

# Welcome to the AccessibilityOnline Webinar Series



A collaborative program between the ADA National Network and the US Access Board



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[www.accessibilityonline.org](http://www.accessibilityonline.org)

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## DOJ's 2010 Americans with Disabilities Act (ADA) Accessibility Standards

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## Presenters



Barbara Elkin



Marsha Mazz



Dave Yanchulis



Peggy Greenwell

U.S. Department of Justice

U.S. Access Board

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**DOJ's 2010 ADA Accessibility Standards**

***Session Agenda***

- **Implementing Regulations**
- **2010 Accessibility Standards**
- **Review of major changes**
- **Answers to questions**

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**DOJ's Revised ADA Rule (Regulations)**

- **Nondiscrimination policies**
- **2010 Standards**
  - **New construction and Alterations**
  - **Additional design requirements**
- **Application of 2010 Standards to Existing facilities**



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**DOJ's ADA Rules**

**Title II – State and Local Governments**

**28 CFR Part 35**

**Title III – Places of Public Accommodation & Commercial Facilities**

**28 CFR Part 36**

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**Effective Date for the Revised Title II & III Rules**

- General Effective Date - March 15, 2011
- Sections 35.151(c) and 36.406(a)
  
- Except: March 15, 2012 for provisions relating to hotel reservations (Section 36.302(e))

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**Compliance Date for 2010 Standards**

- **March 15, 2012 (18 months** from date of publication in the FR).
  - 2010 standards must be followed for new construction, alterations, barrier removal, and program access
  - immediate use allowed
  - Sections 35.151(c)(3) and 36.406 (3)

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**Triggering Events for Compliance**

- Title III - New construction and alterations shall comply with the 2010 Standards when one of three triggers takes place on or after March 15, 2012:
  1. Date when last application for building permit or permit extension is certified to be completed by State, county or local govt., or

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### Triggering Events for Compliance – Title III

2. If local govt. does not certify completion of applications, the date when last application is received,
3. And, if no permit is required, start of physical construction or alterations.

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### Triggering Event for Compliance – Title II

- For title II new construction and alterations, the triggering event is whether commencement of physical construction or alterations has occurred on or after March 15, 2012.

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### Title III Entities—Applicable Standards Until Compliance Date

- Until March 15, 2012, covered entities can choose to use either:
- **2010 Standards OR the 1991 Standards\***



\*Elevator exception does not apply.

- Must follow choice consistently in a facility.

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**Title II Entities—Applicable Standards  
Until Compliance Date**

- Until March 15, 2012, title II entities can choose to use one of the following:

**2010 Standards;  
1991 Standards\*;**

**OR**

**Uniform Federal Accessibility  
Standards (UFAS)**

\*Elevator exception does  
not apply

- Must follow choice consistently in a facility

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**As of March 15, 2012**

2010 Standards replace the  
1991 Standards (and UFAS)  
and must be followed.

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**What are the 2010 Standards?**

- **ADA Application and Scoping Ch. 1-2;**
- **Common Technical Ch. 3-10 of the ADA/ABA Accessibility Guidelines (July 23, 2004);** and
- The **additional technical requirements** set for by the Department in:
  - Section 35.151 for Title II entities
  - Subpart D (Section 36.406) for Title III entities

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### What Standards Apply to Existing Facilities?

- Title II — Program accessibility
- Title III — Readily achievable barrier removal

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### Title II – Compliance

- For **Program Access**, until March 15, 2012, covered entities may choose to use either the UFAS, the 1991 Standards, or the 2010 Standards

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### Title III Compliance – Existing Facilities Before Compliance Date

- **Requirement: Elements that do not comply with the corresponding requirements for those elements in the 1991 Standards must be modified to the extent readily achievable.** (Barrier Removal) (Section 36.304)
- Applicable standard before March 15, 2012:
  - 1991 Standards; or
  - 2010 Standards (Section 36.304(d)(2)(ii)(A))

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### **Title III Compliance – Existing Facilities After Compliance Date**

- Requirement: Elements that do not comply with the requirements in the 1991 Standards or that do not comply with the supplemental requirements (i.e., elements for which there were neither technical nor scoping specifications in the 1991 Standards) must be modified to the extent readily achievable.
- Applicable standard on or after March 15, 2012:
  - 2010 Standards (Section 36.304(d)(ii)(B))

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### **Safe Harbor – Existing Facilities**

- Elements that comply with the corresponding requirements for those elements in the 1991 Standards do not need to be modified to meet the 2010 Standards unless those elements are altered on or after March 15, 2012.
- Section 35.150(b)(2)(i); Section 36.304.(d)(2)(i)

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### **Safe Harbor– Existing Facilities**

- Safe Harbor does not apply to elements in existing facilities that were not subject to specific requirements in the 1991 Standards

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**Elements in 2010 Standards Not  
Subject to Safe Harbor**

**Sections 36.304(d)(2)(iii) and 35.150(b)(2)(ii)**

- (A) Residential facilities and dwelling units
- (B) Amusement rides
- (C) Recreational boating facilities
- (D) Exercise machines and equipment
- (E) Fishing piers and platforms
- (F) Golf facilities
- (G) Miniature golf facilities
- (H) Play areas

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**Elements in 2010 Standards not  
Subject to Safe Harbor**

- (I) Saunas and steam rooms
- (J) Swimming pools, wading pools, and spas,
- (K) Shooting facilities with firing positions,
- (L) Miscellaneous.
  - (1) Team or player seating
  - (2) Accessible route to bowling lanes
  - (3) Accessible route in court sports facilities

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**Noncomplying Facilities  
Section 35.151(c)(5) and Section  
35.406(a)(5)**

- Noncomplying facilities, i.e., facilities built after the compliance date for the 1991 Standards, but that are **not** in compliance with those standards, must be modified as follows:

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## Noncomplying Facilities

- **Before March 15, 2012** choice of:
  - 1991 Standards
  - 2010 Standards
  - UFAS (option only for title II entities)
- **On or after March 15, 2012**, covered entities must bring their noncomplying facilities into compliance with the 2010 Standards.

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## Maintenance of Accessible Features (New Provision)

- If the 2010 Standards reduce the technical requirements or the number of required accessible elements below the number required by the 1991 Standards, the covered entity may reduce the level of accessibility in accordance with the 2010 Standards.
- Section 35.133(c) and Section 36.211 (c)

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## Additional Requirements Applicable to Specific Types of Facilities

- Applies to new construction and alterations, program access, and barrier removal.
- Final rules describe **additional requirements** beyond those originally contained in the ADA/ABA Accessibility Guidelines.

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**Additional Requirements Applicable to Specific Types of Facilities**

- Places of lodging (including mixed-use facilities)
- Social service center establishment
- Housing at places of education
- Assembly areas
- Medical care facilities
- Detention and correction facilities
- Residential dwelling units

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**Places of Lodging**

Section 36.406(c)

- Places of lodging include other facilities such as **timeshare and condominium properties that operate similarly to hotels**. (Defined at Section 36.104)
- These facilities must **comply with transient lodging requirements**. **Table 224.2 sets forth required number of mobility accessible rooms based on building size**.

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**Places of Lodging**

- For determination of required number of mobility accessible rooms, entity may **combine multiple facilities on a single site that have 50 or fewer guest rooms** and are constructed or altered subject to the same permit application.
- **Buildings with more than 50 guest rooms treated separately even if on same site or subject to same permit.**

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### Places of Lodging

• **Exempts from the alterations requirements**, guest rooms that are:

- 1) **Not owned or substantially controlled** by the entity that owns, leases, or operates the overall facility; and
- 2) Where the **physical features** of guest room interiors are **controlled by the individual owners**.

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### Places of Lodging That Are Part of Mixed Use Facilities

**Mixed-Use Facilities** - Where a facility contains both **residential dwelling units** and **other units designed as transient lodging facilities**, the **residential dwelling units are not covered by the transient lodging standards**.

Section 36.406 (c)(3)

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### Social Service Center Establishments

Section 35.151(e) and Section 36.406(d)

- **Social service establishments** are required to **comply with the requirements for residential facilities**, including, but not limited to the provisions in sections 233 and 809.
  
- In sleeping rooms with **more than 25 beds**, a **minimum of 5 percent of the beds must have clear floor space**.

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### Social Service Center Establishments

- Facilities with **more than 50 beds with common-use bathing facilities** must provide at least **one roll-in shower with a seat**.
- If **common-use shower facilities** for both genders are provided, **roll-in showers required for each group**.

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### Housing at a Place of Education

“Housing operated by or on behalf of an elementary, secondary, undergraduate, or postgraduate school, or other place of education, including dormitories, suites, apartments, or other places of residence.”

Defined at Section 35.104 and Section 36.104

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### Housing at a Place of Education

Section 35.151(f) and Section 36. 406(e)

- Must comply with **transient lodging requirements**, except:
  - **Kitchens within housing units containing accessible sleeping rooms** with mobility features or on floors containing accessible sleeping rooms with mobility features **must provide turning spaces** that comply with the requirements of the residential dwelling units standards.

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## Housing at a Place of Education

- **Multi-bedroom housing units** that contain accessible sleeping rooms with mobility features must have an **accessible route throughout the unit** in accordance with the requirements of the residential dwelling units standards.

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## Housing at a Place of Education

- Apartments or townhome facilities which are **leased on a year-round basis exclusively to graduate students or faculty**, and that **do not contain any public or common areas available for educational programming**, are required to comply with the requirements for residential facilities.

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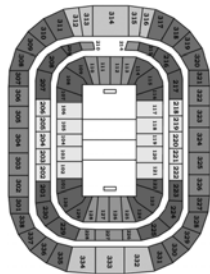
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## Assembly Areas

Section 36.151(g) and Section 36.406(f)

- The 2010 Standards require:
  - **Dispersion of wheelchair spaces and companion seats to all levels** that include seating served by an accessible route in stadiums, arenas, and grandstands.



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### Assembly Areas

- Assembly areas that are required to have horizontal dispersion and that have seating **encircling**, in whole or in part, a **field of play or performance area, shall disperse accessible seating around the field of play or performance area.**
- Wheelchair spaces and companion seats **may not be located on temporary platforms or other moveable structures** except in certain specified circumstances.
- Wheelchair spaces and companion seats shall be placed to **assure line-of-sight in stadium-style theaters.**

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### Assembly Areas

- **Wheelchair spaces and companion seats** are required in each specialty area that **provides spectators with distinct services or amenities that are generally not available to other spectators. (Section 36.308)**
- This requirement is included in, rather than in addition to, wheelchair space requirements set forth in table 221.2.1.1 in the 2010 Standards.

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### Medical Care Facilities

Section 35.151(h) and Section 36.406(g)

- The 2010 Standards require:
  - **dispersion of accessible patient bedrooms** in a manner that is proportionate by type of medical specialty.

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**Title II - Detention and Correctional Facilities - Section 35.151(k)**

- Increases required scoping for new construction and alterations of accessible cells to **3 percent**, but no fewer than one.
- Cells with mobility features shall be **provided in each classification level**.

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**Title II—Residential Dwelling Units**

- At least **5 percent of the units shall be accessible to persons with mobility disabilities and at least 2 percent shall be accessible to persons with communication disabilities**.
- Title II applies the 5 percent/2 percent scoping to housing programs operated by public entities that provide for-sale units. -Section 35.151(j)

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**Title II—Residential Dwelling Units**

**Section 233.2 of the standards specifies that where residential dwelling units are provided in facilities subject to the section 504 regulations of the Department of Housing and Urban Development (HUD) they shall be provided in the numbers set forth in the HUD regulations.**

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## Responses to Questions

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## 2010 ADA Accessibility Standards

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## 2010 ADA Standards

1. Application & Administration
2. Scoping Requirements
3. Building Blocks
4. Accessible Routes
5. General Site & Building Elements
6. Plumbing Elements & Facilities
7. Communication Elements & Features
8. Special Rooms, Spaces & Elements
9. Built-In Elements
10. Recreation Facilities

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## 2010 ADA Standards

- Better access and compliance
- Improved format and usability
- Consistency with ABA guidelines
- Harmonization: model building codes and industry standards

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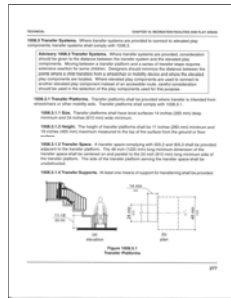
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## Format

- Numbering system
- New figures (informational only)
- All dimensions stated in text
- New advisory notes (non-mandatory)



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## Harmonization



ICC/ANSI A117.1-2003



IBC 2003

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## Top 10 Question Topics

- Using the new ADA Standards
- Referenced Standards
- Earlier supplements
- Accessible routes
- Detectable warnings
- Employee work areas
- Toilet rooms
- Dwelling units
- Assembly areas
- Communication access

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## Using the New ADA Standards

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## Content of the new ADA standards



based on the Board's updated *ADA Accessibility Guidelines* – “*ADAAG*” (2004)

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## ADAAG (2004)

Issued jointly with updated guidelines for Federal facilities covered by the Architectural Barriers Act (ABA)



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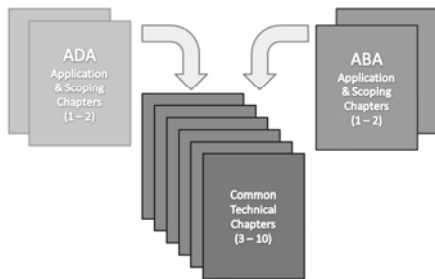
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## Updated ADA and ABA Guidelines (2004)



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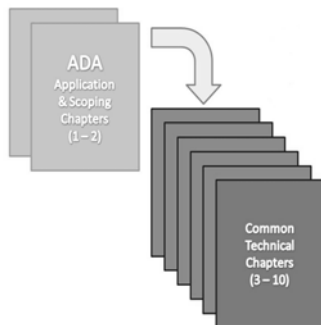
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## DOJ's ADA Standards (2010)



Excluding ABA Chapters 1 & 2 (pp. 72 – 140)

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## Additional Design Requirements (DOJ's regulations)

- Social Service Center Establishments
- Housing at Places of Education
- Assembly Areas
- Medical Care Facilities
- Residential Dwelling Units
- Detention and Correctional Facilities
- Places of Lodging

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## DOJ's ADA Standards (2010)

Apply to construction/ alteration of:

- state & local government facilities (title II)
- places of public accommodation (title III)
- commercial facilities (title III)



Except: transportation facilities  
covered by similar standards issued by DOT  
in 2006)

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## Updated ADA (and ABA) Standards

ADA Facilities (except transportation):  
DOJ's ADA Standards

Transportation Facilities:  
DOT's ADA Standards

Federal Facilities:  
ABA Standards (GSA, USPS, DOD)  
UFAS (HUD)

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# Online Guidance

[www.access-board.gov/ada-aba/](http://www.access-board.gov/ada-aba/)



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# Side-by-Side Comparison (original standards/ ADA-ABA guidelines/ IBC)

APPLICATION, ADMINISTRATION AND SCOPE		
New ADAAG <sup>1</sup>	2010 Standards for Accessible Design <sup>2</sup>	International Building Code <sup>3</sup>
<b>ADA SCOPING 1. APPLICATION AND ADMINISTRATION</b>	<b>1. PURPOSE</b> The purpose of this guidance is to provide a uniform approach for accessibility to buildings and facilities. This guidance is intended to be used by building officials, designers, and others who are responsible for ensuring that buildings and facilities are accessible to people with disabilities. This guidance is intended to be used in conjunction with the 2010 ADA Standards for Accessible Design, the 2010 ADA Standards for Accessible Information, and the 2010 ADA Standards for Accessible Transportation.	<b>IBC SECTION 107 GENERAL</b> The purpose of this code is to establish the minimum requirements for buildings and facilities to be accessible to people with disabilities. This code includes provisions for buildings, facilities, and equipment that are intended to be used by people with disabilities. This code is intended to be used in conjunction with the 2010 ADA Standards for Accessible Design, the 2010 ADA Standards for Accessible Information, and the 2010 ADA Standards for Accessible Transportation.

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# Referenced Standards

- powered doors (ANSI/BHMA A156.10 & A156.19)
- elevators and lifts (ASME A17.1 & A18.1)
- egress (IBC)
- alarms (NFPA 72)
- play surfacing & equipment (ASTM standards)

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## Accessible Routes

### Required accessible routes (206.2):

- site arrival
- within sites
- between stories (elevator exceptions)
- space and elements
- specific spaces (restaurants & cafeterias, performance areas, press boxes, employee work areas, recreation facilities)

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## Accessible Routes

### Elevator Exceptions

- Private sector:
- Less than 3 stories or less than 3,000 sf/ floor)
- Public (Government) sector: (new)
- 2 story – access not required to non-public floor with max. occupancy of 5
- (e.g., boat traffic tower)

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## Accessible Routes

### New exception for press boxes

- 500 sq ft or less (aggregate)
- on bleachers entered on 1 level
- or elevated 12' or more (free standing)



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## Accessible Routes

### Clarifications

- access not req'd if no pedestrian route provided
- if circulation path interior, accessible route must be interior
- mezzanines – vertical access not req'd where elevator not req'd

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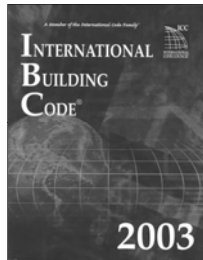
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## Accessible Means of Egress

- Reference to the International Building Code (IBC)
- Standby power for platform lifts on egress routes



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## Detectable warnings



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## Detectable Warnings

Required on boarding platform edges only  
(and curb ramps covered by DOT standards)

Greater range of designs & products allowed

- dome diameter (range)
- spacing (range)
- removed: resiliency/sound-on-cane contact
- color contrast doesn't have to be integral

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## Detectable Warnings

Required on boarding platform edges only  
(and curb ramps covered by DOT standards)

No longer required at:

- curb ramps (except at transportation facilities covered by DOT standards)
- hazardous vehicular areas

Rulemaking on public rights-of-way  
to revisit issue

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## Detectable Warnings

[www.access-board.gov/adaag/dws/update.htm](http://www.access-board.gov/adaag/dws/update.htm)



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## Work Areas (203.9)

- “approach, entry, & exit”
- circulation paths (in areas  $\geq 1000$  sq ft)
- means of egress
- visual alarm connection

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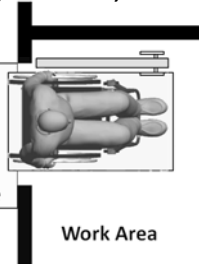
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## Work Areas

Access for “approach, entry, & exit”

- Door man. clearance (exterior)
- Compliant door (clear width, hardware, opening force, etc.)
- Clear floor space



- Recommended:
- Interior door man. clearance
- Turning space

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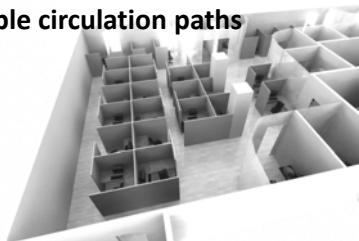
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## Work Areas

Accessible circulation paths



Exceptions:

- areas  $< 1000$  sq. ft.
- paths = integral part of equipment
- exterior areas fully exposed to weather

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# Toilet Rooms

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# Clustered Toilet Rooms

New exception:

Access to at least **50%** of single user toilet rooms **clustered** at one location that serve **same users** (instead of 100%)

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# Clustered Toilet Rooms

Example: medical office suite



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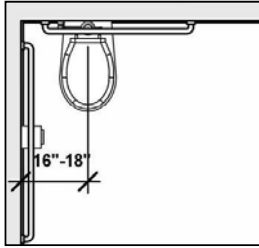
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## Toilet Rooms



- Range for toilet centerline
- lavatory cannot overlap toilet clearance (except in dwelling units)

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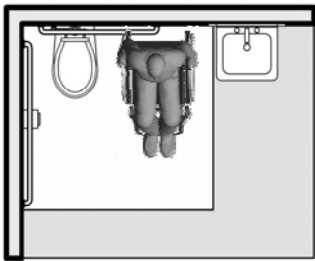
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## Toilet Rooms

Allows space for side transfers



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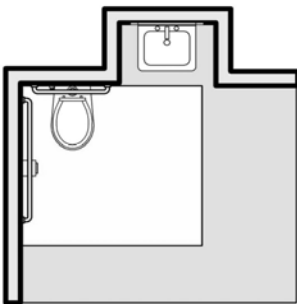
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## Toilet Rooms



fixtures can be recessed shorter (24" min.) rear grab bar allowed in this case

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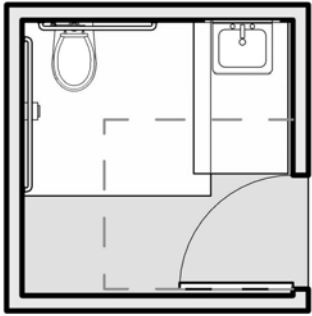
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## Toilet Rooms



Door min. clearance; swing outside fixture clearances 84

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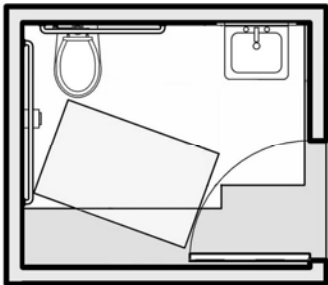
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## Toilets Rooms



Doors can swing into fixture clearances if clear floor space (30" x 48" min.) provided outside swing 85

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## Residential Dwelling Units

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## Residential Dwelling Units

Guidelines apply primarily to State or local government housing and public accommodations housing

(Fair Housing Act covers multi-family housing in public and private sectors )



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## Residential Dwelling Units

### Scoping:

- 5% wheelchair accessible
- 2% communication access features
- Recognize coverage by HUD 504 regulations
- Exception for facilities with 15 or fewer units
- Units for sale (DOJ or HUD regs)

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## Residential Dwelling Units

### Residential Facilities vs. Transient Lodging (definitions)

*Residential:* long-term in nature, used as residence



*Transient:* short-term in nature, not used as residence



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# Assembly areas

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## Assembly Areas

**Wheelchair Spaces**  
lower scoping for assembly areas with more than 500 seats:



- 501 – 5,000 seats: 1 space/ every 150 seats (instead of 1%)
- > 5,000: 0.5% scoping

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## Assembly Areas

**Horizontal Dispersion**  
Exception (300 seats max.) if:  
spaces & companion seats located in the 2<sup>nd</sup> or 3<sup>rd</sup> quartile of row

1st Quartile	2nd Quartile	3rd Quartile	4th Quartile
			

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## Assembly Areas

**Vertical Dispersion**  
Exception (300 seats max.) if:  
viewing angles = or better than the average viewing angles in the assembly area



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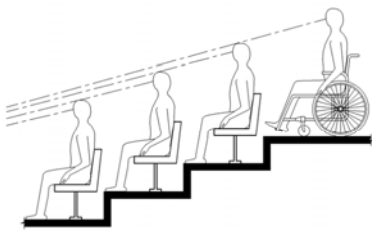
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Wheelchair spaces must provide comparable lines of sight

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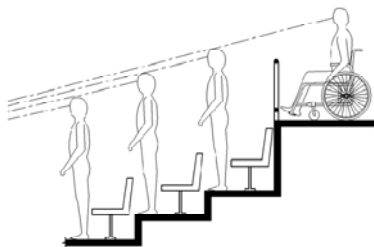
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lines of sight over standing spectators

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## Communication Access

- Alarms
- Signs
- Telephones and TTY's
- Assistive listening systems
- ATM's
- Two-way communication systems

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## Fire Alarms

NFPA 72  
(1999 or 2002)

guidelines require  
110 dB max.



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## Fire Alarms

NFPA 72 covers:

- flash rate & pulse duration
- location - wall & ceiling
- minimum intensity
- larger coverage thru fewer appliances
- many spaces (other than corridors) can be covered by 1 appliance
- synchronization of multiple appliances



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## Signs

- Raised characters
- Braille
- Visual characters
- Pictograms



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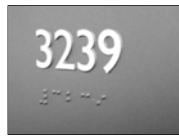
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## Signs

- Tactile/ visual – labels for permanent rooms & spaces, exit doors
- Visual only – directional or informational signs
- Exempt: temporary signs, building menus, directories, addresses, company names and logos



Slide

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## Telephones

- Volume controls on all public phones
- 20 dB (12 dB intermediate step)
- Automatic reset

### TTYs:

- 34" min. height keyboard (unless seats provided)
- Revised scoping



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## Assistive Listening Systems

Required where:

- audible communication = integral to use of the space and
- audio amplification
- courtrooms



Not triggered by fixed seating or occupant load

New technical criteria (sound pressure level, signal-to-noise ratio, peak clipping level)

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## ATMs and Fare Machines

Access to 1 of each type at each location

- speech output
- privacy
- input controls
- display screen
- Braille instructions (for speech mode)



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## Two-Way Communication System

Audible and visual signals required



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## Rulemaking in Development

1. Outdoor Developed Areas
2. Passenger Vessels
3. Public Rights-of-Way
4. Transportation Vehicles
5. Information and Communications Technology
6. Emergency Transportable Housing
7. Medical Diagnostic Equipment
8. Shared Use Paths
9. Classroom Acoustics



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## Where to direct questions



### U.S. Department of Justice

- Implementing regulation and additional requirements
- Requirements for existing facilities – title II & III

(800) 514-0301 (voice)  
(800) 514-0383 (TTY)  
[www.ada.gov](http://www.ada.gov)



### U.S. Access Board

- 2010 Accessibility Standards for new construction and alterations

(800) 872-2253 (voice)  
(800) 993-2822 (TTY)  
(202) 272-0081 (FAX)  
[ta@access-board.gov](mailto:ta@access-board.gov)  
[www.access-board.gov](http://www.access-board.gov)

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## Responses to Questions

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Thank you for Participating  
in Today's Webinar



**ada National Network**  
*Information, Guidance and Training on the  
Americans with Disabilities Act by DBTAC*

**Next scheduled session:**

**"Accessible Routes"**

**October 7<sup>th</sup>**

[www.AccessibilityOnline.org](http://www.AccessibilityOnline.org)

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