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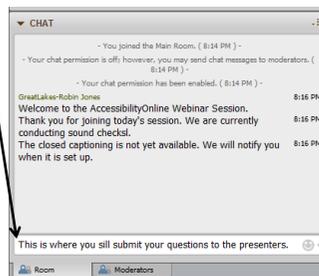
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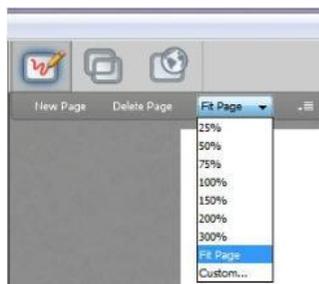
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Application of the ADA & ABA Standards

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Presenters U.S. Access Board



Jim Pecht



Dave Yanchulis

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Session Agenda

- **Facilities Covered**
- **New Construction**
- **Exceptions, Spaces, Elements**
- **Additions & Alterations**
- **Leases**



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ADA Standards

Apply to:

- **state & local government facilities**
- **transportation facilities (DOT)**
- **places of public accommodation**
- **commercial facilities**



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ADA Standards

Places of Public Accommodation = operations affect commerce, fall within one of these categories:

Places of:

1. lodging
2. exhibition/ entertainment
3. public gathering
4. display or collection
5. recreation
6. education
7. public transportation

Establishments:

8. serving food or drink
9. sales or rental
10. service
11. social service
12. exercise/ recreation



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ADA Standards

Commercial Facility =

- Operations affect commerce
- Nonresidential use



(Not covered by or expressly exempted from Fair Housing Act)

Examples: corporate offices, factories, warehouses, manufacturing plants, etc.

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ADA Standards

Exemptions:

- **Places of worship & other facilities controlled by a religious entity (e.g., schools)**
- **Private Clubs (depending on exclusiveness, operations, other factors)**

May be subject to state or local access codes

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Residential Facilities

Covered: Residential facilities owned/operated by state & local governments, including:

- **public housing**
- **student/ faculty housing**
- **employee housing**
- **temporary emergency housing**
- **social service facilities (e.g., homeless shelters, halfway houses, etc).**



Federally funded housing also covered by ABA

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Residential Facilities

ADA coverage in the private sector:

- **Places of public accommodation (e.g., social service facilities, housing at place of education, sales/ rental offices)**
- **Not covered: privately owned/ leased housing, including single family homes, condominiums, apartments**



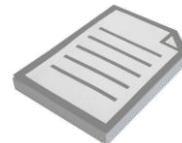
(Most multi-family housing covered by Fair Housing Act)

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ABA Standards

Apply to facilities:

- **Designed, built, or altered with federal funds (where federal agency issuing grants/ loans has authority to establish facility standards)**
- **Leased by federal agencies**



(Rehabilitation Act §504 covers access to federally funded/ conducted programs & requires compliance with access standards)

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Public Rights-of-Way



- ADA coverage of state & local gov't. programs
- ADA Standards (DOJ) require curb ramps at newly built/ altered streets & ped. walkways
- Rehabilitation Act (§504): access to federally funded programs (including streets & highways)



Board developing new ROW guidelines, interim guidance available

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ABA Standards

Updated standards:

- Postal Facilities – USPS
- Defense Facilities – DOD
- Other Facilities (nonresidential) – GSA



Update pending:

- Residential Facilities – HUD



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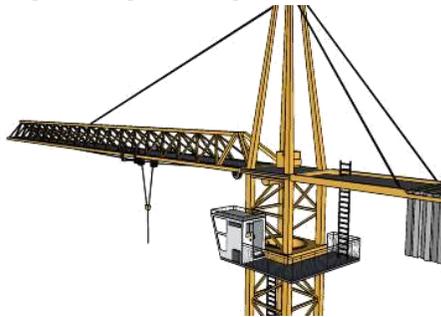
New Construction

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New Construction (§201/ §F201)

All areas must comply except:

- Exempted structures/ spaces
- Partially scoped spaces



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General Exceptions

ADA : Structural Impracticability (new construction)

Applies only to *rare* circumstances where unique characteristics of terrain make compliance “structurally impracticable”
(DOJ’s ADA Standards & DOT’s ADA regulations)

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General Exceptions (§203/ F§203)

None based on physical capabilities of occupants

- construction sites
- raised areas (security, life/fire safety)
- spaces accessed by ladders, catwalks, crawl spaces, very narrow passageways
- machinery spaces
- single occupant structures (e.g., toll booths) elevated above curb height or accessed by below-grade passageways



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General Exceptions (§203/ F§203)

Detention/Correction & Residential Facilities:

- common use spaces not serving accessible cells/units



Recreation Facilities:

- raised refereeing, judging, scoring areas
- raised boxing/ wrestling rings
- water slides, raised diving boards/ platforms
- animal containment areas not open to the public



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Employee Work Areas (§203.9)

ADA Standards Only

Exempt - work areas:

- under 300 S.F. and
- elevated at least 7" = essential to space function
(excluding raised courtroom stations)



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Employee Work Areas (§203.9)

ADA Standards Only

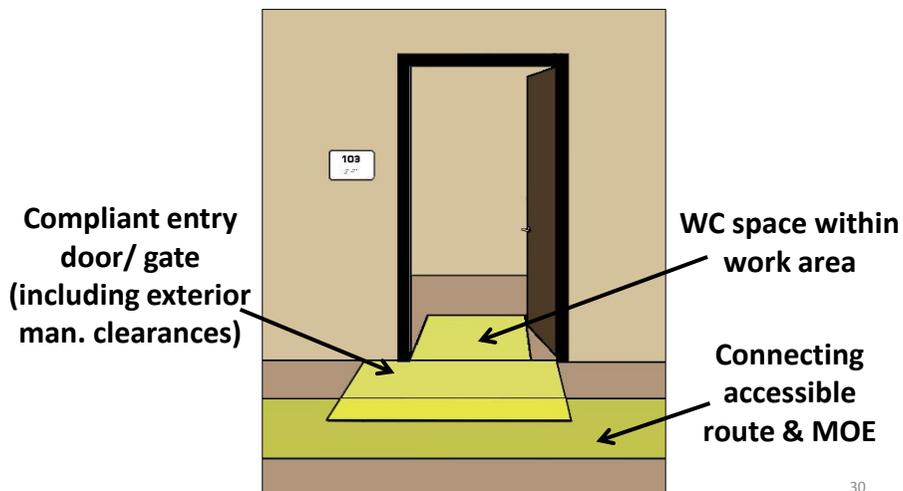
Other work areas must include:

- Access for “approach, entry, & exit”
- Means of egress
- Visual alarm connection (wiring)
- Circulation paths (if ≥ 1000 S.F. in size)

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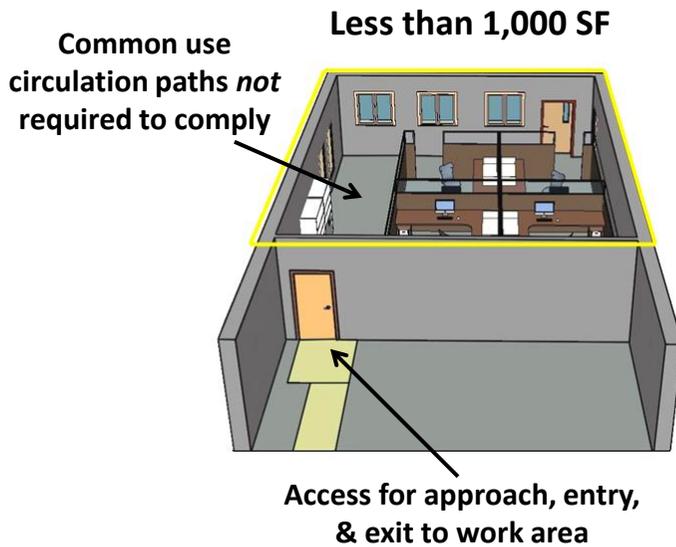
Employee Work Areas

Access for “approach, entry, & exit”



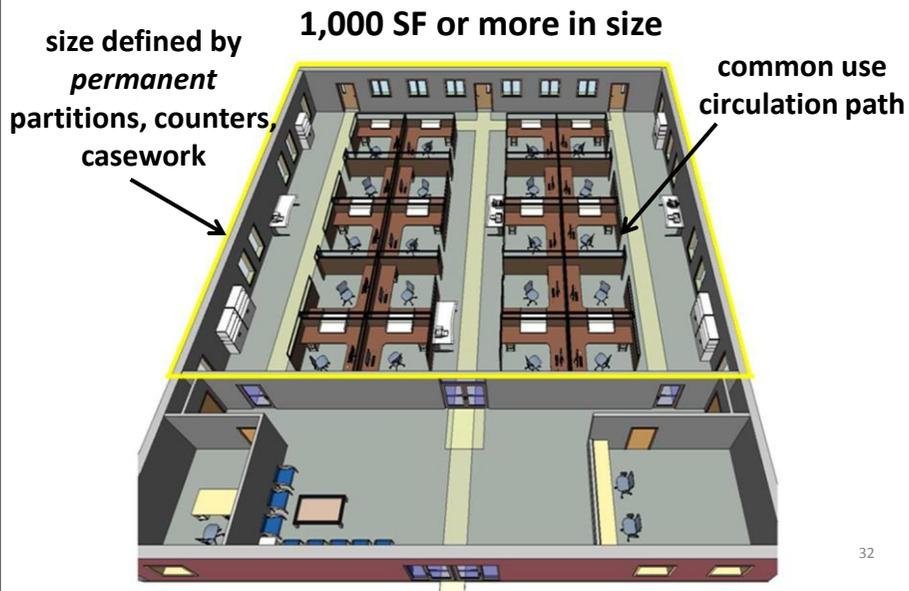
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Employee Work Areas



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Employee Work Areas

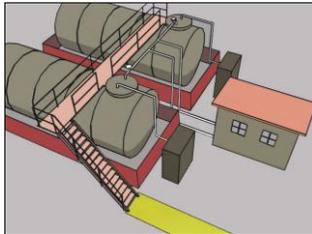


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Employee Work Areas (§206.2.8)

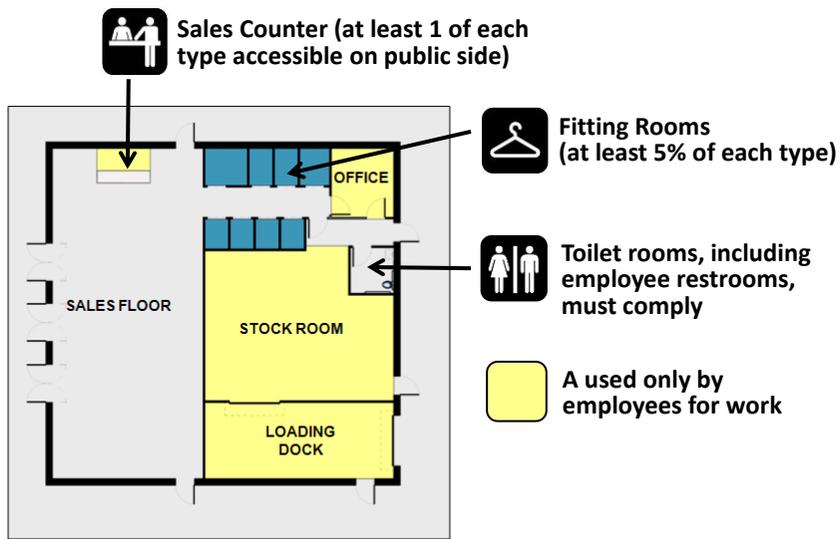
Common use circulation paths
not required to comply:

- Work areas less than 1000 S.F.
- Exterior work areas fully exposed to weather
- Portions of paths integral to equipment



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Example: Retail Facility



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Example: Medical Care Suite

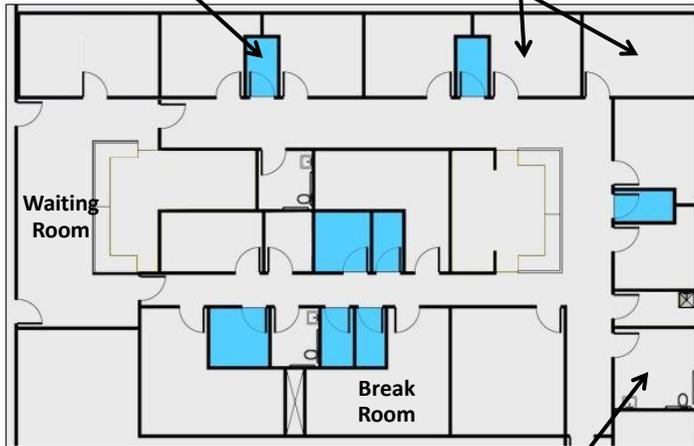


Public & Common Use Areas: Full Access



Dressing Rooms: access to at least 5% of each type

Exams Rooms & Doctors' Offices: 100% scoping (public access)



Toilet rooms – access to all
(50%: clustered single user of same type)

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Example: Medical Care Suite

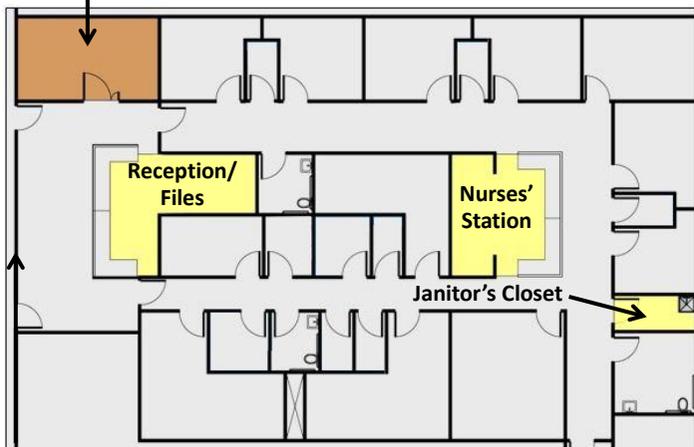


Employee Work Areas & Exempt Spaces

Mechanical (exempt)

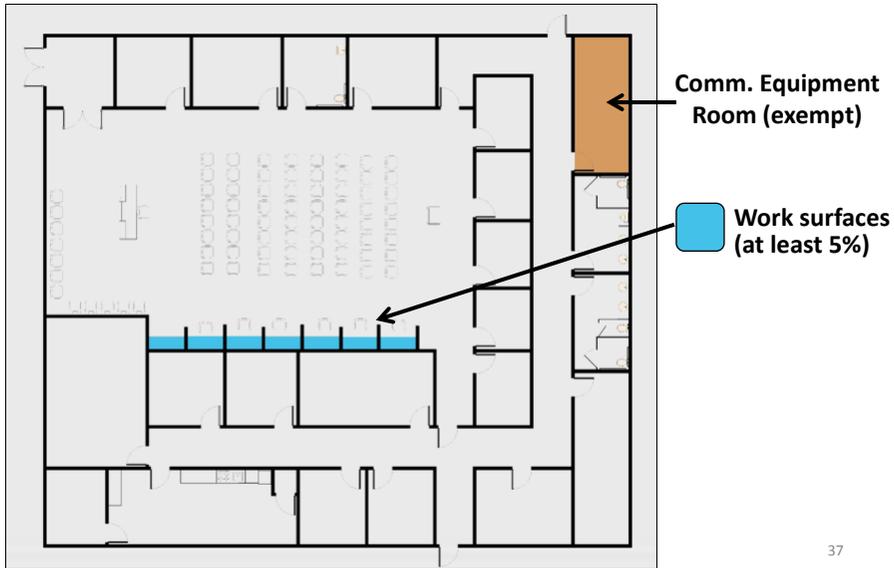


Employee Only Work Areas



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Example: Federal Office Space (ABA)



Elements Covered

Standards apply to fixed or built-in elements

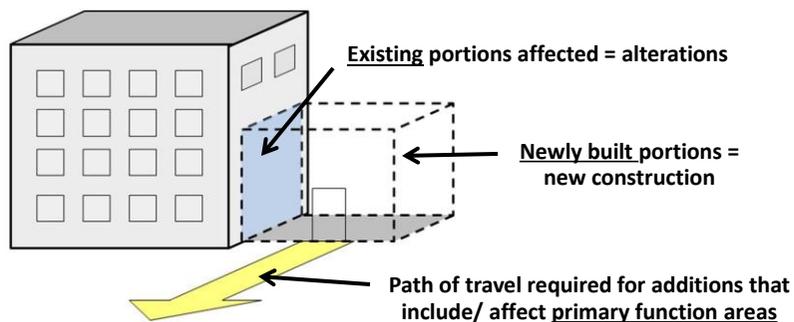


Additions

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Additions – ADA (§202.2)

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

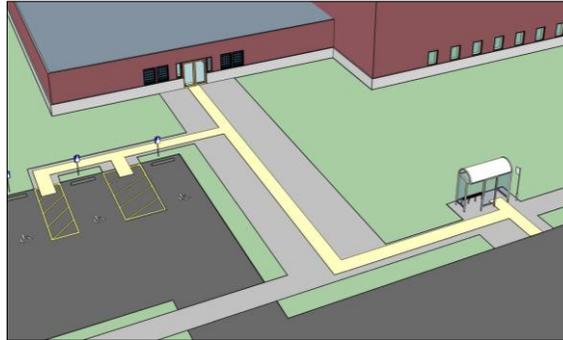


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Additions – ABA (§F202.2)

ABA Standards:

AR to addition entrance from site arrival points required for all additions



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

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Additions – ABA (§F202.2)

If not included in addition, access required in existing facility to:

- toilet & bathing facilities
- a public telephone
- a drinking fountain



No cost caps apply



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Alterations

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Alterations (§202.3, F§202.3)

**Includes: remodeling, renovation,
rehabilitation/ reconstruction, historic
restoration, resurfacing, etc.**

**Not alterations (unless usability affected):
normal maintenance, reroofing, painting,
wallpapering, work to mech./electrical systems**

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Alterations

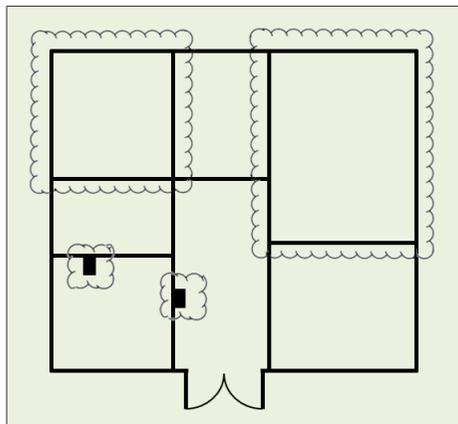
Application determined by:

- **Scope of work**
- **Technical feasibility**
- **Primary function areas affected**

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Application & Scoping

In general, standards apply to those spaces and elements that are altered



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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

Recommendation:

Maximize opportunities for access beyond minimum required where possible – often more cost-effective when work is already underway

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Technical Infeasibility

Meeting standards not possible because:

- Existing structural conditions would require removing/ altering a load-bearing member that is an essential part of the structural frame OR
- Other existing physical or site constraints prohibit full compliance

Compliance required to the maximum extent feasible

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Technical Infeasibility

Space limitations and technical infeasibility



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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

- **Case-by-case determination**
- **Based on existing constraints/ conditions, scope of work**
- **Relative to scope of work; where renovation = more extensive, technical infeasibility = less likely**



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Primary Function Areas (§202.4, §F202.4)

Additional requirements for alterations to areas containing a “primary function” (i.e., major activity for which the facility is intended)

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Primary Function Areas

Examples:

- **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 primary purpose of facility, e.g., highway rest stop)

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Primary Function Areas

Required: Accessible “path of travel”:

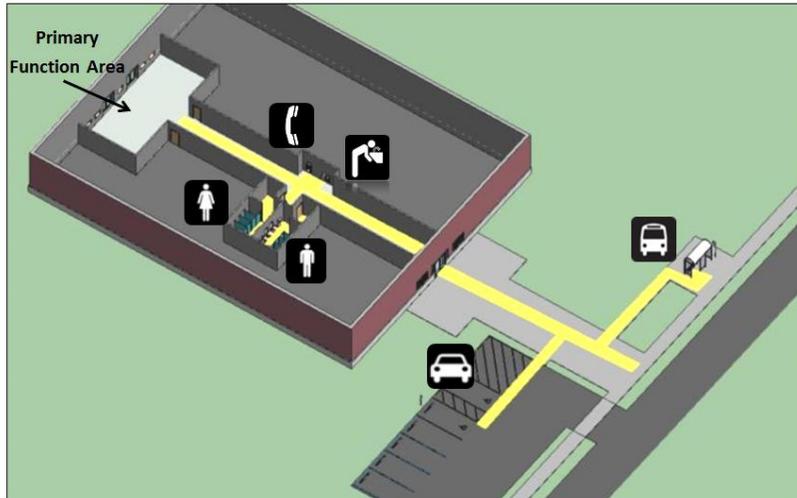
- Accessible route from PF area to facility entrance & site arrival points (e.g., parking)
- Restrooms (for each sex unless only unisex provided)
- Phones
- Drinking fountains



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Path of Travel

Example path of travel



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Path of Travel

Path of travel 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

Recommended prioritization where
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

Additional information:

- DOJ's 2010 ADA Standards
(28 CFR §36.403 and 28 CFR §35.151(b))
- DOT's ADA Regulation (49 CFR §37.43)
- Regulations implementing ABA
Standards (GSA, DOD, USPS)



(links provided on Board's website)

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Leases

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Federal Leases (§F202.6)

Requirements for new leases & renewals unless facility is leased:

- **12 months max without renewal or extension options; or**
- **On a temporary, emergency basis for disaster relief services**

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Federal Leases

- Newly built – full compliance
- Tenant build out – alterations
- Existing – specific provisions (whether altered or not)



GSA's Federal Management Regulation (41 CFR Part 102-76)

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Federal Leases



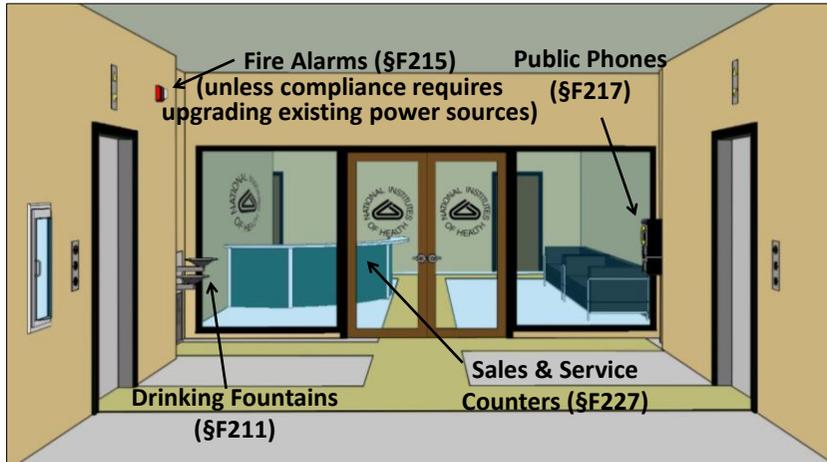
**Accessible Parking
(§F208)**

**At least 1 AR (§F206) from
site arrival points to
accessible entrance**

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Federal Leases

Compliance required where these elements and spaces provided to serve leased space



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Federal Leases

Compliance also required for:

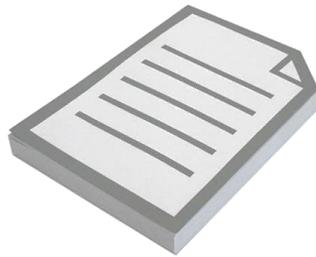
- AR (§F206) from site arrival points to elements/ spaces required to comply and to primary function areas
- Toilet/ Bathing Facilities (§F213) - at least 1 for each sex on all leased floors
- Assembly Areas (§F221) & ALS (§F219)
- Dining & Work Surfaces (§F226)
- Vending/Change Machines, Mail Boxes (§F228)
- Residential Facilities (§F233)



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Leases: ADA Facilities

- **Standards apply in new construction & alterations, including tenant build-outs**
- **Specific provisions for leased facilities not included in ADA Standards**



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Existing (unaltered) Facilities

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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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Questions?

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Course Title: Application of the ADA and ABA Standards

Course Number: GL20150507

Date: May 7, 2015



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