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A collaborative program between the  
ADA National Network and the  
U.S. Access Board



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**We will be testing sound quality periodically**

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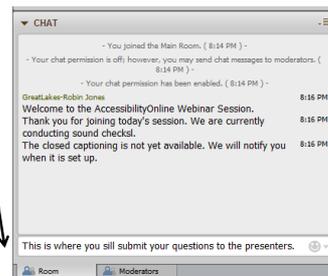
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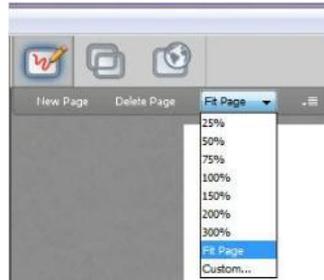
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## Customize Your View

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## Customize Your View *continued*

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  3. Call 877-232-1990 (V/TTY)

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# Differences Between the ADA and ABA Accessibility Standards

Presenter: Paul Beatty

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## Architectural Barriers Act (ABA)

- First federal law to address access (1968)
- Scope: facilities built/ altered with federal funds or leased by federal gov't
- Enforced by the Board
- ABA Standards (based on Board guidelines)



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# ABA Standards

Issued by:

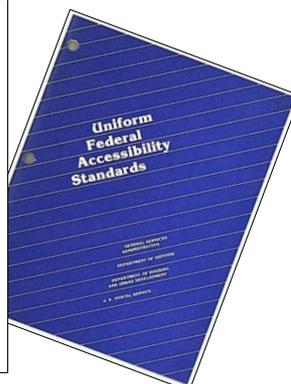
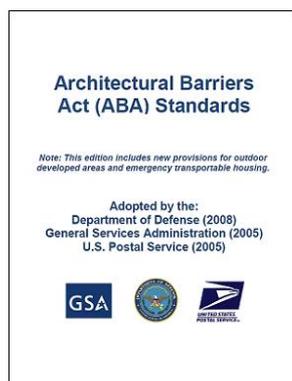
- US Postal Service: postal facilities (2005)
- Dept. of Defense: military facilities (2008)
- Dept. of Housing & Urban Development: residential facilities (1984 - UFAS)
- GSA: all other facilities (2006)



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# Current ABA Standards

New version applies to all facilities except residential covered by HUD (UFAS)



available on Board's website

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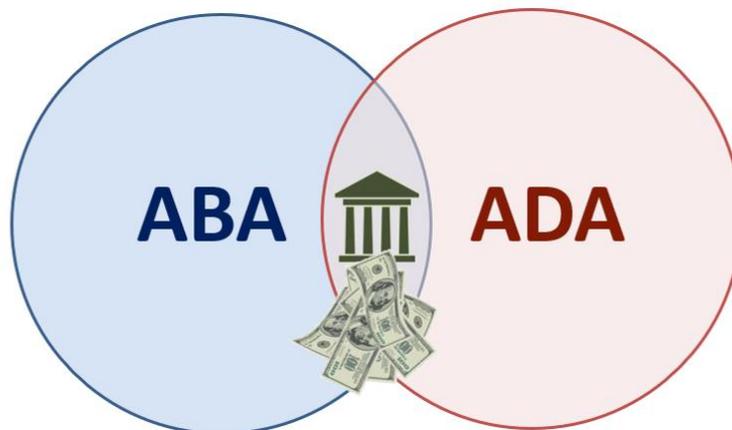
## Americans with Disabilities Act (ADA)

- Civil rights law, not based on federal funding
- Scope: places of public accommodation, commercial facilities, state/local gov't facilities
- ADA Standards (based on Board guidelines)



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## ABA & ADA Overlap



Facilities subject to the ADA that are federally funded may be covered by the ABA as well

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# ADA Standards



**Issued by:  
Dept. of Justice (2010)**

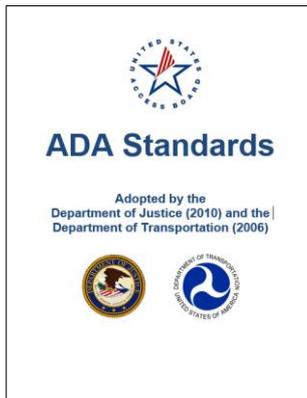


**Dept. of Transportation: public  
transit facilities (2006)**

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# Current ADA Standards

Apply to all facilities covered by ADA (some  
differences between DOJ & DOT versions)

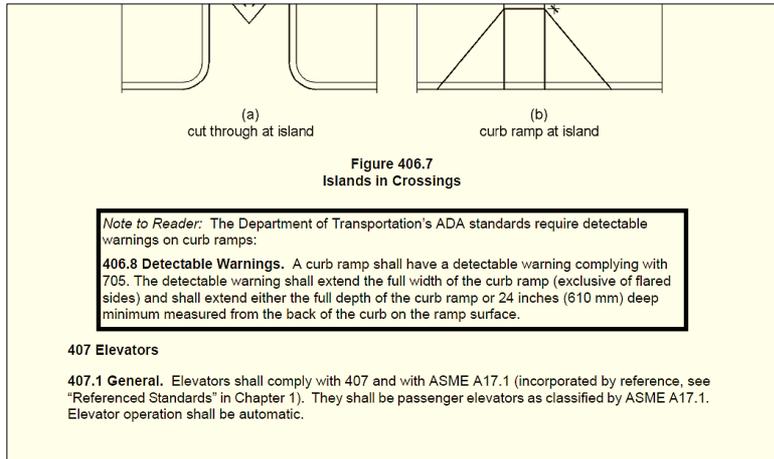


**available on Board's website**

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# Current ADA Standards

Combined edition on Board's site notes differences



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# ABA & ADA Standards

In last guideline update, Board harmonized ABA & ADA requirements – reflected in the standards



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# ABA & ADA Standards - Differences

- **Modifications & Waivers/ Equivalent facilitation**
- **Employee Work Areas**
- **Additions**
- **Leased Facilities**
- **Vertical Access Exceptions**
- **Outdoor Developed Areas**
- **Emergency Transportable Housing**
- **Unique provisions in DOJ & DOT Standards**

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## ABA: F103 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**

F103 - The ABA authorizes ... to **modify or waive the accessibility standards** for buildings and facilities covered by the ABA on a case-by-case basis ... upon a determination that it is **clearly necessary**.

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## **ADA: 103 Equivalent Facilitation**

ADA: No Waivers

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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## **Employee Work Areas**

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## ADA: 203.9 Employee Work Areas

*ADA Standards only* – min. requirements:

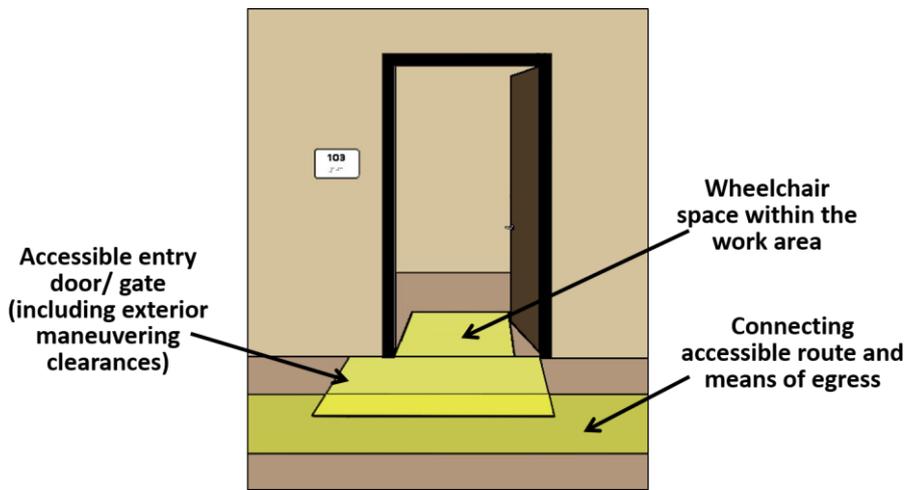
- “approach, entry, & exit”
- circulation paths (in areas  $\geq 1000$  sq ft)
- means of egress
- visual alarm connection

*ABA Standards do not include this exception*

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## ADA: Employee Work Areas

Access for “approach, entry, & exit”

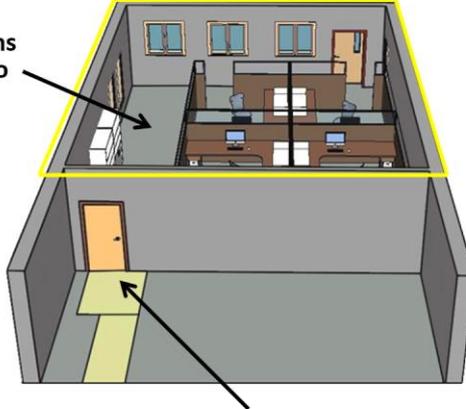


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# ADA: Employee Work Areas

Less than 1,000 SF

Common use circulation paths *not* required to comply



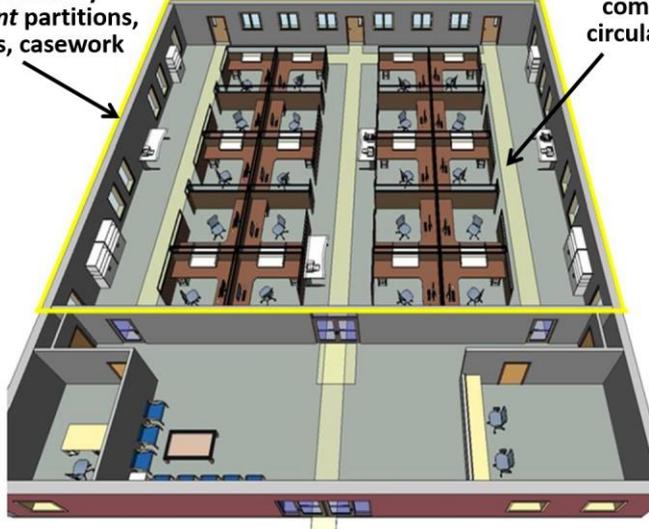
Access for approach, entry, and exit to work area required

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# ADA: Employee Work Areas

1,000 SF or more in size

size defined by *permanent* partitions, counters, casework



common use circulation path

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## **ABA: Limited ABAAS Exceptions**

F205.1 General. Operable parts on *accessible* elements, *accessible* routes, and in *accessible* rooms and spaces shall comply with 309.

EXCEPTIONS: 1. Operable parts that are intended for use only by service or maintenance personnel shall not be required to comply with 309.

F215.3 Employee Work Areas. Where employee work areas have audible alarm coverage, the wiring system shall be designed so that visible alarms complying with 702 can be integrated into the alarm system.

**Also in ADA Standards**

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## **ABA: 403 and 405 EXs - Can't Use**

Limited exceptions for route and ramp widths and ramp handrails in employee work areas do not apply to ABA facilities:

F206.1 General. Accessible routes shall be provided in accordance with F206 and shall comply with Chapter 4 except that the exemptions at 403.5, 405.5, and 405.8 shall not apply.

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# Additions

**106.5/F106.5 Addition. An expansion, extension, or increase in the gross floor area or height of a building or facility.**

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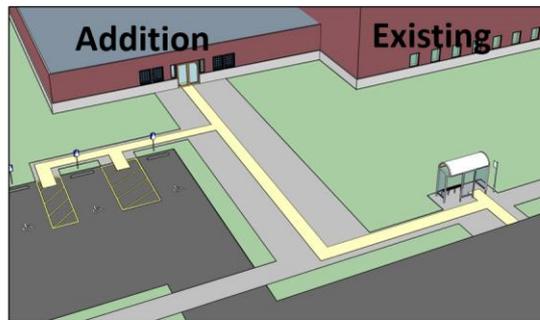
## ADA: 202.2 Additions

- **Addition: New Construction**
- **Primary function areas: require accessible path of travel, including restrooms, phones, and drinking fountains (202.4)**
- **If not included in addition, requirement applies to those in the existing facility**
- **20% cost cap (“disproportionality”)**

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## ABA: F202.2 Additions

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: F202.2 Additions

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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# Federal Leasing

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## **ABA: F202.6 Leased Facilities**

**Requirements for new Federal and USPS leases & renewals, unless facility is leased:**

- 12 months max without renewal or extension
- For officials servicing disasters on a temporary, emergency basis

**Assignment of Space is not a lease**

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## ABA: F202.6 Leasing Minimums

- Joint Use Areas
- Primary Function Areas
- Toilet & Bathing Facilities
- Parking
- Drinking Fountains
- Fire Alarms
- Public Telephones
- Dining and Work Surfaces
- Sales and Service Counters
- Assembly Areas
- Depositories
- Vending Machines
- Change Machines
- Mail Boxes

Accessible route connects these accessible features in leased spaces and in joint use areas.

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## ABA: Leased Facilities

20% disproportionality does NOT apply in alterations completed by a Federal entity to meet the leasing requirements of F202.6



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## **ABA: Federal Leases**

More than Lease minimums

- Newly built, on behalf of Feds – full compliance
- Tenant (Fed) build out – alterations
- Existing – specific leasing provisions (whether altered or not)

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**Other**

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## ABA: F203.2 Existing Elements

F203.2 - Elements in compliance with an earlier standard issued pursuant to the Architectural Barriers Act or Section 504 of the Rehabilitation Act of 1973, as amended, shall not be required to comply with these requirements unless altered.

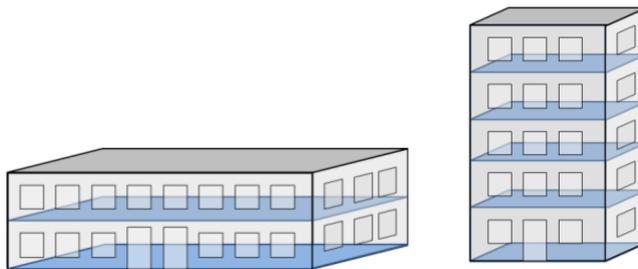
Similarities with ADA:

- Title II, section 28 CFR 35.151(b)((4)(ii)(C)
- Title III, section 28 CFR 36.403 (a)(2)

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## ADA: Access Between Stories - Exception (206.2.3)

Accessible route between stories not required in private sector facilities under 3 stories OR having less than 3000 sf/story.



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## ADA: Access Between Stories - Exception (206.2.3)

Exception excludes:

- Shopping centers/ malls with 5 or more sales or rental establishments
- Professional offices of health care providers
- Terminal, depots, or stations used for public transportation
- Government Facilities (state, local, or federal)



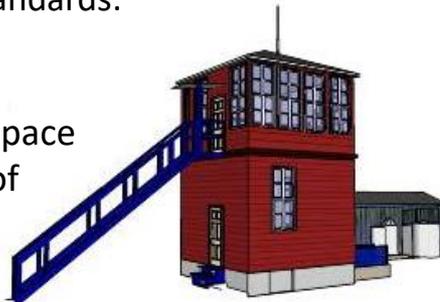
Not included in ABA Standards

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## Access Between Stories - Limited Exception for Gov't Facilities

Exception in ADA Standards (public facilities) and ABA Standards:

- 2 story only AND
- 1 floor has: no public space AND max. occupancy of 5 people



(e.g. train dispatch or boat traffic towers)

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## ABA: Outdoor Developed Areas

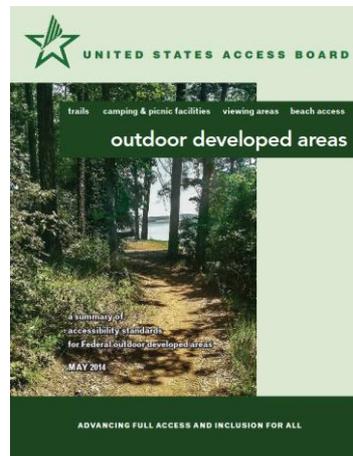
- ABAAS: New provisions added in 2013 for trails, camping and picnic facilities, viewing areas, and beach access routes on Federal land.
- Includes several exceptions for “accessible routes” in these areas and new provisions for -
  - Outdoor recreation access routes
  - Beach access routes



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## ABA: Outdoor Developed Areas

- **F244 Camping Facilities**
- **F245 Picnic Facilities**
- **F246 Viewing Areas**
- **F247 Trails**
- **F248 Beach Access Routes**
- **1011 – 1019 Technical Requirements**



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# ABA: Emergency Transportable Housing

2014 Added to  
ABAAS



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## ADA: Unique DOJ Requirements

1. Social Service Center Establishments
2. Housing at Places of Education
3. Places of Lodging (title III)
4. Assembly Areas
5. Medical Care Facilities
6. Residential Dwelling Units for Sale (title II)
7. Detention & Correctional Facilities (title II)
8. Curb ramps (title II)



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# ADA: Unique DOT Requirements

1. Location of accessible routes (F206.3)
2. Detectable warnings on curb ramps (406.8)
3. Bus boarding and alighting areas (810.2.2)
4. Rail station platforms (810.5.3)



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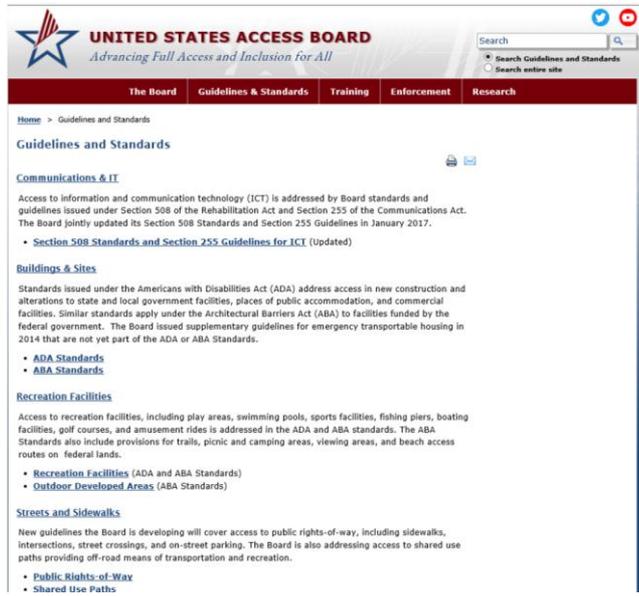
## Find the Standards – home page

The screenshot shows the United States Access Board website. The navigation menu includes 'The Board', 'Guidelines & Standards', 'Training', 'Enforcement', and 'Research'. The 'Guidelines & Standards' link is circled in orange. The main content area features a large image of a paved path, a 'BOARD NEWS' section with recent updates, and a 'FEATURED LINKS' section with links to ADA Standards, Accessibility Animations, ICT Refresh, Webinars, and File an ABA Complaint. There is also an 'UPCOMING EVENTS' section and a 'SIGN UP FOR UPDATES' button.

[www.access-board.gov](http://www.access-board.gov)

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# Find the Standards – next page



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Search  
Search Guidelines and Standards  
Search entire site

The Board | **Guidelines & Standards** | Training | Enforcement | Research

Home > Guidelines and Standards

### Guidelines and Standards

**Communications & IT**

Access to information and communication technology (ICT) is addressed by Board standards and guidelines issued under Section 508 of the Rehabilitation Act and Section 255 of the Communications Act. The Board jointly updated its Section 508 Standards and Section 255 Guidelines in January 2017.

- Section 508 Standards and Section 255 Guidelines for ICT (Updated)

**Buildings & Sites**

Standards issued under the Americans with Disabilities Act (ADA) address access in new construction and alterations to state and local government facilities, places of public accommodation, and commercial facilities. Similar standards apply under the Architectural Barriers Act (ABA) to facilities funded by the federal government. The Board issued supplementary guidelines for emergency transportable housing in 2014 that are not yet part of the ADA or ABA Standards.

- ADA Standards
- ABA Standards

**Recreation Facilities**

Access to recreation facilities, including play areas, swimming pools, sports facilities, fishing piers, boating facilities, golf courses, and amusement rides is addressed in the ADA and ABA standards. The ABA Standards also include provisions for trails, picnic and camping areas, viewing areas, and beach access routes on federal lands.

- Recreation Facilities (ADA and ABA Standards)
- Outdoor Developed Areas (ABA Standards)

**Streets and Sidewalks**

New guidelines the Board is developing will cover access to public rights-of-way, including sidewalks, intersections, street crossings, and on-street parking. The Board is also addressing access to shared use paths providing off-road means of transportation and recreation.

- Public Rights-of-Way
- Shared Use Paths

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## Other Laws

Rehabilitation Act of 1973

Fair Housing Act of 1968

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## **Rehabilitation Act of 1973**

Section 504 – Program Access

Separate 504 regulations and enforcement

Accessibility Standards: In many cases, the Uniform Federal Accessibility Standards apply, but formal or informal agency policies may allow use of other standards.

DOT references their ADA Standards

Agency 504 regulations can contain additional requirements

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## **Fair Housing Act of 1968 (Amendments of 1988)**

Coverage

- First Occupancy after March 13, 1991
- Four or more dwelling units
- 10 Safe Harbors

Technical Assistance

- Fair Housing Accessibility FIRST
- (888) 341-7781 (V/TTY)

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# Questions?

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## Technical Guides on the Standards

Available the Board's website



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**AIA Provider Number:** I017

**Course Title:** Differences Between the ADA and ABA Accessibility Standards

**AIA Course Number:** GL20190404

**Date:** April 4, 2019

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**Next session:**

***May 2, 2019***

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