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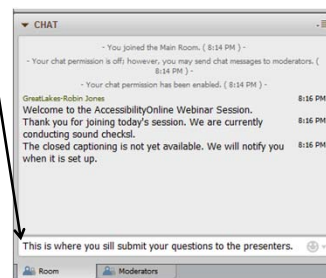
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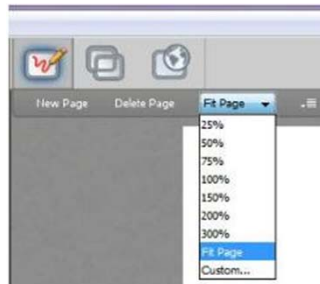
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## Presenters

### U.S. Access Board



**Jim Pecht**



**Dave Yanchulis**

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# Accessible Alterations

## Session Agenda

- Application & Scoping
- Technical Infeasibility
- Primary Function Areas
- Historic Preservation
- Additions

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## ADA & ABA Standards

### *ADA Standards:*

- places of public accommodation
- commercial facilities
- state & local government facilities



### *Architectural Barriers Act (ABA) Standards:*

- Federally funded facilities

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# ADA & ABA Standards

## Application:

- New construction
- Alterations
- Additions



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## Existing Facilities

Other mandates may require retrofits  
(whether or not alterations are planned)

### *ADA:*

- Barrier removal at places of public accommodation
- Program access by state/local governments

### *Rehabilitation Act (§504):*

- Program access in federally funded programs

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## **Alterations (§106.5)**

**Defined as:**

***“A change to a building or facility that affects or could affect the usability of the building or facility or portion thereof.”***

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## **Alterations**

**Including (but not limited to):**

- **remodeling**
- **renovation**
- **rehabilitation/ reconstruction**
- **historic restoration**
- **resurfacing of circulation paths/ vehicular ways**
- **changes/ rearrangement of structural parts, elements, or plan configuration of walls & full-height partitions**

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# Alterations

**Not alterations (unless usability affected):**

- normal maintenance
- reroofing
- painting or wallpapering
- changes to mechanical and electrical systems

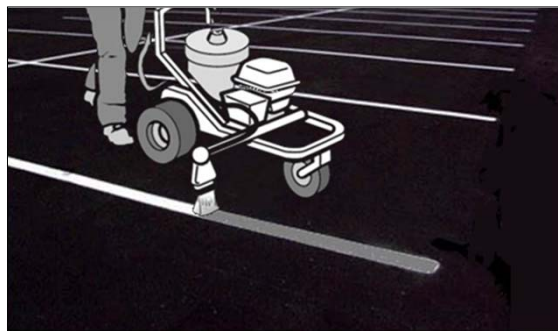


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# Alterations

***Example: Parking Lot***

**Repainting existing markings in place, filling potholes = maintenance (not an alteration)**



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# Alterations

*Example: Parking Lot*

**Resurfacing and restriping of lot = alteration**



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# Alterations

*Example: Carpet*

**Replacement = alteration  
(new carpet must comply)**

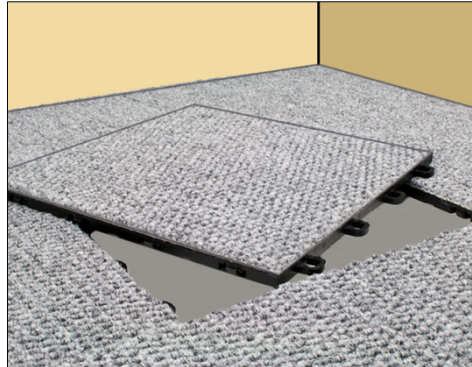


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# Alterations

**Example: Carpet repair**

**Patch tears, replace loose/ missing tiles =  
maintenance**

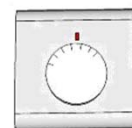
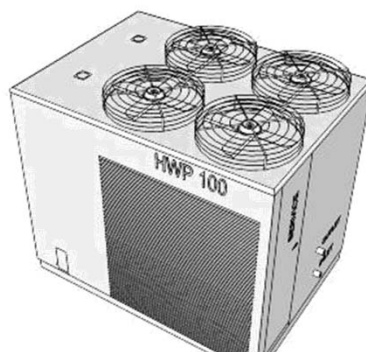


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# Alterations

***Example: Replace HVAC system***

**Covered where usability affected  
(e.g., new thermostats installed – operable parts)**

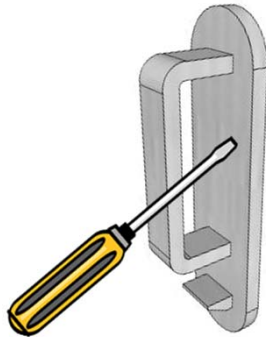


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# Alterations

*Example: Damaged door handle*

- repaired = normal maintenance
- replaced = new handle must comply



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# Alterations

*Example: Seismic upgrade*



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## Application & Scoping (§202.3)

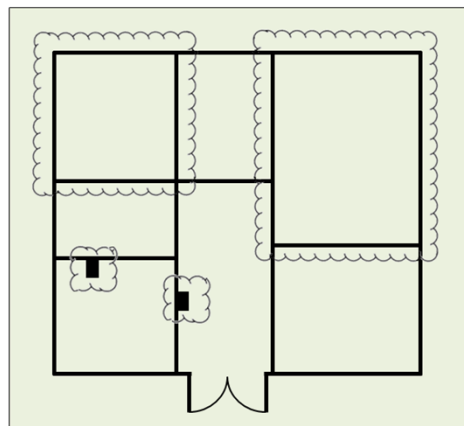
**Determined by:**

- **Scope of work**
- **Technical infeasibility**
- **Primary function areas**

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## Application & Scoping

**Standards apply to those elements  
and spaces that are altered**



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## Application & Scoping

Within an altered space, standards apply to those elements that are altered



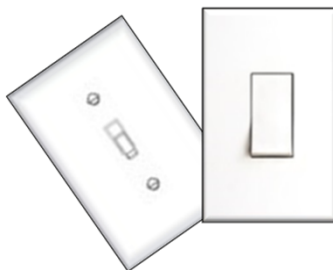
(accessible route not required unless circulation paths altered or path of travel required)

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## Application & Scoping

Application also determined by the extent of alteration to an element

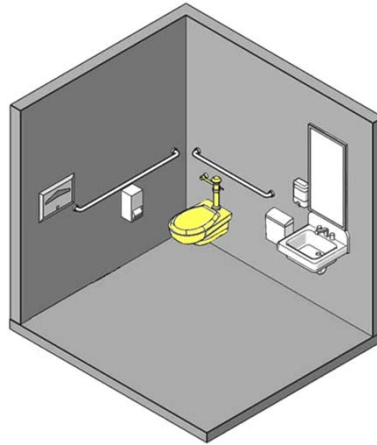
***Example: switch replaced but not relocated – must meet operable part requirements (except those for height)***



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## Application & Scoping

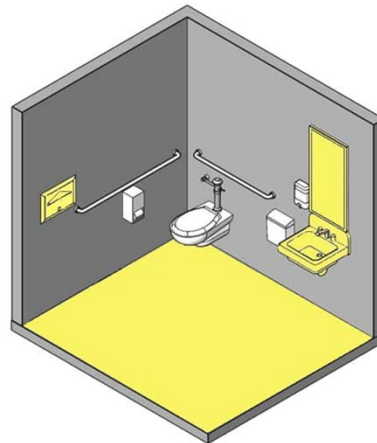
*Example: Toilet room – single element  
(toilet altered/replaced)*



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## Application & Scoping

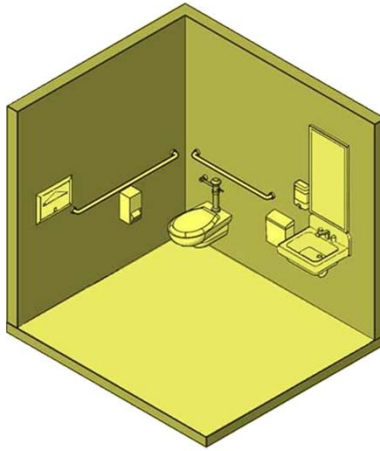
*Example: Toilet room – multiple elements altered  
(lavatory, mirror, floor, dispenser)*



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## Application & Scoping

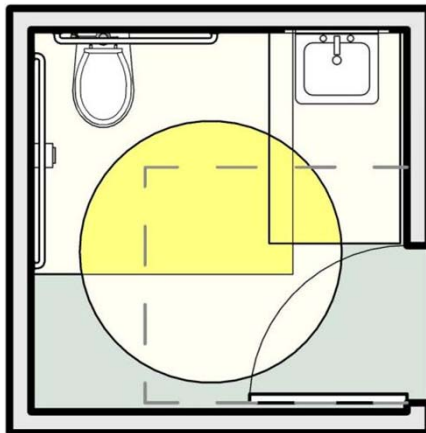
*Example: Toilet room – full alteration of space  
(but existing walls remain in place)*



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## Application & Scoping

*Example: Toilet room – completely altered  
(including walls) or built new*



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# Application & Scoping

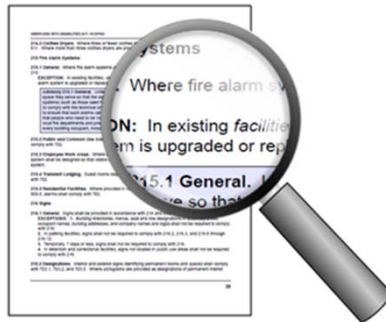
## Recommendation:

**Maximize opportunities for access beyond minimum required where possible – often more cost-effective when work is already underway.**

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# Alterations

**Specific provisions for alterations located throughout standards (refer to “alterations” or “existing facilities”)**

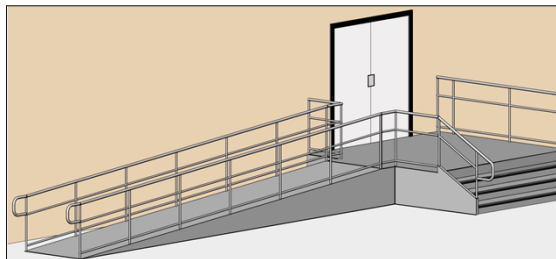


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## Specific Provisions

### *Example (scoping): Entrances*

**If alterations are made to an entrance, compliance is not required if the facility already has an accessible entrance (unless required as part of an accessible path of travel) (§206.4)**

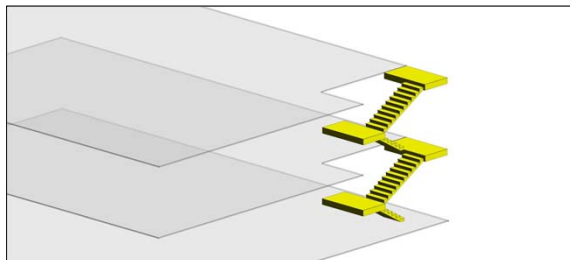


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## Specific Provisions

### *Example (scoping): Vertical access between stories*

**Required where stair/escalator newly added & major structural modifications needed (§206.2.3.1)**



**Vertical access exceptions in new construction apply equally to alterations**

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## Specific Provisions

***Example (scoping): Fire Alarms Systems***  
Compliance required only when systems are installed new, replaced, or upgraded (§215.1)



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## Specific Provisions

***Example (scoping): Elevators***  
If car altered, all cars programmed to respond to the same hall call also must be altered (§206.6.1)



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## Specific Provisions

### *Example (technical): Ramp Slope*

**Steeper running slopes allowed for short ramps where space is limited (§405.2):**

**6" max. rise: 1:10 max. slope**

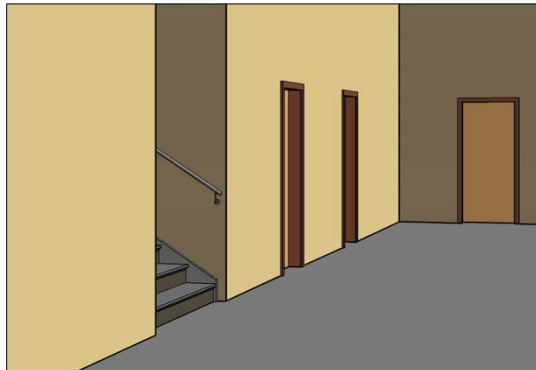
**3" max. rise: 1:8 max. slope**

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## Specific Provisions

### *Example (technical): Stairs*

**Full handrail extensions not required if they would project hazardously into circulation paths (§505.10)**



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# Application & Scoping

**New construction = basis for alterations  
(aside from specific provisions/ exceptions)**



**Alterations:  
not required to exceed NC  
level of access (§202.3.2)**

**NEW CONSTRUCTION LEVEL OF ACCESS**



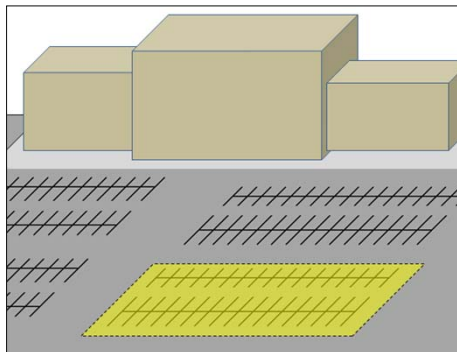
**can't reduce access below  
NC level (§202.3.1)**

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## Prohibited Reduction in Access

***Example: Parking***

**Parking spaces can be reduced but access  
must be retained according to revised total**



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## Prohibited Reduction in Access

**Example:** Parking lot reduced from 125 to 100 spaces - access to at least 4 (instead of 5)

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9



(required van space must be retained)

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## Technical Infeasibility

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## Technical Infeasibility (§106.5)

Defined as:

*“Something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame ...*

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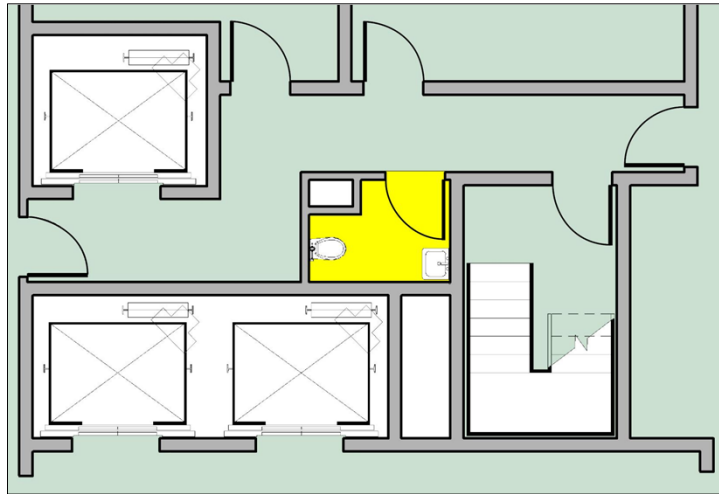
## Technical Infeasibility (§106.5)

*“... or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.”*

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# Technical Infeasibility

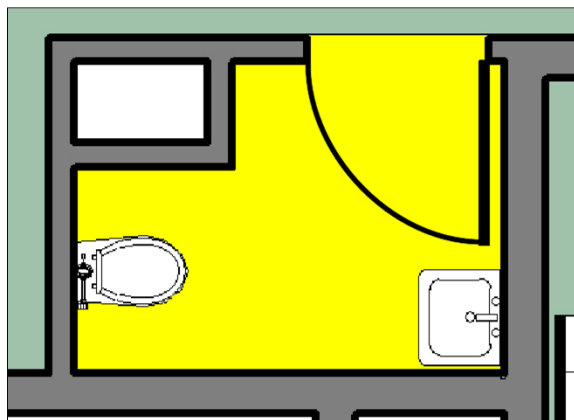
Space limitations and technical infeasibility



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# Technical Infeasibility

Compliance required to the  
“maximum extent feasible”



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## Technical Infeasibility



**Is relative to scope of work; where renovation = more extensive, technical infeasibility = less likely**

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## Technical Infeasibility

### *Example: Code Conflict*

**Compliance conflicts with applicable building, plumbing, life safety or other codes (e.g., combining 2 toilet stalls to create an accessible stall will violate plumbing code's required fixture count)**



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## Technical Infeasibility

If making men's and women's rooms comply is technically infeasible, accessible unisex facilities allowed – must be in same location (§213.2)



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## Technical Infeasibility

- case-by-case determination
- based on existing constraints/ conditions, scope of work
- compliance required to the maximum extent feasible

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# Primary Function Areas

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## **Primary Function Areas (§202.4)**

**Additional requirements for  
alterations (and additions) that affect  
or could affect usability of/ access to  
areas containing a “primary function”  
(i.e., major activity for which the  
facility is intended)**

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## **Primary Function Areas**

**Examples include (not limited to):**

- **dining areas of a restaurant**
- **retail space in a store**
- **exam rooms in a doctor's office**
- **guest rooms in a hotel**
- **classrooms in a school**
- **offices & other work areas where activities of a covered entity are carried out**

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## **Primary Function Areas**

***Not* primary function areas:**

- **entrances & corridors**
- **break rooms & employee locker rooms**
- **mechanical & electrical closets**
- **supply storage rooms**
- **restrooms (unless primary purpose of a facility, e.g., highway rest stop)**

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# Primary Function Areas

Required: Accessible “path of travel”:

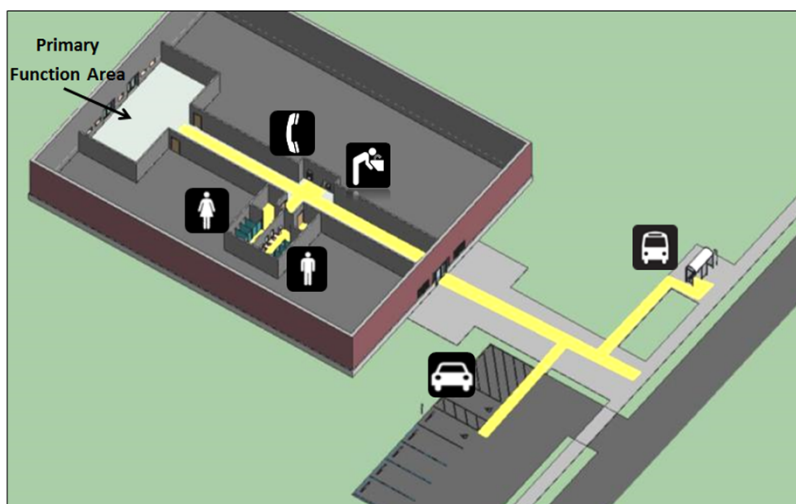
- accessible route from PF area to facility entrance & site arrival points (e.g., parking)
- restrooms (for each sex unless only unisex provided)
- phones
- drinking fountains



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## Path of Travel

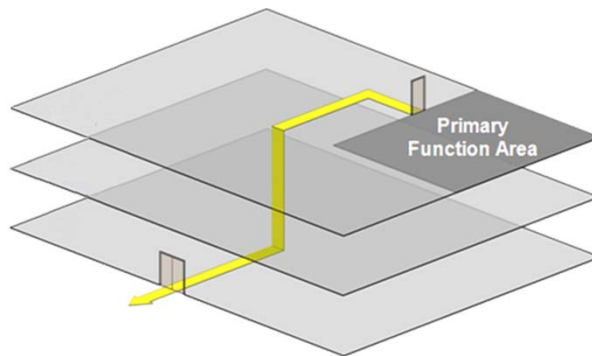
Example path of travel



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## Path of Travel

Path of travel may require vertical access  
between floors



Exceptions for vertical access allowed in new  
construction still apply

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## Path of Travel

Path of travel is required to the extent  
that it is not “disproportionate” to the  
project cost (more than 20%)

Compliance required up to the 20% limit

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# Path of Travel

*Example project calculation:*



Total cost of <u>all</u> alterations:	\$200,000
Cost pertaining to <u>PF areas</u> :	\$100,000
Path of travel cost cap:	\$20,000 (20%)

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# Path of Travel

**Prioritization where 20% cap reached – access to:**

- 1. entrance**
- 2. route connecting primary function area**
- 3. restrooms**
- 4. phone**
- 5. drinking fountain**
- 6. other elements (e.g. parking, storage, etc.)**

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# **Path of Travel**

**Landlord/ tenant:**

**When PF area alterations made by tenant:**

- **path of travel applies within space controlled by tenant**
- **but not to areas under the landlord's authority (unless they are also altered)**

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## **PF Areas & Path of Travel**

- **Excluded: alterations to windows, hardware, controls, electrical outlets, signs (DOJ Standards)**
- **POT components that meet earlier standards (e.g., 1991 ADAAG) do not have to be upgraded to the current standards**
- **Series of smaller alterations – costs of alterations over 3 year period must be included in 20% calculation**

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## PF Areas & Path of Travel

Additional information on primary  
function areas:

- DOJ's 2010 ADA Standards  
(28 CFR §36.403 and 28 CFR §35.151(b))
- DOT's ADA Regulation (49 CFR §37.43)
- Regulations implementing ABA  
Standards (GSA, DOD, USPS, HUD)



(links provided on Board's website)

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## Historic Preservation

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## Historic Preservation (§202.5)

Specific exceptions for facilities designated as historic under appropriate state/ local law or eligible for listing on the *National Register of Historic Places*



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## Historic Preservation

Specific exceptions:

- Entrances (§206.4, Ex. 2)
- Accessible route from site arrival points (§206.2.1, Ex. 1)
- Vertical access (§206.2.3, Ex. 7)
- Toilet rooms (§213.2, Ex. 2)



See earlier webinar (Nov. 2012)

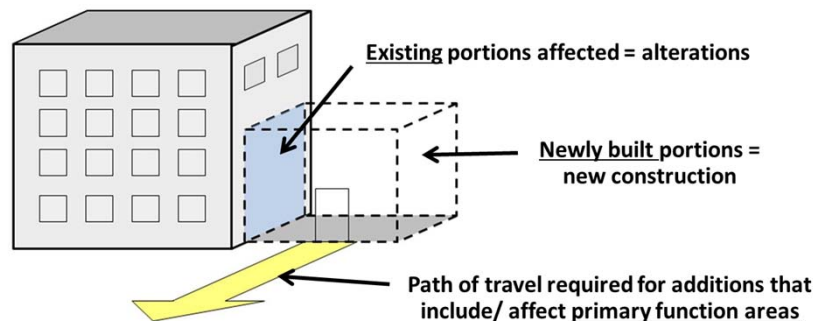
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# Additions

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## Additions (§202.2)

expansion, extension, or increase in a facility's gross floor area or height

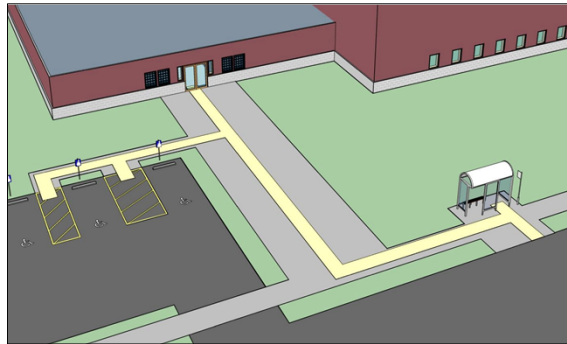


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## **ABA Standards (§F202.2)**

**(Federally funded facilities)**

**Accessible route to addition entrance from site arrival points required for all additions**



**(applies to existing facility entrance if addition doesn't include its own entrance)**

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## **ABA Standards**

**(Federally funded facilities)**

**If not included in addition, access required in existing facility to:**

- **toilet & bathing facilities**
- **a public telephone**
- **a drinking fountain**

***No cost caps based on “disproportionality”***

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# Questions?

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***"Accessible Routes on Sites"***

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