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Accessibility and the ADA: Facility Standards Update

will begin at 2:00 p.m. Eastern Time

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Mid-Atlantic ADA Center website:

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Accessibility and the ADA:
Facility Standards Update

Introduction and Overview

Today’s Agenda

• Rulemaking
  • DOJ
    • 2010 regulations
    • Adopt new Standards
    • Add provisions to Standards
  • 2010 Standards
    • Structure and overview
    • Chapter 1: Application
    • Chapter 2: Scoping

• Questions
Rulemaking

- Access Board develops accessibility guidelines (ADA/ABAAG 2004)
  - Americans with Disabilities Act (ADA)
  - Architectural Barriers Act (ABA)
    - Replace Uniform Federal Accessibility Standards (UFAS)
- Federal agencies adopt Standards based on guidelines
  - GSA, USPS, DOD have adopted, HUD pending (ABA)
  - DOT, DOJ have adopted (ADA)

One Standard to Rule Them All ...

...well, not really

- Other laws, standards, and codes still apply, for example
  - Fair Housing Act
  - Rehabilitation Act
    - (many agencies still use UFAS)
  - State laws and building codes

Agency-Specific Provisions

- ADA and ABA standard-setting agencies add unique provisions to guidelines
  - DOT and DOJ have both done so under the ADA
- Project must comply with all codes and standards that apply to it
DOT’s ADA Standards: 2006

• Transportation facilities
  • Regulations add provisions to guidelines, including, for example, requirement for detectable warning surfaces on curb ramps (unlike DOI)

DOJ’s ADA Standards: 2010

• State and local government facilities (Title II)
  • 28 CFR Part 35
• Public accommodations and commercial facilities (Title III)
  • 28 CFR Part 36

DOJ’s Added Provisions

• DOJ has added provisions to the guidelines
  • Social Service Center Establishments
  • Housing at Places of Education
  • Assembly Areas
  • Medical Care Facilities
  • Residential Dwelling Units
  • Detention and Correctional Facilities
  • Places of Lodging
Maintenance

• DOJ’s regulations clarify that maintenance of accessible features may be reduced in accordance with reduction in scoping or technical specifications in new Standards

Safe Harbor

• DOJ’s regulations allow “safe harbor” for elements that comply with 1991 Standards
  • New alterations requirements of 2010 Standards will apply if such elements undergo a planned alteration after the compliance date

Compliance Date:
DOJ’s 2010 Standards

• March 15, 2012
  • Triggering event: Title II
    • Start of physical construction
  • Triggering event: Title III
    • Date last application for building permit or permit extension is certified complete by state or local government; or
    • If authority does not certify application completions, date application for permit or permit extension received; or
    • If no permit required, start of physical construction
Organization and Numbering System

- Harmonize with model building codes
  - International Code Council (ICC)/International Building Code (IBC)
  - American National Standards Institute (ANSI)

Chapters and Sections

- Chapter 1: Application and Administration
  - Section numbers: 100s
- Chapter 2: Scoping
  - Section numbers: 200s
- Chapters 3 – 10: Technical Specifications
  - Section numbers: 300s – 1000s
Advisory Information

- **1991:** Located in appendix
- **2010:** Integrated throughout document

Italicized Text

- **1991:** Indicates something different from ANSI
- **2010:** Indicates *defined* terms

What Does All That Look Like?

**203.12 Animal Containment Areas.** Animal containment areas that are not for public use shall not be required to comply with these requirements or to be on an accessible route.

**Advisory 203.12 Animal Containment Areas.** Public circulation routes where animals may travel, such as in ponying zones and passageways alongside animal pens in State fairs, are not eligible for the exception.
Examples of Reorganization

• 1991: Special Technical Sections
  • Medical Care
  • Transient Lodging
  • Transportation

• Business and Mercantile
  • Libraries

• 2010:
  • Chapter 8: Special Rooms, Spaces, and Elements
  • GONE!
  
But wait ...

Look Around ...

• Find requirements relevant to businesses and libraries in other sections, for example
  • Chapter 2: Scoping
    • Depositories, Vending Machines, Change Machines, Mail Boxes, and Fuel Dispensers
  • Chapter 8: Special Rooms, Spaces, and Elements
    • Dressing, Fitting, and Locker Rooms
  • Chapter 9: Built-In Elements
    • Dining Surfaces and Work Surfaces
    • Check-Out Aisles and Sales and Service Counters

... and many more

All New

• Many new scoping provisions and technical specifications, for example
  • Kitchens and kitchenettes
  • Clothes washers and dryers
  • Courtrooms
  • Jails, prisons
  • Residential facilities
  • Recreational facilities
CHAPTER 1: APPLICATION AND ADMINISTRATION

Highlights

Dimensions for Children’s Elements

• Water closets and toilet compartments, related elements (grab bars, toilet paper dispensers)
• Lavatories and sinks
• Drinking fountains
• Dining and work surfaces

Conventions

• Tolerances: conventional industry tolerances allowed for construction and manufacturing, not for design
  • No tolerance for “range” dimensions with specific “min./max.” end points
• Calculation of percentages
  • Round UP for number of things
• Figures for illustration only; all requirements in text
Referenced Standards

- Use only specific editions referenced (e.g. 2002, 2003)
- Use only to the extent specified in ADA Standards

CHAPTER 2: SCOPING

Highlights

What’s in Chapter 2?

- 201 Application
- 202 Existing Buildings and Facilities
- 203 New Buildings and Facilities
- 204 Promulgating Objects
- 205 Operable Parts
- 206 Accessible Routes
- 207 Accessible Means of Egress
- 208 Parking Spaces
- 209 Passenger Loading Zones and Bus Stops
- 210 Stairways
- 211 Drinking Fountains
- 212 Kitchens, Kitchenettes, and Sinks
- 213 Toilet Facilities and Bathing Facilities
- 214 Washing Machines and Clothes Dryers
- 215 Fire Alarm Systems
- 216 Signs
- 217 Telephones
- 218 Transportation Facilities
- 219 Assistive Listening Systems
- 220 Automatic Teller Machines and Fare Machines
- 221 Assembly Areas
- 222 Dressing, Fitting, and Locker Rooms
- 223 Medical Care and Long Term Care Facilities
- 224 Residential Lodging Event Rooms
- 225 Storage
- 226 Playing Surfaces and Work Surfaces
- 227 Sales and Service
- 228 Depositories, Vending Machines, Change Machines, Mail Boxes, and Fuel Dispensers
- 229 Windows
- 220 Two-Way Communication Systems
- 230 Judicial Facilities
- 231 Detention Facilities and Correctional Facilities
- 232 Residential Facilities
- 233 Elementary and Secondary Schools
- 234 Kindergarten Facilities
- 235 Elementary and Secondary Schools
- 236 Recreational Boating Facilities
- 237 Exercise Machines and Equipment
- 238 Golf Facilities
- 239 Miniature Golf Facilities
- 240 Play Areas
- 241 Saunas and Steam Rooms
- 242 Swimming Pools, Wading Pools, and Spas
- 243 Shooting Facilities with Firing Positions
Existing Buildings

- **1991**: Separate sections
  - Additions
  - Alterations
  - Historic Preservation

- **2010**: One section
  - Existing Buildings and Facilities

Combined Alterations

- **1991**: 4.1.6(1)(c) If alterations of single elements, when considered together, amount to an alteration of a room or space in a building or facility, the entire space shall be made accessible.

- **2010**: GONE!

Reducing Access

- **202.3.1** Prohibited Reduction in Access. An alteration that decreases or has the effect of decreasing the accessibility of a building or facility below the requirements for new construction at the time of the alteration is prohibited.
New General Exceptions
• Certain single-occupant structures
  • Accessed by below-grade passage or elevated above curb height (e.g. toll booth)
• Certain common areas in detention and correctional facilities
  • Not serving visitors or accessible cells
• Certain common areas in residential facilities
  • Not serving mobility-accessible dwelling units
• Certain small, elevated employee work areas
  • Other than raised courtroom stations, less than 300 sq. ft. and elevated 7” or more, elevation essential to function

More General Exceptions
• Raised refereeing, judging, and scoring areas
• Water slides
• Animal containment areas not for public use
• Raised boxing or wrestling rings
• Raised diving boards and diving platforms

That’s Not All!
• There are many more very specific exceptions throughout the Standards, found within scoping and technical specifications sections
DOJ’s Standards

• Includes regulatory provisions for both Title II and Title III

DOJ’s Guidance

• Includes additional background published with the regulations
• Includes additional figures illustrating sample designs for single-user toilet rooms and hotel guest rooms

Access Board’s 2004 Guidelines

• If you use this, check for additional regulatory provisions!
Where Is All This?

• Department of Justice
  • www.ada.gov/
• Department of Transportation
  • www.fta.dot.gov/ada
• Access Board
  • http://www.access-board.gov/

Questions?

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