

# THE CASE FOR DRIVE -THRU ACCESS

Inclusion Solutions and 8 years of work

# HISTORY

In 2004, Patrick Hughes was speaking with Robin Jones from the Great Lakes ADA Center (DBTAC) in the parking lot of McDonald's headquarters after a presentation regarding front door access to their restaurants. As we were talking, Robin asked if Inclusion Solutions had ever thought about the fact that people who are deaf or hard of hearing can't use drive thrus.

After some basic research both into the problem and understanding what the business environment looked like, Inclusion Solutions developed a product and began approaching the industry about ways to proactively solve this customer/business problem.



# DRIVE -THRU BARRIERS TO THE DEAF AND HARD OF HEARING

We (Inclusion Solutions) have been working on this topic for almost 8 years and have had minimal success in getting the market to accept our simple approach to solving this problem. We would like to explore why the market doesn't feel that this is valid or if they do, why they don't respond.

This is a report on what Inclusion Solutions has done to try and bring a solution to the marketplace. Our hope is to have a discussion with the QSR industry and ask what they want to do to address this issue, if anything.

# MARKET SIZES

## Drive Thru Business

Starbucks 35%  
Culver's 50%  
McDonald's 60-75%  
Sonic almost 100%  
Taco Bell 85%

Depending on the brand and the location, the drive thru can be up to almost 70% of a restaurants business.

## Customers

Deaf - 2 million  
Hard of Hearing - 26 Million  
Language Barriers - ?

(The groups are culturally different but all are affected)

About 10% of the US has some level of hearing loss



# UNDERSTANDING THE NEED

6400 Deaf and People who are Hard of Hearing

## DRIVE-THRU SURVEY

*The State of Drive-Thru Dining Access and Assistance  
for Customers who are Deaf or Hard of Hearing*

Conducted by Inclusion Solutions  
January 10, 2004

phughes@inclusionsolutions.com

KEY FINDINGS – SURVEY OF MORE THAN 6,400 PARTICIPANTS

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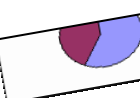
restaurant that you were not able to  
use the Drive-Thru?

Yes

No

57.9%

42.1%



inclusion-solutions

- ✓ 86% of respondents dine at fast food restaurants – and over 41% dine there several times a week.
- ✓ 78% of respondents have had difficulty placing a fast-food order and 42% have left a Drive-Thru line in frustration because they were unable to communicate.
- ✓ 94% of people surveyed indicated they would be likely or highly likely to visit a restaurant that put in a Drive-Thru system to improve access for persons who are deaf or hard of hearing.



# ADVOCACY GROUPS ASK RESTAURANT INDUSTRY TO FIX PROBLEM

## NAD Memo

## Howard Rosenblum, CEO NAD



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VP By Appointment

### National Association of the Deaf Memo on Access to Drive-Through Services

Drive through service is a staple in American culture. Restaurants, banks, pharmacies, and other businesses routinely provide service via drive through windows to accommodate the fast-paced lifestyle that Americans have grown accustomed to. Deaf and hard of hearing individuals, just like anyone else, have the same need and desire for the convenience of drive through services. Pursuant to federal law, businesses that provide drive through services must make reasonable modifications to allow deaf and hard of hearing individuals to use them.

Title III of the Americans with Disabilities Act (“ADA”) prohibits places of public accommodation, such as restaurants, banks, pharmacies, and other businesses, from discriminating against people who are deaf or hard of hearing in the full and equal enjoyment of the entity’s goods, services, facilities, privileges, advantages or accommodations. 42 U.S.C. § 12182(a). Deaf and hard of hearing people have “the right to *fully participate in all aspects of society*.” 42 U.S.C. § 12101(a)(1) (emphasis added). Such participation must be in the “most integrated setting appropriate.” 42 U.S.C. § 12182(b)(1)(B). Specifically, public accommodations are required to make reasonable modifications in policies, practices, and procedures, and to provide auxiliary aids or services, including acquiring or modifying equipment or devices, to ensure that individuals who are deaf or hard of hearing are not excluded, denied services, segregated, or otherwise treated differently than other individuals. 42 U.S.C. §§ 12182(b)(2)(A)(ii) and (iii).

Prohibiting deaf and hard of hearing customers from using drive through windows violates the ADA. *Bunjer v. Edwards*, 985 F. Supp. 165 (D.D.C. 1997). Drive through windows provide customers with the benefit of convenience in today’s hectic world. To deny deaf or hard of hearing individuals the use of a drive through window or to require them to go inside to receive service is to deny them the benefit of that convenience and to provide them with a separate and unequal benefit; a violation of the ADA. Businesses must make reasonable modifications or provide auxiliary aids or services to communicate effectively with deaf and hard of hearing customers. These modifications can include, but are not limited to, installing a buzzer system to notify the business of the presence of a deaf or hard of hearing customer or installing a touch-screen menu for all customers to make service selections. Additionally, businesses should conduct employee trainings to ensure full service to deaf and hard of hearing customers.

The NAD encourages businesses with drive through window services to make reasonable modifications and provide the auxiliary aids and services necessary to ensure equal opportunity and effective communication with deaf and hard of hearing individuals.



(Video – press image)



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# DRIVE THRU TECHNOLOGY

Drive Thru Speaker



Multiple lanes merge



Outsourced call centers



Touch Screens



Speed rules



Late Nite programs





Drive Thru Speaker



Multiple lanes merge



Outsourced call centers



Touch Screens



Speed rules



Late Nite programs



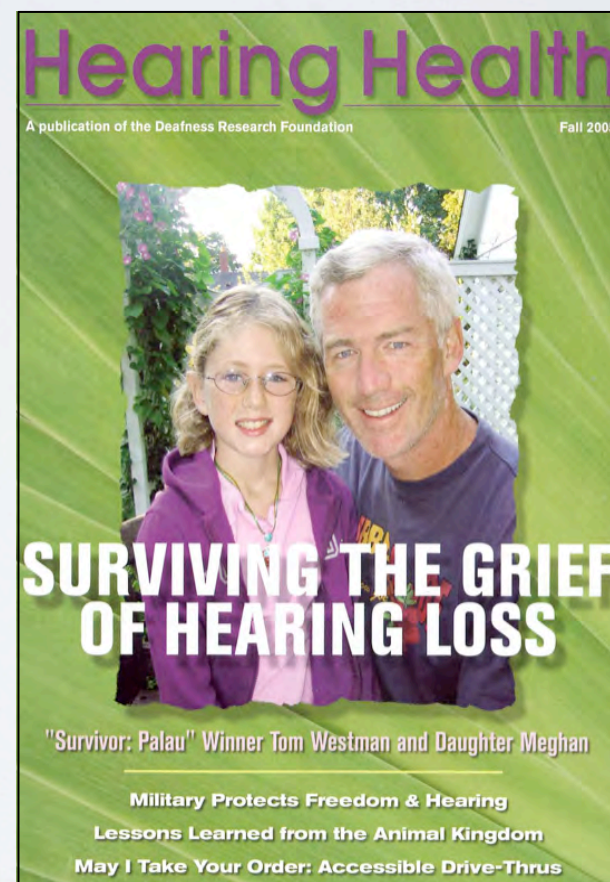


# INDUSTRY NEWS ON THE SUBJECT

QSR  
Industry



Hearing Loss Industry



Diversity/  
HR  
Industry





# PREVIOUS LITIGATION OR COMPLAINTS





# INCLUSION SOLUTIONS EFFORTS

NRA shows (10 x 20 booth)  
250 leads – no buys



Pat and Karen presented to  
NAD Bi-Annual Meeting



Bring companies to Deaf Nation



Participate in company shows



54 Culver Franchises installed  
OrderAssist



Hire deaf people and interpreters to sell





# ORDERASSIST

## THE PRACTICAL SOLUTION TO THIS COMMUNICATION PROBLEM

## Easy to ship and install



## Easy to use



Wireless receiver inside  
with strobe



## Training & Order Forms



## Inside communication plan



## Clear & simple plan for employees



## ADA Tax Credit Available

[illegible]

A better  
alternative to  
litigation and  
playing in a  
defensive  
position



# WORKING WITH ONE COMPANY

5 years ago, Founder, Craig Culver from Culver's said YES to OrderAssist



54 Culver's have installed system

Permanent part of all new construction

Recognized by deaf groups as progressive company

Over 30 news outlets (National/Local) have told positive stories about Culver's leadership





# WHO WILL LEAD?

This woman used a drive thru for the first time in her life...

Simply, because Culver's made it welcoming with OrderAssist



What will it take for others to follow?



# 25 COMPANIES

Inclusion Solutions has met with 25 of the largest companies to discuss problem/solution

Conclusion – no one person in a company knows how to handle this issue.

- Legal – plays defense unless litigation is on the table
- Marketing – not convinced of brand enhancement value – can see the charity but not the customer
- Operations – doesn't fit the parameters of speed and accuracy
- Diversity – generally not decision makers
- Public Relations – understand the benefits and threats but don't make buying decisions



# FRANCHISE MINDSET

## Signs and Settlements

- Parent companies feel that they have legal protection from the ADA because of franchise model
- If a franchise gets sued, the parent company settles quickly so it doesn't turn into a class action issue
- Companies hire “friendly” ADA consultants that help them get out of immediate trouble...
- Those solutions solve a short term problem but don't address the issue as a whole.
- We have seen most solutions meeting minimum requirements vs. customer centric solutions



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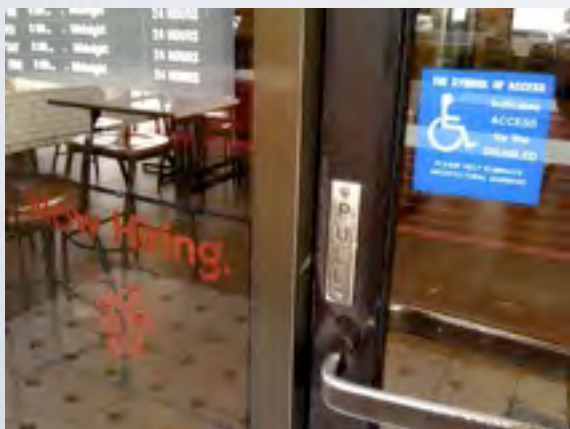
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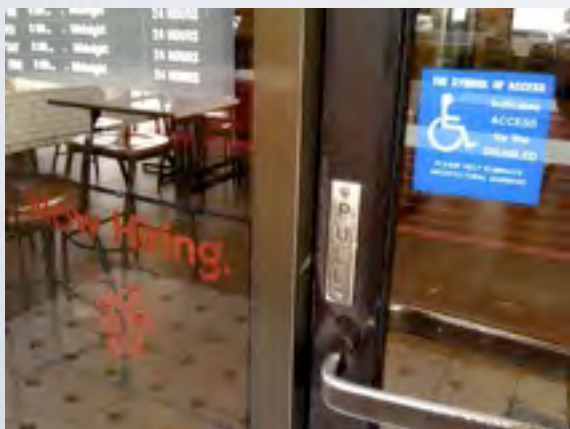
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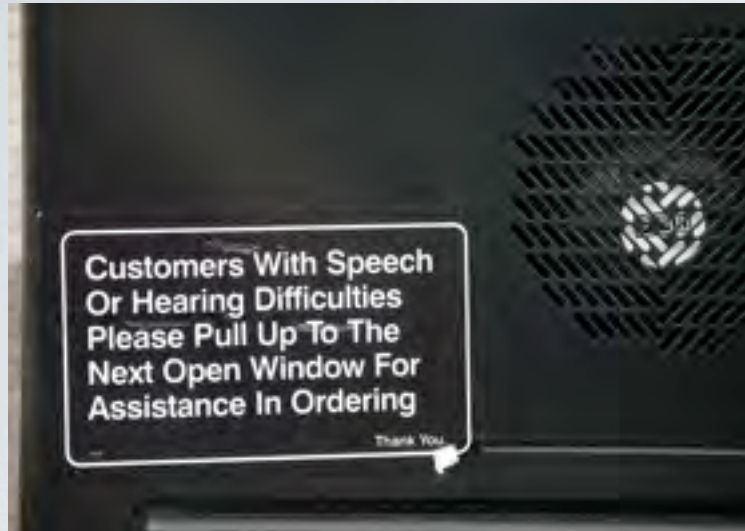


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