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ADA Audio Conference Series
February 19, 2019
 The ADA, Business and Barrier Removal: What are the Requirements?

This session is scheduled to begin at
 2:00pm Eastern Time

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The ADA, Businesses,
and Barrier Removal
What Are the Requirements?

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ADA National Network

- Provides training, technical assistance, consultation, and materials on all aspects of the ADA

- Title I: Employment
- Title II: State/Local Governments
- Title III: Commercial Facilities and **Public Accommodations**
- Title IV: Telecommunications
- Title V: Miscellaneous



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Accessibility Makes Good Business Sense!

- More than **50 million Americans** – approximately 18% of our population – **have disabilities**
- Approximately **71.5 million baby boomers will be over age 65 by the year 2030**
- People with disabilities become **repeat customers** of businesses they find accessible
- **People with disabilities and their families want to patronize businesses that welcome customers with disabilities!**

Source: ADA UPDATE: A PRIMER FOR SMALL BUSINESS
www.ada.gov/reg2010/smallbusiness/smallbusprimer2010.htm

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The Disability Market

- Spending power of *working age* people with disabilities
 - Disposable income (after taxes, for essentials):
 - **\$490 BILLION**
 - Discretionary income (after taxes and essentials, for *nonessentials*):
 - **\$21 BILLION**



Source: *A Hidden Market: The Purchasing Power of Working-Age Adults With Disabilities*, APRIL 2018
Michelle Yin, Dahlia Shaewitz, Cynthia Overton, Deeza-Mae Smith
American Institutes for Research, www.oir.org

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Places of Public Accommodation

- Private businesses that provide goods or services to the general public, including:
 - Stores
 - Restaurants and bars
 - Theaters
 - Hotels
 - Fitness centers, bowling alleys, amusement parks
 - Banks, gas stations, professional offices (doctors, dentists, lawyers, accountants, etc.)
 - ... and many more!

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Doing Business in Older Buildings

- Businesses must remove structural barriers when it is **readily achievable**
 - Easily accomplished **without much difficulty or expense**
- “Grandfather provisions” often found in local building codes **do not exempt businesses from their obligations under the ADA**

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Readily Achievable?

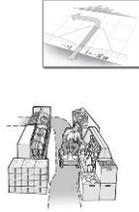
- Consider
 - **Nature** and **cost** of action needed
 - **Overall financial resources** of site or sites involved
 - **Impact** on resources and operations
 - **Safety**

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Barrier Removal: Examples

- Installing ramps
- Making curb cuts in sidewalks
- Repositioning shelves; rearranging tables, chairs, vending machines, display racks, or other furniture
- Adding raised markings on elevator control buttons
- Installing flashing alarm lights
- Installing accessible door hardware
- Widening doors
- Installing offset hinges to widen doorways
- Eliminating a turnstile or providing an alternative accessible path



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Barrier Removal: More Examples

- Installing grab bars in toilet stalls
- Installing a raised toilet seat
- Rearranging toilet partitions to increase maneuvering space
- Insulating lavatory pipes under sinks to prevent burns
- Installing a full-length bathroom mirror
- Repositioning a paper towel dispenser
- Creating designated accessible parking spaces
- Installing an accessible paper cup dispenser at an existing inaccessible water fountain
- Removing high pile, low density carpeting



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Barrier Removal: Where to Start?



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Priorities for Barrier Removal

- U.S. DOJ urges businesses to follow these priorities:
 - **Priority #1: Accessible approach and entrance**
 - Access from public sidewalks, public transportation stops, and accessible parking areas
 - **Priority #2: Access to goods and services**
 - Access to areas where goods and services are made available to customers
 - **Priority #3: Access to public toilet rooms** (if provided)
 - **Priority #4: Access to other elements**
 - (e.g., drinking fountains or public telephones, if provided)

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Alternatives to Barrier Removal

- When it is not readily achievable to remove barriers, consider readily achievable alternatives, for example ...
 - Delivering goods or services at alternate locations, including home delivery or curb service; relocating activities (e.g., classes, meetings) to accessible locations
 - Retrieving merchandise from inaccessible shelves or racks

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Barrier Removal Polling Question



If an area of a store is reachable only by a flight of steps, is the owner required to add an elevator?

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Answer



Usually, no.
 A public accommodation generally would not be required to remove a barrier to physical access posed by a flight of steps, if removal would require extensive ramping or an elevator.

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Barrier Removal Polling Question #2



If a business has a portable ramp that they use for deliveries, can't they just use that for access?

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Answer #2



Yes, **but only if the installation of a permanent ramp is not readily achievable**. In order to promote safety, a portable ramp should have railings, a firm, stable, nonslip surface and the slope should not exceed 1:12. It should also be properly secured and staff should be trained in its safe use.

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ADA Checklist

- Produced by the **New England ADA Center**, a project of the **Institute for Human Centered Design**
 - <https://adachecklist.org/>




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Maintenance of Accessible Features

- Title III Regulations Section 36.211
 - (a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.
 - (b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

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Accessible Parking: Key Points



- Are the required number of accessible spaces provided?
- Are the spaces identified with the International Symbol of Accessibility (ISA)?
- Are the car accessible spaces at least 8' wide with an adjacent access aisle at least 5' wide?
- Does at least one out of every 6 accessible spaces have at least 98" of vertical clearance for lift-equipped vans, **and** is either:
 - At least 11' wide with an adjacent access aisle at least 5' wide, **OR**
 - At least 8' wide with an adjacent access aisle at least 8' wide?

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ADA Number of Required Accessible Parking Spaces

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE 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
501 to 1,000	2% of total
More than 1,000	20 plus one for each 100 over 1,000

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Accessible Parking Space Options

EX: Van space Car space Van space

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Important!

- Accessible parking spaces must be located on the **shortest accessible route of travel** to an accessible building entrance
- In parking facilities that serve multiple buildings, entrances, or tenants, accessible parking spaces must be dispersed

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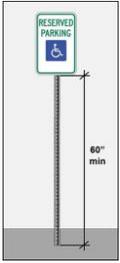


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Above Grade Signage

Signs must be 60 inches minimum above the ground, measured to the bottom of the sign



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What's Wrong with This Picture?



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State and Local Requirements

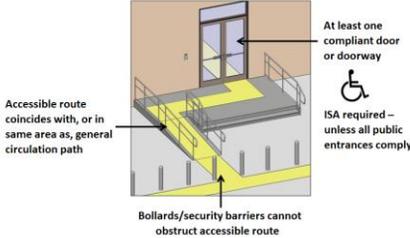
- Note:** Many state and local governments have more specific requirements for signage and marking of accessible parking spaces



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Entrances



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Automatic or Power-Assisted Doors

- Recommended* for exterior doors
- Required at GSA federal buildings



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Door Maneuvering Clearances

- Minimum **clear** space needed for positioning, reaching hardware, opening/closing doors, and maneuvering
 - Dimensions and configuration vary depending on direction of approach, push or pull side of swinging doors



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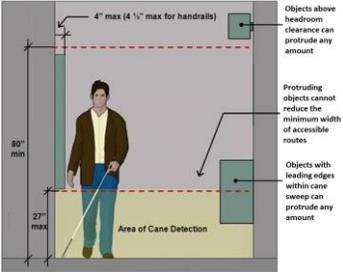
Good or Bad?



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Protruding Objects



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1. Wall-mounted drinking fountains are a hazard when the front edge projects more than 4 inches beyond the wall and the bottom is higher than 27 inches above the floor.
2. Wall-mounted objects cannot project more than 4 inches beyond the wall if the bottom of the object is not in the cane-detectable area below 27 inches off the floor.
3. Overhead objects must be at least 80 inches off the floor.

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Mitigation and Maintenance

- Hazardous protruding elements or objects must be removed or mitigated
 - Detectable objects or barriers
 - Maintenance!

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Accessible Routes

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Turns for the Better

(a) 180 degree turn
 (b) 180 degree turn (Exception)

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Problems?

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Changes in Level

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Mind the Gap

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Common Issues

- Check-out aisles, sales and service counters
- Dining and work surfaces
- Food service lines
- Queues and waiting lines
- Dressing rooms and benches

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Sales and Service Counters

- At least one of each type
 - If check-out aisles serve different functions, follow table
 - Exception: Where selling space is under 5000 square feet, no more than one check-out aisle must be accessible

Number of Check-Out Aisles per Function	Number Accessible per Function
1 - 4	1
5 - 8	2
9 - 15	3
16 and more	3, plus 20% of remainder

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Accessible Sales and Service Counters

- Accessible route to approach, clear space for positioning, either parallel or forward
 - If space only permits forward approach, knee and toe clearances must be provided
- Counter heights
 - Check-out (e.g., grocery stores):
 - 38" max., 2" max. edge protection
 - Sales and service:
 - 36" max.

**but, "check writing surfaces" 34" max.*

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How About This?



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Dining and Work Surfaces

- **5% of seating or standing spaces for consumption of food or drink** (e.g., dining tables, bars), and **5% of work spaces for public use** (e.g., baby changing tables, study carrels, student lab stations)
 - Accessible route to approach
 - Clear space for forward approach, knee and toe clearances required
 - Surfaces 34" max.

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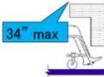
What Do You Think?



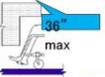
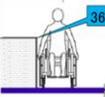

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Dining or Work Surfaces




Sales or Service Counters

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Help Yourself



- Accessible approach and reach ranges for self-serve items and dispensing devices
- Tableware, condiments, food and beverages, etc.

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Forward Reach

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Side Reach

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Dressing Rooms

- 5% or at least one accessible of each type in each cluster
 - Accessible route
 - Accessible door or doorway
 - Turning space within
 - Reach ranges apply to coat hooks or shelves if provided
 - Accessible bench
 - Back support or fixed to wall
 - Adjacent clear floor space parallel to short side of bench

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Dressing Room Bench

Bench 42" long min.
20" min. - 24" max. deep

Bench back support

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What's Wrong?

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ADA: Beyond the Building

- The ADA also addresses operational issues
 - Reasonable modifications of policies and practices
 - Communicating effectively with individuals with speech, hearing, and vision disabilities
 - Ensuring equal opportunities to online services through accessible websites and mobile apps

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Accessibility Benefits Older Adults

- Accessible parking
 - Patrons have strength left to shop, enjoy entertainment, or eat heartily!
- Clear, wide paths
 - Room for canes and walkers; accommodate people with reduced mobility and stamina; easier to navigate for those with low vision
- Minimum-weight doors with accessible hardware
 - Easy access for people who have arthritis, balance issues, etc.
- Automatic and power-assisted door openers (while not mandated by the ADA Standards) are **helpful to everyone**

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More Benefits for Older Adults

- Bright, glare-free lighting on merchandise and pathways
 - Easier for people with low vision, **safer for everyone**
- Materials (brochures, programs, etc.) and signage with simple language, easy to read characters, high-contrast colors, and non-glare finishes
 - Easier to get information and navigate for people with diminished short-term memory or vision loss
- Websites with simple designs and explicit instructions for navigation, selections, etc.
 - Enhances comfort level for some older adults, as well as individuals with intellectual and other types of disabilities

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Resources

- **U.S. Department of Justice**
800-514-0301 (voice)
800-514-0383 (TTY)
www.ada.gov
- **U.S. Access Board**
202-272-0080 Voice
202-272-0082 TTY
www.access-board.gov
- **Web Accessibility Initiative**
World Wide Web Consortium
www.w3.org/WAI/



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Questions?



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- Connect with your regional ADA Center or contact an ADA specialist with your questions
 - **800-949-4232**
 - <https://adata.org/>



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Next Webinar

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The Americans with Disabilities Act (ADA) and Web Sites: What is Required?

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