



**DISABILITY
RIGHTS**
SOUTH CAROLINA

March 21, 2024

Via Email Attachment:

Beaufort County Council, Chair, Joseph Passiment: jpassiment@bcgov.net
Beaufort County Council, Vice Chair, Lawrence McElynn: lawrencem@bcgov.net
Interim County Administrator, John Robinson: jrobinson@bcgov.net

RE: Inaccessibility of Daufuskie Island Ferry

Dear County Council Chair, Vice Chair, and Interim Administrator:

Disability Rights South Carolina is the federally mandated Protection & Advocacy agency for South Carolina. We have legal authority to protect and advocate for the rights of people with disabilities in this state. The purpose of this letter is to alert you to the responsibility of Beaufort County, as a local governmental entity under Title II of the Americans with Disabilities Act, to ensure that public accommodations are physically accessible and safe for people with disabilities, including many elderly people in your County. In particular, we address your responsibilities regarding the public Daufuskie Island Ferry.

Title II of the ADA requires local governments, such as Beaufort County, to give people with disabilities an equal opportunity to benefit from all county programs, services, and activities, including transportation services. Absent an undue financial or administrative burden, local governments must comply with safety standards, relocate inaccessible services, and communicate effectively with people who have disabilities. In addition, local governments are required to make reasonable modifications to policies and practices when necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity provided.

The duty to provide safe access to public services lies with Beaufort County, as the local governmental entity. Beaufort County may not contract away its responsibilities under the ADA.

DRSC has been contacted by individuals with disabilities or others on their behalf, who have demonstrated, along with the public record and media coverage, extreme deficiencies of the public ferry service the County provides to and from Daufuskie Island. The County's ferry service is discriminatory, challenging the elderly and those with physical disabilities or prohibiting them from using the public ferry. Its deficiencies include the following:

- lack of functional ground access for those with mobility problems, to and from the dock at Melrose Landing on Daufuskie Island, which the County leases from Melrose Resort;
- lack of assistance travelling the length of dock at Melrose Landing;
- dilapidated, unstable and unsafe condition of the dock at Melrose Landing;
- unsafe and inadequate access onto and from the ferry boat operated under County contract by Low Country Ferry, including:
 - the unsecured ramp located between the dock and the boat, from which a passenger fell into the water, sustaining a risk to his life;
 - the two metal door frames set at 5'2" that passengers must duck under in order to enter or exit the boat, where some have sustained injuries by hitting their heads;
 - the narrow opening to the boat which is not wide enough for those with wheelchairs to pass through;
- unsafe design and configuration of the interior of the ferry boat, with steep steps into its cabin that those with mobility problems cannot navigate without assistance;
- the steep and slick surface of the ramp that leads to dock at Pinckney Island Landing on Hilton Head; and
- lack of functional ground access, for those with mobility problems, to and from the dock at Pinckney Island;

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For the County to continue to allow these deficiencies that effectively exclude the elderly or people with disabilities from equal and safe access to ferry service to and from Daufuskie Island exposes the County to liability under the ADA.

DRSC respectfully asks that you reply to this letter and advise us of your plan to remedy the discrimination described above.

Sincerely,



Rebecca Guental Fulmer, Attorney

Cc:

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