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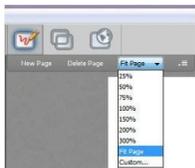
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Accessible Dining Surfaces and Bars

Presenters

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Director, Labor and
Workforce Policy,
National Restaurant
Association

Rex Pace
Technical Assistance
Coordinator,
U.S. Access Board

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Agenda

- **Standards**
 - **Application**
 - **Scope**
 - **Dining Surface Types**
- **Practice**
 - **Ensuring Access**
 - **Maintaining Features**

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National Restaurant Association

Our industry is comprised of over one million foodservice outlets employing about ten percent of the U.S. workforce.

Small businesses dominate the industry; even larger chains are often collections of smaller franchised businesses.

The Association is the largest foodservice trade association in the world, advocating on behalf of the industry before the legislative and executive branches of the states and the federal government.



Restaurant Law Center

The Restaurant Law Center's is the voice of our industry in legal matters before federal and state courts.

The Law Center also helps educate restaurants through educational sessions and the preparation of guidance documents.

The Law Center also serves as a medium for communication between the different legal offices of companies in the restaurant industry.

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Americans with Disabilities Act: Toolkit for Restaurant Operators

- The Association partnered with Teresa Jakubowski, in the Washington, D.C., office of Barnes & Thornburg, to produce a toolkit to help our members comply with the ADA accessibility standards.
- Ms. Jakubowski chairs the firm's Accessibility and Disability Law Practice and is a member of the firm's Labor and Employment Department.
- She continues to work with the Association to help educate our membership on all ADA requirements and we have asked her to present on our behalf.

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Standards

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Accessibility Standards

- **2010 ADA Standard for Accessible Design** – required by titles II and III of the ADA
- **Architectural Barriers Act (ABA) Standards** – required by the regulations and directives of the USPS, GSA, and DOD

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Significant Differences between ABA and ADA Standards

- **Modifications and Waivers**
- **Outdoor Developed Areas on Federal Lands**

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1991 ADA Standards

Section 5: Restaurants and Cafeterias

- 5.1 General
- 5.2 Counters and Bars
- 5.3 Access Aisles
- 5.4 Dining Areas**
- 5.5 Food Service Lines
- 5.6 Tableware and Condiment Areas
- 5.7 Raised Platforms
- 5.8 Vending Machines and Other Equipment



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2010 ADA Standards

Scoping:

§ 226 Dining Surfaces and Work Surfaces (F226 in ABA)

Chapter 9: Built-in Elements

§ 902 Dining Surfaces and Work Surfaces



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Overview of Accessible Route Requirements

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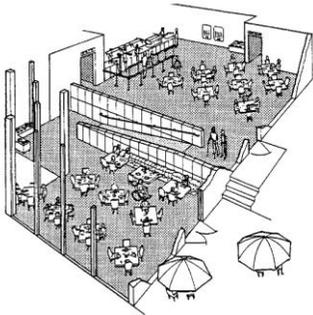
Accessible Route Scope

§ 206.2.5 Restaurants and Cafeterias

“an accessible route shall be provided to all dining areas, including raised or sunken dining areas, and outdoor dining areas”

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Accessible Route Scope



accessible route to all dining areas

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Accessible Route Scope

Exceptions:

- Mezzanine dining areas
- Existing raised or sunken dining areas in alterations
- Tiered dining areas in sports facilities

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Accessible Route Scope

§ 206.2.5 Restaurants and Cafeterias

EXCEPTION 1:

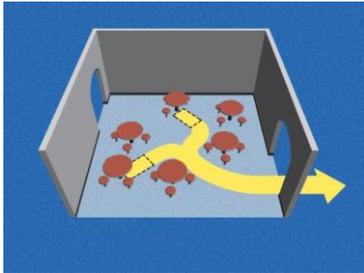
when access not required between stories,
accessible route is not required to a mezzanine
dining area if it contains less than 25% of the
total combined area for seating and dining

AND

where the same decor and services are
provided in the accessible area

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Accessible Dining Surfaces



located on an accessible route

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Accessible Dining Surfaces: Application

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Accessible Dining Surfaces



Fixed and
Built-in



Furniture
(movable)

OR

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Fixed/Built-in vs. Movable Furniture and Equipment

§ 35.151 (d) and
§ 36.406 (b)

Scope of coverage

“2010 Standards apply to fixed or
built-in elements of buildings,
structures, site improvements,
and pedestrian routes or
vehicular ways located on a site.”



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Furniture – Regulatory Obligations Under the ADA

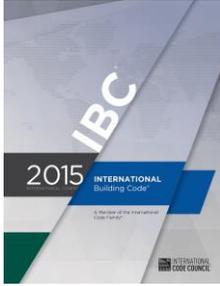
“The provision of accessible equipment and
furniture has always been required by the ADA
and the Department’s implementing regulations
under the program accessibility, reasonable
modification, auxiliary aids and services, and
barrier removal requirements.”

www.ada.gov 800-514-0301

From DOJ’s Advance Notice of Proposed Rulemaking on Equipment and Furniture
www.ada.gov/anprm2010/equipment_anprm_2010.htm

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IBC Codes



Section 1108.2

Applies to dining surfaces that are fixed AND movable

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Accessible Dining Surfaces: Scope

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Scoping

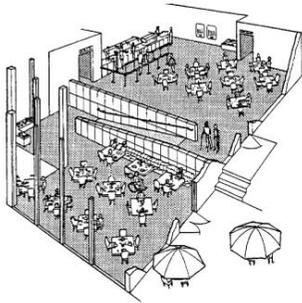
§ 226.1 General

Where provided for the consumption of food or drink, at least 5% of the seating spaces and standing spaces at the dining surfaces must comply with 902.

Example: 30 standing + 70 seated = 100 spaces (all fixed). 100 spaces x 5% = 5 accessible spaces.

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Scoping



§ 226.2 Dispersion

“shall be dispersed throughout the space or facility containing dining surfaces”

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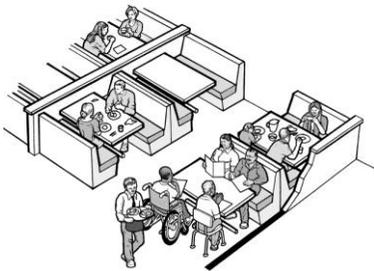
§ 226.2 Dispersion



In different locations

35

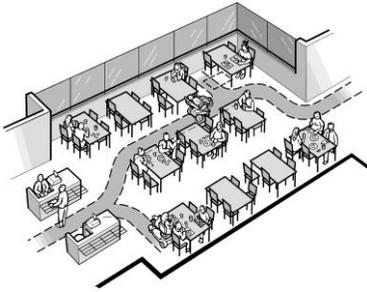
Benches and Banquettes



movable tables and fixed seating

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No Fixed Dining Surfaces Provided



Standards can
serve as a
guide for
furniture

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Technical Requirements

§ 902 Dining Surfaces and Work Surfaces

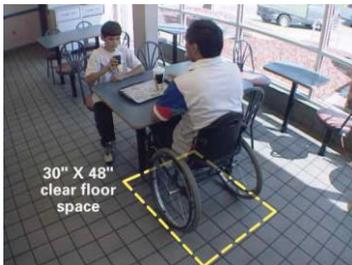
§ 902.2 Clear Floor or Ground Space

§ 902.3 Height

§ 902.4 Dining Surfaces for
Children's Use

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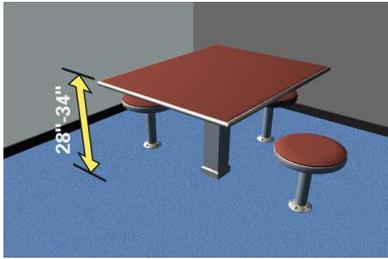
§ 902.2 Clear Floor or Ground Space



Forward Approach (§ 305)

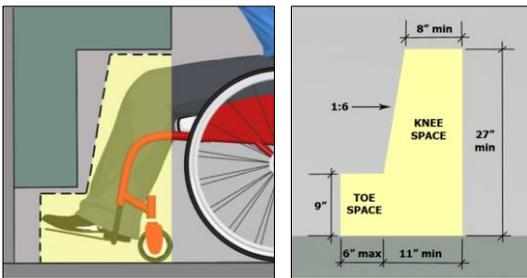
39

§ 902.3 Height



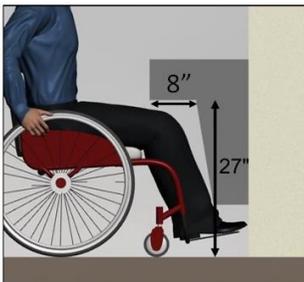
40

Knee and Toe Space (§ 306)



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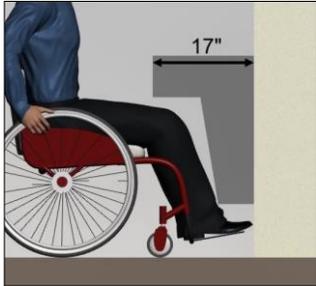
Knee and Toe Space



Knee Space (8" deep min. where knee space required)

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Knee and Toe Space



Required knee & toe space must be at least 17" deep

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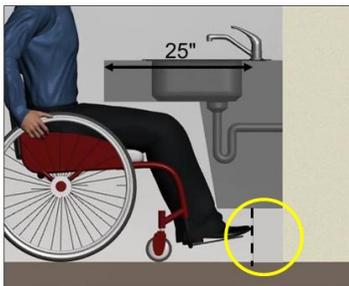
Knee and Toe Space



Additional depth must provide 27" min. clearance for knees

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Knee and Toe Space



Space beyond 25" depth is not usable

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§ 902.4 Dining Surfaces for Children's Use

Knee and toe clearance –
24 inches min. height

Height – surface 26 inches min.
and 30 inches max.

Exception - if used primarily by
children 5 years and younger not
required to comply with § 902.4
where a clear floor space (§ 305)
for a parallel approach is provided

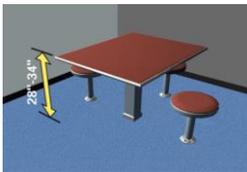


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Dining Surface Types

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Conventional Tables



application of technical
requirements
straightforward



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Design Considerations



Pedestal and post design considerations



Cantilevered tabletop

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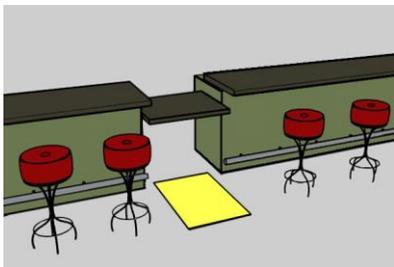
Design Considerations



corner legs and side supports

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Bars and Counters – Minimum Requirements



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Counters and Bars

1991 Standards Section 5.2 Counters and Bars - requirement **NOT** in 2010 Standards

"Where food or drink is served at counters exceeding 34 in in height for consumption by customers seated on stools or standing at the counter, a portion of the main counter which is 60 in in length minimum shall be provided in compliance with 4.32

OR

service shall be available at accessible tables within the same area."



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Bars – Minimum Requirements

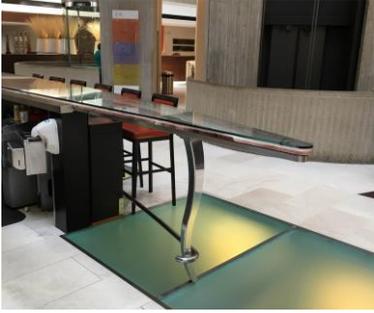


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Integrated Bar Design

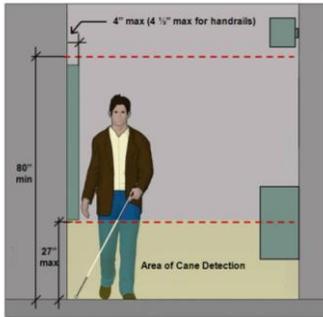


Bar Counter - Protruding Object



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Protrusion Limits (§307.2)



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High Top Tables



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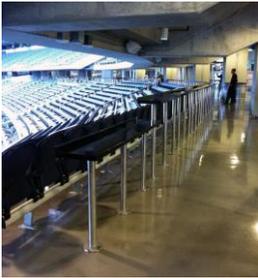
High Top Tables



large communal tables

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Drink Rails



general use



at seating location

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Picnic Tables



under ADA covered as dining surface – 5% accessible



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Picnic Tables – Architectural Barriers Act (ABA)

- At least 20% of picnic units in picnic facility where two or more picnic units are provided
- Two or fewer = each accessible



Picnic facilities in Federal outdoor developed Areas

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Picnic Tables – Architectural Barriers Act (ABA)

- One wheelchair space for each 24 linear feet of usable table
- Clear ground space around table



Picnic facilities in Federal outdoor developed areas

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Equivalent Facilitation?



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Equivalent Facilitation (§103)

“Nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater *accessibility* and usability.”

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Equivalent Facilitation (§103)

Advisory:

“The responsibility for demonstrating equivalent facilitation in the event of a challenge rests with the covered entity. With the exception of transit facilities, which are covered by regulations issued by the Department of Transportation, there is no process for certifying that an alternative design provides equivalent facilitation.”

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ABA Modifications and Waivers

AUTHORIZED UNDER THE ABA

- Administrator of the General Services Administration
- Secretary of the Department of Housing and Urban Development
- Secretary of the Department of Defense
- United States Postal Service

“to **modify or waive the accessibility standards** for buildings and facilities covered by the Architectural Barriers Act on a case-by-case basis, upon application made by the head of the department, agency, or instrumentality of the United States concerned.”

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Practice

General ADA Framework

- **Barrier Removal (title III):** Existing facilities must remove architectural barriers to access where such removal is “readily achievable.”
- **Alterations** must comply with the applicable design standards “to the maximum extent feasible.”
- **New Construction** must comply with the applicable design standards unless “structurally impracticable.”

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Which Standards Apply?

- **Prior to September 15, 2010:**
The 1991 Standards.
- **After September 15, 2010 but before March 15, 2012:**
Choice between the 1991 Standards and the 2010 Standards.
- **On or after March 15, 2012:**
The 2010 Standards.



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Safe Harbor

- Elements in existing facilities that comply with the 1991 Standards do not have to comply with the 2010 Standards unless altered on or after March 15, 2012.
- Elements comprising a path of travel that comply with the 1991 Standards are not required to be retrofitted to the 2010 Standards solely because the primary function area the path of travel serves is altered.
- Safe harbor does not apply to “new” (supplemental) standards, *i.e.*, those pertaining to elements not addressed in the 1991 Standards.

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Design Strategies

- Start planning for access at the beginning
- Address the dining experience through choice of dining surfaces
- Attention to detail
- Coordinate between design professionals

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Implementation

Attention and oversight during:

- Design development
- Specifications and product selection
- Installation



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Ensuring Access

Maintaining accessible features:

- Movable furniture
- Upfits and change outs
- Staff education



Ensuring Access



design versus actual use

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Discussion

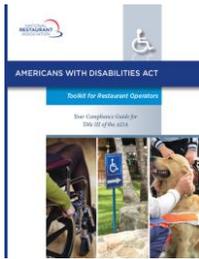


Technical Guides on the Standards

Available on the Board's website



Americans with Disabilities Act: Toolkit for Restaurant Operators



- Found at Restaurant.org/ADA
- Free to members
- Contains:
 - An overview of Title III of the ADA;
 - Specifics on the federal accessibility guidelines;
 - A checklist for restaurants to evaluate dining areas, self-service counters and children's play areas; and,
 - Guidance on regulations covering the use of service animals and mobility devices in restaurants.

Questions?

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We express our appreciation today for the use of images from:

Evan Terry and Associates
(Slides 49 and 50)

and

The International Code Council
(Slides 31, 53, 54, 58, and 74)

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AIA Course Number: GL20170601
Date: June 1, 2017

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