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



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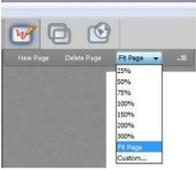
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- Resize the Whiteboard where the Presentation slides are shown to make it smaller or larger by choosing from the drop down menu located above and to the left of the whiteboard. The default is “fit page”



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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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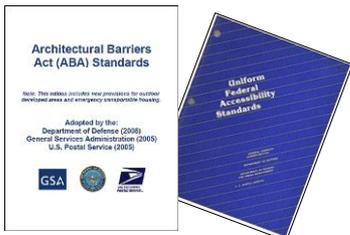
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## Current ABA Standards

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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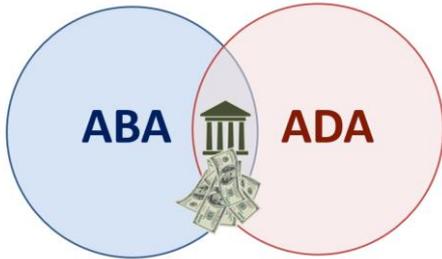
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## ABA & ADA Overlap



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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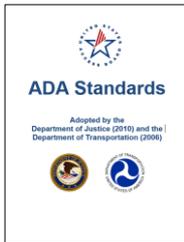
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## Current ADA Standards

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



available on Board's website

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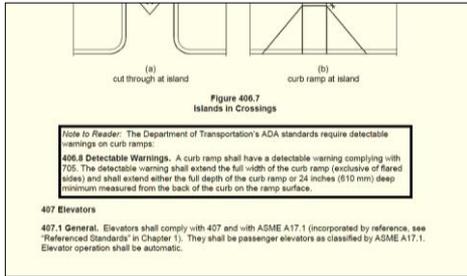
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# Current ADA Standards

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** 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**.
- 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

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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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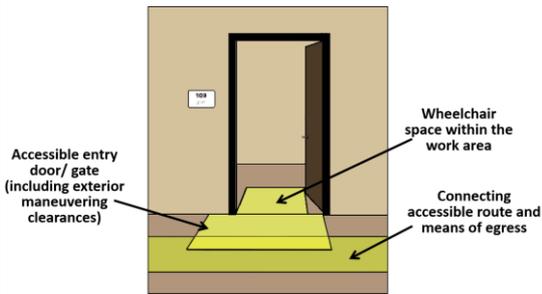
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## ADA: Employee Work Areas

Access for “approach, entry, & exit”



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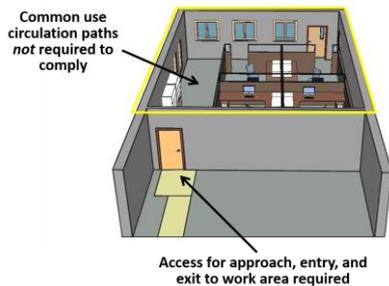
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## ADA: Employee Work Areas

Less than 1,000 SF



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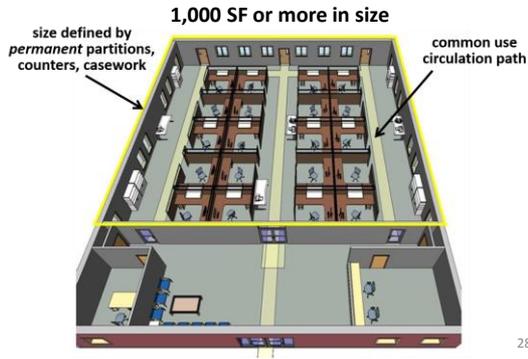
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## ADA: Employee Work Areas



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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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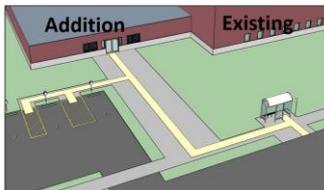
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## ABA: F202.2 Additions

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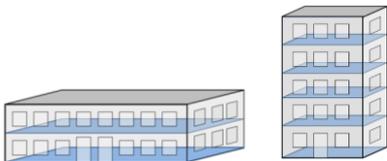
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## ADA: Access Between Stories - Exception (206.2.3)

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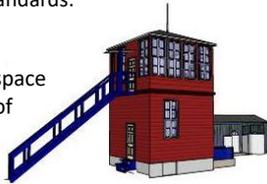
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## Access Between Stories - Limited Exception for Gov't Facilities

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



www.access-board.gov

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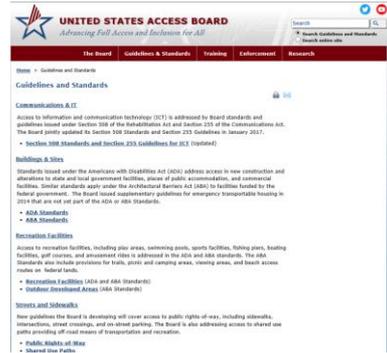
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## Find the Standards – next page



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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?

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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## Technical Guides on the Standards

Available the Board's website



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## U.S. Access Board

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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

Credits earned on completion of this course will be reported to **AIA CES** for AIA members. Certificates of Completion are available upon request.

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**Next session:**

**May 2, 2019**

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