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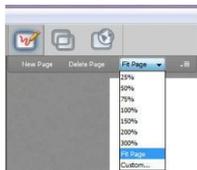
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Customize Your View *continued*



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Alterations - Refresher



Dave Yanchulis
U.S. Access Board

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Agenda

- Alterations
- Technical Infeasibility
- Primary Function Areas
- Additions
- Questions



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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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Standards and Regulations

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Standards and Regulations

Title III Provisions

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28 CFR part 36, subpart D — New Construction and Alterations

§ 36.401 New construction.	
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Title II Provisions

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28 CFR part 35.151 New Construction and Alterations

(a) Design and construction, including the exception for structural inaccessibility.....	6
(b) Alterations, including alterations to historic properties, path of travel, and primary function.....	6
(c) Accessibility standards and compliance date.....	6



DOT's regulation:
49 CFR §37.43

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Standards and Regulations

ABA regs or directives (direct links)

ABA Standards	
Chapter 1: Application and Administration	This edition of the ABA Accessibility Standards has been adopted by the General Services Administration (GSA), the Department of Defense (DOD), and the U.S. Postal Service (USPS). (The USPS standards do not include the non-mandatory advisory notes). At this time, these standards apply to all facilities covered by the ABA except residential facilities under the purview of the Department of Housing and Urban Development (HUD).
Chapter 2: Scoping Requirements	
Chapter 3: Building Risks	
Chapter 4: Accessible Routes	Regulations and notices implementing the ABA standards include: <ul style="list-style-type: none">• GSA's Federal Management Regulation• USPS notice• DOD policy memorandum
Chapter 5: General Site and Building Elements	HUD has not updated the edition of the standards and continues to apply the Uniform Federal Accessibility Standards (UFAS) to residential facilities under its jurisdiction.
Chapter 6: Plumbing Elements and Facilities	
Chapter 7: Communication Elements and Features	New provisions for outdoor areas developed by the federal government that address access to trails, picnic and camping areas, viewing areas, and beach access routes are included in this edition of the ABA standards.
Chapter 8: Special Rooms, Spaces, and	

Alterations (§106.5)

What is an alteration?

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

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

Alterations

Not alterations (unless they affect usability):

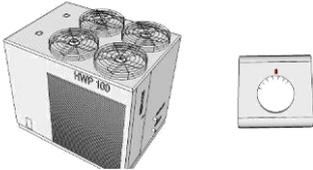
- normal maintenance
- reroofing
- painting, wallpapering
- changes to mechanical & electrical systems



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Alterations

“affecting usability” often means work involving elements or spaces covered by the standards



Example: Replace HVAC system
(e.g., new thermostats installed – operable parts)

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Alterations

Example: Parking Lot
Filling potholes = maintenance



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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)

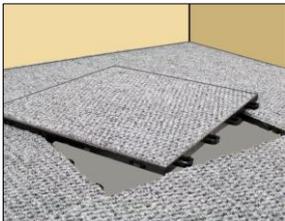


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Alterations

Example: Carpet repair

Patch tears, replace loose/ missing tiles =
maintenance



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Alterations

Example: Damaged door handle

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



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Application & Scoping

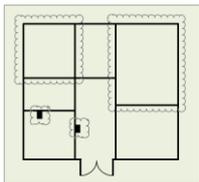
Determined by:

- Scope of work
- Technical infeasibility
- Primary function areas

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Application & Scoping (§202.3)

“Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements...”



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Application & Scoping

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



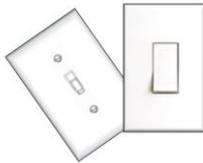
(accessible route not required unless circulation paths altered or path of travel required)

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Application & Scoping

Application also determined by the extent of alteration to an element

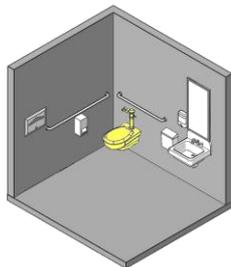
Example: switch replaced but not relocated – must meet operable part requirements (except those for height)



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Application & Scoping

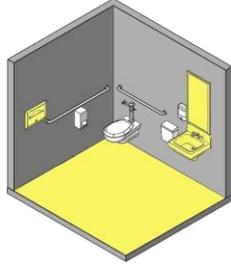
Example: Toilet room – single element (toilet altered/replaced)



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Application & Scoping

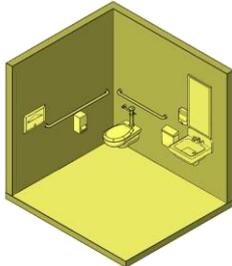
*Example: Toilet room – multiple elements altered
(lavatory, mirror, floor, dispenser)*



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Application & Scoping

Example: Toilet room – full alteration of space



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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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Application & Scoping

Recommendation:

Maximize opportunities for access in alterations beyond minimum required.

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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): Fire Alarms Systems Visible alarms 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

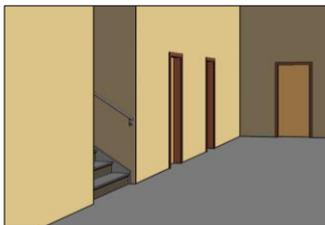
3" max. rise: 1:8 max. slope

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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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Alterations Scoping (§202.3)

"In alterations, where compliance with applicable requirements is technically infeasible, the alteration shall comply with the requirements to the maximum extent feasible." (Exception 2)

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Technical Infeasibility (§106.5)

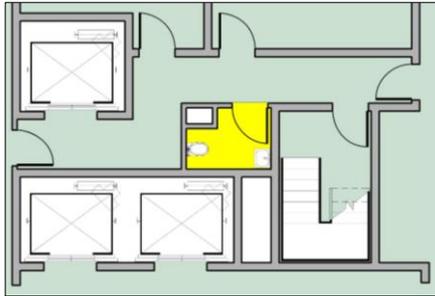
"Little likelihood of being accomplished because:

- *existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame*
- *or because other existing physical or site constraints prohibit ... compliance."*

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Technical Infeasibility

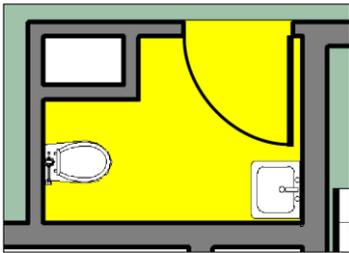
Example: Space limitations



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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 main purpose of a facility, e.g., highway rest stop)

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Primary Function Areas

Required: Accessible “path of travel”:

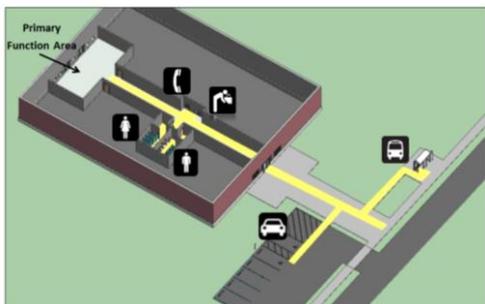
- accessible route from PF area to facility entrance & site arrival points
- restrooms (for each sex unless only unisex provided)
- phones
- drinking fountains



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Path of Travel

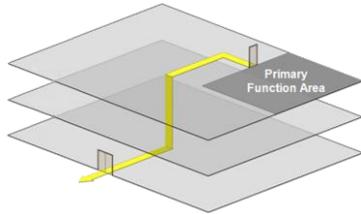
Example path of travel



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Path of Travel

Path of travel may require vertical access between floors



Exceptions for vertical access 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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PF Areas & Path of Travel

Excluded in DOJ Standards – alterations to:

- Windows
- Hardware
- Controls
- Electrical Outlets
- Signs



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PF Areas & Path of Travel

Series of smaller alterations

Costs of later alterations made within 3 years to the same PF area (or another area on same POT) must be included in determining disproportionality.

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PF Areas & 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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Example: Public School

Planned work:

- New HVAC system
- Roof repair
- Alterations to: classrooms, gym, restrooms



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Example: Public School

- ~~• New HVAC system~~
 - ~~• Roof repair~~
 - Alterations to: classrooms, gym, restrooms
- } *not alterations unless usability affected*

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Example: Public School

Standards apply to altered elements/ spaces:

- Classrooms
- Gym
- Restrooms



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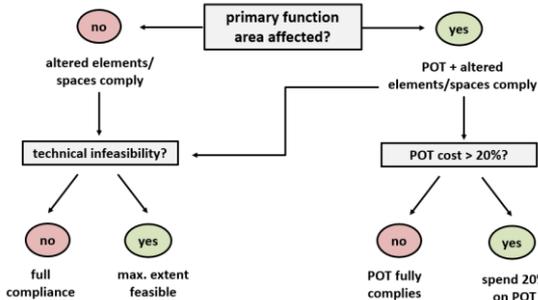
Example: Public School

Primary function areas:

- Classrooms
- Gym
- Restrooms

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Summary



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Historic Preservation

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Historic Preservation (§202.5)

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 (§202.5)

Exceptions where compliance would threaten or destroy a facility's historic integrity or significance according to the appropriate State Historic Preservation Official or Advisory Council on Historic Preservation



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Historic Preservation

Exceptions:

- At least 1 AR from site arrival to entrance (§206.2.1, Ex. 1)
- At least 1 public entrance (or if that would threaten historic significance, access to non-public entrance with notification or remote monitoring system if locked) (§206.4, Ex. 2)



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Historic Preservation

Exceptions (continued)

- Vertical access to upper & lower stories not required (§206.2.3, Ex. 7)
- At least 1 unisex toilet room or men's & women's room must comply (§213.2, Ex. 2)



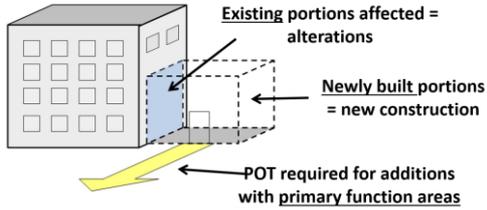
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Additions

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Additions (§202.2)

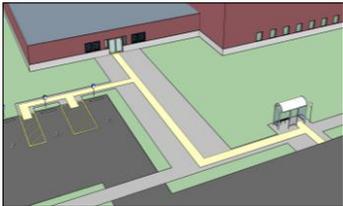
expansion, extension, or increase in a facility's gross floor area or height



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ABA Standards (§F202.2)

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



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

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ABA Standards

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?

You may type and submit questions in the Chat Area Text Box or press Control-M and enter text in the Chat Area

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Outdoor Developed Areas: A Refresher

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