in the street or over unsafe surfaces. *Id.*

### **C. FHWA Investigation and Noncompliance Findings**

21. In April 2017, the Department received a complaint alleging accessibility issues with pedestrian rights-of-way in the El Vedado neighborhood of San Juan. The Department referred the complaint to the USDOT Federal Highway Administration (FHWA) for investigation.

22. In March 2019, FHWA issued a Letter of Findings (LOF) to San Juan, detailing numerous violations of the ADA and Section 504 that it had found in its investigation. These included noncompliant or missing curb ramps; physical barriers such as utility poles that obstructed pedestrian rights-of-way; and vehicles parked on sidewalks in front of homes and businesses completely blocking the path of travel. *See* 28 C.F.R. §§ 35.133(a), .149–150.

23. FHWA's LOF also noted that San Juan had violated various ADA programmatic requirements, including appointing an ADA coordinator, providing a public notice of its ADA obligations, and adopting an ADA grievance procedure. *See* 28 C.F.R. §§ 35.105–.107. The LOF demanded that San Juan submit an action plan within 90 days setting forth the steps it would take to address FHWA's noncompliance findings.

24. For nearly three years, FHWA engaged in conciliation efforts with San Juan aimed at getting the City to voluntarily adopt the remedial measures demanded in the LOF.

25. FHWA repeatedly warned the City that its failure to adopt the proposed measures could result in FHWA referring its noncompliance findings to the Department for appropriate enforcement action.



26. FHWA was unable to secure San Juan's voluntary compliance.

27. In March 2022, FHWA referred its noncompliance findings to the Department for appropriate enforcement action. 28 C.F.R. § 174; 49 C.F.R. § 27.125.

**D. Additional Investigation by the Department of Justice**

28. After receiving the FHWA's referral, the Department conducted an additional survey of San Juan's public sidewalk system to further evaluate the City's compliance with Title II of the ADA and Section 504.

29. The Department's survey included ten different areas of the City and focused on high traffic sites to which people with disabilities and others regularly need or want access such as transit centers, schools, medical facilities, libraries, post offices, courthouses, shopping districts, and tourist attractions.

30. The Department's survey found widespread accessibility issues with San Juan's public sidewalk system, including curb ramps that are cracked, too steep, or nonexistent, and sidewalks that are uneven, too narrow, or obstructed by bollards, utility poles, or other obstacles.

31. The Department's survey included curb ramps that appeared to have been recently installed or repaired. Many of these newly installed or altered curb ramps are not compliant with the 2010 ADA Standards for Accessible Design.

32. The prevalence and severity of accessibility barriers in many of the sites the Department surveyed make it extremely difficult if not impossible for a wheelchair user to safely navigate the City's public sidewalk system.

33. The inaccessibility of San Juan's public sidewalk system has harmed and continues to harm individuals with mobility impairments who live in or visit San Juan. By failing to provide a public sidewalk system that is readily accessible to and useable by people

with mobility impairments, San Juan denies these individuals an equal opportunity to safely and efficiently move about the City and to engage in important parts of city life; this includes accessing government offices and facilities, schools, places of employment, shops and businesses, healthcare services, public transportation, and parks and tourist attractions.

**FIRST CAUSE OF ACTION**  
**Violation of Title II of the Americans with Disabilities Act**  
**(42 U.S.C. §§ 12131-12134)**

34. The foregoing paragraphs are incorporated herein.

35. All conditions precedent to the filing of this Complaint have occurred or been performed. *See* 28 C.F.R. pt. 35, subpt. F; 49 C.F.R. pt. 27, subpt. C.

36. San Juan's public sidewalk system, viewed in its entirety, is not readily accessible to and usable by individuals with disabilities. 28 C.F.R. § 35.150.

37. San Juan has failed to ensure that elements of its public sidewalk system that were constructed or altered after January 26, 1992 are readily accessible to and usable by individuals with disabilities, in compliance with the applicable accessibility standards. 28 C.F.R. § 35.151.

38. San Juan has also failed to maintain the accessibility of its public sidewalk system by, for example, failing to enforce parking policies that prevent vehicles from blocking pedestrian rights-of-way. 28 C.F.R. § 35.133.

39. San Juan's failure to provide and maintain an accessible public sidewalk system denies qualified individuals with mobility impairments an equal opportunity to access and benefit from that system. 42 U.S.C. § 12132; 28 C.F.R. §§ 35.130, 35.149.

40. As a result, San Juan has violated Title II of the ADA, 42 U.S.C. §§ 12131-34, and its implementing regulation, 28 C.F.R. pt. 35.

**SECOND CAUSE OF ACTION**  
**Violation of Section 504 of the Rehabilitation Act of 1973**  
**(29 U.S.C. § 794)**

41. The foregoing paragraphs are incorporated herein.

42. All conditions precedent to the filing of this Complaint have occurred or been performed. *See* 49 C.F.R. pt. 27, subpt. C.

43. San Juan receives Federal financial assistance, including from USDOT, that is used to fund the City's provision and maintenance of its public sidewalk system.

44. San Juan's failure to provide and maintain an accessible public sidewalk system denies qualified individuals with mobility impairments an equal opportunity to access and benefit from that system because of their disabilities. 29 U.S.C. § 794(a); 49 C.F.R. § 27.7.

45. As a result, San Juan has violated Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, and its implementing regulation pertaining to recipients of federal funding from USDOT, 49 C.F.R. pt. 27.

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff United States prays that the Court:

A. Grant judgment in favor of the United States and declare that the City of San Juan has violated Title II of the ADA, 42 U.S.C. §§ 12131-34, and its implementing regulation, 28 C.F.R. pt. 35, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 49 C.F.R. pt. 27, by denying individuals with disabilities an equal opportunity to access and benefit from the City's public sidewalk system.

B. Order San Juan to make its public sidewalk system readily accessible to and useable by individuals with disabilities.

C. Order San Juan to take all other necessary steps to comply with the ADA and Section 504.

D. Award such other appropriate relief as justice may require.

Respectfully submitted,

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