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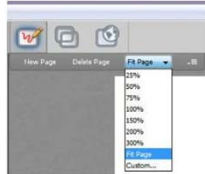
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Customize Your View *continued*



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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

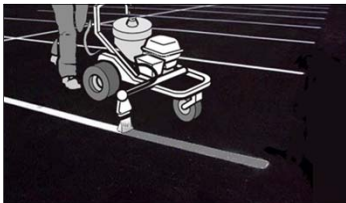


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Alterations

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)

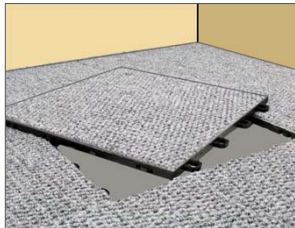


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Alterations

Example: Carpet repair

Patch tears, replace loose/ missing tiles =
maintenance



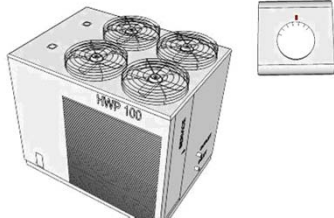
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Alterations

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)

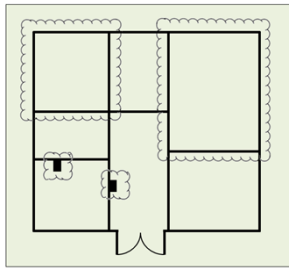
Determined by:

- 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



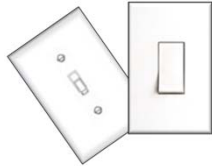
(accessible route not required unless circulation paths altered or path of travel required)

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Application & Scoping

Application also determined by the extent of alteration to an element

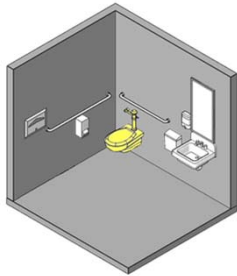
Example: switch replaced but not relocated – must meet operable part requirements (except those for height)



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Application & Scoping

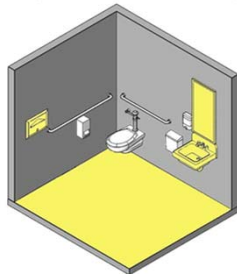
Example: Toilet room – single element (toilet altered/replaced)



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Application & Scoping

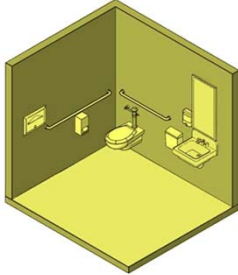
Example: Toilet room – multiple elements altered (lavatory, mirror, floor, dispenser)



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Application & Scoping

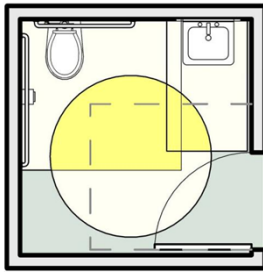
*Example: Toilet room – full alteration of space
(but existing walls remain in place)*



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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”)

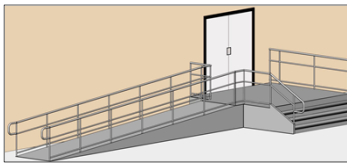


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Specific Provisions

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)

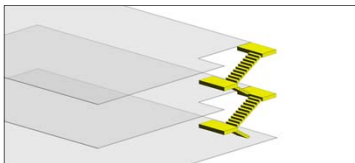


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Specific Provisions

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



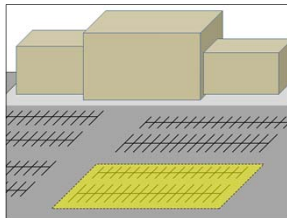
can't reduce access below
NC level (§202.3.1)

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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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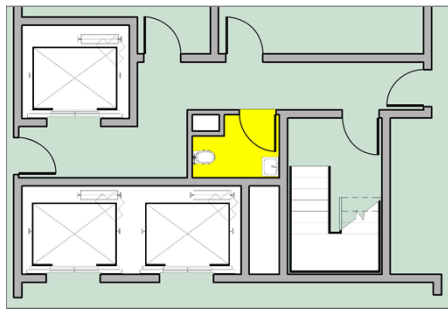
Technical Infeasibility (§106.5)

“... 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

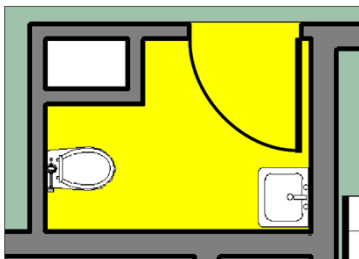
Space limitations and technical infeasibility



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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":

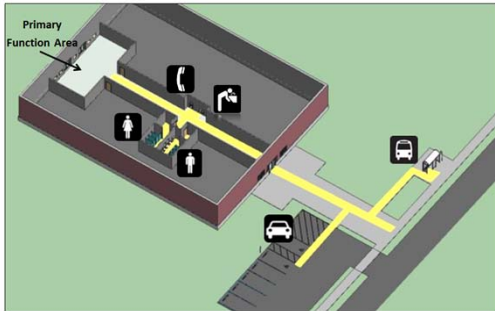
- accessible route from PF area to facility entrance & site arrival points (e.g., parking)
- restrooms (for each sex unless only unisex provided)
- phones
- drinking fountains



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Path of Travel

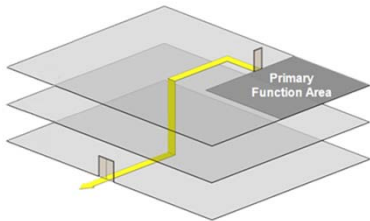
Example path of travel



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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 all alterations: \$200,000
Cost pertaining to PF areas: \$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)

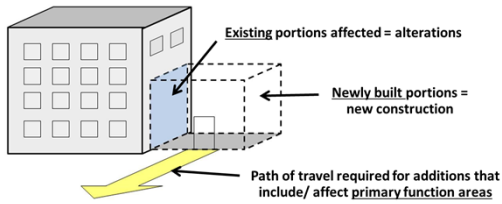
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Additions

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Additions (§202.2)

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

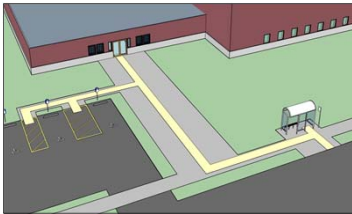


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ABA Standards (§F202.2)

(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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