ADA Audio Conference Series
June 19, 2012
This session is scheduled to begin at 2:00pm Eastern Time
Real-Time Captioning and the PowerPoint Presentation are available through the Webinar Platform. Audio Connection is available through the webinar platform and/or telephone.

Webinar Features – For those connected via webinar platform only

• **Closed captioning** – click CC icon (top of screen) or control-F8 and adjust the captioning screen as needed
• **Customize your view** – choose “View” from the menu bar at the top of the screen and choose the layout you prefer from the dropdown menu.
• **Sound in Webinar Platform** - If you are “listening” via the webinar platform you can check/adjust your sound settings under “Tools” on the menu bar at the top of the screen and choose “Audio” from the drop down menu and go through the “Audio Wizard”

Webinar Features – For those connected via webinar platform only

• **Questions** – May be submitted in the Chat Area Text box. Keystrokes to enter the chat area are Control-M. The moderators will voice your questions to the presenter.
• **Emotions/Hand-raising:** Please do not use these features during this session unless directed by the presenter.
Today’s Agenda

• ADA overview
• Construction, alterations, and existing facilities
  • 2010 ADA Standards
• Enforcement
  • ADA
  • State/local laws
• Questions

ADA: Title II

• Title II: State and Local Governments
  • Must comply with ADA Standards for new construction and alterations
  • Must ensure access to programs, services and activities in existing facilities (“program access”)
ADA: Title III

- Title III: Public Accommodations
  - Must comply with ADA Standards for new construction and alterations
  - Must remove barriers in existing facilities where it is readily achievable to do so
- Title III: Commercial Facilities
  - Must comply with ADA Standards for new construction and alterations
  - NO requirements related to existing facilities that are not altered

Public Accommodations

- Private entities that own, operate, lease, or lease to a place of public accommodation
  - EXEMPT
    - Religious entities
      - Exemption is broad
    - Private membership club
      - Exemption is lost to the extent a private club opens to non-members
    - Twelve types of places...

The Twelve Types

- Lodging
- Food/drink
- Exhibition/entertainment
- Public gathering
- Sales/rental
- Services
- Public transportation terminals (not airports)
- Public display/collection
- Recreation
- Education
- Social service
- Exercise/recreation
Commercial Facilities

- Private facilities that are not
  - Covered or exempted under the Fair Housing Act
  - Aircraft
  - Rail cars
- Examples of what they are: factories, warehouses (not open to customers or general public)

ADA: Title I

- Title I: Employment
  - No ADA requirements for new construction, alterations (however, employers may have obligations under other titles or other laws)
  - Individualized reasonable accommodations required

Questions?
2010 ADA Standards

- New construction
- Additions /alterations
  - Maximum extent feasible
- “Yardstick” for barrier removal, program access
  - Safe harbor for spaces or elements that comply with 1991 Standards

Scoping: Section 208

<table>
<thead>
<tr>
<th>Total Spaces</th>
<th>Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 25</td>
<td>1</td>
</tr>
<tr>
<td>26 - 50</td>
<td>2</td>
</tr>
<tr>
<td>51 - 75</td>
<td>3</td>
</tr>
<tr>
<td>76 - 100</td>
<td>4</td>
</tr>
<tr>
<td>101 - 150</td>
<td>5</td>
</tr>
<tr>
<td>151 - 200</td>
<td>6</td>
</tr>
<tr>
<td>201 - 300</td>
<td>7</td>
</tr>
<tr>
<td>301 - 400</td>
<td>8</td>
</tr>
<tr>
<td>401 – 500</td>
<td>9</td>
</tr>
<tr>
<td>501 - 1000</td>
<td>2 percent</td>
</tr>
<tr>
<td>1001 or more</td>
<td>20, plus 1 for each 100, or fraction thereof, over 1000</td>
</tr>
</tbody>
</table>

Medical Facilities

- Hospital outpatient facilities: 10% of patient and visitor parking
- Rehabilitation facilities that specialize in treating conditions that affect mobility and outpatient physical therapy facilities: 20% of patient and visitor parking
Residential Facilities

- Residents’ parking
  - Where at least one parking space provided for each dwelling unit, at least one accessible space required for each mobility-accessible unit
  - More than one parking space provided per unit, 2% of spaces not addressed by provision above
- Non-residents’ parking
  - Basic requirements (scoping: Table 208.2)

Van-Accessible Parking

- **1991 Standards:**
  - Van-accessible: one of every eight accessible spaces
- **2010 Standards:**
  - Van-accessible: one of every six, or fraction of six, accessible spaces

New Exemption

- Spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles, or vehicular impound are not required to include accessible spaces as long as public-access lots have accessible passenger loading zones
Valet Parking

- **1991 Standards:**
  - Exception for valet parking facilities; accessible spaces *not required*

- **2010 Standards:**
  - NO exception for valet parking facilities; accessible spaces *are required*

Parking: Signs

- **New exemptions (216.5)**
  - Signs not required on sites with four or fewer total parking spaces (including accessible spaces)
  - Signs not required for residential facilities where parking spaces are assigned to specific dwelling units

Tech Specs: Section 502

- **1991 Standards:** Van-accessible space has wider aisle

- **2010 Standards:** Wider space instead of wider aisle for van spaces
Access Aisles

- Must be marked to discourage parking in them
- Must not overlap vehicular way
- Must connect to accessible route
  - Marked crosswalks recommended where route crosses vehicular way; designs that do not require traveling behind parked vehicles preferred
- Angled van-accessible parking space access aisles must be on passenger side

Signs: Height

- New specification for height of signs on accessible parking spaces: 60 inches minimum measured to the bottom of the sign

Maintenance

- Required features of accessibility must be maintained (35.133/Title II; 36.211/Title III)
- May reduce/eliminate maintenance in accord with reduced requirements in new Standards
  - Example: may eliminate sign on accessible parking space at facility with four or fewer total spaces (if permitted by state/local requirements!)
Questions?

Dueling Standards

- Must comply with all applicable codes, standards, and laws; federal, state, local
- Follow most stringent standard for each provision

Enforcement: ADA

- Title II/Title III
  - DOJ (www.ada.gov)
- Title I
  - EEOC/state FEPA (www.eeoc.gov)
Enforcement: State and Local

- Obtaining a parking permit
  - State
- Illegal parking
  - Local law enforcement/jurisdiction

Questions?

ADA Audio Conference

Thank you for participating in today's ADA-Audio Conference Session

The next scheduled session is:

ADA Anniversary Update: 22 Years Later
July 17, 2012

Register at: www.ada-audio.org or call 877-232-1990 V/TTY