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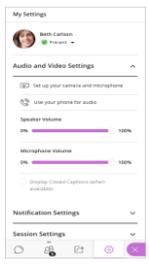
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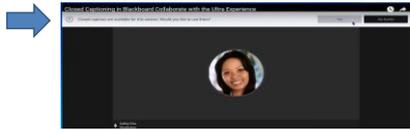
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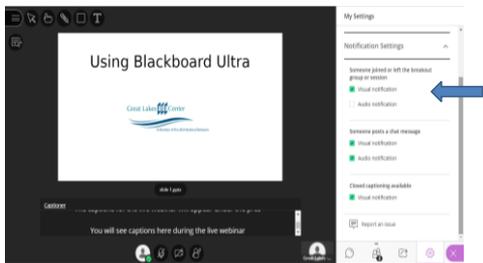


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Using the ADA and ABA Standards Series: Chapter 2: Scoping – Alterations & Additions

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Access Board Presenters



Dave Yanchulis
Director, OTIS



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Accessibility Specialist

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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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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.”

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Alterations

Including (but not limited to):

- remodeling
- renovation
- rehabilitation / reconstruction
- historic restoration
- changes / rearrangement of structural parts, elements, or plan configuration of walls & full-height partitions
- resurfacing of circulation paths / vehicular ways

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Alterations



DOT/DOJ Joint Guidance on Public Street Resurfacing

Addresses:

- “Maintenance” v. “Alteration”
- When resurfacing is considered an alteration
- When requirement for curb ramps is triggered
- Work limited to crosswalks

www.ada.gov/doj-fhwa-ta.htm

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Alterations

Not alterations (unless they affect usability):

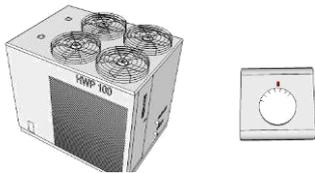
- normal maintenance
- reroofing
- painting, wallpapering
- changes to mechanical & electrical systems



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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)

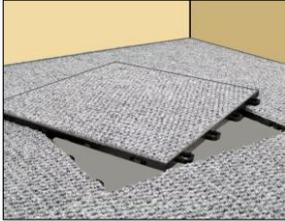


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Alterations

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

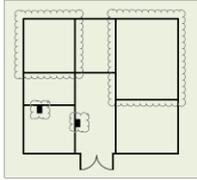
Determined by:

- 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



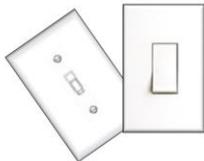
(accessible route not required unless circulation paths altered, or path of travel is required)

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Application & Scoping

Application also determined by the extent of alteration to an element

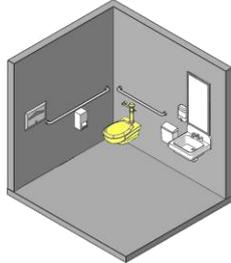
Example: switch replaced but not relocated – must meet operable part requirements (except those for height)



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Application & Scoping

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



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Application & Scoping

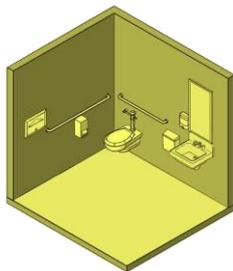
*Example: Toilet room – multiple elements altered
(lavatory, mirror, floor, dispenser)*



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Application & Scoping

Example: Toilet room – full alteration of space



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Application & Scoping

"If full access isn't guaranteed in an alteration, what's the use?"



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Application & Scoping

Consider that:

- Some access = better than none
- Fuller access (path of travel) required for primary function areas
- Other mandates apply to existing facilities

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Existing Facilities

Other mandates may require retrofits (whether or not alterations planned):

Barrier removal
at places of public accommodation

Program Access
by state/local governments

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Application & Scoping

Recommendation:

Maximize opportunities for access in alterations beyond minimum required (often more cost-effective when work is already underway).

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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

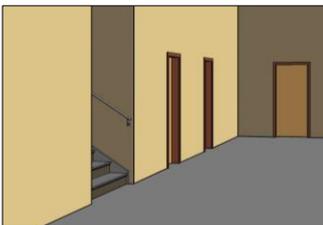
3" max. rise: 1:8 max. slope

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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)

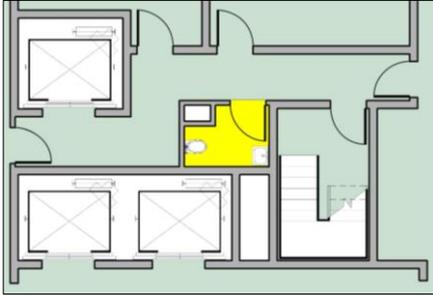
"Little likelihood of being accomplished because:

- *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

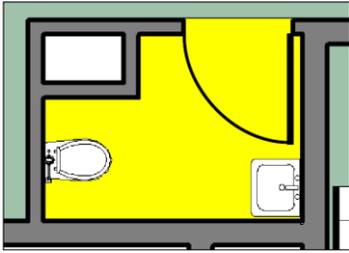
Example: Space limitations



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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”:

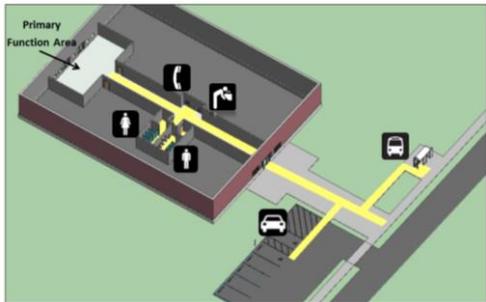
- accessible route from PF area to facility entrance & site arrival points
- restrooms (for each sex unless only unisex provided)
- phones
- drinking fountains



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Path of Travel

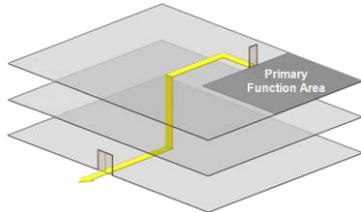
Example path of travel



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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

Recommended prioritization if 20% cap reached:

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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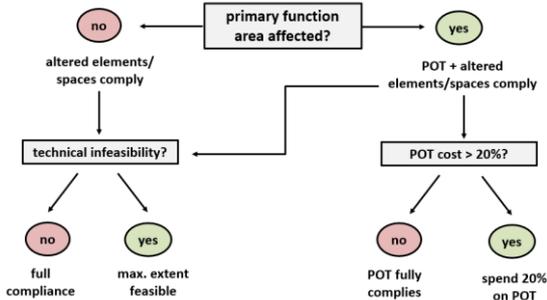
Example: Public School

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)



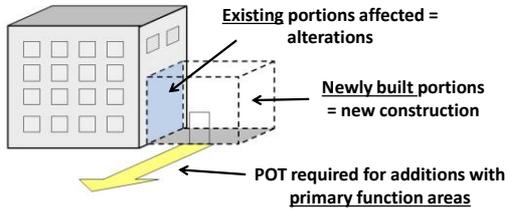
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Additions

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Additions (§202.2)

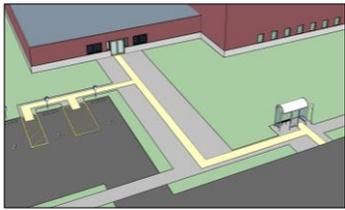
expansion, extension, or increase in a facility's gross floor area or height



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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?

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Technical Guides on the Standards

Available the Board's website



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Chapter 3: Building Blocks

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