READILY ACHIEVEABLE BARRIER REMOVAL:
WHAT DOES IT MEAN 15 YEARS LATER?

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I. Introduction

II. Definition of “Readily Achievable Barrier Removal”
   a. "Easily accomplishable and able to be carried out without much difficulty or expense."

III. What does it apply to?
   a. Places of Public Accommodation
      i. Does not apply to commercial facilities
      ii. Does not apply to buildings owned by State and Local Governments (Title II)
      iii. Does not apply to “employee only areas”
           1. Title I obligation for reasonable accommodation
   b. Existing Facilities constructed prior to January 26, 1992 and those facilities that have not undergone alterations

IV. Where is it referenced in the ADA Regulations?
   a. 29 CFR Part 36 – Nondiscrimination on the basis of disability by Public Accommodations and in Commercial Facilities
      i. 36.304 Removal of Barriers
      ii. 36.305 Alternatives to Barrier Removal

V. Relationship to other codes/Regulations
   a. Building Codes do not contain provisions for buildings/facilities that are not undergoing renovation and/or additions
   b. Some State Civil Rights Laws address existing facilities and barrier removal

VI. Examples of barrier removal
   a. Installing ramps;
   b. Making curb cuts in sidewalks and entrances;
   c. Repositioning shelves;
   d. Rearranging tables, chairs, vending machines, display racks, and other furniture;
   e. Repositioning telephones;
   f. Adding raised markings on elevator control buttons;
   g. Installing visual alarms;
   h. Widening doorways or Installing offset hinges;
   i. Eliminating a turnstile or providing an alternative path of travel;
   j. Installing accessible door hardware;
k. Installing grab bars in toilet stalls;
I. Rearranging toilet partitions to increase maneuvering space;
m. Installing lavatory pipes under sinks to prevent burns;
n. Installing a raised toilet seat;
o. Installing a full-length bathroom mirror;
p. Repositioning dispensers in the bathroom (soap, towels, toilet paper, etc.)
q. Creating designated accessible parking spaces (restriping the parking lot);
r. Installing a paper cup dispenser in an accessible location near a water fountain that is inaccessible;
s. Removing high pile, low density carpeting;
t. Installing vehicle hand controls
u. Etc………this list is not exhaustive

VII. Determining what barriers need to be removed
a. 4 Priority Areas
   i. Access to the entrance including the path of travel from parking or other public access points (curb cuts, accessible parking spaces, signage, etc.)
   ii. Access to the goods and services within the facility (widening doors, relocating materials to accessible locations, providing raised character and Braille signage, etc.)
   iii. Access to the restroom facilities (widening of doors, toilet stalls, installation of grab bars, raised toilet seat, etc.)
   iv. Other measures necessary to provide equal access to the facility (Cups at water fountain, installation of visual alarms, etc.)

VIII. Design Standards
a. Alteration provisions of ADAAG vs New Construction Standards
b. Deviations from the standards are allowed when it is not “readily achievable” to meet the standard unless they pose a significant risk to health and safety of others:
   i. Steeper ramp
   ii. Narrower doorway

IX. Determining “Readily Achievable”
  a. Nature and cost of the action;
  b. Overall financial resources of the site including number of employees, affect the cost has on operations and whether or not there are any health/safety concerns;
  c. Geographic separateness of facilities and administrative and/or financial relationship to any parent corporation;
  d. Overall financial resources and size of any parent corporation;
e. Overall operations of the parent company including number of employees
f. Shared responsibility between landlord/owner and lessee and should be a negotiated issue as both parties has responsibilities.

X. Alternatives to Barrier Removal
a. Curb Service or home delivery
b. Assign staff to retrieve merchandise from inaccessible shelves/racks
c. Relocating activities to accessible locations (alternative meetings sites, home visit, etc.)

XI. Planning for Barrier Removal
a. Conduct a self-evaluation of barriers
   i. Existing Facilities Checklist
   ii. Barrier Removal Plan
b. Secure the services of an accessibility specialist/architect, etc.
   i. Barrier Removal Plan

c. On-going obligation
   i. Change of ownership
   ii. Change of use
d. Use of Tax Credits
   i. IRS code 44 –Disabled Access Credit
   ii. IRS code 190 – Architectural and Transportation Barrier Removal Deduction

XII. What is the consequence of not removing barriers?
a. Loss of potential business
b. Complaints
c. Lawsuits

XIII. What are the Courts Saying?
a. “Drive-by” lawsuits
   i. ADA Notification Act Proposal
      1. State legislation

XIV. Conclusion

XV. Questions and Answers