



*City of*

# Athens

## Tennessee

*"The Friendly City"*

1. Purpose of ADA Self Evaluation-and Transition Plan
2. ADA Transition Plan Review and Development
3. Facilities (Buildings)
  - a. Municipal Building
  - b. Public Works Building
  - c. Conference Center
  - d. Fire Station 2
  - e. Red Brick House
  - f. Recycle Center Building
4. Sidewalk Infrastructure
5. Parks and Recreation Facilities
  - a. Parks
  - b. Ingleside Pool
  - c. Trails
6. Appendix
  - a. 1994 ADA Compliance Manual for Athens City Hall
  - b. Link to KMZ file to be used with Google Earth for Sidewalk improvement Map
  - c. Sidewalk Improvement Plan Map

## **1. INTRODUCTION**

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation and telecommunications. The City of Athens has undertaken a comprehensive re-evaluation of its policies, programs and facilities to determine the extent to which individuals with disabilities may be restricted in their access to City services, activities and facilities.

In 1994 the City of Athens completed its initial ADA Self-Evaluation and Transition Plan. The following document seeks to update the 1994 plan. This update describes the process developed to complete the re-evaluation of Athens's activities, provides policy and program recommendations and presents a Transition Plan Update for the modification of facilities, public rights-of way and programs to ensure accessibility.

This document will guide the planning and implementation of necessary program and facility modifications over the next several years. The ADA Self-Evaluation and Transition Plan Update is significant in that it establishes the City's ongoing commitment to the development and maintenance of policies, programs and facilities that include all of its citizenry.

### **1.1 Federal Accessibility Requirements**

The development of a transition plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which require that all organizations receiving federal funds make their programs available without discrimination to persons with disabilities. The Act, which has become known as the "civil rights act" of persons with disabilities, states that: No otherwise qualified [disabled] individual in the United States shall, solely by reason of [disability], be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504)

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act on July 26, 1990. The Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehabilitation Act. This legislative mandate, therefore, prohibits the City from, either directly or indirectly through contractual arrangements:

- Denying persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.

### **1.2 Title II Requirements**

The City of Athens is obligated to observe all requirements of Title I in its employment practices; Title II in its policies, programs and services; any parts of Titles IV and V that apply to the City and its programs, services or facilities; and all requirements specified in the Americans with Disabilities Act Access Guidelines of 2004 (ADAAG) that apply to facilities and other physical holdings.

Title II has the broadest impact on the City. A self-evaluation is required and intended to examine programs, activities and services, identify problems or physical barriers that may limit accessibility by the disabled and describe potential compliance solutions.

Included in Title II are administrative requirements for all government entities employing more than fifty (50) people. These administrative requirements are:

- Designation of a person who is responsible for overseeing Title II compliance;

- Development of an ADA complaint procedure;
- Completion of a self-evaluation; and
- Development of a transition plan if the self-evaluation identifies any structural modifications necessary for compliance. The transition plan must be retained for three years.

#### **1.1.1. ADA Coordinator**

In 1991, the Former City Manager designated the Human Resources Office – as the ADA Coordinator. This position is responsible for ensuring that all programs, services and activities of the City of Athens are accessible to and usable by individuals with disabilities. The City's ADA Coordinator is:

Rita Brown  
City of Athens  
815 North Jackson st.  
Athens, TN 37303  
423.744.2703 (phone)

To request an ADA accommodation or file an ADA grievance, contact the ADA Coordinator and follow the established procedures outlined in Section 1.2.2 pursuant to Administrative Instruction No. 113. (See Appendix A.6)

#### **1.1.2. ADA Accommodation and Grievance**

##### **A. Requesting an ADA Accommodation or Barrier Removal**

Request for accommodations or barrier removals should be made to the ADA Coordinator, include the name, address and telephone number of the individual requesting the accommodation. (See Appendix D - Request for Accommodation Form) The request should contain the location of the program, service, activity or facility where the accommodation is required and a description of why the accommodation is needed.

Within fifteen (15) calendar days of the written request, the ADA Coordinator will respond to the individual requesting the accommodation. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the individual making the request may file a formal grievance. All requests for accommodations received by the ADA Coordinator will be kept by the City of Athens for at least three (3) years.

##### **B. Filing an ADA Grievance**

The City of Athens has adopted a formal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the ADA and state disability rights. This procedure is available for any individual who wishes to file a complaint alleging discrimination on the basis of their disability in the provision of services, activities, facilities and programs by the City.

The availability and use of this grievance procedure via submission of a complaint form does not preclude filing a complaint of discrimination with any appropriate state or federal agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

##### **I. The Written Complaint**

The complaint should contain as much information as possible about the alleged discrimination. The Complainant or his/her representative should file a complaint form with the ADA Coordinator no later than 60 days from the date of the alleged discrimination. The complaint should be in writing however, other arrangements for submitting a request, such as personal interviews, tape recordings and assistance completing the form is available upon request.

The ADA Coordinator will notify the Complainant in writing of any additional information that is needed to complete the complaint. If the Complainant fails to complete the complaint form, the ADA Coordinator shall close the complaint without prejudice.

## **II. Consideration of Grievance**

The ADA Coordinator will oversee the investigation of the complaint. Within thirty (30) days of receipt of the complaint, the ADA Coordinator or his or her designee will respond to the complaint in writing or a reasonable alternative format if requested. The response will explain the position of the City with respect to the complaint and offer options for a reasonable solution.

## **III. Appeal to the City Manager**

If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision, within fifteen (15) calendar days after receipt of the response, to the City Manager or an appointed representative.

Within fifteen (15) calendar days after receipt of the appeal, the City Manager, or an appointed representative, will meet with or contact the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the City Manager, or an appointed representative, will respond in writing or in a format accessible to the complainant of final resolutions to the complaint. All decisions by the City Manager are final and there will be no right of appeal to the City Council.

All written complaints received by the ADA Coordinator, appeals to the City Manager and responses from the ADA Coordinator and the City Manager, will be kept by the City of Athens for at least seven (7) years.

## **C. Accommodation and Grievance Response**

In responding to request(s) for structural improvement brought through the ADA Accommodation and Grievance process, the ADA Coordinator is limited to the funds in established Capital Improvement Projects and other miscellaneous funds. In the event that these allocated funds are insufficient or already spent, subsequent improvements will be prioritized and scheduled in subsequent fiscal years.

### **1.1.3. ADA Self-Evaluation & Transition Plan**

The Self-Evaluation is the City's assessment of its current policies, practices and procedures. It identifies and corrects those policies and practices that are inconsistent with the requirements of Title II of the ADA.

In keeping with these requirements and as part of the Self-Evaluation, the City of Athens:

- Identified its current programs, activities and services; and



- Reviewed the current policies, practices and procedures that govern the administration of its programs, activities and services.

The ADA also sets forth specific requirements for preparation of an acceptable Transition Plan. At a minimum, the elements of the plan should include:

- A list of the current physical barriers in City facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed outline of the methods to be used to remove these barriers and meet the current standards and accessibility regulations;
- A schedule for taking the steps necessary to achieve compliance with Title II of the ADA; and
- The name of the individual responsible for the plan's implementation.

This report and certain documents incorporated by reference establish the ADA Self-Evaluation and Transition Plan Update for the City of Athens.

## **2. ADA SELF-EVALUATION AND TRANSITION PLAN UPDATE: REVIEW & DEVELOPMENT**

The ADA is a comprehensive civil rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living and economic self-sufficiency for people with disabilities.

This update to the City's ADA Self-Evaluation and Transition Plan is prepared in fulfillment of the requirements set forth in Title II of the ADA. The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. This update will assist the City in identifying current policy, program and physical barriers to accessibility and in developing barrier removal solutions that will facilitate the opportunity of access to all individuals.

This report describes an overview of the process by which policies, programs and facilities were evaluated for compliance with the ADA; presents the findings of that evaluation; and provides recommendations for ensuring accessibility. This part provides an overview of the process and development of the Self-Evaluation and Transition Plan Update.

### **2.1 Discrimination and Accessibility**

There are two types of accessibility: physical accessibility and program accessibility. Absence of discrimination requires that both types of accessibility be provided. The ADA establishes requirements to ensure that buildings and facilities are accessible to and usable by people with disabilities. Design guidelines to achieve accessibility have been developed and are maintained by the U.S. Access Board under the jurisdiction of the ADA. The ADA Accessibility Guidelines (ADAAG) cover a wide variety of facilities (including buildings, outdoor recreation areas and

curb ramps) and establish minimum accessibility requirements for new construction and alterations to these facilities. The City may achieve physical accessibility by ensuring that a facility is barrier-free and meets ADAAG technical requirements and State of California standards, including those found in Title 24. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility.

Programmatic accessibility includes physical accessibility, but also entails all policies, practices and procedures that permit people with disabilities to participate in programs and to access important information. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. The City may achieve program accessibility by a number of methods, both structural and nonstructural:

- Structural methods such as altering an existing facility;
- Acquisition or redesign of equipment;
- Assignment of aides; and/or
- Providing services at alternate accessible sites.

When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City provides equality of opportunity but does not guarantee equality of results.

## **2.2 Undue Burden**

The City does not have to take any action that it can demonstrate would result in (i) a fundamental alteration in the nature of a program or activity, (ii) would create a hazardous condition for other people, or (iii) would represent an undue financial and administrative burden. This determination can only be made by the ADA Coordinator and City Building Inspector, or his or her designee and must be accompanied by a statement citing the reasons for reaching that conclusion.

The determination that an undue financial burden would result must be based on an evaluation of all resources available for use in a program. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access that would ensure that individuals with disabilities receive the benefits and services of the program or activity.

## **2.3 Procedures**

When a policy, program or procedure creates an accessibility barrier that is unique to a department or a certain program, the City's ADA Coordinator will coordinate with the department head or program manager to address the matter in the most reasonable and accommodating manner.

### **2.3.1 Development Process**

Services and programs offered by Athens to the public must be accessible. Accessibility applies to all aspects of a program or service, including advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids and transportation.

The process of making City facilities and programs accessible to all individuals will be an ongoing one and the City will continue to review accessibility issues such as resolution of complaints and reasonable modifications to programs. The City will also periodically evaluate the success of improving access to programs by the practices and procedures developed during the Self-Evaluation Update process.

The evaluation of the services and programs of the City of Athens included the following activities:

- Review and Update of General & Department Policies
- Review of Published Rules and Regulations

### **2.4 Facilities Transition Plan Update**

The City conducted a complete survey of architectural barriers in its buildings and facilities during its original Self-Evaluation and Transition Plan in 1994. A renovation of these facilities was undertaken as part of this current Self-Evaluation and Transition Plan Update. The surveys have provided the City an overview of the architectural barriers that prevent people with disabilities from using its facilities and participating in its programs.

The City has also continued to make compliant areas that were found not in compliance by the 1994 survey when work was done on those areas. In the following chapters we will discuss what city facilities were out of compliance, what changes were made to bring it back into compliance, our plan to bring the remaining items into compliance.

## **3. FACILITIES**

Currently the City has six facilities that are open to the public for business. Not all areas of each facility are open to the public and some facilities may have more than one building. The initial survey in 1994 did not list all of these facilities, however we have reevaluated our compliance and this is our current understanding of our level of compliance/incompliance.

### **3.1 Municipal Building**

In 1994 violations were found in the first ADA survey conducted. In the table below you can see the category, violation, correction status (if corrected, when was it corrected), correction plan (if not corrected), expected corrections timeline.

Category	Violation	Status	Plan	Timeline
Parking	118 parking spaces only two of which are	Two spaces were added in 1997 and three more	Designate two spots on the south side of the	Repaving of the parking lot will not be in the next five years,

	handicapped	will be added when we repaved the parking lot.	building near the handicapped entrance, and one on the north side of the building as handicapped.	but may be in the next 10 years.
	No signage designating and directing one to handicapped parking.	Corrected in July of 2012		
Accessible Route	No routes are connecting accessible parking spaces to accessible entrances.	Corrected in 1997 for the main building and the fire department.	Correction needs to be made for the police department	Correct curb cut and install ramp when remodeling/reforming stairs and sidewalk.
Building Evaluation	Temporary mats do not comply with 4.5.1.	Corrected in 1997		
	Entry door hardware does not comply	Corrected in 1997		
	Carpet thickness is thicker than ½ inch.	Carpet replaced in 1997.		
	Entry Doors in EOC, Parks and Rec director's office, EOC kitchen, and secure police door do not comply to maneuvering requirements	Since these are not general public access areas we plan to change if a handicapped person is employed in the areas.		

Category	Violation	Status	Plan	Timeline
General Interior	Hardware requiring grasping and twisting operating is in violation of 4.13.9.	Replaced all hardware in public areas with grasping and twisting in 1997.		
	Fire double doors are too narrow.	Doors changed in 1997.		

	Water coolers are not accessible.	In 1997 we installed an accessible water cooler outside of the courtroom.		
	Several Fire alarms pull stations are located 54” above finished floor.	Not yet corrected.	We will correct during the next renovation.	Next city hall renovation is more than 5 years away, but should be less than 10 years away.
	Several closet shelves and rods are not accessible.	We will remedy if we have an employee who is handicapped.		
	Visual alarms are required in toilets and other general areas.	We don’t have visual alarms in our current restrooms.	When our restrooms or alarm system is renovated we will correct this violation.	Next city hall renovation is more than 5 years away, but should be less than 10 years away.
	Violations with regard to the stove and sink in the EOC kitchen.	We will remedy if we have an employee who is handicapped.		
	The force required to open the door into the EOC room exceeds allowable	In 1997 the door was replaced.		
	The raised bench section of the courtroom is not accessible due to a 6” step.	Currently not remedied.	Install a ramp on the north side of the courtroom.	Next city hall renovation is more than 5 years away, but should be less than 10 years away.
	Violations with regard to the stove and sink in the Police kitchen.	We will remedy if we have an employee who is handicapped.		
	The currency slot on the coke machine in the fire department is greater than 54” above floor.	Vendor has corrected this by providing a compliant machine.		

Category	Violation	Status	Plan	Timeline
General Interior	Violations with regard to the stove and sink in the EOC kitchen.	We will remedy if we have an employee who is handicapped.		
Toilets	No toilets in the building are accessible in accordance with 4.1.3 (11).	In 1997 compliant toilets and fixtures were installed for both a men's and women's restroom.		
	No toilets in the police waiting room are accessible in accordance with 4.1.3 (11).	Undue hardship applies here since the space in that room is approximately 60 square ft. and any increase of the size of the restrooms would decrease the size of the waiting room to a size immovable by a handicapped person.	If necessary a police officer will escort handicapped person to the compliant bathroom.	If a major structural renovation takes place we plan to bring this into compliance.

### 3.2 Public Works Building

There is very little area in the Public Works building that is considered general or public space. The entrance area and bathrooms down the hall are the only areas in the main building that are deemed public space. The rest of the building is made up of offices, a garage facility, and supply room.

Category	Violation	Status	Plan	Timeline
Parking	50 parking spaces none of which are handicapped	Not in compliance.	When they restripe or repave the parking lot we will re draw three parking spots.	Restriping should happen in no more than five years.
	No signage designating and directing one to handicapped parking.	Not in compliance.	Since there are no spots we have not designated or directed anyone to handicapped	Signage and directing should happen in no more than five years.

			parking.	
Accessible Route	No routes are connecting accessible parking spaces to accessible entrances.	Not in compliance.	The public works department's entrance needs to be redone with a concrete lip toward the front entrance of the building as well as a compliant door.	These items should be done at the next Public Works renovation.
General Interior	Hardware requiring grasping and twisting operating is in violation of 4.13.9.	Not in compliance.	The entry doors were changed but the women's bathrooms were not.	These items should be done at the next Public Works renovation.

Category	Violation	Status	Plan	Timeline
General Interior	Several Fire alarms pull stations are located 54" above finished floor.	Not yet corrected.	We will correct during the next renovation.	These items should be done at the next Public Works renovation.
	Several closet shelves and rods are not accessible.	We will remedy if we have an employee who is handicapped.		
	Visual alarms are required in toilets and other general areas.	We don't have visual alarms in our current restrooms.	When our restrooms or alarm system is renovated we will correct this violation.	These items should be done at the next Public Works renovation.
	The currency slot on the coke machine in the fire department is greater than 54" above floor.	Vendor has corrected this by providing a compliant machine.		
	No toilets in the building are accessible in accordance with 4.1.3 (11).	Not yet corrected.	When our restrooms are renovated we will correct this violation.	These items should be done at the next Public Works renovation.

### 3.3 Conference Center

The conference center was completed in 2002 and completely meets ADA standards per the Director of Parks and Recreation for the City Cecil Austin Fesmire.

### 3.4 Fire Station 2

Fire Station 2 serves as an auxiliary fire station in the City. The City has up to three firefighters who man the station day and night to provide fire suppression on the west end of the city. The City does not give tours of the station and it is generally not open to the public. Thus the items needing correction will be corrected if the city were to employ someone who is handicapped.

Category	Violation	Status	Plan	Timeline
General Interior	Kitchen sink and stove are not in compliance.	We will remedy if we have an employee who is handicapped.		
	Several closet shelves and rods are not accessible.	We will remedy if we have an employee who is handicapped.		
	The bathroom facilities are not compliant with ADA standards	We will remedy if we have an employee who is handicapped.		

Category	Violation	Status	Plan	Timeline
Parking	50 parking spaces none of which are handicapped	Not in compliance.	When they restripe or repave the parking lot we will re draw three parking spots.	
	No signage designating and directing one to handicapped parking.	Not in compliance.	Since there are no spots we have not designated or directed anyone to handicapped parking.	
Accessible Route	No routes are connecting accessible parking spaces to accessible entrances.	Not in compliance.	The fire department's station 2 entrance needs to be redone with a concrete lip toward the front	These items should be done at the next Fire Station 2 renovation.



			entrance of the building as well as a compliant door.	
--	--	--	---	--

### 3.5 Red Brick House

The Red Brick House is a building in our Regional Park that was donated with the land to the City. It was a one story residential house with a basement. It is not normally open to the general public and serves as a building for the parks maintenance staff. A few times a year it is open to the public for council planning retreats, soapbox derby clinics, and staff meetings. Since it was a single family residential building it is not compliant with ADA and we have had no renovations done to the building since it was acquired.

Category	Violation	Status	Plan	Timeline
Parking	One gravel driveway with no designated handicapped parking.	Not in compliance.	When the driveway is paved we will designate parking spots.	There are no current plans to pave the driveway.
	No signage designating and directing one to handicapped parking.	Not in compliance.	When the driveway is paved we will designate parking spots with signage.	There are no current plans to pave the driveway.
Accessible Route	No routes are connecting accessible parking spaces to accessible entrances.	Not in compliance.	When we do a renovation of this property we will provide connection routes.	There
Building Evaluation	Entry door hardware does not comply	Corrected in 1997		
	Carpet thickness is thicker than ½ inch.	Carpet replaced in 1997.		
	Entry Doors in EOC, Parks and Rec director's office, EOC kitchen, and secure police door do not comply to maneuvering requirements	Since these are not general public access areas we plan to change if a handicapped person is employed in the areas.		

### 3.6 Connie Allen Memorial Recycle Center Building

In 2013 the City constructed an underground earthen shelter building at our recycle center. The building is approximately 600 square feet and contains an entryway and three rooms. The facility is only used by employees and serves as the office for Keep McMinn Beautiful. The lot the

building sits on is gravel and has no designate parking spots. There is an ADA compliant bathroom.

Category	Violation	Status	Plan	Timeline
Parking	There are no designated parking spaces and thus no handicapped spaces.	Not in compliance.	When a decision is made to put in parking spaces we will make sure there is a handicapped one.	No plans at this time.
	No signage designating and directing one to handicapped parking.	Not in compliance.	Since there are no spots we have not designated or directed anyone to handicapped parking.	
Accessible Route	No routes are connecting accessible parking spaces to accessible entrances.	Not in compliance.	The fire department's station 2 entrance needs to be redone with a concrete lip toward the front entrance of the building as well as a compliant door.	These items should be done at the next Fire Station 2 renovation.

## **4. SIDEWALK INFRASTRUCTURE**

The Americans with Disabilities Act (ADA) is a civil rights law that mandates equal opportunity for individuals with disabilities. The ADA prohibits discrimination in access to jobs, public accommodations, government services, public transportation and telecommunications. The City of Athens has undertaken a comprehensive re-evaluation of its policies, programs and facilities to determine the extent to which individuals with disabilities may be restricted in their access to City services, activities and facilities.

In 1994 the City of Athens completed its initial ADA Self-Evaluation and Transition Plan. The following document seeks to update the 1994 plan. This update describes the process developed to complete the re-evaluation of Athens's activities, provides policy and program recommendations and presents a Transition Plan Update for the modification of facilities, public rights-of way and programs to ensure accessibility.

This document will guide the planning and implementation of necessary program and facility modifications over the next several years. The ADA Self-Evaluation and Transition Plan Update is significant in that it establishes the City's ongoing commitment to the development and maintenance of policies, programs and facilities that include all of its citizenry. This section focuses on our Sidewalk inventory and transition to full ADA compliance.

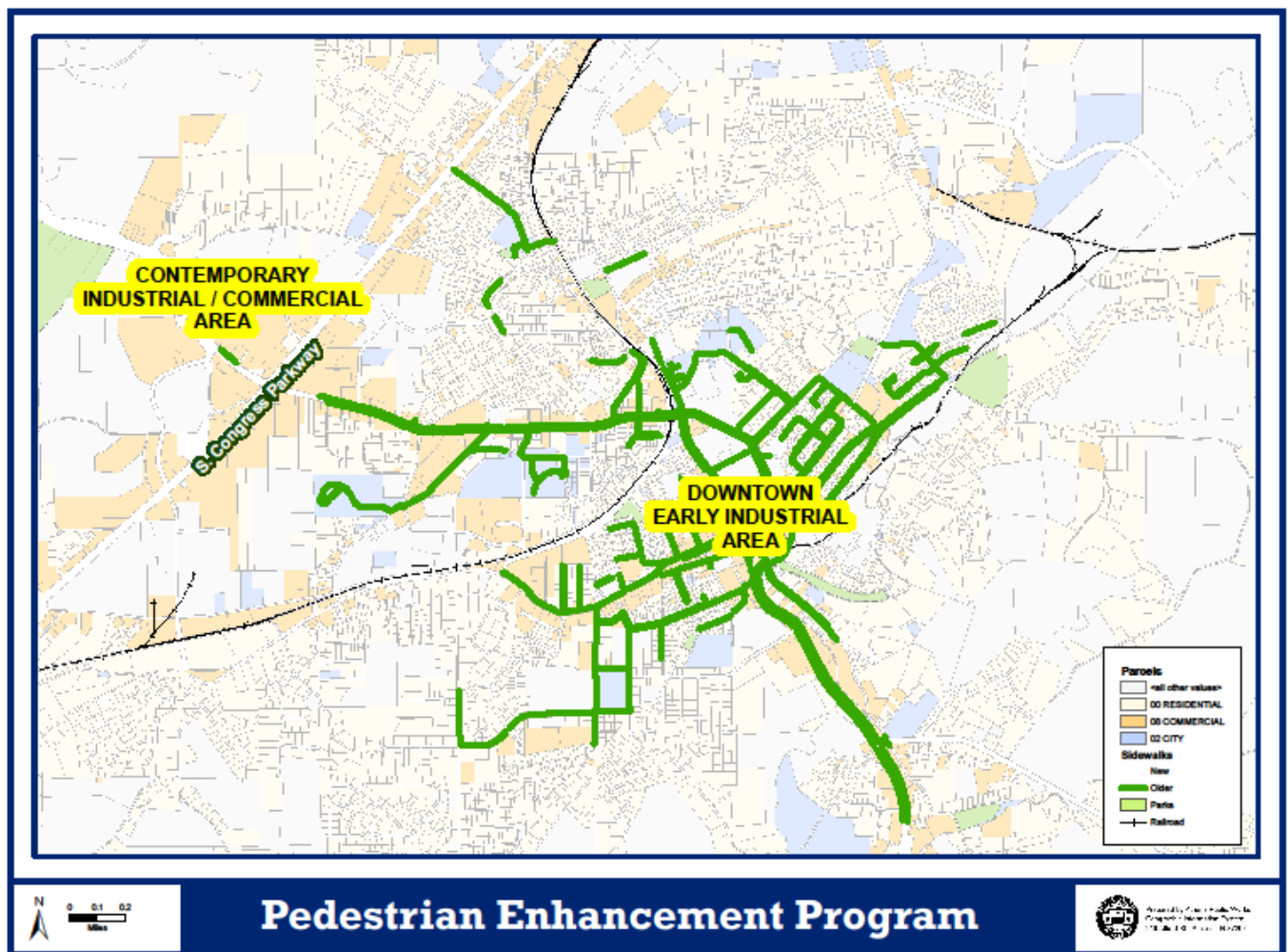
### **4.1 Background**

The City of Athens maintains approximately 32.4 miles of sidewalks and our sidewalks should last between 40 and 60 years before needing replacement. Our current cost for replacing 5 foot wide sidewalks is about \$31 per linear feet. This means that if our sidewalk last 60 years we need to replace about half a mile of sidewalks per year, which would cost about \$81,000 per year. The City typically replaces sidewalk every year when we are not building new sidewalks. In the past we have spent about \$40,000 per year in sidewalk replacements and if this trend continues we will replace every sidewalk in Athens on a 120 year cycle. This cycle seems too long so we need to find a way to replace sidewalks for less money, spend more on sidewalks or make them last 120 years.

The purpose of this study is to determine the condition of our sidewalks, identify hazards and liabilities, ADA issues, repair issues, and also to determine which sections of sidewalk need to be removed because the demographics of the City make them no longer needed or connected. Then determine a comprehensive maintenance plan for the next 5 years. Most of the sidewalks within the City of Athens were built 40 to 75 years ago. During that time Athens was centered on downtown and our downtown area was where people worked, lived, went to school, and shopped. Currently our shopping district has moved away from downtown, while our schools are still spread out and our places of work have spread out. Our sidewalk system should adjust to accommodate the changing needs of our City.

This study is the first of its kind in Athens and in our research we did not find software or instruments that others are using to do a comprehensive study. This could be one of the first studies of its kind in this area. Consequently cities typically have not done as much preventative

maintenance on sidewalks like we do for our road systems and data is not available for these savings and cost like with asphalt roads. Another good think about concrete sidewalks is that they don't tend to change as fast as roads unless you have a great deal of earth movements. We recently had a great deal of earth movements in Athens and found several areas where concrete had shifted. One of the reasons for these movements is subsidence or changing levels in our water table caused by floods, draughts, or less water making to the water table due to impervious surfaces. Not much is known at this time on subsidence and the State has not done in comprehensive studies in our state to tell us its impact on our infrastructure.



**CLICK ON THE MAP TO ENLARGE**

#### 4.2 Maintenance

When inspecting all our sidewalks this year we looked at trip hazards, cracking, spalling, and American with Disabilities Act issues. Trip hazards have become an increasing liability issue for the City of Athens so we try to locate these areas and fix them quickly. Most trip hazards are the result of movement in the earth that has caused one section of the sidewalk to shift up or down creating an unlevelled surface that is trip able. These can also be caused by sink holes or washouts below the sidewalk or excessive loads. In the past most of these areas were removed and replaced, but in some cases of less than a half inch we took our grinder out and leveled the area.

Recently the City of Athens purchased a new machine specifically designed to remove unlevelled areas of sidewalk and can do areas up to 2 inches and can level them much faster than our grinding attachment for our skid steers, which was designed for removing pavement markings and grinding asphalt.



With the use of this machine we can avoid removing as many sections as we previously did and can prolong the life of some sections.

Another issue that in the past we have replaced sidewalks is where the surface becomes really rough like in the picture below and we call it flacked or spalled. In the future we will be taking some of these sections and pouring a thin layer of 4,000-5,000 psi polymer modified concrete. This requires cleaning and preparing the surface, spraying a primer, and pouring the then layer and then sealing it.



Another treatment we have been experimenting with this year is epoxies. Epoxies are expensive and not practical for large segments, but we found that they are ideal when you have a good segment with small areas that have extensive damage such as large chips or cracks and Epoxy treatments can be a good tool for sidewalk treatments.

We have also experimented with using better sealers for our sidewalks and may begin specifying them on our jobs to increase the life of a sidewalk 10-20 years longer by using a full depth sealer. These prevent the onset of cracking and spalling.

We are also using pervious pavers for sidewalk. Pervious pavers are rated at 8,000 PSI instead of the typical 2,500-3,500 that most of our sidewalks are rated. We are continuing to study the long term maintenance of these areas and have over one mile at this time, but we may find that they last longer.

The issues with pervious pavers include weed spraying twice a year and when shifts occur you can take the paver out and adjust the rock and replace without the cost of a new material and utilities can do the same. They do cost a great deal more than concrete, but the benefit could in the future outweigh the cost if the installation price could be reduced through mechanical laying. The material cost is about the same as concrete so the cost difference is in the labor.





*Dip that needs to be fixed by removing pavers and adding gravel and placing back*

### **4.3 Inspections**

This year we inspected every segment and divided the city in 500-750 foot segments and we modeled it after our visual stream surveys. In some ways this inspection was a combination between a visual stream survey and our pavement surveys. You can see the results on the attached. Each segment included a picture that was attached to the data base that showed an overall segment condition as well as closer up pictures of defects.



Date	Inspector	Street	Section_From	Section_To	Sidewalk_Distress	Curb_Distress	Infrastructure
2-26-13	HH	College	Church	White	TRIP HAZARDS	LOW FAULT/CRACK	SEWER_CLEANOUT
ADA_Ramp	Walkability	Condition	Replacement	Recommendations	Notes	Surface_Type	
NO	FAIR	BELOW AVG TO AVG	>5 YEARS	Fix cut at water meter	4	CON	

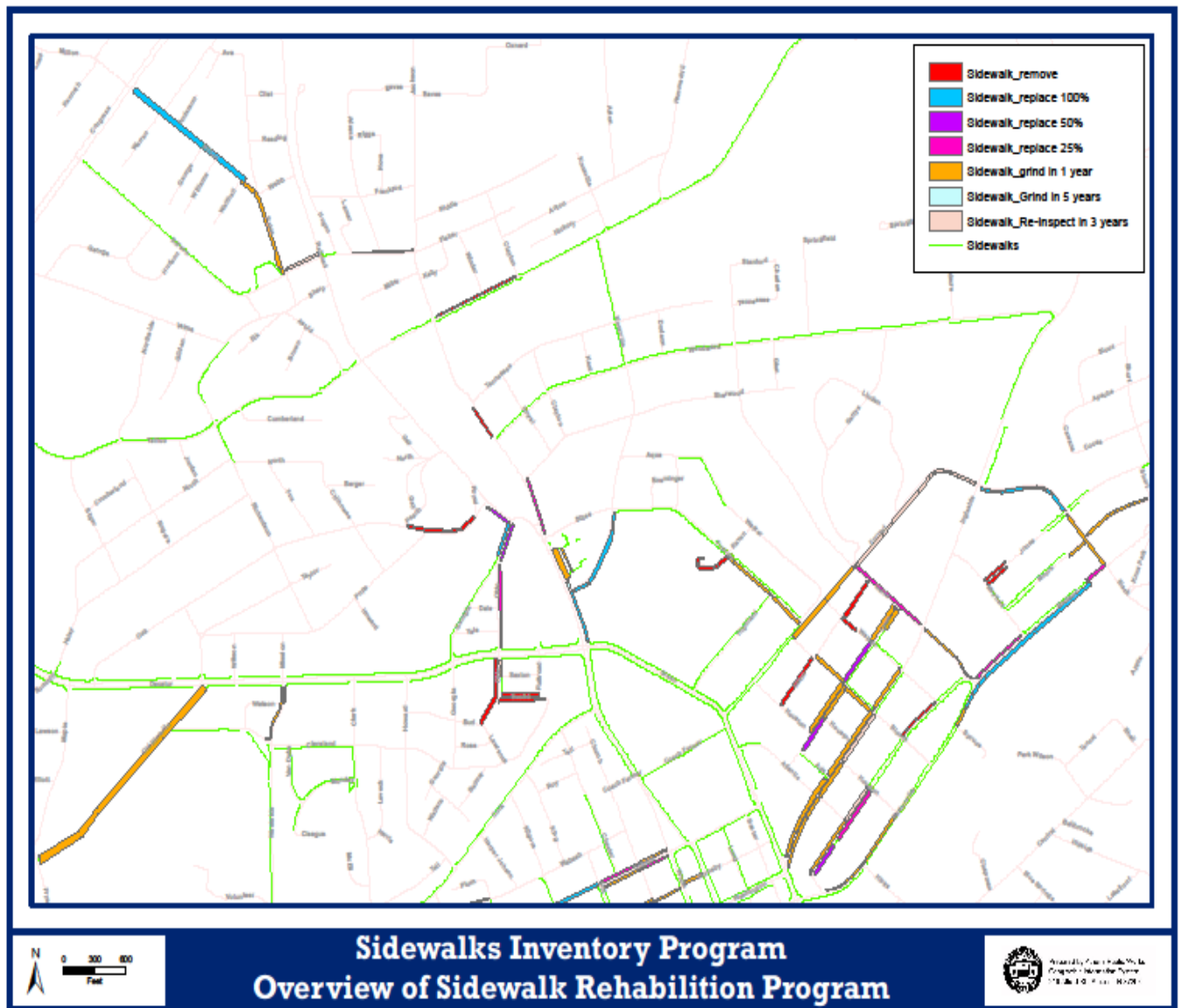


In the picture above there is an overall picture of the segment on College Street from Church to White and the second picture from right to left is the close up of the distress. This segment has a trip hazard, sewer cleanout, no ADA ramp, but walkability is rated fair, but the condition is below average to average. We recommend replacement greater than 5 years out, but we have a water meter that needs a cut fixed and we added note 4 which means that 25% of the section needs replaced in 5 years or more. Note numbers 1-10 were used to make it easier on the inspector. The following is what each number means.

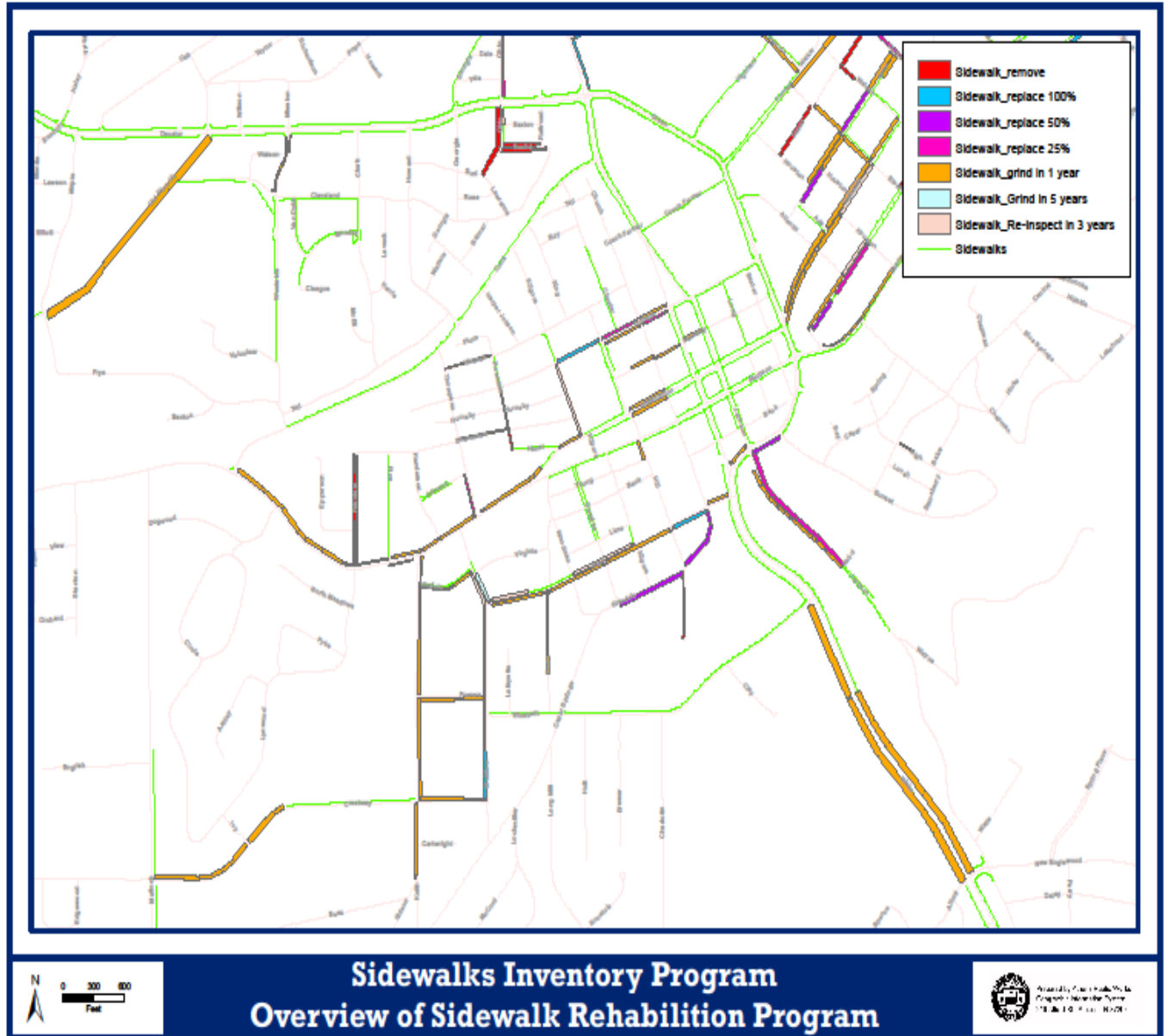
1. Close to 100% of the road needs replaced, but sidewalk is rarely used and may need to be cut out within the next 5 years and replaced with an alternative shoulder until pedestrian needs pick up. Shoulder replacement could include on street paved parking, remove see and straw, and install bio retention swales.
2. Close to 100% of segments within the inspection length needs to be replaced
3. 50% of the segments within the inspection length needs to be replaced

4. 25% of section within the inspection length needs replacement in the next 5 years.
5. Trip Hazards present that can be fixed by grinding needs to be completed within the next 6 months.
6. Possible trip hazards forming and will need to be ground smooth in the next 5 years around joints. Concrete in fair to good condition.
7. Beginning to see light spalling, small cracks, but no trip hazards or subsurface failures- Need to crack seal, micro surface or epoxy patch work.
8. Fair condition- No work needed during the next 5 years
9. Good Condition- No work needed during the next 5 years.
10. New or near Perfect Condition- No work planned during the next 5 years.

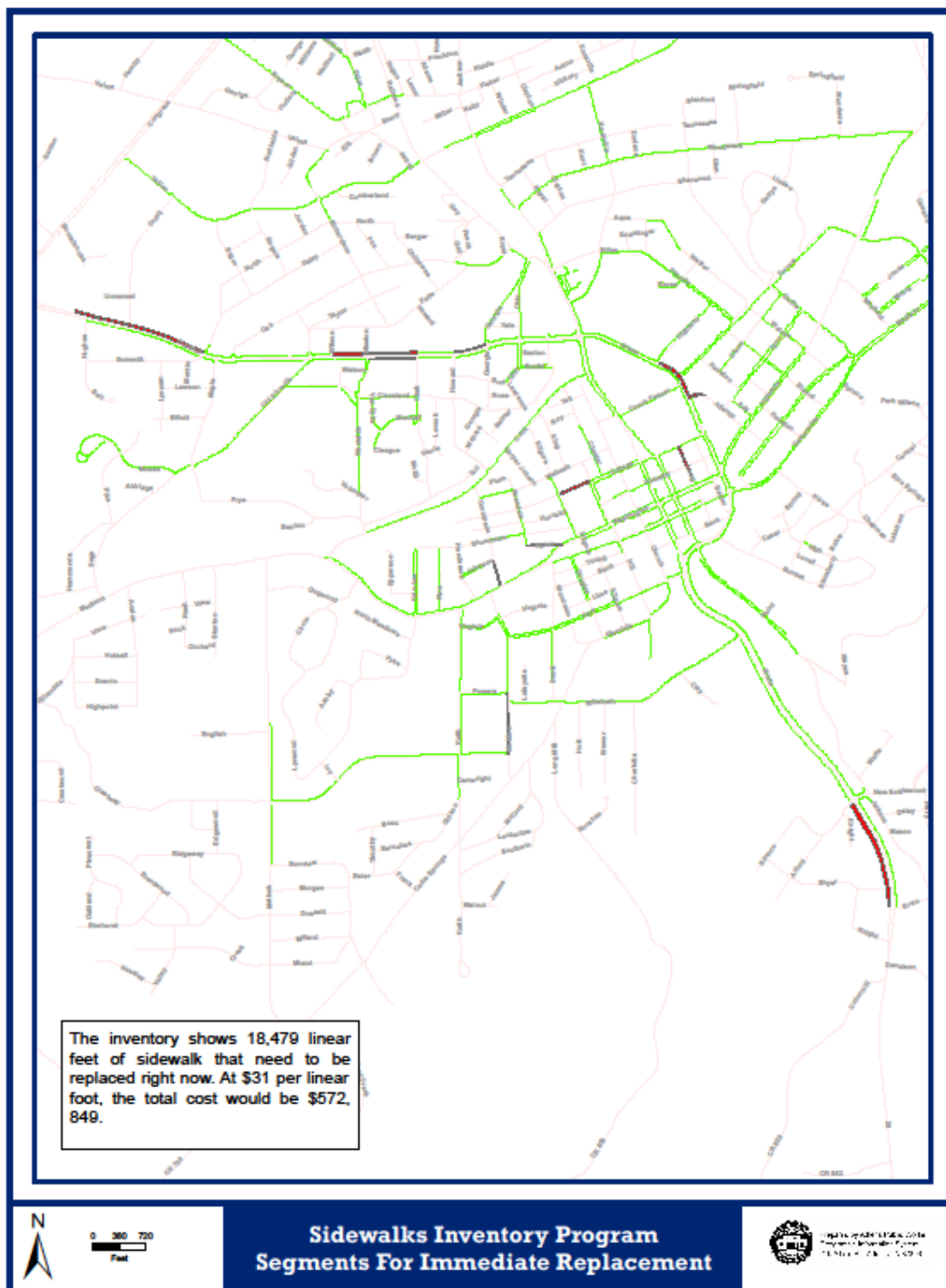
Then when these notes are graphically mapped we can see what our overall condition of our sidewalk look like. On the map below we have zoomed in to sections North of SR 30:



The Map below shows the segments South of SR 30:

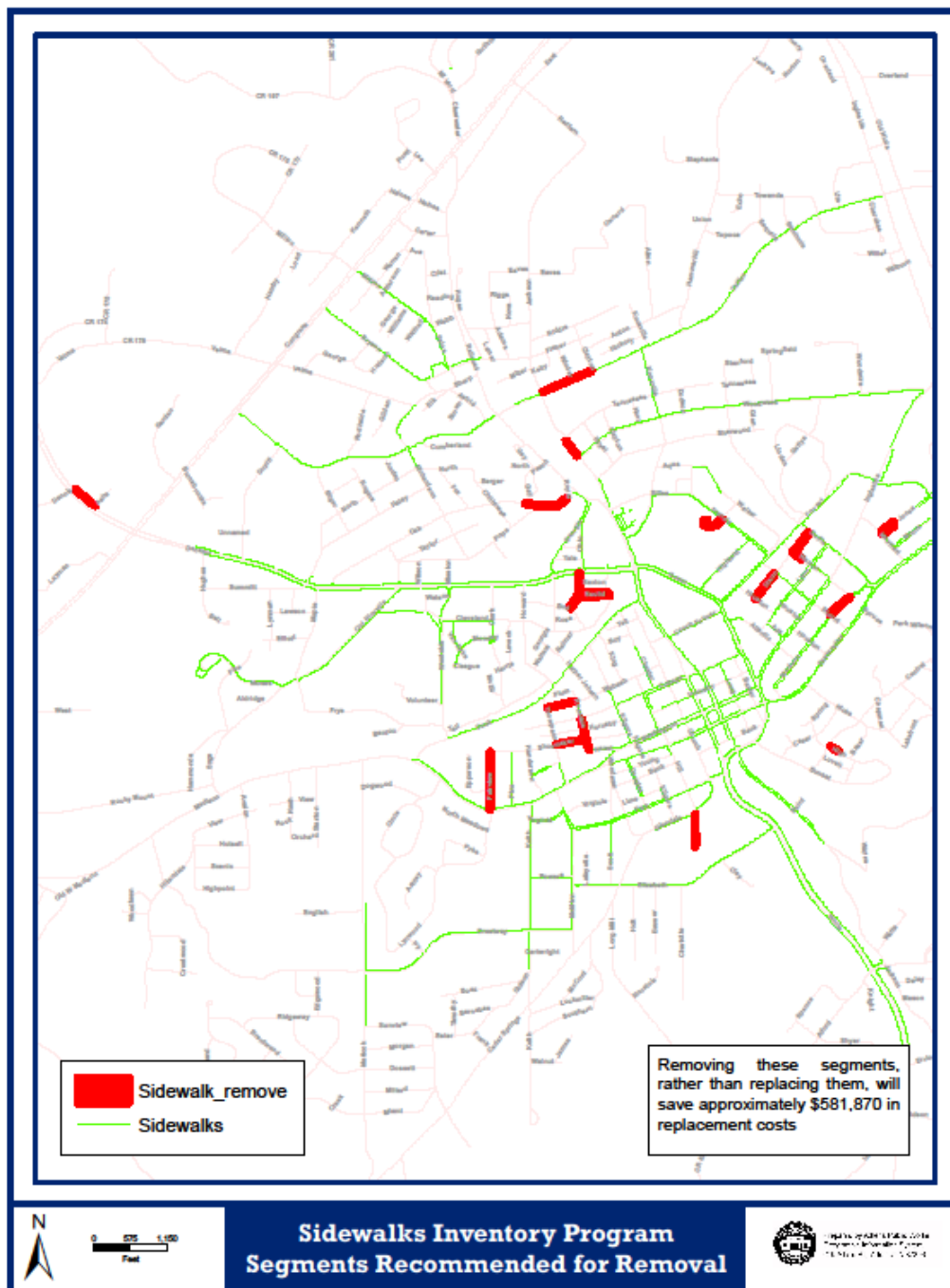


Areas identified that need to be replaced currently:



You can see we have a current need of \$572,849 and at our current funding of about \$40,000 per year we would replace all the above sections in 14 years. We would like to escalate this replacement by spending about \$50,000 per year in sidewalk replacements and get this number closer to 10 years.

The sidewalks below are the segments that we recommend that we just remove and not replace at this time because they are either redundant with new sidewalks on the other side of road, are not connected so serve no transportation purpose or they are currently not used often enough to justify. We also looked at segments that were not connected and tried to make a decision if they would be connected in the future. By removing these sections we save \$581,780 in funds by not replacing them.

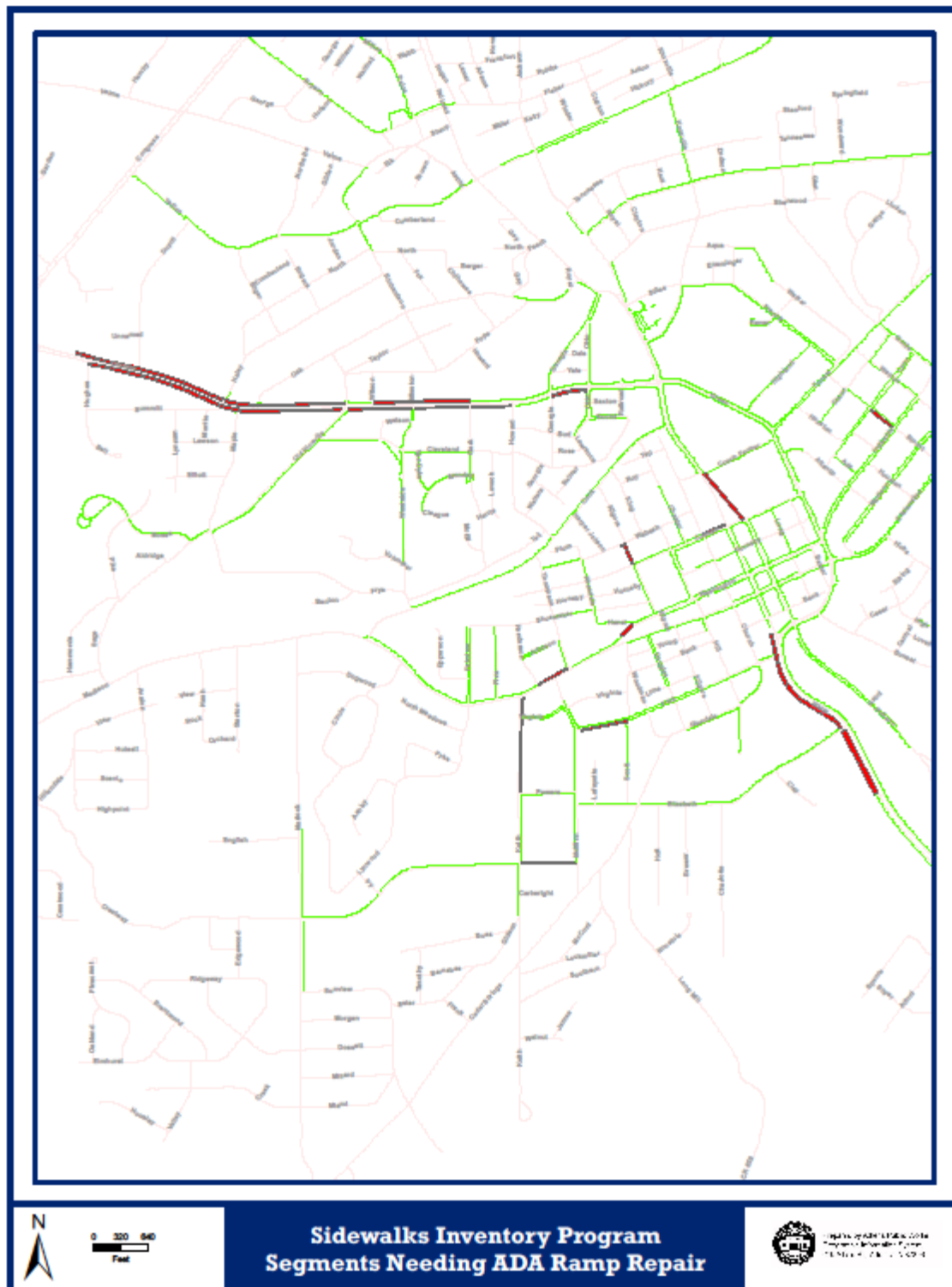


#### **4.4 Current Replacements Needed**

We currently have about \$27,000 left to use for replacements in this year's budget and we propose using this to replace the worst section around City Park on McMinn Avenue. We have had two injuries this year on this segment and it is probably our most heavily used sidewalk in Athens with the exception of downtown sidewalks.

We currently do not have the funds to replace all of this section and will use next year's funds to continue replacing sidewalks in the City Park area.

Our greatest needs for year 3 and 4 would be to work on ADA issues and replace some of our walkways on Decatur Pike. The map below shows ADA issues around the City of Athens:





In addition to replacing sidewalks we will do a substantial amount of grinding to remove trip hazards each year and will begin thin overlays, crack sealing, and epoxy patches. Then re-inspect the entire system in 5 years or less to determine our progress from this year's base line.

## 5. PARKS AND RECREATION FACILITIES

### 5.1 Parks

The City has 5 municipal parks: Veterans, Heritage, Cook, Prof Powers and Regional Park. The City also has a baseball field called Fisher Field. Regional Park is the largest and most used facility by far and it is ADA Compliant. It also has an ADA compliant walking trail that is perfect for wheelchairs and strollers. Not all of the playground equipment or trails are accessible, but there are accessible alternatives within the park. Veterans park is ADA compliant, however all that is there is a paved walking trail and a memorial. There are handicapped parking spaces in the correct number. The remaining parks have some violations which I will address below:

Park	Violation	Status	Plan	Timeline
Prof Powers Park	No routes are connecting accessible parking spaces to accessible bathrooms	Ramps at the door entrance are not compliant they are too steep.	Provide a ramp that is compliant.	Upon the next renovation of the facility provide a compliant ramp.
Heritage Park	No toilets in the park are accessible in accordance with 4.1.3 (11).	Not in compliance.	Develop a master plan for the park renovating bathrooms and playground equipment.	A master plan and renovation is budgeted for FY 2018.
Cook Park	No toilets in the park are accessible in accordance with 4.1.3 (11).	We need grab bars installed behind the water closets, and we need traps and hot water supply insulated	If necessary a police officer will escort handicapped person to the compliant bathroom.	If a major structural renovation takes place we plan to bring this into compliance.
Cook Park	No routes are connecting accessible parking with park.	The sidewalk access has a lip that exceeds $\frac{3}{4}$ of an inch.	Grind down lip to less than $\frac{3}{4}$ of an inch.	This can be accomplished by FY 2018.

## **5.2 Ingleside Pool**

Ingleside pool was renovated to be completely compliant before 2010. The pool also has a lift assist device for handicapped individuals.

## **5.3 Trails**

The city has a unique and diverse trail system that maximizes our urban wilderness. Not all trails can be accessed by handicapped individuals, but some can be. The Mouse Creek Trail is made of a rubber tire mulch surface and meets ADA requirements. While other trails like Eagle Trail or the Wetlands trails are dirt trails and not compliant. Regional Park also has a trail that is concrete and meets ADA requirements, and our newest addition to the trail network is Eureka Trail. Trail construction is still in progress, but when complete this trail will be a great addition to our trail network.

**6. APPENDIX**

**6.1 1994 ADA Compliance Manual for Athens City Hall**

**6.2 [Link to KMZ file to be used with Google Earth for Sidewalk improvement Map](#)**

**6.3 Sidewalk Improvement Plan Map**

**CITY OF ATHENS**  
**HANDICAPPED ACCESSIBILITY SURVEY**  
**OF THE CITY ADMINISTRATIVE BUILDING**  
**FOR COMPLIANCE WITH THE**  
**AMERICANS WITH DISABILITIES ACT**  
**"ADA"**

**PREPARED FOR:**  
**THE CITY OF ATHENS, TENNESSEE**



**PREPARED BY:**  
Barge, Waggoner, Sumner and Cannon, Inc.  
2400 Plaza Tower  
Knoxville, Tennessee 37929  
615/637-2810

## TABLE OF CONTENTS

### I. INTRODUCTION

- A. Work Statement
- B. What is ADA?
- C. Issues of Title II
  - 1. General Rule
  - 2. Existing Facilities
  - 3. Regulations and Standards
  - 4. Effective Dates
  - 5. Enforcement
  - 6. Concepts
- D. Results

### II. EVALUATIONS

- 1. CITY ADMINISTRATIVE BUILDING
  - A. Site
  - B. Building
- 2. SUMMARY OF PROBABLE COST
  - A. Site
  - B. Building

### III. COMPLIANCE STRATEGIES

## TABLE OF CONTENTS

### IV. APPENDICES

A. P.L. 101-336, Americans with Disabilities Act of 1990

B. Fact Sheets on Titles Included in ADA

Title I--ADA Employment Section

Title II--ADA Public Services and Public Transportation Section

Title III--ADA Public Accommodations and Services Section

Title IV--ADA Telecommunications Section

Title V--ADA Miscellaneous Provisions

C. Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities

### V. EXISTING FLOOR PLANS FOR REFERENCE

1. Administrative Areas

2. Police and Fire Stations

# INTRODUCTION



## I. INTRODUCTION

### I. A. WORK STATEMENT

Barge, Waggoner, Sumner and Cannon (BWS&C) prepared this Americans with Disabilities Act (ADA) Compliance Evaluation (as contained in Section II of this report) for The City of Athens in accordance with our Contract dated February 21, 1994. Please note that this report is for recommendations of compliance with ADA regulations only. The State of Tennessee has adopted the 1989 North Carolina State Building Code, Volume C and any physical changes actually incorporated at the facility must also comply with the North Carolina Code, and other model codes enforced by the City.

During this evaluation a BWS&C representative, Mr. Grant Tharp, AIA visited the sites and office space on March 3, 1994. At the facility, the existing parking conditions and the exterior accessible route entrances were evaluated as part of the site with the entrances and interiors evaluated as part of the office space. The only facility evaluated was the City Administrative Building, which includes the Fire and Police Departments.

THE FACILITY IS EXISTING AND THEREFORE REVIEWED FOR "BARRIER REMOVAL" OF "READILY ACHIEVABLE" ITEMS ONLY. REFER TO SECTIONS I-C-6 AND I-D FOR A MORE THOROUGH DESCRIPTION.

Only those items which required modifications are addressed in this report. Accessibility items which are currently within the parameters of the new ADA are not mentioned. All number designations found in the "Violation" category of Section II are ADA Accessibility Guideline designations, a copy of which has been provided in Section IV, C. for your reference. The recommended solutions are BWS&C's opinion of the most economical solution, but are not the ONLY solutions available. The owner and his staff must review the violations and render their own opinions on items of barrier removal which are necessary. WE RECOMMEND A REVIEW STAFF COMPRISED OF COUNTY EMPLOYEES, AN ATTORNEY KNOWLEDGEABLE WITH ADA, AN ARCHITECT KNOWLEDGEABLE WITH ADA AND A REPRESENTATIVE OF THE LOCAL PHYSICALLY DISABLED COMMUNITY.

The Americans with Disabilities Act is a relatively new and complex law. It contains many concepts and terms of art which have yet to be tested by actual

experience or defined in the courts with respect to particular factual situations. In undertaking this review we are exercising our best professional judgement concerning the requirements of the Act, but since interpretation of these concepts is subjective, we cannot warrant that our opinions will ensure total compliance with the requirements of the Act.

The following section (Section II) of this report contains evaluations of the existing conditions and compliance with ADA as noted. P.L. 101-336, Americans with Disabilities Act of 1990, fact sheets on titles included in ADA and the ADA Accessibility Guidelines for Buildings and Facilities are included as Appendix A, B and C respectively.

I. B. WHAT IS ADA?

On July 26, 1990, President Bush signed the Americans with Disabilities Act (ADA) of 1990. A copy of Public Law 101-336, ADA of 1990 is included in Appendix A. This legislation expands the network of federal civil rights laws currently applying to women and minorities to include the 43 million americans with some form of disability. A summary of the five titles of ADA is as follows:

Title I--ADA Employment Section

Title II--ADA Public Services and Public Transportation Section (Basically State and Local Governments)

Title III--ADA Public Accommodations and Services Section (Basically Private Entities)

Title IV--ADA Telecommunications Section

Title V--ADA Miscellaneous Provisions

Fact sheets on each of these titles is included in Appendix B.

Since the services being provided as part of this report are public entities encompassed by public accommodations and services section, this report will only address Title II. Since the facility, or portions thereof, evaluated is existing, the report will concentrate on barrier removal within existing facilities.

The following section addresses issues of Title II as applicable to the services being provided as part of this project and as extracted from the fact sheet for Title II.

I. C. ISSUES OF TITLE II

1. General Rule

No qualified individual with a disability shall be discriminated against or excluded from participation in or the benefits of the services, programs, or activities of a public entity.

Program Accessibility:

No qualified individual with a disability shall, because of inaccessible or unusable facilities of a public entity, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity or be subject to discrimination by any public entity.

2. Existing Facilities

A PUBLIC ENTITY IS REQUIRED TO MAKE STRUCTURAL CHANGES TO EXISTING FACILITIES ONLY WHEN PROGRAM ACCESSIBILITY IS NOT FEASIBLE ANY OTHER WAY (I.E., REASSIGNMENT OF SERVICES TO AN ACCESSIBLE BUILDING, OR PROVISION OF AUXILIARY AIDS).

Although unable to protect a public entity from complaint or civil suit if programs are not readily accessible to and usable by persons with disabilities by January 26, 1992, each public entity in the U. S. is required to complete a "self-evaluation" of its current policies and practices to identify any non-compliant policies or practices (See the timetable for Title II facilities compliance).

Where "structural changes" to existing facilities are the only way to arrive at program accessibility, a "transition plan" (only for public entities with 50 employees or more) outlining the steps necessary to complete the structural changes is required. Comments must be invited from disabled persons or organizations representing such individuals. The "transition plan" must be completed by July 26, 1992 and must include the identification of barriers (architectural and communication) to program accessibility, detailed methods for making the facilities accessible, a schedule for implementation and the official responsible for implementation.

### 3. Regulations and Standards

The Department of Justice issued regulations on July 26, 1991 for all portions of Title II except those portions dealing with Public Transportation which have been issued by the Department of Transportation.

The regulations associated with Title II of the Act and printed in the Federal Register on July 26, 1991 state that compliance with the Uniform Federal Accessibility Standards (UFAS) or the ADAAG (without the elevator exemption) shall satisfy the accessibility requirements of this Title for new and altered buildings and facilities. This publication also states that "departures from particular requirements of those standards by use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided."

### 4. Effective Dates

The effective date of this Title is January 26, 1992. The following list of dates will be of assistance in understanding when each compliance requirement is to be addressed:

- 1-26-1992      1.      Ensure that the operation of each service, program, and activity is operating so that each, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. (35.150(a))

Even though the following required procedures will not shield a public entity from a discrimination complaint, they are mandatory if programs are not readily accessible to and usable by people with disabilities.

- A.      Begin **self-evaluation** process for those areas of services, policies and practices not previously evaluated (and on file) for section 504 of the Rehabilitation Act of 1973. (35.105)

- B. Public entities with 50 or more employees begin **transition plan** outlining structural changes required for program accessibility and proceed with structural changes, as require, to facilities "as expeditiously as possible". (35.150(c))
2. New construction starting after this date must be readily accessible. (35.151(a))
  3. The altered portions of alterations beginning construction after this date must, to the maximum extent feasible, meet the "readily accessible to and usable by individuals with disabilities" standard set by the Uniform Federal Accessibility Standard or, at the public entity's option, the ADAAG. (35.151(b))
  4. Date a complaint or civil law suit may be filed by an individual based on ADA discrimination by a public entity.
- 7-26-1992 1. Transition plan complete where structural changes to facilities will be undertaken to provide program access. Transition plan must identify obstacles, describe in detail the methods that will be used to make facilities accessible, specify the schedule for taking the steps identified and indicate the official responsible for implementation of the plan. (35.150(d))
- 1-26-1993 1. Self-evaluation complete. (35.105(a))
- 1-26-1995 1. Completion of last structural changes to facilities where such changes were undertaken for program accessibility. (35.150(c))

## 5. Enforcement

Those who believe themselves discriminated against may file a civil lawsuit in Federal District Court.

Individuals may file complaints with the designated Federal agencies concerning matters of Title II discrimination or contact the Department of Justice who will direct the complaints as required. The Federal agency specified in the regulations will then investigate the complaint (if made within 180 days of the alleged discrimination), attempt to resolve complaints on a voluntary basis and then, if unsuccessful, refer cases to the Department of Justice for civil suit.

Remedies are the same as available under Section 505 of the Rehabilitation Act of 1973. Courts may order an entity to make facilities accessible, provide auxiliary aids or services, modify policies, and pay attorney's fees.

NO ENFORCEMENT AGENCY EXISTS WHICH WILL REVIEW EXISTING FACILITIES OR CONSTRUCTION PLANS.

## 6. Concepts

The following is a brief meaning of the terms "readily achievable", "undue burden" and "reasonable accommodation" along with the phrases "fundamental alterations", "readily accessible to and usable by", "structurally impracticable" and "disproportionate". Each of these terms or phrases plays an important role in understanding the basic anti-discriminatory requirements of Title III. Much of the following "definition" material is excerpts from the ADA Facilities Compliance Workbook compiled by Evan Perry Associates, Birmingham, Alabama.

"Readily achievable": The term "readily achievable" means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include the following: (a) the nature and cost of the action needed under this act; (b) the overall financial resources of the facility or facilities involved in this action, the number of persons employed at such facility, the effect on expenses and resources or the impact otherwise of such action upon the operation of the facility; (c) the overall financial resources of the covered entity, the overall size of the business of the

covered entity with respect to the number of its employees, the number, type and location of its' facilities; and (d) the type of operation or operations of the covered entity, including the composition, structure and function of the work force of such entity, the geographic separateness, administrative or fiscal responsibility of the facility or facilities in question to the covered entity.

"Undue burden": The determination of whether the provisions of an auxiliary aid or service imposes an undue burden on a business will be made on a case-by-case basis taking into account the same factors used for purposes of determining undue hardship (see Title I concerns).

The fact that the provision of a particular auxiliary aid will result in an undue burden does not relieve the business from the duty to furnish an alternate auxiliary aid if available, that would not result in such a burden.

Under Title I, Section 101, the definition of "undue hardship" is "an action requiring significant difficulty or expense when considered in light of the factors set forth in Subparagraph B" which include:

- a. the nature and cost of the accommodation;
- b. the overall financial resources and work force of the facility involved;
- c. the overall financial resources, number of employees, and structure of the parent entity; and
- d. the type of operations of the covered entity including the composition and functions of its' work force and the administrative and physical relationships between the facility and the parent entity.

"Reasonable accommodation": The term "reasonable accommodation" may include: (a) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; (b) job restructuring, part-time or modifying the work, scheduling, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.



"Fundamental alterations": "Undue burden" is the first of two exemptions allowed in ADA under which a public accommodation may not be required to make auxiliary aids or services to people with disabilities to ensure communication. The second exemption occurs if those modifications might "fundamentally alter" the nature of the goods, service, facilities, privilege, advantage or accommodation being offered. This limitation or defense also holds true for discrimination based on the failure to modify policies, practices or procedures. this term, "fundamental alterations", has yet to be defined by the ADA, the Supreme Court or in Section 504, Regulations of the Rehabilitation Act of 1973. Some lower courts have addressed portions of the concept.

Courts have ruled that alterations are not required if they would endanger a program's viability, or if massive changes are required, or if modifications involve "major restructuring" of an enterprise or that "jeopardize the effectiveness" of a program or if they might alter an enterprise so as to create, in effect, a new program. In an article written by Bergdorf and Bell entitled Eliminating Discrimination Against Physically and Mentally Handicapped Persons: A Statutory Blueprint, "fundamental alteration" was defined as:

- a. A substantial change in the primary purpose or benefit of a program or activity; or
- b. A substantial impairment of necessary or essential components required to achieve a program or activity's primary purpose or activity.

Again, "fundamental alterations" and "undue burdens" together comprise the limit of duty on public accommodations with regard to either "reasonable modifications" to policies, practices, and procedures, or the issues surrounding the provision of "auxiliary aids and services" of Section 302.

"Readily accessible": The phrase "readily accessible to and usable by" individuals with disabilities establishes the standard by which that new construction and alteration project would be judged.

The term is intended to enable people with disabilities (including mobility, sensory and cognitive impairments) to get to, enter and use a facility.

While the term does not necessarily require accessibility of every part of every area of a facility, the term contemplates a high degree of convenient accessibility, entailing accessibility of parking areas, accessible routes to and from the facility, accessible entrances, usable bathrooms and water fountains, accessibility of public and common use areas for both public accommodations and commercial facilities. Thus access into and out of the rooms is required. In addition, there must be an accessible path of travel in and around the employment area. The basic objective is that a person with a disability must be able to get to the employment area. The design standards do not cover unusual areas such as catwalks or fan rooms.

The phrase "readily accessible to and usable by individuals with disabilities" focuses on the person with a disability and addresses the degree of ease with which such an individual can enter and use a facility; it is access and usability which must be "ready".

"Structurally impracticable": Under Title III, Section 303 dealing with new construction and alterations in public accommodations or commercial facilities, the term "structurally impracticable" is used. This term is used as an exception to the requirement that all new construction be "readily accessible to and usable by" individuals with disabilities. The House Report from the Committee on Education and Labor has the following to say with regard to "structurally impracticable":

The phrase "structurally impracticable" is a narrow exception that will apply only in rare and unusual circumstances where unique characteristics of terrain make accessibility unusually difficult. Since limitations for topographical problems are analogous to an acknowledged limitation in the application of accessibility requirements of the Fair Housing Act of 1988. It means that only where unique characteristics of terrain prevent the incorporation of accessibility and would destroy the physical integrity of the facility is it acceptable to deviate from accessibility requirements. Under this title, an exception to accessibility requirements should not be applied to situations in which a facility is located in "hilly terrain or on a plot of land upon which there are steep grades". In such circumstances, accessibility can be achieved without destroying the physical integrity of the structure, and ought to be required in the construction of new facilities.

In these circumstances in which it is structurally impracticable to achieve full compliance with accessibility requirements of the ADA, public accommodations and commercial facilities should still be designed and constructed to incorporate accessibility features to the extent that they are structurally practicable. The accessibility requirement should not be viewed as an all-or-nothing proposition in such circumstances.

"Disproportionate": This phrase is found in Section 303 dealing with alterations to existing facilities. The law states that alterations to existing facilities are to the maximum extent feasible readily accessible to and usable by those with disabilities and further states that the path of travel to the altered portion of the existing facility may or may not be required to be renovated so as to become readily accessible to and usable by those with disabilities. The guidelines governing the requirement that the path of travel to and/or from the altered portion of an existing facility have been defined in the Justice Department regulations but may also rely upon information presented in Congressional hearings for a clue as to the decision to make these paths accessible or not. A Congressional Report States the following:

Where the entity is undertaking an alteration or could effect the usability or access to an area of the facility containing a primary function, the entity must also make the alterations in such a manner, to the maximum extent feasible, that the path of travel to the area, and the bathrooms, telephones, and drinking fountains serving the remodeled area, are readily accessible to and usable by individuals with disabilities, where such alterations to the path of travel or the bathrooms, telephones, and drinking fountain serving the altered area are not "disproportionate" to the overall alteration in terms of cost and scope (as determined under the criteria established by the Attorney General).

The "disproportionality concept" recognizes that in some circumstances, achieving an accessible path of travel and accessible restrooms and drinking fountains may be sufficiently significant in terms of cost or scope in comparison to the remainder of the rest of the alterations being undertaken as to render this requirement unreasonable. In such cases where the tail (path of travel, accessible restrooms, etc.) would be wagging the dog (the overall alteration), the accessible path of travel and related accessibility features are not required.

A place of public accommodations may not evade the path of travel, accessible restrooms, etc., requirements by performing a series of small alterations which it would otherwise have performed in a single undertaking. The committee notes that in Pennsylvania, a state statute requires that any series of alterations projects on a facility conducted within three years is combined as if they were a single alteration for the purposes of determining the extent of accessibility requirements. Likewise, under ADA, if a public accommodation has completed an alteration without incorporating the accessible path of travel and accessible restrooms, etc., the total cost of the alterations both past and future which are proximate in time may appropriately be considered in determining whether providing an accessible path of travel, etc., is "disproportionate".

The Committee Report continues addressing the issue of disproportionality and focuses next upon the issue of phasing portions of the accessibility work to the path of travel. The Committee Report continues as follows:

If the aggregate cost of an accessible path of travel, restrooms, telephones and drinking fountains would be disproportionate to the overall alteration cost, the place of public accommodation is not relieved of the obligation to provide a "subset" of such features that is not disproportionate. The goal is to provide a maximum degree of accessibility in such features without exceeding the disproportionate limit. If a selection must be made between accessibility features, those which provide the greatest use of the facility should be selected. For example, an accessible entrance would generally be the most important path of travel feature since without it the facility is totally unusable by many persons with disabilities. An accessible restroom would have a greater priority than an accessible drinking fountain.

In the comments above, we saw the intent of Congress to prioritize elements of the accessible path of travel in an area of alterations. What we find next is that even though the complete path of travel may not be made accessible, the entities are required to at least reach this magical "disproportionate limit" which will be discussed further in the Congressional Report quoted below:

If there is no way to provide an accessible path of travel to an altered area because of the disproportionality limit, making

restrooms, etc., serving the area accessible is still required if it is not disproportionate. It is incorrect to assume that if a building entrance has steps, there is no reason to make the restrooms and other features accessible. Some individuals with disabilities can negotiate steps but still need accessibility feature in the restroom, drinking fountain, etc. If those contemplating alterations to places of public accommodations are unsure how to rank such accessibility features in particular circumstances, they would be well advised to consult with local organizations representing persons with disabilities.

As Congress mentioned in the report quoted above, if the priorities are unclear, consultation with local disability advocacy groups would be wise. This might also be incorporated into an "implementation" plan for accessibility which represents a "good faith effort" on the part of your company or organization. Congress did make their intent clear in the discussion that follows as to what this magical "disproportionate limit" might be:

For example, it would clearly be disproportionate to require a public accommodation to double the cost of a planned alteration. Indeed the Committee believes that in almost all circumstances, it would be disproportionate to increase the cost of an alteration by more than 50 percent to incorporate an accessible path of travel and related accessibility features. The Committee notes that Pennsylvania statutes incorporate a formula in which an accessible path of travel is mandated whenever an alteration project costs between 30 percent and 50 percent of the worth of the building and the entire building must be made accessible if remodeling exceeds 50 percent of the building's value.

Although the language in the Committee Report is not necessarily the same as that which will be provided by the Department of Justice in their final regulations on this topic, the Justice Department representatives suggest that deviation from the intent expressed by Congress is extremely rare and requires stringent justification. The Congressional Report continues as follows:

This (the Pennsylvania) approach differs somewhat from that in the ADA, in that the latter comprises the proportionality of the

accessibility costs of the overall planned alteration rather than the underlying value of the building. The Committee believes, however, that it would be consistent with the ADA approach for the minimum guidelines or regulations to establish a specific standard, such as 30 percent of the alteration cost, for determining the disproportionality of the accessible path of travel in related accessibility features required under this Section 302.

This "magic" number for the disproportionate limit has been defined by the Justice Department to be 20 percent (not 30 percent) of the alteration cost. This 20 percent limit or cap on "path of travel" expenditures is very important because alterations made to provide a more accessible path of travel are not required to exceed 20 percent of the "overall alteration" costs for the primary function area. If your modifications would require you to exceed this 20 percent limit, you should reconsider your modification strategies until you can make the "path of travel" as accessible as possible given the 20 percent cap on spending.

Also, a private entity can't try to evade the "path of travel" accessibility modifications by making a series of small alterations to the primary function area in a way that no significant amount of money is available to modify the "path of travel". In such a case, the 20 percent limit will be calculated using the sum of the alteration costs to that "primary function" area over the preceding three years.

The Congressional Report continues with a discussion on the definition "path of travel":

The "path of travel" to an altered area means a continuous, unobstructed way of pedestrian travel by means of which that area may be approached, entered, used, and exited; and which connects that area with an exterior approach (including sidewalks, streets, and parking areas), and entrance to the facility, and other parts of the facility. An accessible path of travel may consist of walks and sidewalks, curb ramps, and other interior and exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms and other improved areas; parking area access aisles; elevators and lifts; or a combination of such elements. An accessible path of travel is analogous to the "accessible route" and "circulation path" concepts in the existing Uniform Federal Accessibility Standards.

Cost associated with making a path of travel more accessible might include those costs associated with:

- a. Providing an accessible entrance and an accessible route to the altered areas (i.e., widening doors, installing ramps, or accessible door hardware).
- b. Making restrooms more accessible (i.e., putting in grab bars, enlarging toilet stalls, insulating lavatory pipes, or installing lever handle faucets).
- c. Providing accessible phones (i.e., lowering phones, installing adjustable volume receivers to TDD's).
- d. Relocating drinking fountains.

In prioritizing how to spend the 20 percent for path of travel improvements, rank choices as follows:

- a. Entrance accessibility;
- b. Accessible route to altered areas;
- c. At least one accessible restroom for each sex or a unisex restroom;
- d. Telephones;
- e. Miscellaneous improvements including parking, storage or alarms.

I. D. RESULTS

1. General Statements

- A. Section 4.1.1 (3) states in part that "These guidelines do not require that any areas used only as work areas be constructed to permit maneuvering within the work area or be constructed or equipped (i.e. with racks or shelves) to be accessible." Therefore, this study is for accessibility of the general public to public access areas only, and is not intended for reviewing of non-public spaces such as storage rooms, etc. Also, light switches, controls, etc. in areas other than toilets, are not listed as required since they are utilized by employees only.
- B. Since the facility is an existing facility, all work as a result of ADA compliance will basically be alterations, or "Readily accessible" barrier removal. Therefore, the following excerpts from the public law itself and from the ADA Guidelines should be taken into consideration when developing a strategy for total compliance.

Section 4.1.6

(d) No alteration of an existing element, space, or area of a building or facility shall impose a requirement for greater accessibility than that which would be required for new construction. For example, if the elevators and stairs in a building are being altered and the elevators are, in turn, being made accessible, then no accessibility modifications are required to the stairs connecting levels connected by the elevator. If stair modifications to correct unsafe conditions are required by other codes, the modifications shall be done in compliance with these guidelines unless technically infeasible.

(g) In alterations, the requirements of 4.1.3(9), 4.3.10, and 4.3.11 do not apply.

(j) EXCEPTION: In alteration work, if compliance with 4.1.6 is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible. Any elements or features of the building or facility that are being altered and can be



made accessible shall be made accessible within the scope of the alteration.

(3) Special Technical Provisions for Alterations to Existing Buildings and Facilities:

(a) Ramps: Curb ramps and interior or exterior ramps to be constructed on sites or in existing buildings or facilities where space limitations prohibit the use of a 1:12 slope or less may have slopes and rises as follows:

(i) A slope between 1:10 and 1:12 is allowed for a maximum rise of 6 inches.

(ii) A slope between 1:8 and 1:10 is allowed for a maximum rise of 3 inches. A slope steeper than 1:8 is not allowed.

(b) Stairs: Full extension of handrails at stairs shall not be required in alterations where such extensions would be hazardous or impossible due to plan configuration.

(c) Elevators:

(i) If safety door edges are provided in existing automatic elevators, automatic door reopening devices may be omitted (see 4.10.6).

(ii) Where existing shaft configuration or technical infeasibility prohibits strict compliance with 4.10.9, the minimum car plan dimensions may be reduced by the minimum amount necessary, but in no case shall the inside car area be smaller than 48 in. by 48 in.

(iii) Equivalent facilitation may be provided with an elevator car of different dimensions when usability can be demonstrated and when all other elements required to be accessible comply with the applicable provisions of 4.10. For example, an elevator of 47 in. by 60 in. (1195 mm by 1755 mm) with a door opening on the narrow dimension,

could accommodate the standard wheelchair clearances shown in Figure 4.

(d) Doors:

(i) Where it is technically infeasible to comply with clear opening width requirements of 4.13.5, a projection of 5/8 in maximum will be permitted for the latch side stop.

(ii) If existing thresholds are 3/4 in. high or less, and have (or are modified to have) a beveled edge on each side, they may remain.

(e) Toilet Rooms:

(i) Where it is technically infeasible to comply with 4.22 or 4.23, the installation of at least one unisex toilet/bathroom per floor, located in the same area as existing toilet facilities, will be permitted in lieu of modifying existing toilet facilities to be accessible. Each unisex toilet room shall contain one water closet complying with 4.16 and one lavatory complying with 4.19, and the door shall have a privacy latch.

(ii) Where it is technically infeasible to install a required standard stall (Fig. 30(a)), or where other codes prohibit reduction of the fixture count (i.e., removal of a water closet in order to create a double-wide stall), wither alternate stall (Fig. 30(b)) may be provided in lieu of the standard stall.

(iii) When existing toilet or bathing facilities are being altered and are not made accessible, signage complying with 4.30.1, 4.30.2, 4.30.3, 4.30.5, and 4.30.7 shall be provided indicating the location of the nearest accessible toilet or bathing facility within the facility.

(f) Assembly Areas:

(i) Where it is technically infeasible to disperse accessible seating throughout an altered assembly area, accessible seating areas may be cluttered. Each accessible seating area shall have provisions for companion seating and shall be located on an accessible route that also serves as a means of emergency egress.

(ii) Where it is technically infeasible to alter all performing areas to be on an accessible route, at least one of each type of performing area shall be made accessible.

(g) Platform Lifts (Wheelchair Lifts): In alterations, platform lifts (wheelchair lifts) complying with 4.11 and applicable state or local codes may be used as part of accessible route. The use of lifts is not limited to the four conditions in exception 4 or 4.1.3(5).

(h) Dressing Rooms: In alterations where technically infeasibility can be demonstrated, one dressing room for each sex on each level shall be made accessible. Where only unisex dressing rooms are provided, accessible unisex dressing rooms may be used to fulfill this requirement.

Section 4.1.3

(9) In buildings or facilities, or portions of buildings or facilities, required to be accessible, accessible means of egress shall be provided in the same number as required for exits by local building/life safety regulations. Where a required exit from an occupiable level above or below a level of accessible exit discharge is not accessible, an area of rescue assistance shall be provided on each such level (in a number equal to that of inaccessible required exits). Areas of rescue assistance shall comply with 4.3.11. A horizontal exit, meeting the requirements of local building/life safety regulations, shall satisfy the requirement for an area of rescue assistance.

Public Law:

**§ 36.304      Removal of barriers.**

(a) *General.* A public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense.

(b) *Examples.* Examples of steps to remove barriers include, but are not limited to, the following actions --

- (1) Installing ramps;
- (2) Making curb cuts in sidewalks and entrances;
- (3) Repositioning shelves;
- (4) Rearranging tables, chairs, vending machines, display racks,  
and other furniture;
- (5) Repositioning telephones;
- (6) Adding raised markings on elevator control buttons;
- (7) Installing flashing alarm lights;
- (8) Widening doors;
- (9) Installing offset hinges to widen doorways;
- (10) Eliminating a turnstile or providing an alternate accessible path;
- (11) Installing accessible door hardware;
- (12) Installing grab bars in toilet stalls;
- (13) Rearranging toilet partitions to increase maneuvering space;
- (14) Insulating lavatory pipes under sinks to prevent burns;
- (15) Installing a raised toilet seat;
- (16) Installing a full-length bathroom mirror;
- (17) Repositioning the paper towel dispenser in a bathroom;
- (18) Creating designated accessible parking space;
- (19) Installing an accessible paper cup dispenser at an existing inaccessible water fountain;
- (20) Removing high pile, low density carpeting; or
- (21) Installing vehicle hand controls.

(c) *Priorities.* A public accommodation is urged to take measures

to comply with the barrier removal requirements of this section in accordance with the following order of priorities.

(1) First, a public accommodation should take measure to provide access to a place of public accommodation from public sidewalks, parking, or public transportation. These measures include, for example, installing an entrance ramp, widening entrances, and providing accessible parking spaces.

(2) Second, a public accommodation should take measures to provide access to those areas of a place of public accommodation where goods and services are made available to the public. These measures include, for example, adjusting the layout of display

racks, rearranging tables, providing Brailled and raised character signage, widening doors, providing visual alarms, and installing ramps.

(3) Third, a public accommodation should take measures to provide access to restroom facilities. These measures include, for example, removal of obstructing furniture or vending machines, widening of doors, installation of ramps, providing accessible signage, widening of toilet stalls, and installation of grab bars.

(4) Fourth, a public accommodation should take any other measures necessary to provide access to the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.

*(d) Relationship to alterations requirements of subpart D of this part.*

(1) Except as provided in paragraph (d)(2) of this section, measures taken to comply with the barrier removal requirements for alterations in § 36.402 and § 36.404-36.406 of this part for the element being altered. The path of travel requirements of § 36.403 shall not apply to measures taken solely to comply with the barrier removal requirements of this section.

(2) If, as a result of compliance with the alterations requirements specified in paragraph (d)(1) of this section, the measures required to remove a barrier would not be readily achievable, a public accommodation may take other readily achievable measures to remove the barrier that do not fully comply with the specified requirements. Such measures include, for example, providing a ramp with a steeper slope or widening a

doorway to a narrower width than that mandated by the alterations requirements. No measure shall be taken, however, that poses a significant risk to the health or safety of individuals with disabilities or others.

(e) *Portable ramps.* Portable ramps should be used to comply with this section only when installation of a permanent ramp is not readily achievable. In order to avoid any significant risk to the health or safety of individuals with disabilities or others in using portable ramps, due consideration shall be given to safety features such as nonslip surfaces, railings, anchoring, and strength of materials.

(f) *Selling or serving space.* The rearrangement of temporary or movable structures, such as furniture, equipment, and display racks is not readily achievable to the extent that it results in a significant loss of selling or serving space.

(g) *Limitation on barrier removal obligations.*

(1) The requirements for barrier removal under § 36.304 shall not be interpreted to exceed the standards for alterations in subpart D of this part.

(2) To the extent that relevant standards for alterations are not provided in subpart D of this part, then the requirements of § 36.304 shall not be interpreted to exceed the standards for new construction in subpart D of this part.

(3) This section does not apply to rolling stock and other conveyances to the extent that § 36.310 applies to rolling stock and other conveyances.

- C. In general, visual alarms shall be provided in "restrooms and any other general usage areas (e.g. meeting rooms), hallways, lobbies, and any other area for common use." In the author's opinion, this is interpreted as meaning that all public toilets and public areas (i.e. all areas where the general public has access to) must have a visual alarm system.
- D. Please be advised that the existing door closers for the exterior doors were not evaluated with regard to the sweep period or door opening force as included in Sections 4.13.10 and 4.13.11. The door opening force for exterior doors is currently "reserved" in the ADAAG. A suggested maximum for exterior hinged doors is 8-1/2 pounds opening force and is derived from the ANSI A117.1 code.

This item has to be evaluated and coordinated with the requirement with closer force settings required for "fire doors" and exterior doors subject to winds or high building pressures. It is anticipated that this item would be further reviewed during the design should the existing doors remain. Most closets can be adjusted to the pertinent closer force required. Should new doors be installed, all applicable guidelines would be adhered to.

- E. Several places were encountered where modifying the existing toilets would be extremely difficult. Although the code mentions on page 11 that a unisex toilet can only be used if it is "technically infeasible" to alter the existing ones, we feel that since it is an existing facility unisex toilets would be acceptable.

# EVALUATIONS



## I. ADMINISTRATION BUILDING

### A. SITE EVALUATION

#### 1. PARKING

##### A. Violation -

Currently 92 parking spaces exist on site, none of which are accessible. In accordance with 4.1.2 (5a) a minimum of 4 spaces are required to be accessible, 1 of which shall be van accessible, 4.1.2 (5b).

##### Recommended Solution -

Since the police and fire departments have separate, individual entrances, we recommend 1 accessible parking space be provided for each of these, departments. The police departments HC space can be the existing space closest to the fire department's paved entrance into their fire hall. The fire departments HC space can be adjacent to the paved entrance into the fire hall (beside the fuel pump).

The two remaining HC spaces required can be achieved in one of two ways:

1. The existing 5 spaces to the right of the main front entry can be modified to fit both spaces here.

2. A new drive can be constructed outside the purchasing offices and extend to two new spaces located toward the rear entry.

Three of the spaces shall be 8'-0" wide with an adjacent 5'-0" wide aisle, Figure 9. The van accessible space shall be 8'-0" wide with an adjacent 8'-0" wide aisle, Figure 9. The cross slope (or gradient) shall be near level with no slope exceeding 2% (1:50), 4.6.3.

Probable Cost of Remedy -

For the police department space - \$250.00

For the fire department space - \$250.00

For the remaining 2 spaces

Option 1 at the main entry - \$750.00

**OR**

Option 2 at the rear entry - \$7,000.00

B. Violation -

No signage exist designating HC accessible parking spaces, 4.6.4. Also, if the rear entry is used as the HC entrance, directional signage must be added from the front, main entrance, 4.1.2 (7c). Signage shall be added to the rear parking directing users to the accessible spaces.

Recommended Solution -

Add 4 new accessible space signs in accordance with 4.30. Add directional signage from the rear parking in accordance with 4.30. If required, depending upon

parking locations, provide directional signage to the rear, accessible entry.

Probable Cost of Remedy-

HC accessible space signage (4) - \$400.00

Rear parking directional signage - \$300.00

Directional signage to the rear entry (IF REQUIRED)\$200.00

2. ACCESSIBLE ROUTE

A. Violation -

Currently no accessible routes are provided connecting accessible parking spaces to accessible entrances, 4.1.2 (1) and 4.6.2.

Recommended Solution -

The entrance into the fire department can be made readily accessible by adding a sidewalk complying with 4.3.3, .6, .7 and .8 and 4.5.1 from the new HC parking space to the existing concrete pad at the 3'-0" wide entry door.

The entrance into the police department can be achieved by providing a curb cut, 4.7, onto the sidewalk adjacent to the new HC parking space and modifying the sidewalk at the entry door to provide a 5'-0" x 5'-0" level landing at the door Figure 25a, and re-working the ramp to comply with 4.8.2, .3, .5, .6, .7 and .8.

The main entrance can be achieved in one of three ways:

1. If the existing parking to the right of the main entry is used, a curb-cut will be required in accordance with 4.5, 4.7.2, 4.7.3 and 4.7.5, the walk outside the purchasing offices will lead to the new accessible entrance at the rear of the building. A 60" x 60" turn-around space will be required at mid-point in accordance with 4.3.4.
2. If a new drive and parking spaces are provided toward the existing rear entrance, a sidewalk in accordance with 4.3.3, 4.5.1 and 4.8.6 connecting the new parking with the existing walk will be required.
3. If the existing, main front entry is a desirable HC entrance the ramp as shown in the sketch to the left is achievable. This will keep the existing architectural character of the facility.

Probable Cost of Remedy -

For the police department entry - \$4,860.

For the fire department entry - \$1,100.

For the main entry:

Option 1, curb cut at existing parking and use existing rear entry - \$1,650.

**OR**

Option 2, new drive and parking toward rear entry - \$750.

**OR**

Option 3, new ramp system and planters at existing main entry - \$22,500.

**B. BUILDING EVALUATION**

**1. ENTRANCES**

**A. Violation -**

The temporary mats at entry doors do not comply with 4.5.1.

**Recommended Solution -**

Remove the mats or provide a fastening system.

**Probable Remedy of Cost -**

Negligible/performed by City maintenance.

**B. Violation -**

The entry door hardware into the police and fire department requires twisting and grasping to operate, 4.13.9.

**Recommended Solution -**

Replace the hardware with lever type, or acceptable hardware.

**Probable Cost of Remedy -**

2 @ \$150.00 each = \$300.00.

## 2. ACCESSIBILITY ROUTES

### A. Violation -

The carpet thickness in the main business offices is thicker than 1/2", 4.5.3.

### Recommended Solution -

Replace the carpet with an acceptable pile carpet.

THIS WILL BE REQUIRED ONLY IF AND WHEN HC PERSONNEL ARE EMPLOYED IN THIS AREA.

### Probable Cost of Remedy -

\$3,200.00.

### B. Violation -

The carpet thickness in the conference room is thicker than 1/2", 4.5.3.

### Recommended Solution -

Replace the carpet with an acceptable pile carpet.

### Probable Cost of Remedy -

\$2,400.00.

### C. Violation -

The following doors do not meet minimum clearance requirements per 4.13.5 and Figure 24: The entry door into the EOC area from the main corridor at the rear entrance; door out of the kitchen in the EOC area; door out of the Parks and REC Directors Office; the door into the fire department from the main hall adjacent to the courtroom; the door out of the fire department into the

vestibule at the EOC kitchen;  
door out of the police  
department into the hall  
adjacent to the courtroom.

Recommended Solution -

The doors fall into 3  
categories:

1. Those which are required  
since they are on an  
accessible route which the  
public can take - this  
amounts to 3 of the doors  
listed above. These door  
ways should be modified  
to meet maneuver  
requirements.
2. Those which will only be  
required if a disabled  
person is employed, i.e.  
the kitchen door and the  
Park and rec. door.
3. The police door, being a  
heavy duty security door  
in security masonry walls  
(and therefore very  
expensive to modify), we  
recommend that this door  
be equipped with signage  
indicating auxilliary aid  
available for assistance  
with opening the door.

Probable Cost of Remedy -

1. 3 required doors at \$1,500  
each - \$4,500.

2. 2 doors only if required by HC employment - \$3,000.

3. Signage at police door - \$100.00

D. Violation -

The door into the EOC kitchen does not meet the 32" minimum clearance requirement per 4.13.5 and Figure 24.

Recommended Solution -

Since this is not a general public access area the door should only be changed if a HC person is employed in the EOC area.

Probable Cost of Remedy -

\$1,900.00

E. Violation -

The door into the EOC area, and thus the HC toilets, from the fire department area is not accessible due to maneuverability clearance, Figure 25a.

Recommended Solution -

Remove the door if possible (at no cost) or re-arrange the walls in the area to provide minimum approach clearances.

Probable Cost of Remedy -

\$1,400.00.

3. GENERAL INTERIOR

A. Violation -

In general, all door hardware requires grasping and twisting to operate, in violation of 4.13.9. The only doors listed here are those which the general public would have



access to, and therefore should be on an accessible route: The conference room doors (2); (3) of the main offices in the purchasing area; the main parks and rec door; (2) doors in the police department area and (2) doors in the fire department area.

Recommended Solution -

Replace the hardware with lever type, or acceptable hardware.

Probable Cost of Remedy -

10 sets @ 150 each = \$1,500.00

B. Violation -

The double doors from the fire department offices into the fire hall are too narrow, 4.13.5 and Figure 24.

Recommended Solution -

Replace the system to provide one door of 32" minimum clearance.

Probable Cost of Remedy -

\$1,300.00

C. Violation -

The water coolers (drinking fountains) are not accessible per 4.1.3(10) and 4.15.2.

Recommended Solution -

Per 4.1.3(10b) only 50% of drinking fountains are required to be accessible if more than one per floor exists. A fountain in the police department, fire

department and general business area should be lowered, Figure 31.

Probable Cost of Remedy -

3 @ \$200 each = \$600.00

D. Violation -

Several fire alarm pull stations are located greater than 54" above finished floor in violation of reach requirements per Figure 6b.

Recommended Solution -

Lower (3) pull stations in the public access areas.

Probable Cost of Remedy -

3 @ \$200 each = \$600.00.

E. Violation -

Several closets and other work areas have shelves and rods which are not accessible in accordance with Figure 6b.

Recommended Solution -

Since these areas are employee only areas, we suggest no work be performed until HC employees must utilize such storage areas.

Probable Cost of Remedy -

Not applicable at this time.

F. Violation -

In accordance with 4.28.1 visual alarms are required in toilets and other general public areas.

Recommended Solution -

Add visual alarms in the new general HC toilets (2), one additional alarm in the EOC offices, purchasing offices,

police offices and fire offices and one in the police and fire department HC toilets.

Probable Cost of Remedy -

8 @ 600 each = \$4,000.

G. Violation -

The kitchen area in the EOC offices has the following violations:

1. The stove requires reaching across the burners to operate the controls. This is actually a violation from the Uniform Federal Accessibility Standards but one we feel worthy of.
2. The sink is not accessible beneath, 4.19 and 4.2.

Recommended Solution -

Again, this is only required if someone with a disability is employed that will use the EOC kitchen.

1. Replace the stove with a compliant one.
2. Remove the cabinets beneath the sink to provide a minimum of 30" clear accessible space. Lower the sink counter to 34" above finish floor, Figure 31.

Probable Cost of Remedy -

1. \$500.00
2. \$1,200.00

- |    |                                  |  |
|----|----------------------------------|--|
| H. | <u>Violation</u> -               | The force required to open the door into the EOC operations room exceeds the allowable 5#, 4.13.11(2b).                      |
|    | <u>Recommended Solution</u> -    | Adjust the door to achieve the allowable force.  |
|    | <u>Probable Cost of Remedy</u> - | \$100.00   |
| I. | <u>Violation</u> -               | The raised bench section of the courtroom is not accessible due to a 6" step, 4.3.2.   |
|    | <u>Recommended Solution</u> -    | Provide a ramp up to the bench area level if HC employees are required to access this area.                                  |
|    | <u>Probable Cost of Remedy</u> - | \$800.00.  |
| J. | <u>Violation</u> -               | The sink at the kitchenette area of the police department is not accessible, 4.19 and 4.2.                                   |
|    | <u>Recommended Solution</u> -    | Again, this is only required if someone with a disability is employed that will use the EOC kitchen.                         |
|    | <u>Probable Cost of Remedy</u> - | \$1,200.00.  |
| K. | <u>Violation</u> -               | The currency slot on the coke machine in the fire department is greater than 54" above finished floor, 4.27 4.2.5 and 4.2.6. |

Recommended Solution -

Replace the machine with a compliant one.

Probable Cost of Remedy -

It is assumed that the vendor should correct this at no charge to the City.

L. Violation -

The kitchen area in the fire department has the following violations.

1. The stove requires reaching across the burners to operate the controls. This is actually a violation from the Uniform Federal Accessibility Standards but one we feel worthy of.
2. The sink is not accessible beneath, 4.19 and 4.2.
3. The microwave is not accessible, 4.2.5.
4. The exhaust fan for the stove is not accessible, 4.2.5.

Recommended Solution -

These items are only required if someone with a disability is employed in the fire department.

1. Replace the stove with a compliant one.
2. Remove the cabinets beneath the sink to provide a minimum of 30" clear accessible space. Lower the sink counter to

34" above finish floor,  
Figure 31.

3. Lower the microwave to counter height.
4. Lower the exhaust fan to 48" above finished floor.

Probable Cost of Remedy -

1. \$500.00
2. \$1,200.00
3. \$50.00
4. \$100.00

4. TOILETS

A. Violations -

No toilets in the building are accessible in accordance with 4.1.3(11).

Recommended Solution -

The existing mens and womens toilets in the EOC area are largest and therefore easiest to modify. The entire building, except the police department can use these toilets. The fire and police departments will have to modify their toilets to provide HC mens and womens or a new unisex toilet if and when a disabled person is employed there. Also, the private toilets will require modification if a disabled employee is hired in the area which the toilet is located. The mens toilet

will require the following modifications:

1. A new entry door, 4.13.5.
2. Removal of the existing vestibule door inside the toilet, Figure 25C.
3. The accessible toilet stall can be achieved in one of two ways:
  - A. With a variance from appropriate city officials one water closet can be eliminated to create one stall, Figure 30(a).
  - B. One of the stalls can be modified per Figure 30(b).
4. A new accessible water closet 4.16.
5. New grab bars added per 4.17.6 Figure 30, and 4.26.
6. One of the urinals lowered, 4.18.2.
7. One of the lavatories lowered and insulation added, Figure 31 and 32 and 4.19.
8. All accessories, i.e., mirror, paper towel holder, toilet tissue dispenser, soap dispenser shall comply with 4.27.

The womens toilet will basically require the same modifications as the mens toilet.

The toilet in the lobby of the police department will require the following modifications since this area is basically, totally separated from the remainder of the facility:

1. The entry door reversed to swing out into the lobby, Figure 25.
2. A new accessible water closet, 4.16.
3. Grab bars added per 4.17.6, Figure 30 and 4.26.
4. The lavatory will require insulation, 4.19.4.
5. All accessories, i.e., mirror, paper towel holder, toilet tissue dispenser, soap dispensers shall comply with 4.27.

Probable Cost of Remedy -

Mens toilet - \$4,000.00.  
Womens toilet - \$4,000.00.  
Police toilet - \$2,100.00.



# EVALUATIONS

## II. SUMMARY OF PROBABLE COST

<u>LOCATION</u>		<u>BASE COSTS</u>	<u>GENERAL CONDITIONS/OH PROFIT AND CONTINGENCY (20%)</u>	<u>TOTALS</u>
A. <u>SITE AREA</u>				
1. Parking				
Police department	\$	250	\$	300
Fire department	\$	750	\$	900
<sup>1</sup> Main entry	\$	250	\$	300
SUBTOTAL PARKING	\$	1,250	\$	1,500
2. Signage	\$	700	\$	840 <sup>3</sup>
3. Accessible route				
Police department	\$	4,860	\$	5,832
Fire department	\$	1,100	\$	1,320
<sup>2</sup> Main entry	\$	1,650	\$	1,980
SUBTOTAL ACCESSIBLE ROUTE	\$	7,610	\$	9,132
B. <u>BUILDING AREA</u> <sup>4</sup>	\$	27,700	\$	33,240
GRAND TOTALS	\$	37,260	\$	44,712

DUE TO THE NATURE OF BARRIER REMOVAL/RENOVATION TYPE ITEMS THAT ARE REQUIRED, THE DIFFICULTY IN ACCESSING ALL VIOLATIONS, AND THE FACT THAT ADA MODIFICATION BIDS HAVE BEEN 25% PLUS HIGHER THAN ESTIMATES (FOR REASONS WE CAN NOT EXPLAIN) WE FEEL THAT A SAFE "RANGE" OF PROBABLE COSTS IS \$45,000 - \$62,000.

1. Add \$6,750 if a new drive is required to parking area at rear entry.
2. Deduct \$900 if a new drive and parking is added at the rear entry or add \$20,850 if a new architectural ramp is added at the front entry.
3. Add \$200 if signage is required directing to the rear entry.
4. These figures only include items required for general public accessibility. When disabled persons are employed an additional amount of substantial work and dollars will be required, as discussed and priced in the evaluation section.

# COMPLIANCE STRATEGIES

In scheduling the completion of compliance activities, remember that the corrective work which has been identified from your survey may need to have construction documents prepared by an architect before a general contractor can submit a competitive bid. After acceptance of a low bid or after a negotiated contract has been approved, the work associated with correction of the problem can begin.

All of the strategy suggestions mentioned under new construction would be applicable for alterations to your existing facilities. Although, not usually part of the basic services offered by most architects, you may wish to include in your owner/architect agreement a provision which states that the architect will review with the owner his or her compliance strategy and identify those elements that are of extreme importance for compliance, such as: public restrooms, water fountains, accessible routes, and door considerations.

In addition to those strategies, it is important that you understand the concept mentioned in our discussion of the law called disproportionality.

Disproportionality, as you may recall, is the requirement that suggests that the accessible route or "path of travel", including restrooms, telephones, and drinking fountains, associated with altered primary function area, would need to be renovated and brought into compliance if the cost of that compliance work to the bathrooms, restrooms, telephones, accessible route, etc., is a certain percentage of the overall cost of the alterations planned.

This percentage has been identified by the U.S. Department of Justice as 20 percent of the overall cost of the primary function space alteration. Compliance for alterations is required if the physical alteration of the property is in progress after the effective date of January 26, 1992.

As we mentioned in our discussion of existing facilities, new construction is held to the higher standard of care signified by the phrase "readily accessible to and usable by the disabled". Most architects are already familiar with ANSI standards which are very similar to ADAAG.

## APPENDICIES

A. PUBLIC LAW 101-336

# P.L. 101-336

## Americans With Disabilities Act of 1990

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Americans with Disabilities Act of 1990".

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

#### TITLE I—EMPLOYMENT

Sec. 101. Definitions.

Sec. 102. Discrimination.

Sec. 103. Defenses.

Sec. 104. Illegal use of drugs and alcohol.

Sec. 105. Posting notices.

Sec. 106. Regulations.

Sec. 107. Enforcement.

Sec. 108. Effective date.

#### TITLE II—PUBLIC SERVICES

##### Subtitle A—Prohibition Against Discrimination and Other Generally Applicable Provisions

Sec. 201. Definition.

Sec. 202. Discrimination.

Sec. 203. Enforcement.

Sec. 204. Regulations.

Sec. 205. Effective date.

##### Subtitle B—Actions Applicable to Public Transportation Provided by Public Entities Considered Discriminatory

#### Part I—Public Transportation Other Than by Aircraft or Certain Rail Operations

Sec. 221. Definitions.

Sec. 222. Public entities operating fixed route systems.

Sec. 223. Paratransit as a complement to fixed route service.

Sec. 224. Public entity operating a demand responsive system.

Sec. 225. Temporary relief where lifts are unavailable.

Sec. 226. New facilities.

Sec. 227. Alterations of existing facilities.

Sec. 228. Public transportation programs and activities in existing facilities and one car per train rule.

Sec. 229. Regulations.

Sec. 230. Interim accessibility requirements.

Sec. 231. Effective date.

#### Part II—Public Transportation by Intercity and Commuter Rail

Sec. 241. Definitions.

Sec. 242. Intercity and commuter rail actions considered discriminatory.

Sec. 243. Conformance of accessibility standards.

Sec. 244. Regulations.

Sec. 245. Interim accessibility requirements.

Sec. 246. Effective date.

#### TITLE III—PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES

Sec. 301. Definitions.

Sec. 302. Prohibition of discrimination by public accommodations.

Sec. 303. New construction and alterations in public accommodations and commercial facilities.

Sec. 304. Prohibition of discrimination in specified public transportation services provided by private entities.

Sec. 305. Study.

Sec. 306. Regulations.

Sec. 307. Exemptions for private clubs and religious organizations.

Sec. 308. Enforcement.

Sec. 309. Examinations and courses.

Sec. 310. Effective date.

#### TITLE IV—TELECOMMUNICATIONS

Sec. 401. Telecommunication relay services for hearing-impaired and speech-impaired individuals.

Sec. 402. Closed-captioning of public service announcements.

#### TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Construction.

Sec. 502. State immunity.

Sec. 503. Prohibition against retaliation and coercion.

Sec. 504. Regulations by the Architectural and Transportation Barriers Compliance Board.

Sec. 505. Attorney's fees.

Sec. 506. Technical assistance.

Sec. 507. Federal wilderness areas.

Sec. 508. Transvestites.

Sec. 509. Coverage of Congressional and the agencies of the legislative branch.

Sec. 510. Illegal use of drugs.

Sec. 511. Definitions.

Sec. 512. Amendments to the Rehabilitation Act.

Sec. 513. Alternative means of dispute resolution.

Sec. 514. Severability.

### SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds that—

(1) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older;

(2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;

(3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

(4) unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination;

(5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(6) census data, national polls, and other studies have documented that people with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally;

(7) individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society;

(8) the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals; and

(9) the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous, and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity.

(b) **PURPOSE.**—It is the purpose of this Act—

(1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

(2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

(3) to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and

(4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.

### SEC. 3. DEFINITIONS.

As used in this Act:

(1) **AUXILIARY AIDS AND SERVICES.**—The term "auxiliary aids and services" includes—

(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(C) acquisition or modification of equipment or devices; and

(D) other similar services and actions.

(2) **DISABILITY.**—The term "disability" means, with respect to an individual—

(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment.

(3) **STATE.**—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

## TITLE 1—EMPLOYMENT

### SEC. 101. DEFINITIONS

As used in this title:

(1) **COMMISSION.**—The term "Commission" means the Equal Employment Opportunity Commission established by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4).

(2) **COVERED ENTITY.**—The term "covered entity" means an employer, employment agency, labor organization, or joint labor management committee.

(3) **DIRECT THREAT.**—The term "direct threat" means a significant risk to the health or

safety of others that cannot be eliminated by reasonable accommodation.

(4) **EMPLOYEE.**—The term "employee" means an individual employed by an employer.

(5) **EMPLOYER.**—

(A) **IN GENERAL.**—The term "employer" means a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person, except that, for two years following the effective date of this title, an employer means a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person.

(B) **EXCEPTIONS.**—The term "employer" does not include—

(i) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or

(ii) a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986.

(6) **ILLEGAL USE OF DRUGS.**—

(A) **IN GENERAL.**—The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

(B) **DRUGS.**—The term "drug" means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act.

(7) **PERSON ETC.**—The terms "person", "labor organization", "employment agency", "commerce", and "industry affecting commerce", shall have the same meaning given such terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(8) **QUALIFIED INDIVIDUAL WITH A DISABILITY.**—The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this title, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

(9) **REASONABLE ACCOMMODATION.**—The term "reasonable accommodation" may include—

(A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(10) **UNDUE HARDSHIP.**—

(A) **IN GENERAL.**—The term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) **FACTORS TO BE CONSIDERED.**—In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include—

(i) the nature and cost of the accommodation needed under this Act;

(ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(iii) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(iv) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

### SEC. 102. DISCRIMINATION.

(a) **GENERAL RULE.**—No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

(b) **CONSTRUCTION.**—As used in subsection (a), the term "discriminate" includes—

(1) limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;

(2) participating in a contractual or other arrangement or relationship that has the effect of subjecting a covered entity's qualified applicant or employee with a disability to the discrimination prohibited by this title (such relationship includes a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee of the covered entity, or an organization providing training and apprenticeship programs);

(3) utilizing standards, criteria, or methods of administration—

(A) that have the effect of discrimination on the basis of disability; or

(B) that perpetuate the discrimination of others who are subject to common administrative control;

(4) excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;

(5) (A) not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship



on the operation of the business of such covered entity; or

(B) denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need of such covered entity to make reasonable accommodation to the physical or mental impairments of the employee or applicant;

(6) using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity; and

(7) failing to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, such test results accurately reflect the skills, aptitude, or whatever other factor of such applicant or employee that such test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).

#### (C) MEDICAL EXAMINATIONS AND INQUIRIES.—

(1) IN GENERAL.—The prohibition against discrimination as referred to in subsection (a) shall include medical examinations and inquiries.

#### (2) PREEMPLOYMENT.—

(A) PROHIBITED EXAMINATION OR INQUIRY.—Except as provided in paragraph (3), a covered entity shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of such disability.

(B) ACCEPTABLE INQUIRY.—A covered entity may make preemployment inquiries into the ability of an applicant to perform job-related functions.

(3) EMPLOYMENT ENTRANCE EXAMINATION.—A covered entity may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:

(A) all entering employees are subjected to such an examination regardless of disability;

(B) information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

(i) supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) government officials investigating compliance with this Act shall be provided relevant information on request; and

(C) the results of such examination are used only in accordance with this title.

#### (4) EXAMINATION AND INQUIRY.—

(A) PROHIBITED EXAMINATIONS AND INQUIRIES.—A covered entity shall not require a medical examination and shall not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

(B) ACCEPTABLE EXAMINATIONS AND INQUIRIES.—A covered entity may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. A covered entity may make inquiries into the ability of an employee to perform job-related functions.

(C) REQUIREMENT.—Information obtained under subparagraph (B) regarding the medical condition or history of any employee are subject to the requirements of subparagraphs (B) and (C) of paragraph (3).

#### SEC. 103. DEFENSES.

(a) IN GENERAL.—It may be a defense to a charge of discrimination under this Act that an alleged application of qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under this title.

(b) QUALIFICATION STANDARDS.—The term "qualification standards" may include a requirement that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace.

#### (c) RELIGIOUS ENTITIES.—

(1) IN GENERAL.—This title shall not prohibit a religious corporation, association, educational institution, or society from giving preference in employment to individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

(2) RELIGIOUS TENETS REQUIREMENT.—Under this title, a religious organization may require that all applicants and employees conform to the religious tenets of such organization.

#### (d) LIST OF INFECTIOUS AND COMMUNICABLE DISEASES.—

(1) IN GENERAL.—The Secretary of Health and Human Services, not later than 6 months after the date of enactment of this Act, shall:

(A) review all infectious and communicable diseases which may be transmitted through handling the food supply;

(B) publish a list of infectious and communicable diseases which are transmitted through handling the food supply;

(C) publish the methods by which such diseases are transmitted; and

(D) widely disseminate such information regarding the list of diseases and their modes of transmissibility to the general public.

Such list shall be updated annually.

(2) APPLICATIONS.—In any case in which an individual has an infectious or communicable disease that is transmitted to others through the handling of food, that is included on the list developed by the Secretary of Health and Human Services under paragraph (1), and which cannot be eliminated by reasonable accommodation, a

covered entity may refuse to assign or continue to assign such individual to a job involving food handling.

(3) CONSTRUCTION.—Nothing in this Act shall be construed to preempt, modify, or amend any State, county, or local law, ordinance, or regulation applicable to food handling which is designed to protect the public health from individuals who pose a significant risk to the health or safety of others, which cannot be eliminated by reasonable accommodation, pursuant to the list of infectious or communicable diseases and the modes of transmissibility published by the Secretary of Health and Human Services.

#### SEC. 104. ILLEGAL USE OF DRUGS AND ALCOHOL.

(a) QUALIFIED INDIVIDUAL WITH A DISABILITY.—For purposes of this title, the term "qualified individual with a disability" shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

(b) RULES OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to exclude as a qualified individual with a disability an individual who:

(1) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(2) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(3) is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraph (1) or (2) is no longer engaging in the illegal use of drugs.

#### (c) AUTHORITY OF COVERED ENTITY.—

A covered entity:

(1) may prohibit the illegal use of drugs and the use alcohol at the workplace by all employees;

(2) may require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;

(3) may require that employees behave in conformance with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.);

(4) may hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that such entity holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee; and

(5) may, with respect to Federal regulations regarding alcohol and the illegal use of drugs, require that:

(A) employees comply with the standards established in such regulations of the Department of Defense, if the employees of the covered entity are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the covered entity who are

employed in such positions (as defined in the regulations of the Department of Defense);

(B) employees comply with the standards established in such regulations of the Nuclear Regulatory Commission, if the employees of the covered entity are employed in an industry subject to such regulations, including complying with regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the covered entity who are employed in such positions (as defined in the regulations of the Nuclear Regulatory Commission); and

(C) employees comply with the standards established in such regulations of the Department of Transportation, if the employees of the covered entity are employed in a transportation industry subject to such regulations, including complying with such regulations (if any) that apply to employment in sensitive positions in such an industry, in the case of employees of the covered entity who are employed in such positions (as defined in the regulations of the Department of Transportation).

(d) **DRUG TESTING.**—

(1) **IN GENERAL.**—For purposes of this title, a test to determine the illegal use of drugs shall not be considered a medical examination.

(2) **CONSTRUCTION.**—Nothing in this title shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

(e) **TRANSPORTATION EMPLOYEES.**—Nothing in this title shall be construed to encourage, prohibit, restrict, or authorize the otherwise lawful exercise by entities subject to the jurisdiction of the Department of Transportation of authority to—

(1) test employees of such entities in, and applicants for, positions involving safety-sensitive duties for the illegal use of drugs and for on-duty impairment by alcohol; and

(2) remove such persons who test positive for illegal use of drugs and on-duty impairment by alcohol pursuant to paragraph (1) from safety-sensitive duties in implementing subsection (c).

**SEC. 105. POSTING NOTICES.**

Every employer, employment agency, labor organization, or joint labor-management committee covered under this title shall post notices in an accessible format to applicants, employees, and members describing the applicable provisions of this Act, in the manner prescribed by section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10).

**SEC. 106. REGULATIONS.**

Not later than 1 year after the date of enactment of this Act, the Commission shall issue regulations in an accessible format to carry out this title in accordance with subchapter II of chapter 5 of title 5, United States Code.

**SEC. 107. ENFORCEMENT.**

(a) **POWERS, REMEDIES, AND PROCEDURES.**—The powers, remedies, and procedures set forth in sections 705, 706, 707, 709, and 710 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4, 2000e-5, 2000e-6, 2000e-8, and 2000e-9) shall be the powers, remedies, and procedures this title provides to the Commission, to the Attorney General, or to any person alleging discrimination

on the basis of disability in violation of any provision of this Act, or regulations promulgated under section 106, concerning employment.

(b) **COORDINATION.**—The agencies with enforcement authority for actions which allege employment discrimination under this title and under the Rehabilitation Act of 1973 shall develop procedures to ensure that administrative complaints filed under this title and under the Rehabilitation Act of 1973 are dealt with in a manner that avoids duplication of effort and prevents imposition of inconsistent or conflicting standards for the same requirements under this title and the Rehabilitation Act of 1973. The Commission, the Attorney General, and the Office of Federal Contract Compliance Programs shall establish such coordinating mechanisms (similar to provisions contained in the joint regulations promulgated by the Commission and the Attorney General at part 42 of title 28 and part 1691 of title 29, Code of Federal Regulations, and the Memorandum of Understanding between the Commission and the Office of Federal Contract Compliance Programs dated January 16, 1981 (46 Fed. Reg. 7435, January 23, 1981)) in regulations implementing this title and Rehabilitation Act of 1973 not later than 18 months after the date of enactment of this Act.

**SEC. 108. EFFECTIVE DATE.**

This title shall become effective 24 months after the date of enactment.

**TITLE II—PUBLIC SERVICES**

**SUBTITLE A—PROHIBITION AGAINST DISCRIMINATION AND OTHER GENERALLY APPLICABLE PROVISIONS**

**SEC. 201. DEFINITION.**

As used in this title:

(1) **PUBLIC ENTITY.**—The term “public entity” means—

(A) any State or local government;

(B) any department, agency, special purpose district, or other instrumentality of a State or States or local government; and

(C) the National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

(2) **QUALIFIED INDIVIDUAL WITH A DISABILITY.**—The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

**SEC. 202. DISCRIMINATION.**

Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

**SEC. 203. ENFORCEMENT.**

The remedies, procedures, and rights set forth

in section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794a) shall be the remedies, procedures and rights this title provides to any person alleging discrimination on the basis of disability in violation of section 202.

**SEC. 204. REGULATIONS.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations in an accessible format that implement this subtitle. Such regulations shall not include any matter within the scope of the authority of the Secretary of Transportation under section 223, 229, or 244.

(b) **RELATIONSHIP TO OTHER REGULATIONS.**—Except for “program accessibility, existing facilities”, and “communications”, regulations under subsection (a) shall be consistent with this Act and with the coordination regulations under part 41 of title 28, Code of Federal Regulations (as promulgated by the Department of Health, Education, and Welfare on January 13, 1978), applicable to recipients of Federal financial assistance under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). With respect to “program accessibility, existing facilities”, and “communications”, such regulations shall be consistent with regulations and analysis as in part 39 of title 28 of the Code of Federal Regulations, applicable to federally conducted activities under such section 504.

(c) **STANDARDS.**—Regulations under subsection (a) shall include standards applicable to facilities and vehicles covered by this subtitle, other than facilities, stations, rail passenger cars, and vehicles covered by subtitle B. Such standards shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 504(a) of this Act.

**SEC. 205. EFFECTIVE DATE.**

(a) **GENERAL RULE.**—Except as provided in subsection (b), this subtitle shall become effective 18 months after the date of enactment of this Act.

(b) **EXCEPTION.**—Section 204 shall become effective on the date of enactment of this Act.

**SUBTITLE B—ACTIONS APPLICABLE TO PUBLIC TRANSPORTATION PROVIDED BY PUBLIC ENTITIES CONSIDERED DISCRIMINATORY**

**PART I—PUBLIC TRANSPORTATION OTHER THAN BY AIRCRAFT OR CERTAIN RAIL OPERATIONS**

**SEC. 221. DEFINITIONS.**

As used in this part:

(1) **DEMAND RESPONSIVE SYSTEM.**—The term “demand responsive system” means any system of providing designated public transportation which is not a fixed route system.

(2) **DESIGNATED PUBLIC TRANSPORTATION.**—The term “designated public transportation” means transportation (other than public school transportation) by bus, rail, or any other conveyance (other than transportation by aircraft or intercity or commuter rail transportation (as defined in section 241)) that provides the general public with general or special service (including charter service) on a regular and continuing basis.

(3) **FIXED ROUTE SYSTEM.**—The term "fixed route system" means a system of providing designated public transportation on which a vehicle is operated along a prescribed route according to a fixed schedule.

(4) **OPERATES.**—The term "operates", as used with respect to a fixed route system or demand responsive system, includes operation of such system by a person under a contractual or other arrangement or relationship with a public entity.

(5) **PUBLIC SCHOOL TRANSPORTATION.**—The term "public school transportation" means transportation by schoolbus vehicles of schoolchildren, personnel, and equipment to and from a public elementary or secondary school and school-related activities.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of Transportation.

## SEC. 222. PUBLIC ENTITIES OPERATING FIXED ROUTE SYSTEMS.

(a) **PURCHASE AND LEASE OF NEW VEHICLES.**—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system to purchase or lease a new bus, a new rapid rail vehicle, a new light rail vehicle, or any other new vehicle to be used on such system, if the solicitation for such purchase or lease is made after the 30th day following the effective date of this subsection and if such bus, rail vehicle, or other vehicle is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(b) **PURCHASE AND LEASE OF USED VEHICLES.**—Subject to subsection (c)(1), it shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system to purchase or lease, after the 30th day following the effective date of this subsection, a used vehicle for use on such system unless such entity makes demonstrated good faith efforts to purchase or lease a used vehicle for use on such system that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(c) **REMANUFACTURED VEHICLES.**—  
(1) **GENERAL RULE.**—Except as provided in paragraph (2), it shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system.

(A) to remanufacture a vehicle for use on such system so as to extend its usable life for 5 years or more, which remanufacture begins (or for which the solicitation is made) after the 30th day following the effective date of this subsection; or

(B) to purchase or lease for use on such system a remanufactured vehicle which has been remanufactured so as to extend its usable life for 5 years or more, which purchase or lease occurs after such 30th day and during the period in which the usable life is extended; unless, after remanufacture, the vehicle is, to the maximum extent feasible, readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

## (2) EXCEPTION FOR HISTORIC VEHICLES.—

(A) **GENERAL RULE.**—If a public entity operates a fixed route system any segment of which is included on the National Register of Historic Places and if making a vehicle of historic character to be used solely on such segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity only has to make (or to purchase or lease a remanufactured vehicle with) those modifications which are necessary to meet the requirements of paragraph (1) and which do not significantly alter the historic character of such vehicle.

(B) **VEHICLES OF HISTORIC CHARACTER DEFINED BY REGULATIONS.**—For purposes of this paragraph and section 228(b), a vehicle of historic character shall be defined by the regulations issued by the Secretary to carry out this subsection.

## SEC. 223. PARATRANSIT AS A COMPONENT TO FIXED ROUTE SERVICE.

(a) **GENERAL RULE.**—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a public entity which operates a fixed route system (other than a system which provides solely commuter bus service) to fail to provide with respect to the operations of its fixed route system, in accordance with this section, paratransit and other special transportation services to individuals with disabilities, including individuals who use wheelchairs, that are sufficient to provide to such individuals a level of service (1) which is comparable to the level of designated public transportation services provided to individuals without disabilities using such system; or (2) in the case of response time, which is comparable, to the extent practicable, to the level of designated public transportation services provided to individuals without disabilities using such system.

(b) **ISSUANCE OF REGULATIONS.**—Not later than 1 year after the effective date of this subsection, the Secretary shall issue final regulations to carry out this section.

### (c) REQUIRED CONTENTS OF REGULATIONS.—

(1) **ELIGIBLE RECIPIENTS OF SERVICE.**—The regulations issued under this section shall require each public entity which operates a fixed route system to provide the paratransit and other special transportation services required under this section.

(A)(i) to any individual with a disability who is unable, as a result of a physical or mental impairment (including a vision impairment) and without the assistance of another individual (except an operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities;

(ii) to any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device (and is able with such assistance) to board, ride, and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time (or within a reasonable period

of such time) when such a vehicle is not being used to provide designated public transportation on the route; and

(iii) to any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system;

(B) to 1 other individual accompanying the individual with the disability; and

(C) to other individuals, in addition to the one individual described in subparagraph (B), accompanying the individual with a disability provided that space for these additional individuals is available on the paratransit vehicle carrying the individual with a disability and that the transportation of such additional individuals will not result in a denial of service to individuals with disabilities.

For purposes of clauses (i) and (ii) of subparagraph (A), boarding or disembarking from a vehicle does not include travel to the boarding location or from the disembarking location.

(2) **SERVICE AREA.**—The regulations issued under this section shall require the provision of paratransit and special transportation services required under this section in the service area of each public entity which operates a fixed route system, other than any portion of the service area in which the public entity solely provides commuter bus service.

(3) **SERVICE CRITERIA.**—Subject to paragraphs (1) and (2), the regulations issued under this section shall establish minimum service criteria for determining the level of services to be required under this section.

(4) **UNDUE FINANCIAL BURDEN LIMITATION.**—The regulations issued under this section shall provide that, if the public entity is able to demonstrate to the satisfaction of the Secretary that the provision of paratransit and other special transportation services otherwise required under this section would impose an undue financial burden on the public entity, notwithstanding any other provision of this section (other than paragraph (5)), shall only be required to provide such services to the extent that providing such services would not impose such a burden.

(5) **ADDITIONAL SERVICES.**—The regulations issued under this section shall establish circumstances under which the Secretary may require a public entity to provide, notwithstanding paragraph (4), paratransit and other special transportation services under this section beyond the level of paratransit and other special transportation services which would otherwise be required under paragraph (4).

(6) **PUBLIC PARTICIPATION.**—The regulations issued under this section shall require that each public entity which operates a fixed route system hold a public hearing, provide an opportunity for public comment, and consult with individuals with disabilities in preparing its plan under paragraph (7).

(7) **PLANS.**—The regulations issued under this section shall require that each public entity which operates a fixed route system.

(A) within 18 months after the effective date of this subsection, submit to the Secretary, and commence implementation of, a plan for providing paratransit and other special transportation services which meets the requirements of this section; and



(B) on an annual basis thereafter, submit to the Secretary, and commence implementation of, a plan for providing such services.

(8) **PROVISION OF SERVICES BY OTHERS.**—The regulations issued under this section shall—

(A) require that a public entity submitting a plan to the Secretary under this section identify in the plan any person or other public entity which is providing a paratransit or other special transportation service for individuals with disabilities in the service area to which the plan applies; and

(B) provide that the public entity submitting the plan does not have to provide under the plan such service for individuals with disabilities.

(9) **OTHER PROVISIONS.**—The regulations issued under this section shall include such other provisions and requirements as the Secretary determines are necessary to carry out the objectives of this section.

(d) **REVIEW OF PLAN.**—

(1) **GENERAL RULE.**—The Secretary shall review a plan submitted under this section for the purpose of determining whether or not such plan meets the requirements of this section, including the regulations issued under this section.

(2) **DISAPPROVAL.**—If the Secretary determines that a plan reviewed under this subsection fails to meet the requirements of this section, the Secretary shall disapprove the plan and notify the public entity which submitted the plan of such disapproval and the reasons therefor.

(3) **MODIFICATION OF DISAPPROVED PLAN.**—Not later than 90 days after the date of disapproval of a plan under this subsection, the public entity which submitted the plan shall modify the plan to meet the requirements of this section and shall submit to the Secretary, and commence implementation of, such modified plan.

(e) **DISCRIMINATION DEFINED.**—As used in subsection (a), the term "discrimination" includes—

(1) a failure of a public entity to which the regulations issued under this section apply to submit, or commence implementation of, a plan in accordance with subsections (c)(6) and (c)(7);

(2) a failure of such entity to submit, or commence implementation of, a modified plan in accordance with subsection (d)(3);

(3) submission to the Secretary of a modified plan under subsection (d)(3) which does not meet the requirements of this section; or

(4) a failure of such entity to provide paratransit or other special transportation services in accordance with the plan or modified plan the public entity submitted to the Secretary under this section.

(f) **STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed as preventing a public entity—

(1) from providing paratransit or other special transportation services at a level which is greater than the level of such services which are required by this section,

(2) from providing paratransit or other special transportation services in addition to those paratransit and special transportation services required by this section, or

(3) from providing such services to individuals in addition to those individuals to whom such services are required to be provided by this section.

## SEC. 224. PUBLIC ENTITY OPERATING A DEMAND RESPONSIVE SYSTEM.

If a public entity operates a demand responsive system, it shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for such entity to purchase or lease a new vehicle for use on such system, for which a solicitation is made after the 30th day following the effective date of this section, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless such system, when viewed in its entirety, provides a level of service to such individuals equivalent to the level of service such system provides to individuals without disabilities.

## SEC. 225. TEMPORARY RELIEF WHERE LIFTS ARE UNAVAILABLE.

(a) **GRANTING.**—With respect to the purchase of new buses, a public entity may apply for, and the Secretary may temporarily relieve such public entity from the obligation under section 222(a) or 224 to purchase new buses that are readily accessible to and usable by individuals with disabilities if such public entity demonstrates to the satisfaction of the Secretary—

(1) that the initial solicitation for new buses made by the public entity specified that all new buses were to be lift-equipped and were to be otherwise accessible to and usable by individuals with disabilities;

(2) the unavailability from any qualified manufacturer of hydraulic, electromechanical, or other lifts for such new buses;

(3) that the public entity seeking temporary relief has made good faith efforts to locate a qualified manufacturer to supply the lifts to the manufacturer of such buses in sufficient time to comply with such solicitation; and

(4) that any further delay in purchasing new buses necessary to obtain such lifts would significantly impair transportation services in the community served by the public entity.

(b) **DURATION AND NOTICE TO CONGRESS.**—Any relief granted under subsection (a) shall be limited in duration by a specified date, and the appropriate committees of Congress shall be notified of any such relief granted.

(c) **FRAUDULENT APPLICATION.**—If, at any time, the Secretary has reasonable cause to believe that any relief granted under subsection (a) was fraudulently applied for, the Secretary shall—

(1) cancel such relief if such relief is still in effect; and

(2) take such other action as the Secretary considers appropriate.

## SEC. 226. NEW FACILITIES.

For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for a public entity to construct a new facility to be used in the provision of designated public transportation services unless such facility is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

## SEC. 227. ALTERATIONS OF EXISTING FACILITIES.

(a) **GENERAL RULE.**—With respect to altera-

tions of an existing facility or part thereof used in the provision of designated public transportation services that affect or could affect the usability of the facility or part thereof, it shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for a public entity to fail to make such alterations (or to ensure that the alterations are made) in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alterations. Where the public entity is undertaking an alteration that affects or could affect usability of or access to an area of the facility containing a primary function, the entity shall also make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations, where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

(b) **SPECIAL RULE FOR STATIONS.**—

(1) **GENERAL RULE.**—For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for a public entity that provides designated public transportation to fail, in accordance with the provisions of this subsection, to make key stations (as determined under criteria established by the Secretary by regulation) in rapid rail and light rail systems readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(2) **RAPID RAIL AND LIGHT RAIL KEY STATIONS.**—

(A) **ACCESSIBILITY.**—Except as otherwise provided in this paragraph, all key stations (as determined under criteria established by the Secretary by regulation) in rapid rail and light rail systems shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than the last day of the 3-year period beginning on the effective date of this paragraph.

(B) **EXTENSION FOR EXTRAORDINARILY EXPENSIVE STRUCTURAL CHANGES.**—The Secretary may extend the 3-year period under subparagraph (A) up to a 30-year period for key stations in a rapid rail or light rail system which stations need extraordinarily expensive structural changes to, or replacement of, existing facilities; except that by the last day of the 20th year following the date of the enactment of this Act at least 2/3 of such key stations must be readily accessible to and usable by individuals with disabilities.

(3) **PLANS AND MILESTONES.**—The Secretary shall require the appropriate public entity to develop and submit to the Secretary a plan for compliance with this subsection—

(A) that reflects consultation with individuals with disabilities affected by such plan

and the results of a public hearing and public comments on such plan, and

(B) that establishes milestones for achievement of the requirements of this subsection.

## SEC. 228. PUBLIC TRANSPORTATION PROGRAMS AND ACTIVITIES IN EXISTING FACILITIES AND ONE CAR PER TRAIN RULE.

### (a) PUBLIC TRANSPORTATION PROGRAMS AND ACTIVITIES IN EXISTING FACILITIES.—

(1) IN GENERAL.—With respect to existing facilities used in the provision of designated public transportation services, it shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), for a public entity to fail to operate a designated public transportation program or activity conducted in such facilities so that, when viewed in the entirety, the program or activity is readily accessible to and usable by individuals with disabilities.

(2) EXCEPTION.—Paragraph (1) shall not require a public entity to make structural changes to existing facilities in order to make such facilities accessible to individuals who use wheelchairs, unless and to the extent required by section 227(a) (relating to alterations) or section 227(b) (relating to key stations).

(3) UTILIZATION.—Paragraph (1) shall not require a public entity to which paragraph (2) applies, to provide to individuals who use wheelchairs services made available to the general public at such facilities when such individuals could not utilize or benefit from such services provided at such facilities.

### (b) ONE CAR PER TRAIN RULE.—

(1) GENERAL RULE.—Subject to paragraph (2), with respect to 2 or more vehicles operated as a train by a light or rapid rail system, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it shall be considered discrimination for a public entity to fail to have at least 1 vehicle per train that is accessible to individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than the last day of the 5-year period beginning on the effective date of this section.

(2) HISTORIC TRAINS.—In order to comply with paragraph (1) with respect to the remanufacture of a vehicle of historic character which is to be used on a segment of a light or rapid rail system which is included on the National Register of Historic Places, if making such vehicle readily accessible to and usable by individuals with disabilities would significantly alter the historic character of such vehicle, the public entity which operates such system only has to make (or to purchase or lease a remanufactured vehicle with) those modifications which are necessary to meet the requirements of section 222(c)(1) and which do not significantly alter the historic character of such vehicle.

## SEC. 229. REGULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations, in an accessible format, necessary for carrying out this part (other than section 223).

(b) STANDARDS.—The regulations issued under this section and section 223 shall include

standards applicable to facilities and vehicles covered by this subtitle. The standards shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 504 of this Act.

## SEC. 230. INTERIM ACCESSIBILITY REQUIREMENTS.

If final regulations have not been issued pursuant to section 229, for new construction or alterations for which a valid and appropriate State or local building permit is obtained prior to the issuance of final regulations under such section, and for which the construction or alteration authorized by such permit begins within one year of the receipt of such permit and is completed under the terms of such permit, compliance with the Uniform Federal Accessibility Standards in effect at the time the building permit is issued shall suffice to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities as required under sections 226 and 227, except that, if such final regulations have not been issued one year after the Architectural and Transportation Barriers Compliance Board has issued the supplemental minimum guidelines required under section 504(a) of this Act, compliance with such supplemental minimum guidelines shall be necessary to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities prior to issuance of the final regulations.

## SEC. 231. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this part shall become effective 18 months after the date of enactment of this Act.

(b) EXCEPTION.—Sections 222, 223 (other than subsection (a)), 224, 225, 227(b), 228(b), and 229 shall become effective on the date of enactment of this Act.

## PART II—PUBLIC TRANSPORTATION BY INTERCITY AND COMMUTER RAIL

### SEC. 241. DEFINITIONS.

As used in this part:

(1) COMMUTER AUTHORITY.—The term "commuter authority" has the meaning given such term in section 103(8) of the Rail Passenger Service Act (45 U.S.C. 502(8)).

(2) COMMUTER RAIL TRANSPORTATION.—The term "commuter rail transportation" has the meaning given the term "commuter service" in section 103(9) of the Rail Passenger Service Act (45 U.S.C. 502(9)).

(3) INTERCITY RAIL TRANSPORTATION.—The term "intercity rail transportation" means transportation provided by the National Railroad Passenger Corporation.

(4) RAIL PASSENGER CAR.—The term "rail passenger car" means, with respect to intercity rail transportation, single-level and bi-level coach cars, single-level and bi-level dining cars, single-level and bi-level sleeping cars, single-level and bi-level lounge cars, and food service cars.

(5) RESPONSIBLE PERSON.—The term "responsible person" means—

(A) in the case of a station more than 50 percent of which is owned by a public entity, such public entity;

(B) in the case of a station more than 50 percent of which is owned by a private party, the persons providing intercity or commuter rail transportation to such station, as allocated on an equitable basis by regulation by the Secretary of Transportation; and

(C) in a case where no party owns more than 50 percent of a station, the persons providing intercity or commuter rail transportation to such station and the owners of the station, other than private party owners, as allocated on an equitable basis by regulation by the Secretary of Transportation.

(6) STATION.—The term "station" means the portion of a property located appurtenant to a right-of-way on which intercity or commuter rail transportation is operated, where such portion is used by the general public and is related to the provision of such transportation, including passenger platforms, designated waiting areas, ticketing areas, restrooms, and, where a public entity providing rail transportation owns the property, concession areas, to the extent that such public entity exercises control over the selection, design, construction, or alteration of the property, but such term does not include flag stops.

## SEC. 242. INTERCITY AND COMMUTER RAIL ACTIONS CONSIDERED DISCRIMINATORY.

### (a) INTERCITY RAIL TRANSPORTATION.—

(1) ONE CAR PER TRAIN RULE.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person who provides intercity rail transportation to fail to have at least one passenger car per train that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, in accordance with regulations issued under section 244, as soon as practicable, but in no event later than 5 years after the date of enactment of this Act.

### (2) NEW INTERCITY CARS.—

(A) GENERAL RULE.—Except as otherwise provided in this subsection with respect to individuals who use wheelchairs, it shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease any new rail passenger cars for use in intercity rail transportation, and for which a solicitation is made later than 30 days after the effective date of this section, unless all such rail cars are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(B) SPECIAL RULE FOR SINGLE-LEVEL PASSENGER COACHES FOR INDIVIDUALS WHO USE WHEELCHAIRS.—Single-level passenger coaches shall be required to—

(i) be able to be entered by an individual who uses a wheelchair;

(ii) have space to park and secure a wheelchair;

(iii) have a seat to which a passenger in a wheelchair can transfer, and a space to fold and store such passenger's wheelchair; and

(iv) have a restroom usable by an individual who uses a wheelchair, only to the extent provided in paragraph (3).

(C) SPECIAL RULE FOR SINGLE-LEVEL DINING CARS FOR INDIVIDUALS WHO USE WHEELCHAIRS.—Single-level dining cars shall not be required to—

(i) be able to be entered from the station platform by an individual who uses a wheelchair; or

(ii) have a restroom usable by an individual who uses a wheelchair if no restroom is provided in such car for any passenger.

(D) SPECIAL RULE FOR BI-LEVEL DINING CARS FOR INDIVIDUALS WHO USE WHEELCHAIRS.—Bi-level dining cars shall not be required to—

(i) be able to be entered by an individual who uses a wheelchair;

(ii) have space to park and secure a wheelchair;

(iii) have a seat to which a passenger in a wheelchair can transfer, or a space to fold and store such passenger's wheelchair; or

(iv) have a restroom usable by an individual who uses a wheelchair.

(3) ACCESSIBILITY OF SINGLE-LEVEL COACHES.—

(A) GENERAL RULE.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person who provides intercity rail transportation to fail to have on each train which includes one or more single-level rail passenger coaches—

(i) a number of spaces—

(I) to park and secure wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less than one-half of the number of single-level rail passenger coaches in such train; and

(II) to fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than one-half of the number of single-level rail passenger coaches in such train, as soon as practicable, but in no event later than 5 years after the date of enactment of this Act; and

(ii) a number of spaces—

(I) to park and secure wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less than the total number of single-level rail passenger coaches in such train; and

(II) to fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than the total number of single-level rail passenger coaches in such train, as soon as practicable, but in no event later than 10 years after the date of enactment of this Act.

(B) LOCATION.—Spaces required by subparagraph (A) shall be located in single-level rail passenger coaches or food service cars.

(C) LIMITATION.—Of the number of spaces required on a train by subparagraph (A), not more than two spaces to park and secure wheelchairs nor more than two spaces to fold and store wheelchairs shall be located in any one coach or food service car.

(D) OTHER ACCESSIBILITY FEATURES.—Single-level rail passenger coaches and food service cars on which the spaces required by subparagraph (A) are located shall have a restroom usable by an individual who uses a wheelchair and shall be able to be entered from the station platform by an individual who uses a wheelchair.

(4) FOOD SERVICE.—

(A) SINGLE-LEVEL DINING CARS.—On any train in which a single-level dining car is used to provide food service—

(i) if such single-level dining car was purchased after the date of enactment of this Act, table service in such car shall be provided to a passenger who uses a wheelchair if—

(I) the car adjacent to the end of the dining car through which a wheelchair may enter is itself accessible to a wheelchair;

(II) such passenger can exit to the platform from the car such passenger occupies, move down the platform, and enter the adjacent accessible car described in subclause (I) without the necessity of the train being moved within the station; and

(III) space to park and secure a wheelchair is available in the dining car at the time such passenger wishes to eat (if such passenger wishes to remain in a wheelchair), or space to store and fold a wheelchair is available in the dining car at the time such passenger wishes to eat (if such passenger wishes to transfer to a dining car seat); and

(ii) appropriate auxiliary aids and services, including a hard surface on which to eat, shall be provided to ensure that other equivalent food service is available to individuals with disabilities, including individuals who use wheelchairs, and to passengers traveling with such individuals.

Unless not practicable, a person providing intercity rail transportation shall place an accessible car adjacent to the end of a dining car described in clause (i) through which an individual who uses a wheelchair may enter.

(B) BI-LEVEL DINING CARS.—On any train in which a bi-level dining car is used to provide food service—

(i) if such train includes a bi-level lounge car purchased after the date of enactment of this Act, table service in such lounge car shall be provided to individuals who use wheelchairs and to other passengers; and

(ii) appropriate auxiliary aids and services, including a hard surface on which to eat, shall be provided to ensure that other equivalent food service is available to individuals with disabilities, including individuals who use wheelchairs, and to passengers traveling with such individuals.

(b) COMMUTER RAIL TRANSPORTATION.—

(1) ONE CAR PER TRAIN RULE.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person who provides commuter rail transportation to fail to have at least one passenger car per train that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, in accordance with regulations issued under section 244, as soon as practicable, but in no event later than 5 years after the date of enactment of this Act.

(2) NEW COMMUTER RAIL CARS.—

(A) GENERAL RULE.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease any new rail passenger cars for use in commuter rail transportation, and for which a solicitation is made later than 30 days after the effective date of this section, unless all such rail

cars are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(B) ACCESSIBILITY.—For purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), a requirement that a rail passenger car used in commuter rail transportation be accessible to or readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, shall not be construed to require—

(i) a restroom usable by an individual who uses a wheelchair if no restroom is provided in such car for any passenger; (ii) space to fold and store a wheelchair; or (iii) a seat to which a passenger who uses a wheelchair can transfer.

(c) USED RAIL CARS.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease a used rail passenger car for use in intercity or commuter rail transportation, unless such person makes demonstrated good faith efforts to purchase or lease a used rail car that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(d) REMANUFACTURED RAIL CARS.—

(1) REMANUFACTURING.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to remanufacture a rail passenger car for use in intercity or commuter rail transportation so as to extend its usable life for 10 years or more, unless the rail car, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(2) PURCHASE OR LEASE.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to purchase or lease a remanufactured rail passenger car for use in intercity or commuter rail transportation unless such car was remanufactured in accordance with paragraph (1).

(e) STATIONS.—

(1) NEW STATIONS.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a person to build a new station for use in intercity or commuter rail transportation that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(2) EXISTING STATIONS.—

(A) FAILURE TO MAKE READILY ACCESSIBLE.—

(i) GENERAL RULE.—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for a responsible person to fail to make existing stations in the intercity rail transportation system, and existing key stations in commuter rail transportation systems,



readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 244.

(ii) **PERIOD FOR COMPLIANCE.**—

(I) **INTERCITY RAIL.**—All stations in the intercity rail transportation system shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable, but in no event later than 20 years after the date of enactment of this Act.

(II) **COMMUTER RAIL.**—Key stations in commuter rail transportation systems shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than 3 years after the date of enactment of this Act, except that the time limit may be extended by the Secretary of Transportation up to 20 years after the date of enactment of this Act in a case where the raising of the entire passenger platform is the only means available of attaining accessibility or where other extraordinarily expensive structural changes are necessary to attain accessibility.

(iii) **DESIGNATION OF KEY STATIONS.**—Each commuter authority shall designate the key stations in its commuter rail transportation system, in consultation with individuals with disabilities and organizations representing such individuals, taking into consideration such factors as high ridership and whether such station serves as a transfer or feeder station. Before the final designation of key stations under this clause, a commuter authority shall hold a public hearing.

(iv) **PLANS AND MILESTONES.**—The Secretary of Transportation shall require the appropriate person to develop a plan for carrying out this subparagraph that reflects consultation with individuals with disabilities affected by such plan and that establishes milestones for achievement of the requirements of this subparagraph.

(B) **REQUIREMENT WHEN MAKING ALTERATIONS.**—

(i) **GENERAL RULE.**—It shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), with respect to alterations of an existing station or part thereof in the intercity or commuter rail transportation systems that affect or could affect the usability of the station or part thereof, for the responsible person, owner, or person in control of the station to fail to make the alterations in such a manner that, to the maximum extent feasible, the altered portions of the station are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations.

(ii) **ALTERATIONS TO A PRIMARY FUNCTION AREA.**—It shall be considered discrimination, for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), with respect to alterations that affect or could affect the usability of or access to an area of the station containing a primary function, for the responsible person, owner, or person in control of the station to fail to make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area, and the bathrooms, telephones, and

drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations, where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

(C) **REQUIRED COOPERATION.**—It shall be considered discrimination for purposes of section 202 of this Act and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) for an owner, or person in control, of a station governed by subparagraph (A) or (B) to fail to provide reasonable cooperation to a responsible person with respect to such station in that responsible person's efforts to comply with such subparagraph. An owner, or person in control, of a station shall be liable to a responsible person for any failure to provide reasonable cooperation as required by this subparagraph. Failure to receive reasonable cooperation required by this subparagraph shall not be a defense to a claim of discrimination under this Act.

**SEC. 243. CONFORMANCE OF ACCESSIBILITY STANDARDS.**

Accessibility standards included in regulations issued under this part shall be consistent with the minimum guidelines issued by the Architectural and Transportation Barriers Compliance Board under section 504(a) of this Act.

**SEC. 244. REGULATIONS.**

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations, in an accessible format, necessary for carrying out this part.

**SEC. 245. INTERIM ACCESSIBILITY REQUIREMENTS.**

(a) **STATIONS.**—If final regulations have not been issued pursuant to section 244, for new construction or alterations for which a valid and appropriate State or local building permit is obtained prior to the issuance of final regulations under such section, and for which the construction or alteration authorized by such permit begins within one year of the receipt of such permit and is completed under the terms of such permit, compliance with the Uniform Federal Accessibility Standards in effect at the time the building permit is issued shall suffice to satisfy the requirement that stations be readily accessible to and usable by persons with disabilities as required under section 242(e), except that, if such final regulations have not been issued one year after the Architectural and Transportation Barriers Compliance Board has issued the supplemental minimum guidelines required under section 504(a) of this Act, compliance with such supplemental minimum guidelines shall be necessary to satisfy the requirement that stations be readily accessible to and usable by persons with disabilities prior to issuance of the final regulations.

(b) **RAIL PASSENGER CARS.**—If final regulations have not been issued pursuant to section 244, a person shall be considered to have complied with the requirements of section 242(a) through (d) that a rail passenger car be readily accessible to and usable by individuals with disabilities, if the design for such car complies with the laws and regulations (including the

Minimum Guidelines and Requirements for Accessible Design and such supplemental minimum guidelines as are issued under section 504(a) of this Act) governing accessibility of such cars, to the extent that such laws and regulations are not inconsistent with this part and are in effect at the time such design is substantially completed.

**SEC. 246. EFFECTIVE DATE.**

(a) **GENERAL RULE.**—Except as provided in subsection (b), this part shall become effective 18 months after the date of enactment of this Act.

(b) **EXCEPTION.**—Sections 242 and 244 shall become effective on the date of enactment of this Act.

**TITLE III—PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES**

**SEC. 301. DEFINITIONS.**

As used in this title:

(1) **COMMERCE.**—The term "commerce" means travel, trade, traffic, commerce, transportation, or communication—

(A) among the several States;

(B) between any foreign country or any territory or possession and any State; or

(C) between points in the same State but through another State or foreign country.

(2) **COMMERCIAL FACILITIES.**—The term "commercial facilities" means facilities—

(A) that are intended for nonresidential use; and

(B) whose operations will affect commerce.

Such term shall not include railroad locomotives, railroad freight cars, railroad cabooses, railroad cars described in section 242 or covered under this title, railroad rights-of-way, or facilities that are covered or expressly exempted from coverage under the Fair Housing Act of 1968 (42 U.S.C. 3601 et seq.).

(3) **DEMAND RESPONSIVE SYSTEM.**—The term "demand responsive system" means any system of providing transportation of individuals by a vehicle, other than a system which is a fixed route system.

(4) **FIXED ROUTE SYSTEM.**—The term "fixed route system" means a system of providing transportation of individuals (other than by aircraft) on which a vehicle is operated along a prescribed route according to a fixed schedule.

(5) **OVER-THE-ROAD BUS.**—The term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(6) **PRIVATE ENTITY.**—The term "private entity" means any entity other than a public entity (as defined in section 201(1)).

(7) **PUBLIC ACCOMMODATION.**—The following private entities are considered public accommodations for purposes of this title, if the operations of such entities affect commerce—

(A) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

(B) a restaurant, bar, or other establishment serving food or drink;

(C) a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

(D) an auditorium, convention center, lecture hall, or other place of public gathering;

(E) a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(F) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(G) a terminal, depot, or other station used for specified public transportation;

(H) a museum, library, gallery, or other place of public display or collection;

(I) a park, zoo, amusement park, or other place of recreation;

(J) a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;

(K) a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and

(L) a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

(8) **RAIL AND RAILROAD.**—The terms "rail" and "railroad" have the meaning given the term "railroad" in section 202(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(e)).

(9) **READILY ACHIEVABLE.**—The term "readily achievable" means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include—

(A) the nature and cost of the action needed under this Act;

(B) the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

(C) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(D) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.

(10) **SPECIFIED PUBLIC TRANSPORTATION.**—The term "specified public transportation" means transportation by bus, rail, or any other conveyance (other than by aircraft) that provides the general public with general or special service (including charter service) on a regular and continuing basis.

(11) **VEHICLE.**—The term "vehicle" does not include a rail passenger car, railroad locomotive, railroad freight car, railroad caboose, or a railroad car described in section 242 or covered under this title.

## SEC. 302. PROHIBITION OF DISCRIMINATION BY PUBLIC ACCOMMODATIONS.

(a) **GENERAL RULE.**—No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases

to), or operates a place of public accommodation.

### (b) CONSTRUCTION.—

#### (1) GENERAL PROHIBITION.—

##### (A) ACTIVITIES.—

###### (i) DENIAL OF PARTICIPATION.—

It shall be discriminatory to subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.

(ii) **PARTICIPATION IN UNEQUAL BENEFIT.**—It shall be discriminatory to afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

(iii) **SEPARATE BENEFIT.**—It shall be discriminatory to provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

(iv) **INDIVIDUAL OR CLASS OF INDIVIDUALS.**—For purposes of clauses (i) through (iii) of this subparagraph, the term "individual or class of individuals" refers to the clients or customers of the covered public accommodation that enters into the contractual, licensing or other arrangement.

(B) **INTEGRATED SETTINGS.**—Goods, services, facilities, privileges, advantages, and accommodations shall be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(C) **OPPORTUNITY TO PARTICIPATE.**—Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

(D) **ADMINISTRATIVE METHODS.**—An individual or entity shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration—

(i) that have the effect of discriminating on the basis of disability; or

(ii) that perpetuate the discrimination of others who are subject to common administrative control.

(E) **ASSOCIATION.**—It shall be discriminatory to exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

#### (2) SPECIFIC PROHIBITIONS.—

(A) **DISCRIMINATION.**—For purposes of subsection (a), discrimination includes—

(i) the imposition or application of

eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered;

(ii) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations;

(iii) a failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden;

(iv) a failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift), where such removal is readily achievable; and

(v) where an entity can demonstrate that the removal of a barrier under clause (iv) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

#### (B) FIXED ROUTE SYSTEM.—

(i) **ACCESSIBILITY.**—It shall be considered discrimination for a private entity which operates a fixed route system and which is not subject to section 304 to purchase or lease a vehicle with a seating capacity in excess of 16 passengers (including the driver) for use on such system, for which a solicitation is made after the 30th day following the effective date of this subparagraph, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

(ii) **EQUIVALENT SERVICE.**—If a private entity which operates a fixed route system and which is not subject to section 304 purchases or leases a vehicle with a seating capacity of 16 passengers or less (including the driver) for use on such system after the effective date of this subparagraph that is not readily accessible to or usable by individuals with disabilities, it shall be considered discrimination for such entity to fail to operate such system so that, when viewed in its entirety, such system ensures a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities.

(C) **DEMAND RESPONSIVE SYSTEM.**—or purposes of subsection (a), discrimination includes—

(i) a failure of a private entity which operates a demand responsive system and which



is not subject to section 304 to operate such system so that, when viewed in its entirety, such system ensures a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities; and

(ii) the purchase or lease by such entity for use on such system of a vehicle with a seating capacity in excess of 16 passengers (including the driver), for which solicitations are made after the 30th day following the effective date of this subparagraph, that is not readily accessible to and usable by individuals with disabilities (including individuals who use wheelchairs) unless such entity can demonstrate that such system, when viewed in its entirety, provides a level of service to individuals with disabilities equivalent to that provided to individuals without disabilities.

**(D) OVER-THE-ROAD BUSES.—**

(i) **LIMITATION ON APPLICABILITY.**—Subparagraphs (B) and (C) do not apply to over-the-road buses.

(ii) **ACCESSIBILITY REQUIREMENTS.**—or purposes of subsection (a), discrimination includes (I) the purchase or lease of an over-the-road bus which does not comply with the regulations issued under section 306(a)(2) by a private entity which provides transportation of individuals and which is not primarily engaged in the business of transporting people, and (II) any other failure of such entity to comply with such regulations.

(3) **SPECIFIC CONSTRUCTION.**—Nothing in this title shall require an entity to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of such entity where such individual poses a direct threat to the health or safety of others. The term "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services.

**SEC. 303. NEW CONSTRUCTION AND ALTERATIONS IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES.**

(a) **APPLICATION OF TERM.**—Except as provided in subsection (b), as applied to public accommodations and commercial facilities, discrimination for purposes of section 302(a) includes—

(1) a failure to design and construct facilities for first occupancy later than 30 months after the date of enactment of this Act that are readily accessible to and usable by individuals with disabilities, except where an entity can demonstrate that it is structurally impracticable to meet the requirements of such subsection in accordance with standards set forth or incorporated by reference in regulations issued under this title; and

(2) with respect to a facility or part thereof that is altered by, on behalf of, or for the use of an establishment in a manner that affects or could affect the usability of the facility or part thereof, a failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Where the entity is undertaking an alteration that affects or could affect usability of or access to an area of

the facility containing a primary function, the entity shall also make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

(b) **ELEVATOR.**—Subsection (a) shall not be construed to require the installation of an elevator for facilities that are less than three stories or have less than 3,000 square feet per story unless the building is a shopping center, a shopping mall, or the professional office of a health care provider or unless the Attorney General determines that a particular category of such facilities requires the installation of elevators based on the usage of such facilities.

**SEC. 304. PROHIBITION OF DISCRIMINATION IN SPECIFIED PUBLIC TRANSPORTATION SERVICES PROVIDED BY PRIVATE ENTITIES.**

(a) **GENERAL RULE.**—No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of specified public transportation services provided by a private entity that is primarily engaged in the business of transporting people and whose operations affect commerce.

(b) **CONSTRUCTION.**—For purposes of subsection (a), discrimination includes—

(1) the imposition or application by a entity described in subsection (a) of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully enjoying the specified public transportation services provided by the entity, unless such criteria can be shown to be necessary for the provision of the services being offered;

(2) the failure of such entity to—  
(A) make reasonable modifications consistent with those required under section 302(b)(2)(A)(ii);

(B) provide auxiliary aids and services consistent with the requirements of section 302(b)(2)(A)(iii); and

(C) remove barriers consistent with the requirements of section 302(b)(2)(A) and with the requirements of section 303(a)(2);

(3) the purchase or lease by such entity of a new vehicle (other than an automobile, a van with a seating capacity of less than 8 passengers, including the driver, or an over-the-road bus) which is to be used to provide specified public transportation and for which a solicitation is made after the 30th day following the effective date of this section, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; except

that the new vehicle need not be readily accessible to and usable by such individuals if the new vehicle is to be used solely in a demand responsive system and if the entity can demonstrate that such system, when viewed in its entirety, provides a level of service to such individuals equivalent to the level of service provided to the general public;

(4)(A) the purchase or lease by such entity of an over-the-road bus which does not comply with the regulations issued under section 306(a)(2); and

(B) any other failure of such entity to comply with such regulations; and

(5) the purchase or lease by such entity of a new van with a seating capacity of less than 8 passengers, including the driver, which is to be used to provide specified public transportation and for which a solicitation is made after the 30th day following the effective date of this section that is not readily accessible to or usable by individuals with disabilities, including individuals who use wheelchairs; except that the new van need not be readily accessible to and usable by such individuals if the entity can demonstrate that the system for which the van is being purchased or leased, when viewed in its entirety, provides a level of service to such individuals equivalent to the level of service provided to the general public;

(6) the purchase or lease by such entity of a new rail passenger car that is to be used to provide specified public transportation, and for which a solicitation is made later than 30 days after the effective date of this paragraph, that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; and

(7) the remanufacture by such entity of a rail passenger car that is to be used to provide specified public transportation so as to extend its usable life for 10 years or more, or the purchase or lease by such entity of such a rail car, unless the rail car, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

**(c) HISTORICAL OR ANTIQUATED CARS.—**

(1) **EXCEPTION.**—To the extent that compliance with subsection (b)(2)(C) or (b)(7) would significantly alter the historic or antiquated character of a historical or antiquated rail passenger car, or a rail station served exclusively by such cars, or would result in violation of any rule, regulation, standard, or order issued by the Secretary of Transportation under the Federal Railroad Safety Act of 1970, such compliance shall not be required.

(2) **DEFINITION.**—As used in this subsection, the term "historical or antiquated rail passenger car" means a rail passenger car—

(A) which is not less than 30 years old at the time of its use for transporting individuals;

(B) the manufacturer of which is no longer in the business of manufacturing rail passenger cars; and

(C) which—

(i) has a consequential association with events or persons significant to the past; or

(ii) embodies, or is being restored to embody, the distinctive characteristics of a type of rail passenger car used in the past, or to represent a time period which has passed.

## SEC. 305. STUDY.

(a) **PURPOSES.**—The Office of Technology Assessment shall undertake a study to determine—

(1) the access needs of individuals with disabilities to over-the-road buses and over-the-road bus service; and

(2) the most cost-effective methods for providing access to over-the-road buses and over-the-road bus service to individuals with disabilities, particularly individuals who use wheelchairs, through all forms of boarding options.

(b) **CONTENTS.**—The study shall include, at a minimum, an analysis of the following:

(1) The anticipated demand by individuals with disabilities for accessible over-the-road buses and over-the-road bus service.

(2) The degree to which such buses and service, including any service required under sections 304(b)(4) and 306(a)(2), are readily accessible to and usable by individuals with disabilities.

(3) The effectiveness of various methods of providing accessibility to such buses and service to individuals with disabilities.

(4) The cost of providing accessible over-the-road buses and bus service to individuals with disabilities, including consideration of recent technological and cost saving developments in equipment and devices.

(5) Possible design changes in over-the-road buses that could enhance accessibility, including the installation of accessible restrooms which do not result in a loss of seating capacity.

(6) The impact of accessibility requirements on the continuation of over-the-road bus service, with particular consideration of the impact of such requirements on such service to rural communities.

(c) **ADVISORY COMMITTEE.**—In conducting the study required by subsection (a), the Office of Technology Assessment shall establish an advisory committee, which shall consist of—

(1) members selected from among private operators and manufacturers of over-the-road buses;

(2) members selected from among individuals with disabilities, particularly individuals who use wheelchairs, who are potential riders of such buses; and

(3) members selected for their technical expertise on issues included in the study, including manufacturers of boarding assistance equipment and devices.

The number of members selected under each of paragraphs (1) and (2) shall be equal, and the total number of members selected under paragraphs (1) and (2) shall exceed the number of members selected under paragraph (3).

(d) **DEADLINE.**—The study required by subsection (a), along with recommendations by the Office of Technology Assessment, including any policy options for legislative action, shall be submitted to the President and Congress within 36 months after the date of the enactment of this Act. If the President determines that compliance with the regulations issued pursuant to section 306(a)(2)(B) on or before the applicable deadlines specified in: section 306(a)(2)(B) will result in a significant reduction in intercity over-the-road bus service, the President shall extend each such deadline by 1 year.

(e) **REVIEW.**—In developing the study required by subsection (a), the Office of Technology Assessment shall provide a preliminary draft of such study to the Architectural and Transportation Barriers Compliance Board

established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792). The Board shall have an opportunity to comment on such draft study, and any such comments by the Board made in writing within 120 days after the Board's receipt of the draft study shall be incorporated as part of the final study required to be submitted under subsection (d).

## SEC. 306. REGULATIONS.

(a) **TRANSPORTATION PROVISIONS.**—

(1) **GENERAL RULE.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations in an accessible format to carry out sections 302(b)(2)(B) and (C) and to carry out section 304 (other than subsection (b)(4)).

(2) **SPECIAL RULES FOR PROVIDING ACCESS TO OVER-THE-ROAD BUSES.**—

(A) **INTERIM REQUIREMENTS.**

(i) **ISSUANCE.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations in an accessible format to carry out sections 304(b)(4) and 302(b)(2)(D)(ii) that require each private entity which uses an over-the-road bus to provide transportation of individuals to provide accessibility to such bus; except that such regulations shall not require any structural changes in over-the-road buses in order to provide access to individuals who use wheelchairs during the effective period of such regulations and shall not require the purchase of boarding assistance devices to provide access to such individuals.

(ii) **EFFECTIVE PERIOD.**—The regulations issued pursuant to this subparagraph shall be effective until the effective date of the regulations issued under subparagraph (B).

(B) **FINAL REQUIREMENT.**—

(i) **REVIEW OF STUDY AND INTERIM REQUIREMENTS.**—The Secretary shall review the study submitted under section 305 and the regulations issued pursuant to subparagraph (A).

(ii) **ISSUANCE.**—Not later than 1 year after the date of the submission of the study under section 305, the Secretary shall issue in an accessible format new regulations to carry out sections 304(b)(4) and 302(b)(2)(D)(ii) that require, taking into account the purposes of the study under section 305 and any recommendations resulting from such study, each private entity which uses an over-the-road bus to provide transportation to individuals to provide accessibility to such bus to individuals with disabilities, including individuals who use wheelchairs.

(iii) **EFFECTIVE PERIOD.**—Subject to section 305(d), the regulations issued pursuant to this subparagraph shall take effect—

(I) with respect to small providers of transportation (as defined by the Secretary), 7 years after the date of the enactment of this Act; and

(II) with respect to other providers of transportation, 6 years after such date of enactment.

(C) **LIMITATION ON REQUIRING INSTALLATION OF ACCESSIBLE RESTROOMS.**—

The regulations issued pursuant to this paragraph shall not require the installation of accessible restrooms in over-the-road buses if such installation would result in a loss of seating capacity.

(3) **STANDARDS.**—The regulations issued pursuant to this subsection shall include standards

applicable to facilities and vehicles covered by sections 302(b)(2) and 304.

(b) **OTHER PROVISIONS.**—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall issue regulations in an accessible format to carry out the provisions of this title not referred to in subsection (a) that include standards applicable to facilities and vehicles covered under section 302.

(c) **CONSISTENCY WITH ATBCB GUIDELINES.**—Standards included in regulations issued under subsections (a) and (b) shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 504 of this Act.

(d) **INTERIM ACCESSIBILITY STANDARDS.**—

(1) **FACILITIES.**—If final regulations have not been issued pursuant to this section, for new construction or alterations for which a valid and appropriate State or local building permit is obtained prior to the issuance of final regulations under this section, and for which the construction or alteration authorized by such permit begins within one year of the receipt of such permit and is completed under the terms of such permit, compliance with the Uniform Federal Accessibility Standards in effect at the time the building permit is issued shall suffice to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities as required under section 303, except that, if such final regulations have not been issued one year after the Architectural and Transportation Barriers Compliance Board has issued the supplemental minimum guidelines required under section 504(a) of this Act, compliance with such supplemental minimum guidelines shall be necessary to satisfy the requirement that facilities be readily accessible to and usable by persons with disabilities prior to issuance of the final regulations.

(2) **VEHICLES AND RAIL PASSENGER CARS.**—If final regulations have not been issued pursuant to this section, a private entity shall be considered to have complied with the requirements of this title, if any, that a vehicle or rail passenger car be readily accessible to and usable by individuals with disabilities, if the design for such vehicle or car complies with the laws and regulations (including the Minimum Guidelines and Requirements for Accessible Design and such supplemental minimum guidelines as are issued under section 504(a) of this Act) governing accessibility of such vehicles or cars, to the extent that such laws and regulations are not inconsistent with this title and are in effect at the time such design is substantially completed.

## SEC. 307. EXEMPTIONS FOR PRIVATE CLUBS AND RELIGIOUS ORGANIZATIONS.

The provisions of this title shall not apply to private clubs or establishments exempted from coverage under title II of the Civil Rights Act of 1964 (42 U.S.C. 2000a-6(e)) or to religious organizations or entities controlled by religious organizations, including places of worship.

## SEC. 308. ENFORCEMENT.

(a) **IN GENERAL.**—

(1) **AVAILABILITY OF REMEDIES AND PROCEDURES.**—The remedies and procedures set forth in section 204(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000a-3(a)) are the remedies

and procedures this title provides to any person who is being subjected to discrimination on the basis of disability in violation of this title or who has reasonable grounds for believing that such person is about to be subjected to discrimination in violation of section 303. Nothing in this section shall require a person with a disability to engage in a futile gesture if such person has actual notice that a person or organization covered by this title does not intend to comply with its provisions.

(2) **INJUNCTIVE RELIEF.**—In the case of violations of sections 302(b)(2)(A)(iv) and section 303(a), injunctive relief shall include an order to alter facilities to make such facilities readily accessible to and usable by individuals with disabilities to the extent required by this title. Where appropriate, injunctive relief shall also include requiring the provision of an auxiliary aid or service, modification of a policy, or provision of alternative methods, to the extent required by this title.

(b) **ENFORCEMENT BY THE ATTORNEY GENERAL.**—

(1) **DENIAL OF RIGHTS.**—

(A) **DUTY TO INVESTIGATE.**—

(i) **IN GENERAL.**—The Attorney General shall investigate alleged violations of this title, and shall undertake periodic reviews of compliance of covered entities under this title.

(ii) **ATTORNEY GENERAL CERTIFICATION.**—On the application of a State or local government, the Attorney General may, in consultation with the Architectural and Transportation Barriers Compliance Board, and after prior notice and a public hearing at which persons, including individuals with disabilities, are provided an opportunity to testify against such certification, certify that a State law or local building code or similar ordinance that establishes accessibility requirements meets or exceeds the minimum requirements of this Act for the accessibility and usability of covered facilities under this title. At any enforcement proceeding under this section, such certification by the Attorney General shall be rebuttable evidence that such State law or local ordinance does meet or exceed the minimum requirements of this Act.

(B) **POTENTIAL VIOLATION.**—If the Attorney General has reasonable cause to believe that—

(i) any person or group of persons is engaged in a pattern or practice of discrimination under this title; or

(ii) any person or group of persons has been discriminated against under this title and such discrimination raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.

(2) **AUTHORITY OF COURT.**—In a civil action under paragraph (1)(B), the court—

(A) may grant any equitable relief that such court considers to be appropriate, including, to the extent required by this title—

(i) granting temporary, preliminary, or permanent relief;

(ii) providing an auxiliary aid or service, modification of policy, practice, or procedure, or alternative method; and

(iii) making facilities readily accessible to and usable by individuals with disabilities;

(B) may award such other relief as the court considers to be appropriate, including

monetary damages to persons aggrieved when requested by the Attorney General; and

(C) may, to vindicate the public interest, assess a civil penalty against the entity in an amount—

(i) not exceeding \$50,000 for a first violation; and

(ii) not exceeding \$100,000 for any subsequent violation.

(3) **SINGLE VIOLATION.**—For purposes of paragraph (2)(C), in determining whether a first or subsequent violation has occurred, a determination in a single action, by judgment or settlement, that the covered entity has engaged in more than one discriminatory act shall be counted as a single violation.

(4) **PUNITIVE DAMAGES.**—For purposes of subsection (b)(2)(B), the term “monetary damages” and “such other relief” does not include punitive damages.

(5) **JUDICIAL CONSIDERATION.**—In a civil action under paragraph (1)(B), the court, when considering what amount of civil penalty, if any, is appropriate, shall give consideration to any good faith effort or attempt to comply with this Act by the entity. In evaluating good faith, the court shall consider, among other factors it deems relevant, whether the entity could have reasonably anticipated the need for an appropriate type of auxiliary aid needed to accommodate the unique needs of a particular individual with a disability.

#### SEC. 309. EXAMINATIONS AND COURSES.

Any person that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.

#### SEC. 310. EFFECTIVE DATE.

(a) **GENERAL RULE.**—Except as provided in subsections (b) and (c), this title shall become effective 18 months after the date of the enactment of this Act.

(b) **CIVIL ACTIONS.**—Except for any civil action brought for a violation of section 303, no civil action shall be brought for any act or omission described in section 302 which occurs—

(1) during the first 6 months after the effective date, against businesses that employ 25 or fewer employees and have gross receipts of \$1,000,000 or less; and

(2) during the first year after the effective date, against businesses that employ 10 or fewer employees and have gross receipts of \$500,000 or less.

(c) **EXCEPTION.**—Sections 302(a) for purposes of section 302(b)(2)(B) and (C) only, 304(a) for purposes of section 304(b)(3) only, 304(b)(3), 305, and 306 shall take effect on the date of the enactment of this Act.

### TITLE IV—TELECOMMUNICATIONS

#### SEC. 401. TELECOMMUNICATIONS RELAY SERVICES FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS.

(a) **TELECOMMUNICATIONS.**—Title II of the Communications Act of 1934 (47 U.S.C. 201

et seq.) is amended by adding at the end thereof the following new section:

#### “SEC. 225. TELECOMMUNICATIONS SERVICES FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS.

“(a) **DEFINITIONS.**—As used in this section—

(1) **COMMON CARRIER OR CARRIER.**—The term ‘common carrier’ or ‘carrier’ includes any common carrier engaged in interstate communication by wire or radio as defined in section 3(h) and any common carrier engaged in intrastate communication by wire or radio, notwithstanding sections 2(b) and 221(b).

(2) **TDD.**—The term ‘TDD’ means a Telecommunications Device for the Deaf, which is a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system.

(3) **TELECOMMUNICATIONS RELAY SERVICES.**—The term ‘telecommunications relay services’ means telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a TDD or other nonvoice terminal device and an individual who does not use such a device.

“(b) **AVAILABILITY OF TELECOMMUNICATIONS RELAY SERVICES.**—

(1) **IN GENERAL.**—In order to carry out the purposes established under section 1, to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States.

(2) **USE OF GENERAL AUTHORITY AND REMEDIES.**—For the purposes of administering and enforcing the provisions of this section and the regulations prescribed thereunder, the Commission shall have the same authority, power, and functions with respect to common carriers engaged in intrastate communication as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier engaged in interstate communication. Any violation of this section by any common carrier engaged in intrastate communication shall be subject to the same remedies, penalties, and procedures as are applicable to a violation of this Act by a common carrier engaged in interstate communication.

“(c) **PROVISION OF SERVICES.**—Each common carrier providing telephone voice transmission services shall, not later than 3 years after the date of enactment of this section, provide in compliance with the regulations prescribed under this section, throughout the area in which it offers service, telecommunications relay services, individually, through designees, through a competitively selected vendor, or in concert with other carriers. A common carrier shall be considered to be in compliance with such regulations—



(1) with respect to intrastate telecommunications relay services in any State that does not have a certified program under subsection (f) and with respect to interstate telecommunications relay services, if such common carrier (or other entity through which the carrier is providing such relay services) is in compliance with the Commission's regulations under subsection (d); or

(2) with respect to intrastate telecommunications relay services in any State that has a certified program under subsection (f) for such State, if such common carrier (or other entity through which the carrier is providing such relay services) is in compliance with the program certified under subsection (f) for such State.

**"(d) REGULATIONS.—**

(1) **IN GENERAL.**—The Commission shall, not later than 1 year after the date of enactment of this section, prescribe regulations to implement this section, including regulations that—

(A) establish functional requirements, guidelines, and operations procedures for telecommunications relay services;

(B) establish minimum standards that shall be met in carrying out subsection (c);

(C) require that telecommunications relay services operate every day for 24 hours per day;

(D) require that users of telecommunications relay services pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from point of origination to point of termination;

(E) prohibit relay operators from failing to fulfill the obligations of common carriers by refusing calls or limiting the length of calls that use telecommunications relay services;

(F) prohibit relay operators from disclosing the content of any relayed conversation and from keeping records of the content of any such conversation beyond the duration of the call; and

(G) prohibit relay operators from intentionally altering a relayed conversation.

(2) **TECHNOLOGY.**—The Commission shall ensure that regulations prescribed to implement this section encourage, consistent with section 7(a) of this Act, the use of existing technology and do not discourage or impair the development of improved technology.

**(3) JURISDICTIONAL SEPARATION OF COSTS.—**

(A) **IN GENERAL.**—Consistent with the provisions of section 410 of this Act, the Commission shall prescribe regulations governing the jurisdictional separation of costs for the services provided pursuant to this section.

(B) **RECOVERING COSTS.**—Such regulations shall generally provide that costs caused by interstate telecommunications relay services shall be recovered from all subscribers for every interstate service and costs caused by intrastate telecommunications relay services shall be recovered from the intrastate jurisdiction. In a State that has a certified program under subsection (f), a State commission shall permit a common carrier to recover the costs incurred in providing intrastate telecommunications relay services by a method consistent with the requirements of this section.

**"(e) ENFORCEMENT.—**

(1) **IN GENERAL.**—Subject to subsections (f) and (g), the Commission shall enforce this section.

(2) **COMPLAINT.**—The Commission shall resolve, by final order, a complaint alleging a violation of this section within 180 days after the date such complaint is filed.

**"(f) CERTIFICATION.—**

(1) **STATE DOCUMENTATION.**—Any State desiring to establish a State program under this section shall submit documentation to the Commission that describes the program of such State for implementing intrastate telecommunications relay services and the procedures and remedies available for enforcing any requirements imposed by the State program.

(2) **REQUIREMENTS FOR CERTIFICATION.**—After review of such documentation, the Commission shall certify the State program if the Commission determines that—

(A) the program makes available to hearing-impaired and speech-impaired individuals, either directly, through designees, through a competitively selected vendor, or through regulation of intrastate common carriers, intrastate telecommunications relay services in such State in a manner that meets or exceeds the requirements of regulations prescribed by the Commission under subsection (d); and

(B) the program makes available adequate procedures and remedies for enforcing the requirements of the State program.

(3) **METHOD OF FUNDING.**—Except as provided in subsection (d), the Commission shall not refuse to certify a State program based solely on the method such State will implement for funding intrastate telecommunication relay services.

(4) **SUSPENSION OR REVOCATION OF CERTIFICATION.**—The Commission may suspend or revoke such certification if, after notice and opportunity for hearing, the Commission determines that such certification is no longer warranted. In a State whose program has been suspended or revoked, the Commission shall take such steps as may be necessary, consistent with this section, to ensure continuity of telecommunications relay services.

**"(g) COMPLAINT.—**

(1) **REFERRAL OF COMPLAINT.**—If a complaint to the Commission alleges a violation of this section with respect to intrastate telecommunications relay services within a State and certification of the program of such State under subsection (f) is in effect, the Commission shall refer such complaint to such State.

(2) **JURISDICTION OF COMMISSION.**—After referring a complaint to a State under paragraph (1), the Commission shall exercise jurisdiction over such complaint only if—

(A) final action under such State program has not been taken on such complaint by such State.

(i) within 180 days after the complaint is filed with such State; or

(ii) within a shorter period as prescribed by the regulations of such State; or

(B) the Commission determines that such State program is no longer qualified for certification under subsection (f)."

(b) **CONFORMING AMENDMENTS.**—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(1) in section 2(b) (47 U.S.C. 152(b)), by striking "section 224" and inserting "sections 224 and 225"; and

(2) in section 221(b) (47 U.S.C. 221(b)), by striking "section 301" and inserting "sections 225 and 301".

**SEC. 402. CLOSED-CAPTIONING OF PUBLIC SERVICE ANNOUNCEMENTS.**

Section 711 of the Communications Act of 1934 is amended to read as follows:

**"SEC. 711. CLOSED-CAPTIONING OF PUBLIC SERVICE ANNOUNCEMENTS.**

"Any television public service announcement that is produced or funded in whole or in part by any agency or instrumentality of Federal Government shall include closed captioning of the verbal content of such announcement. A television broadcast station licensee—

"(1) shall not be required to supply closed captioning for any such announcement that fails to include it; and "(2) shall not be liable for broadcasting any such announcement without transmitting a closed caption unless the licensee intentionally fails to transmit the closed caption that was included with the announcement."

**TITLE V—MISCELLANEOUS PROVISIONS**

**SEC. 501. CONSTRUCTION.**

(a) **IN GENERAL.**—Except as otherwise provided in this Act, nothing in this Act shall be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.) or the regulations issued by Federal agencies pursuant to such title.

(b) **RELATIONSHIP TO OTHER LAWS.**—Nothing in this Act shall be construed to invalidate or limit the remedies, rights, and procedures of any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for the rights of individuals with disabilities than are afforded by this Act. Nothing in this Act shall be construed to preclude the prohibition of, or the imposition of restrictions on, smoking in places of employment covered by title I, in transportation covered by title II or III, or in places of public accommodation covered by title III.

(c) **INSURANCE.**—Titles I through IV of this Act shall not be construed to prohibit or restrict—

(1) an insurer, hospital or medical service company, health maintenance organization, or any agent, or entity that administers benefit plans, or similar organizations from underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or

(2) a person or organization covered by this Act from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or

(3) a person or organization covered by this Act from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that is not subject to State laws that regulate insurance.

Paragraphs (1), (2), and (3) shall not be used as a subterfuge to evade the purposes of title I and III.

(d) **ACCOMMODATIONS AND SERVICES.**—Nothing in this Act shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not to accept.

#### SEC. 502. STATE IMMUNITY.

A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court of competent jurisdiction for a violation of this Act. In any action against a State for a violation of the requirements of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

#### SEC. 503. PROHIBITION AGAINST RETALIATION AND COERCION.

(a) **RETALIATION.**—No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this Act or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(b) **INTERFERENCE, COERCION, OR INTIMIDATION.**—It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this Act.

(c) **REMEDIES AND PROCEDURES.**—The remedies and procedures available under sections 107, 203, and 308 of this Act shall be available to aggrieved persons for violations of subsections (a) and (b), with respect to title I, title II and title III, respectively.

#### SEC. 504. REGULATIONS BY THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

(a) **ISSUANCE OF GUIDELINES.**—Not later than 9 months after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board shall issue minimum guidelines that shall supplement the existing Minimum Guidelines and Requirements for Accessible Design for purposes of titles II and III of this Act.

(b) **CONTENTS OF GUIDELINES.**—The supplemental guidelines issued under subsection (a) shall establish additional requirements, consistent with this Act, to ensure that buildings, facilities, rail passenger cars, and vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities.

(c) **QUALIFIED HISTORIC PROPERTIES.**—

(i) **IN GENERAL.**—The supplemental guidelines issued under subsection (a) shall include procedures and requirements for alterations that will threaten or destroy the historic significance of qualified historic buildings and facilities as defined in 4.1.7(1)(a) of the Uniform Federal Accessibility Standards.

(ii) **SITES ELIGIBLE FOR LISTING IN NATIONAL REGISTER.**—With respect to alterations of buildings or facilities that are eligible for

listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 et seq.), the guidelines described in paragraph (1) shall, at a minimum, maintain the procedures and requirements established in 4.1.7(1) and (2) of the Uniform Federal Accessibility Standards.

(3) **OTHER SITES.**—With respect to alterations of buildings or facilities designated as historic under State or local law, the guidelines described in paragraph (1) shall establish procedures equivalent to those established by 4.1.7(1)(b) and (c) of the Uniform Federal Accessibility Standards, and shall require, at a minimum, compliance with the requirements established in 4.1.7(2) of such standards.

#### SEC. 505. ATTORNEYS' FEES.

In any action or administrative proceeding commenced pursuant to this Act, the court or agency, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses, and costs, and the United States shall be liable for the foregoing the same as a private individual.

#### SEC. 506. TECHNICAL ASSISTANCE.

(a) **PLAN FOR ASSISTANCE.**—

(i) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Chair of the Equal Employment Opportunity Commission, the Secretary of Transportation, the Chair of the Architectural and Transportation Barriers Compliance Board, and the Chairman of the Federal Communications Commission, shall develop a plan to assist entities covered under this Act, and other Federal agencies, in understanding the responsibility of such entities and agencies under this Act.

(ii) **PUBLICATION OF PLAN.**—The Attorney General shall publish the plan referred to in paragraph (1) for public comment in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act).

(b) **AGENCY AND PUBLIC ASSISTANCE.**—The Attorney General may obtain the assistance of other Federal agencies in carrying out subsection (a), including the National Council on Disability, the President's Committee on Employment of People with Disabilities, the Small Business Administration, and the Department of Commerce.

(c) **IMPLEMENTATION.**—

(i) **RENDERING ASSISTANCE.**—Each Federal agency that has responsibility under paragraph (2) for implementing this Act may render technical assistance to individuals and institutions that have rights or duties under the respective title or titles for which such agency has responsibility.

(ii) **IMPLEMENTATION OF TITLES.**—

(A) **TITLE I.**—The Equal Employment Opportunity Commission and the Attorney General shall implement the plan for assistance developed under subsection (a), for title I.

(B) **TITLE II.**—

(i) **SUBTITLE A.**—The Attorney General shall implement such plan for assistance for subtitle A of title II.

(ii) **SUBTITLE B.**—The Secretary of Transportation shall implement such plan for assistance for subtitle B of title II.

(C) **TITLE III.**—The Attorney General, in coordination with the Secretary of Transportation and the Chair of the Architectural Transportation Barriers Compliance Board, shall implement such plan for assistance for title III, except for section 304, the plan for assistance for which shall be implemented by the Secretary of Transportation.

(D) **TITLE IV.**—The Chairman of the Federal Communications Commission, in coordination with the Attorney General, shall implement such plan for assistance for title IV.

(3) **TECHNICAL ASSISTANCE MANUALS.**—Each Federal agency that has responsibility under paragraph (2) for implementing this Act shall, as part of its implementation responsibilities, ensure the availability and provision of appropriate technical assistance manuals to individuals or entities with rights or duties under this Act no later than six months after applicable final regulations are published under titles I, II, III, and IV.

(d) **GRANTS AND CONTRACTS.**—

(i) **IN GENERAL.**—Each Federal agency that has responsibility under subsection (c)(2) for implementing this Act may make grants or award contracts to effectuate the purposes of this section, subject to the availability of appropriations. Such grants and contracts may be awarded to individuals, institutions not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual (including educational institutions), and associations representing individuals who have rights or duties under this Act. Contracts may be awarded to entities organized for profit, but such entities may not be the recipients or grants described in this paragraph.

(ii) **DISSEMINATION OF INFORMATION.**—Such grants and contracts, among other uses, may be designed to ensure wide dissemination of information about the rights and duties established by this Act and to provide information and technical assistance about techniques for effective compliance with this Act.

(e) **FAILURE TO RECEIVE ASSISTANCE.**—An employer, public accommodation, or other entity covered under this Act shall not be excused from compliance with the requirements of this Act because of any failure to receive technical assistance under this section, including any failure in the development or dissemination of any technical assistance manual authorized by this section.

#### SEC. 507. FEDERAL WILDERNESS AREAS.

(a) **STUDY.**—The National Council on Disability shall conduct a study and report on the effect that wilderness designations and wilderness land management practices have on the ability of individuals with disabilities to use and enjoy the National Wilderness Preservation System as established under the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) **SUBMISSION OF REPORT.**—Not later than 1 year after the enactment of this Act, the National Council on Disability shall submit the report required under subsection (a) to Congress.

(c) **SPECIFIC WILDERNESS ACCESS.**—

(i) **IN GENERAL.**—Congress reaffirms that nothing in the Wilderness Act is to be construed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires use of a wheelchair, and consistent with the Wilderness Act no agency is required

to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of lands within a wilderness area in order to facilitate such use.

(2) **DEFINITION.**—For purposes of paragraph (1), the term "wheelchair" means a device designed solely for use by a mobility-impaired person for locomotion, that is suitable for use in an indoor pedestrian area.

#### SEC. 508. TRANSGESTITTES.

For the purposes of this Act, the term "disabled" or "disability" shall not apply to an individual solely because that individual is a transvestite.

#### SEC. 509. COVERAGE OF CONGRESS AND THE AGENCIES OF THE LEGISLATIVE BRANCH.

##### (a) COVERAGE OF THE SENATE.—

(1) **COMMITMENT TO RULE XLII.**—The Senate reaffirms its commitment to Rule XLII of the Standing Rules of the Senate which provides as follows:

"No member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof:

“(a) fail or refuse to hire an individual;

“(b) discharge an individual; or

“(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment on the basis of such individual's race, color, religion, sex, national origin, age, or state of physical handicap.”

(2) **APPLICATION TO SENATE EMPLOYMENT.**—The rights and protections provided pursuant to this Act, the Civil Rights Act of 1990 (S. 2104, 101st Congress), the Civil Rights Act

of 1964, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973 shall apply with respect to employment by the United States Senate.

(3) **INVESTIGATION AND ADJUDICATION OF CLAIMS.**—All claims raised by any individual with respect to Senate employment, pursuant to the Acts referred to in paragraph (2), shall be investigated and adjudicated by the Select Committee on Ethics, pursuant to S. Res. 338, 88th Congress, as amended, or such other entity as the Senate may designate.

(4) **RIGHTS OF EMPLOYEES.**—The Committee on Rules and Administration shall ensure that Senate employees are informed of their rights under the Acts referred to in paragraph (2).

(5) **APPLICABLE REMEDIES.**—When assigning remedies to individuals found to have a valid claim under the Acts referred to in paragraph (2), the Select Committee on Ethics, or such other entity as the Senate may designate, should to the extent practicable apply the same remedies applicable to all other employees covered by the Acts referred to in paragraph (2). Such remedies shall apply exclusively.

##### (6) **MATTERS OTHER THAN EMPLOYMENT.**—

(A) **IN GENERAL.**—The rights and protections under this Act shall, subject to subparagraph (B), apply with respect to the conduct of the Senate regarding matters other than employment.

(B) **REMEDIES.**—The Architect of the Capitol shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to subparagraph (A).

Such remedies and procedures shall apply exclusively, after approval in accordance with subparagraph (C).

(C) **PROPOSED REMEDIES AND PROCEDURES.**—For purposes of subparagraph (B), the Architect of the Capitol shall submit proposed remedies and procedures to the Senate Committee on Rules and Administration. The remedies and procedures shall be effective upon the approval of the Committee on Rules and Administration.

(7) **EXERCISE OF RULEMAKING POWER.**—Notwithstanding any other provision of law, enforcement and adjudication of the rights and protections referred to in paragraph (2) and (6)(A) shall be within the exclusive jurisdiction of the United States Senate. The provisions of paragraphs (1), (3), (4), (5), (6)(B), and (6)(C) are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

##### (b) **COVERAGE OF THE HOUSE OF REPRESENTATIVES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this Act or of law, the purposes of this Act shall, subject to paragraphs (2) and (3), apply in their entirety to the House of Representatives.

##### (2) **EMPLOYMENT IN THE HOUSE.**—

(A) **APPLICATION.**—The rights and protections under this Act shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

##### (B) **ADMINISTRATION.**—

(i) **IN GENERAL.**—In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

(ii) **RESOLUTION.**—The resolution referred to in clause (i) is House Resolution 15 of the One Hundredth First Congress, as agreed to January 3, 1989, or any other provision that continues in effect the provisions of, or is a successor to, the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988).

(C) **EXERCISE OF RULEMAKING POWER.**—The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

##### (3) **MATTERS OTHER THAN EMPLOYMENT.**—

(A) **IN GENERAL.**—The rights and protections under this Act shall, subject to subparagraph (B), apply with respect to the conduct of the House of Representatives regarding matters other than employment.

(B) **REMEDIES.**—The Architect of the Capitol shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to subparagraph (A). Such remedies and procedures shall apply exclusively, after approval in accordance with subparagraph (C).

(C) **APPROVAL.**—For purposes of subparagraph (B), the Architect of the Capitol shall

submit proposed remedies and procedures to the Speaker of the House of Representatives. The remedies and procedures shall be effective upon the approval of the Speaker, after consultation with the House Office Building Commission.

##### (c) **INSTRUMENTALITIES OF CONGRESS**

(1) **IN GENERAL.**—The rights and protections under this Act shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.

(2) **ESTABLISHMENT OF REMEDIES AND PROCEDURES BY INSTRUMENTALITIES.**—The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively.

(3) **REPORT TO CONGRESS.**—The chief official of each instrumentality of the Congress shall, after establishing remedies and procedures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.

(4) **DEFINITION OF INSTRUMENTALITIES.**—For purposes of this section, instrumentalities of the Congress include the following: the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the United States Botanic Garden.

(5) **CONSTRUCTION.**—Nothing in this section shall alter the enforcement procedures for individuals with disabilities provided in the General Accounting Office Personnel Act of 1980 and regulations promulgated pursuant to that Act.

#### SEC. 510. ILLEGAL USE OF DRUGS.

(a) **IN GENERAL.**—For purposes of this Act, the term "individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

(b) **RULES OF CONSTRUCTION.**—Nothing in subsection (a) shall be construed to exclude as an individual with a disability an individual who—

(1) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(2) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(3) is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraph (1) or (2) is no longer engaging in the illegal use of drugs; however, nothing in this section shall be construed to encourage, prohibit, restrict, or authorize the conducting of testing for the illegal use of drugs.

(c) **HEALTH AND OTHER SERVICES.**—Notwithstanding subsection (a) and section 511(b)(3), an individual shall not be denied health services, or services provided in connection with drug rehabilitation, on the basis of the current illegal use of drugs if the individual is otherwise entitled to such services.



(d) **DEFINITION OF ILLEGAL USE OF DRUGS.—**

(1) **IN GENERAL.**—The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

(2) **DRUGS.**—The term "drug" means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act.

**SEC. 511. DEFINITIONS.**

(a) **HOMOSEXUALITY AND BISEXUALITY.**—For purposes of the definition of "disability" in section 3(2), homosexuality and bisexuality are not impairments and as such are not disabilities under this Act.

(b) **CERTAIN CONDITIONS.**—Under this Act, the term "disability" shall not include—

(1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(2) compulsive gambling, kleptomania, or pyromania; or

(3) psychoactive substance use disorders resulting from current illegal use of drugs.

**SEC. 512. AMENDMENTS TO THE REHABILITATION ACT.**

(a) **DEFINITION OF HANDICAPPED INDIVIDUAL.**—Section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)) is amended by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following subparagraph:

"(C)(i) For purposes of title V, the term "individual with handicaps" does not include an individual who is currently engaging in the illegal use of drugs, when a covered entity acts on the basis of such use.

"(ii) Nothing in clause (i) shall be construed to exclude as an individual with handicaps an individual who—

"(I) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

"(II) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

"(III) is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subclause (I) or (II) is no longer engaging in the illegal use of drugs.

"(iii) Notwithstanding clause (i), for purposes of programs and activities providing health services and services provided under titles I, II and III, an individual shall not be excluded from the benefits of such programs or activities on the basis of his or her current illegal use of drugs if he or she is otherwise entitled to such services.

"(iv) For purposes of programs and activities providing educational services, local educational agencies may take disciplinary action

pertaining to the use or possession of illegal drugs or alcohol against any handicapped student who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against nonhandicapped students. Furthermore, the due process procedures at 34 CFR 104.36 shall not apply to such disciplinary actions.

(v) For purposes of sections 503 and 504 as such sections relate to employment, the term "individual with handicaps" does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others."

(b) **DEFINITION OF ILLEGAL DRUGS.**—Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is amended by adding at the end the following new paragraph:

"(22)(A) The term "drug" means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

(B) The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law."

(c) **CONFORMING AMENDMENTS.**—Section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)(B)) is amended—

(1) in the first sentence, by striking "Subject to the second sentence of this subparagraph," and inserting "Subject to subparagraphs (C) and (D)," and

(2) by striking the second sentence.

**SEC. 513. ALTERNATIVE MEANS OF DISPUTE RESOLUTION.**

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve disputes arising under this Act.

**SEC. 514. SEVERABILITY.**

Should any provision in this Act be found to be unconstitutional by a court of law, such provision shall be severed from the remainder of the Act, and such action shall not affect the enforceability of the remaining provisions of the Act.

## Congressional Votes on the Final Passage of The Americans With Disabilities Act

### In the House of Representatives

July 12, 1990 the House agreed to the conference report on S. 933, to establish a clear and comprehensive prohibition of discrimination on the basis of disability. This cleared the measure for Senate action.

For—377	Against—28	Not Voting—27
---------	------------	---------------

### In the Senate

July 13, 1990 the U.S. Senate agreed to the conference report on S. 933, to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

For—91	Against—6	Not Voting—3
--------	-----------	--------------

The Americans with Disabilities Act became law when it was signed by President George Bush at 10:26 AM on July 26, 1990.





B. FACT SHEETS ON ADA TITLES\*

\* Re-printed from information provided by Evan Terry Associates





# Americans with Disabilities Act

## Title I - Employment Fact Sheet

### Requirements:

Employers with 15 or more employees may not discriminate against qualified individuals with disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or employees, including modifying work stations and equipment, unless undue hardship would result.

### Definitions:

The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this title, considerations shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

The term "reasonable accommodation" may include:

(A) making existing facilities used by employees readily accessible to and useable by individuals with disabilities; and

(B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

In general -- The term "undue hardship" means:

(A) an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) Factors to be considered -- In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

(i) the nature and cost of the accommodation needed under this Act;

(ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact or otherwise of such accommodation upon the operation of the facility;

(iii) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and;

(iv) the type of operation or operations of the covered entity including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

### Effective Dates:

July 26, 1992 - for employers with 25 or more employees.

July 26, 1994 - for employers with 15 to 24 employees.

### Regulations:

EEOC to issue regulations by July 26, 1991.

### Enforcement:

Individuals may file complaints with EEOC. Individuals may also file a private lawsuit after exhausting administrative remedies.

Remedies are the same as available until Title VII of the Civil Rights Act of 1964. Court may order employer to hire or promote qualified individuals, reasonably accommodate their disabilities, and pay back wages and attorney's fees.

### Notes:

1. Information presented above was taken from the ATBCB Fact Sheet on ADA dated Nov. 1990.

2. This is not legal advice. A competent lawyer should be consulted regarding any specific legal questions.

June 1991





# Americans with Disabilities Act

## Title II -Public Entity Facilities Compliance Fact Sheet

### General Rule:

No qualified individual with a disability shall be discriminated against or excluded from participation in or the benefits of the services, programs, or activities of a public entity.

### Program Accessibility:

No qualified individual with a disability shall, because of inaccessible or unusable facilities of a public entity, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity or be subject to discrimination by any public entity.

### Limitations:

It is not required that a public entity take any action that it can demonstrate would constitute a fundamental alteration in the nature of the service, program or activity, or would cause an undue administrative or financial burden. Regardless of that, a public entity is required to take some action that would not trigger this limitation and ensure program accessibility.

### Existing Facilities:

A public entity is required to make structural changes to existing facilities only when program accessibility is not feasible any other way (i.e.: reassignment of services to accessible building, or provision of auxiliary aids).

Although unable to protect a public entity from complaint or civil suit if programs are not readily accessible to and usable by persons with disabilities by Jan. 26, 1992, each public entity in the U.S. is required to complete a "self-evaluation" of its current policies and practices to identify any non-compliant policies or practices. (See the timetable for Title II facilities compliance on the other side of this sheet).

Where "structural changes" to existing facilities are the only way to arrive at program accessibility, a "transition plan" (only for public entities with 50 employees or more) outlining the steps necessary to complete the structural changes is required. Comments must be invited from disabled persons or organizations representing such individuals. The "transition plan" must be completed by July 26, 1992 and must include the identification of barriers (architectural and communication) to program accessibility, detailed methods for making the facilities accessible, a schedule for implementation and the official responsible for implementation.

### New Construction:

All new facilities constructed by, on behalf of or for the use of a public entity shall be designed and constructed to be readily accessible to and usable by persons with disabilities if construction is started or if the invitation for bids is after Jan. 26, 1992.

### Alterations:

Alterations to facilities of a public entity must also meet the "readily accessible" standard, to the maximum extent feasible.

### Effective Date:

The effective date of this Title is Jan. 26, 1992.

### Regulations and Standards:

The Department of Justice issued regulations on July 26, 1991 for all portions of Title II except those portions dealing with Public Transportation which have been issued by the Department of Transportation.

The regulations associated with Title II of the Act and printed in the Federal Register on July 26, 1991 state that compliance with the Uniform Federal Accessibility Standards (UFAS) or the ADAAG (without the elevator exemption) shall satisfy the accessibility requirements of this Title for new and altered buildings and facilities. This publication also states that "departures from particular requirements of those standards by use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided."

Most facilities constructed or altered with Federal funds are presently required to comply with UFAS under the Architectural Barriers Act of 1968. Facilities constructed or altered by recipients of Federal financial assistance are presently required to comply with UFAS under Section 504 of the Rehabilitation Act of 1973.

### Enforcement:

Those who believe themselves discriminated against may file a civil lawsuit in Federal District Court.

Individuals may file complaints with the designated Federal agencies concerning matters of Title II discrimination or contact the Department of Justice who will direct the complaints as required. The Federal agency specified in the regulations will then investigate the complaint (if made within 180 days of the alleged discrimination), attempt to resolve complaints on a voluntary compliance basis and then, if unsuccessful, refer case to the Department of Justice for civil suit.

Remedies are the same as available under Section 505 of the Rehabilitation Act of 1973. Courts may order an entity to make facilities accessible, provide auxiliary aids or services, modify policies, and pay attorneys' fees.

**Notes:** Unless stated otherwise, information presented above was taken from the Title II regulations published by the D.O.J. in the Federal Register July 26, 1991.

This is not legal advice. A competent lawyer should be consulted regarding any specific legal questions.

August 1991





# Americans with Disabilities Act

## Title II - Public Entity Facilities Compliance Timetable

- 7-26-1990 Signing of the Americans with Disabilities Act of 1990 by President George Bush.
- 2-28-1991 Draft Regulations issued by the Department of Justice for implementing Title II.
- 4-29-1991 Final comments on draft regulations due at DOJ.
- 7-26-1991 Final regulations for implementing Title II published by the Department of Justice.
- 1-26-1992 Effective Date of Title II.**
- 1.) Ensure that the operation of each service, program and activity is operating so that each, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. (35.150(a))
- Even though the following required procedures will not shield a public entity from a discrimination complaint, they are mandatory if programs are not readily accessible to and usable by people with disabilities:
- A. Begin self-evaluation process for those areas of services, policies and practices not previously evaluated (and on file) for section 504 of the Rehabilitation Act of 1973. (35.105)
- B. Begin transition plan outlining structural changes required for program accessibility and proceed with structural changes, as required, to facilities "as expeditiously as possible". (35.150(c))
- 2.) New construction starting after this date must be readily accessible. (35.151(a))
- 3.) The altered portions of alterations beginning construction after this date must, to the maximum extent feasible, meet the "readily accessible to and usable by individuals with disabilities" standard set by the Uniform Federal Accessibility Standard or, at the public entity's option, the ADAAG. (35.151(b))
- 4.) Date a complaint or civil law suit may be filed by an individual based on ADA discrimination by a public entity.
- 7-26-1992 Transition plan complete where structural changes to facilities will be undertaken to provide program access. Transition plan must identify obstacles, describe in detail the methods that will be used to make facilities accessible, specify the schedule for taking the steps identified and indicate the official responsible for implementation of the plan. (35.150(d))
- 1-26-1993 Self-evaluation complete. (35.105(a))
- 1-26-1995 Completion of last structural changes to facilities where such changes were undertaken for program accessibility.(35.150(c))

*This is not legal advice. A competent lawyer should be consulted regarding any specific legal questions. Information presented above was taken from D.O.J.Regulation (28CFR Part 35) on Title II of ADA.*



This Document May Be Reproduced Without Permission IF  
Credit Is Given to Evan Terry Associates, P.C.







# Americans with Disabilities Act

## Title III - Public Accommodations (Facilities) Fact Sheet

### **Purpose of the Act:**

Address the concerns of the 43 million Americans that have one or more physical or mental disabilities and are faced each day with architectural/transportation barriers, overprotective rules and policies, intentional exclusion and relegation to lesser services, programs, activities, benefits, jobs and other opportunities.

### **General Rule:**

No individuals shall be discriminated against on the basis of disabilities in the full and equal enjoyment of goods, services, facilities, privileges, advantages or accommodations at any place of public accommodation by any person who owns, leases or operates a place of public accommodation.

Benefits provided for the disabled cannot be separate or different from those provided for others, unless they are as effective as those provided for others.

It is discriminatory to exclude an individual who has a relationship or association with one who is disabled from the equal enjoyment of goods, services, facilities, privileges, advantages or accommodations or other opportunities afforded other individuals.

### **Existing Facilities**

Architectural and communication barriers that are structural in nature in existing facilities must be removed on or before Jan. 26, 1992 where such removal is readily achievable. If these are not readily achievable then alternative methods must be provided, if they are readily achievable.

Auxiliary aids and services must be offered those with disabilities to ensure that they are not excluded, denied services, segregated or otherwise treated differently from others, unless it can be shown that taking such steps would alter the fundamental nature of the benefit or would result in an undue burden.

### **New Construction:**

All new construction must be readily accessible to and usable by individuals with disabilities if the first occupancy is after January 26, 1993 and the last application for a building permit is certified as complete after Jan. 26, 1992 unless it can be demonstrated that it is structurally impracticable.

### **Alterations:**

All altered portions of an existing facility must, to the maximum extent feasible, be made readily accessible to and usable by individuals with disabilities. If a primary function area is altered, the path of travel including restrooms, public telephones and drinking fountains serving that area must also be made readily accessible except where alterations to the path of travel are disproportionate (more than 20% of cost of the overall alterations project). Elevators are required in all new facilities except those less than 3 stories or those with less than 3000 s.f. per floor (shopping centers and professional offices of health care providers are not exempt, nor are airport passenger terminals or other stations used for specified public transportation).

### **Regulations and Standards:**

The Attorney General issued regulations associated with this portion on July 26, 1991. ATBCB issued the design standards for Title III (ADA Accessibility Guidelines) on that same day.

### **Exemptions:**

The Act does not apply to private clubs or establishments exempted from coverage under Title II of the Civil Rights Act of 1964, nor does it apply to religious organizations or entities controlled by religious organizations. Residential buildings, covered or not by FHAA, and Federal Buildings, covered by ABA, are also exempt from ADA.

### **Enforcement:**

Those who believe themselves discriminated against may file a civil suit for injunctive relief limited to an order to alter the facilities to make them readily accessible to and usable by the disabled and/or the requirement of auxiliary aids or services, modification of a policies or the provision of alternative methods, to the extent required by law. The U.S. Attorney General has the power to investigate alleged violations and file suit for appropriate relief including monetary (but not punitive) damages and civil penalties up to \$50,000 for the first violation and \$100,000 for any subsequent violation.

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution including settlement negotiations, conciliation, facilitation, mediation, fact finding, minitrials and arbitration is encouraged to resolve disputes arising under this Act.

### **Effective Dates:**

In general, the effective date of this Title of the ADA Law will be January 26, 1992. Smaller businesses are given either six months or a year extension depending on their size and their previous year's gross receipts.

All new construction with first occupancy after January 26, 1993 shall comply with the provisions of this Act. All alterations to existing facilities shall, to the maximum extent feasible, be made readily accessible to and usable by the disabled if construction begins after January 26, 1992.

### **Notes:**

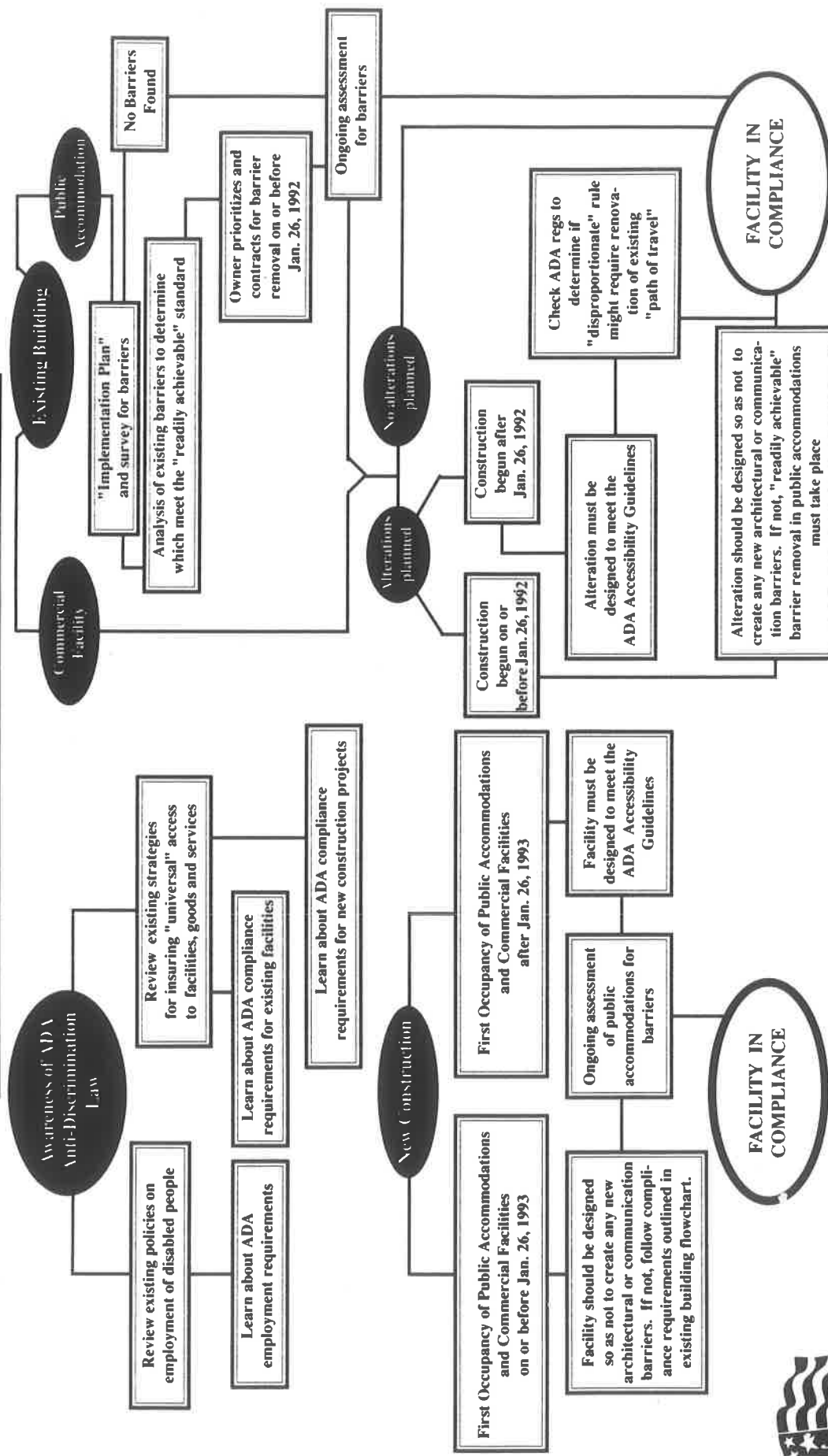
1. Information presented above was taken from D.O.J. Title III Regulations and U.S. Public Law 101-336, July 26, 1990.
2. Limited tax credits are available to small businesses who make accommodations accessible to the disabled. Tax deductions for the removal of barriers to the disabled, allowed under IRC-190, were reduced in October 1990 to \$15,000. An accountant should be consulted.
3. This is not legal advice. A competent lawyer should be consulted regarding any specific legal questions.

August 1991



# Americans with Disabilities Act Facilities Compliance Flowchart

## Title III - Public Accommodations







# Americans with Disabilities Act

## Title IV - Telecommunications Provisions Fact Sheet

**Requirements:**

Telephone companies must provide telecommunications relay services for hearing-impaired and speech-impaired individuals 24 hours per day.

**Effective Date:**

By July 26, 1994.

**Regulations:**

FCC to issue regulations by July 26, 1991.

**Enforcement:**

Individuals may file complaints with the FCC.

**Notes:**

1. Information presented above was taken from the ATBCB Fact Sheet on ADA dated Nov. 1990.
2. This is not legal advice. A competent lawyer should be consulted regarding any specific legal questions.

June 1991





# Americans with Disabilities Act

## Title V - Miscellaneous Provisions Fact Sheet

### General:

If there are more stringent Federal, state, or local laws with regard to issues of this act they shall supersede this act.

### Immunity:

States shall not be immune under the eleventh amendment for a violation of this Act.

### Retaliation:

No person shall discriminate against any individual because they opposed any act or practice made unlawful by this Act.

### Issuance of Guidelines:

Not later than 9 months after date of enactment of Act: the Architectural and Transportation Barriers Compliance board shall issue minimum guidelines. (ADAAG)

### Contents of Guidelines:

ADAAG shall establish requirements to ensure that buildings, and transportation are consistent with this Act.

### Qualified Historic Properties:

The guidelines shall include procedures and requirements for alterations to Historic Buildings.

### Attorney's Fees:

The court may allow the prevailing party, other than United States a reasonable attorney's fee, including expenses.

### Technical Assistance:

Plan - not later than 180 days after enactment of Act the Attorney General shall develop a plan to assist entities and agencies covered under this Act.

### Congress:

and the Agencies of the Legislative Branch are committed to the implementation and compliance of this Act and are not exempt.

### Technical Assistance Manuals:

Each Federal agency that has responsibility under this Act shall ensure the availability of appropriate technical manuals to individuals or entities with rights under this Act no later than six months after final regulations are published. Each Federal agency that has responsibility under this Act may make grants or award contracts to individuals, institutions subject to the availability of funds.

### Federal Wilderness Areas:

National Council on Disability shall conduct a study and report on the ability of individuals with disabilities to use and enjoy the National Wilderness Preservation System.

### Transvestites:

For the purposes of this Act, the term "disabled" or "disability" shall not apply to an individual solely because that individual is a transvestite.

### Illegal use of Drugs:

For the purpose of this Act, the term "individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs.

### Severability:

Should any provision in this Act be found unconstitutional by a court of law, such provision shall be severed from the remainder of the Act.

### Amendments to the Rehabilitation Act - 1973:

Among other things ADA modified the Rehab. Act so with regard to employment, the term "individual with a handicap" does, now, not include a person who is an alcoholic if the current use of alcohol prevents that person from doing his/her job or if his/her job is one in which current alcohol abuse would "constitute a direct threat to property or the safety of others."

### Notes:

1. Information presented above was taken from the ATBCB Fact Sheet on ADA dated Nov. 1990.
2. This is not legal advice. A competent lawyer should be consulted regarding any specific legal questions.

June 1991





## C. ADA ACCESSIBILITY GUIDELINES



**Americans with Disabilities Act (ADA)**

**Accessibility Guidelines  
for Buildings and Facilities**

**U.S. Architectural & Transportation Barriers  
Compliance Board  
1111 18th Street, N.W., Suite 501  
Washington, D.C. 20036-3894  
(202) 653-7834 v/TDD  
(202) 653-7863 FAX**



# ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES TABLE OF CONTENTS

<b>1. PURPOSE .....</b>	<b>1</b>
<b>2. GENERAL .....</b>	<b>1</b>
2.1 Provisions for Adults .....	1
2.2 Equivalent Facilitation .....	1
<b>3. MISCELLANEOUS INSTRUCTIONS AND DEFINITIONS .....</b>	<b>1</b>
3.1 Graphic Conventions .....	1
3.2 Dimensional Tolerances .....	2
3.3 Notes .....	2
3.4 General Terminology .....	2
3.5 Definitions .....	2
<b>4. ACCESSIBLE ELEMENTS AND SPACES:     SCOPE AND TECHNICAL REQUIREMENTS .....</b>	<b>5</b>
4.1 Minimum Requirements .....	5
4.1.1. Application .....	5
4.1.2. Accessible Sites and Exterior Facilities: New Construction .....	5
4.1.3. Accessible Buildings: New Construction .....	7
4.1.4. (Reserved) .....	10
4.1.5. Accessible Buildings: Additions .....	10
4.1.6. Accessible Buildings: Alterations .....	11
4.1.7. Accessible Buildings: Historic Preservation .....	13
4.2 Space Allowance and Reach Ranges .....	14
4.3 Accessible Route .....	15
4.4 Protruding Objects .....	21
4.5 Ground and Floor Surfaces .....	22
4.6 Parking and Passenger Loading Zones .....	24
4.7 Curb Ramps .....	26
4.8 Ramps .....	27
4.9 Stairs .....	30
4.10 Elevators .....	30

4.11 Platform Lifts (Wheelchair Lifts) .....	36
4.12 Windows .....	36
4.13 Doors .....	36
4.14 Entrances .....	40
4.15 Drinking Fountains and Water Coolers .....	40
4.16 Water Closets .....	40
4.17 Toilet Stalls .....	41
4.18 Urinals .....	44
4.19 Lavatories and Mirrors .....	44
4.20 Bathtubs .....	45
4.21 Shower Stalls .....	45
4.22 Toilet Rooms .....	45
4.23 Bathrooms, Bathing Facilities, and Shower Rooms .....	48
4.24 Sinks .....	49
4.25 Storage .....	49
4.26 Handrails, Grab Bars, and Tub and Shower Seats .....	50
4.27 Controls and Operating Mechanisms .....	51
4.28 Alarms .....	52
4.29 Detectable Warnings .....	53
4.30 Signage .....	53
4.31 Telephones .....	54
4.32 Fixed or Built-in Seating and Tables .....	56
4.33 Assembly Areas .....	56
4.34 Automated Teller Machines .....	58
4.35 Dressing and Fitting Rooms .....	58
 5. RESTAURANTS AND CAFETERIAS. ....	 59
6. MEDICAL CARE FACILITIES .....	60
7. BUSINESS AND MERCANTILE .....	61
8. LIBRARIES .....	62
9. ACCESSIBLE TRANSIENT LODGING .....	63
10. TRANSPORTATION FACILITIES .....	67
APPENDIX .....	A1

## 1. PURPOSE.

This document sets guidelines for accessibility to places of public accommodation and commercial facilities by individuals with disabilities. These guidelines are to be applied during the design, construction, and alteration of such buildings and facilities to the extent required by regulations issued by Federal agencies, including the Department of Justice, under the Americans with Disabilities Act of 1990.

The technical specifications 4.2 through 4.35, of these guidelines are the same as those of the American National Standard Institute's document A117.1-1980, except as noted in this text by *italics*. However, sections 4.1.1 through 4.1.7 and sections 5 through 10 are different from ANSI A117.1 in their entirety and are printed in standard type.

The illustrations and text of ANSI A117.1 are reproduced with permission from the American National Standards Institute. Copies of the standard may be purchased from the American National Standards Institute at 1430 Broadway, New York, New York 10018.

## 2. GENERAL.


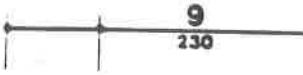


**2.1 Provisions for Adults.** The specifications in these guidelines are based upon adult dimensions and anthropometrics.

**2.2\* Equivalent Facilitation.** Departures from particular technical and scoping requirements of this guideline by the use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the facility.

## 3. MISCELLANEOUS INSTRUCTIONS AND DEFINITIONS.

**3.1 Graphic Conventions.** Graphic conventions are shown in Table 1. Dimensions that are not marked minimum or maximum are absolute, unless otherwise indicated in the text or captions.

Table 1  
Graphic Conventions

Convention	Description
	Typical dimension line showing U.S. customary units (in inches) above the line and SI units (in millimeters) below
	Dimensions for short distances indicated on extended line
	Dimension line showing alternate dimensions required
	Direction of approach
max	Maximum
min	Minimum
.....	Boundary of clear floor area
—+—	Centerline

### 3.4 General Terminology

**3.2 Dimensional Tolerances.** All dimensions are subject to conventional building industry tolerances for field conditions.

**3.3 Notes.** The text of *these guidelines* does not contain notes or footnotes. Additional information, explanations, and advisory materials are located in the Appendix. Paragraphs marked with an asterisk have related, non-mandatory material in the Appendix. In the Appendix, the corresponding paragraph numbers are preceded by an A.

### 3.4 General Terminology.

**comply with.** Meet one or more specifications of *these guidelines*.

**if...then.** Denotes a specification that applies only when the conditions described are present.

**may.** Denotes an option or alternative.

**shall.** Denotes a mandatory specification or requirement.

**should.** Denotes an advisory specification or recommendation.

### 3.5 Definitions.

**Access Aisle.** An accessible pedestrian space between elements, such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.

**Accessible.** Describes a site, building, facility, or portion thereof that complies with *these guidelines*.

**Accessible Element.** An element specified by *these guidelines* (for example, telephone, controls, and the like).

**Accessible Route.** A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

**Accessible Space.** Space that complies with *these guidelines*.

**Adaptability.** The ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of *individuals with or without disabilities* or to accommodate the needs of persons with different types or degrees of disability.

**Addition.** An expansion, extension, or increase in the gross floor area of a building or facility.

**Administrative Authority.** A governmental agency that adopts or enforces regulations and *guidelines* for the design, construction, or alteration of buildings and facilities.

**Alteration.** An alteration is a change to a building or facility made by, on behalf of, or for the use of a public accommodation or commercial facility, that affects or could affect the usability of the building or facility or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

**Area of Rescue Assistance.** An area, which has direct access to an exit, where people who are unable to use stairs may remain temporarily in safety to await further instructions or assistance during emergency evacuation.

**Assembly Area.** A room or space accommodating a group of individuals for recreational, educational, political, social, or amusement purposes, or for the consumption of food and drink.

**Automatic Door.** A door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch (see power-assisted door).



**Building.** Any structure used and intended for supporting or sheltering any use or occupancy.

**Circulation Path.** An exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

**Clear.** Unobstructed.

**Clear Floor Space.** The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

**Closed Circuit Telephone.** A telephone with dedicated line(s) such as a house phone, courtesy phone or phone that must be used to gain entrance to a facility.

**Common Use.** Refers to those interior and exterior rooms, spaces, or elements that are made available for the use of a restricted group of people (for example, occupants of a homeless shelter, the occupants of an office building, or the guests of such occupants).

**Cross Slope.** The slope that is perpendicular to the direction of travel (see running slope).

**Curb Ramp.** A short ramp cutting through a curb or built up to it.

**Detectable Warning.** A standardized surface feature built in or applied to walking surfaces or other elements to warn visually impaired people of hazards on a circulation path.

**Dwelling Unit.** A single unit which provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing, sleeping, and the like. Dwelling units include a single family home or a townhouse used as a transient group home; an apartment building used as a shelter; guestrooms in a hotel that provide sleeping accommodations and food preparation areas; and other similar facilities used on a transient basis. For purposes of these guidelines, use of the term "Dwelling Unit" does not imply the unit is used as a residence.

**Egress. Means of.** A continuous and unobstructed way of exit travel from any point in a building or facility to a public way. A means of egress comprises vertical and horizontal travel

and may include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, horizontal exits, courts and yards. An accessible means of egress is one that complies with these guidelines and does not include stairs, steps, or escalators. Areas of rescue assistance or evacuation elevators may be included as part of accessible means of egress.

**Element.** An architectural or mechanical component of a building, facility, space, or site, e.g., telephone, curb ramp, door, drinking fountain, seating, or water closet.

**Entrance.** Any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, the entry door(s) or gate(s), and the hardware of the entry door(s) or gate(s).

**Facility.** All or any portion of buildings, structures, site improvements, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property located on a site.

**Ground Floor.** Any occupiable floor less than one story above or below grade with direct access to grade. A building or facility always has at least one ground floor and may have more than one ground floor as where a split level entrance has been provided or where a building is built into a hillside.

**Mezzanine or Mezzanine Floor.** That portion of a story which is an intermediate floor level placed within the story and having occupiable space above and below its floor.

**Marked Crossing.** A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

**Multifamily Dwelling.** Any building containing more than two dwelling units.

**Occupiable.** A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, or in which occupants are engaged at labor, and which is equipped with means of egress, light, and ventilation.

### 3.5 Definitions

**Operable Part.** A part of a piece of equipment or appliance used to insert or withdraw objects, or to activate, deactivate, or adjust the equipment or appliance (for example, coin slot, pushbutton, handle).

**Path of Travel.** (Reserved).

**Power-assisted Door.** A door used for human passage with a mechanism that helps to open the door, or relieves the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself.

**Public Use.** Describes interior or exterior rooms or spaces that are made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

**Ramp.** A walking surface which has a running slope greater than 1:20.

**Running Slope.** The slope that is parallel to the direction of travel (see cross slope).

**Service Entrance.** An entrance intended primarily for delivery of goods or services.

**Signage.** Displayed verbal, symbolic, tactile, and pictorial information.

**Site.** A parcel of land bounded by a property line or a designated portion of a public right-of-way.

**Site Improvement.** Landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and the like, added to a site.

**Sleeping Accommodations.** Rooms in which people sleep; for example, dormitory and hotel or motel guest rooms or suites.

**Space.** A definable area, e.g., room, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.

**Story.** That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above. If such

portion of a building does not include occupiable space, it is not considered a story for purposes of these guidelines. There may be more than one floor level within a story as in the case of a mezzanine or mezzanines.

**Structural Frame.** The structural frame shall be considered to be the columns and the girders, beams, trusses and spandrels having direct connections to the columns and all other members which are essential to the stability of the building as a whole.

**Tactile.** Describes an object that can be perceived using the sense of touch.

**Text Telephone.** Machinery or equipment that employs interactive graphic (i.e., typed) communications through the transmission of coded signals across the standard telephone network. Text telephones can include, for example, devices known as TDD's (telecommunication display devices or telecommunication devices for deaf persons) or computers.

**Transient Lodging.** A building, facility, or portion thereof, excluding inpatient medical care facilities, that contains one or more dwelling units or sleeping accommodations. Transient lodging may include, but is not limited to, resorts, group homes, hotels, motels, and dormitories.

**Vehicular Way.** A route intended for vehicular traffic, such as a street, driveway, or parking lot.

**Walk.** An exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

NOTE: Sections 4.1.1 through 4.1.7 are different from ANSI A117.1 in their entirety and are printed in standard type (ANSI A117.1 does not include scoping provisions).

## 4. ACCESSIBLE ELEMENTS AND SPACES: SCOPE AND TECHNICAL REQUIREMENTS.

### 4.1 Minimum Requirements

#### 4.1.1\* Application.

(1) General. All areas of newly designed or newly constructed buildings and facilities required to be accessible by 4.1.2 and 4.1.3 and altered portions of existing buildings and facilities required to be accessible by 4.1.6 shall comply with these guidelines, 4.1 through 4.35, unless otherwise provided in this section or as modified in a special application section.

(2) Application Based on Building Use. Special application sections 5 through 10 provide additional requirements for restaurants and cafeterias, medical care facilities, business and mercantile, libraries, accessible transient lodging, and transportation facilities. When a building or facility contains more than one use covered by a special application section, each portion shall comply with the requirements for that use.

(3)\* Areas Used Only by Employees as Work Areas. Areas that are used only as work areas shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the areas. These guidelines do not require that any areas used only as work areas be constructed to permit maneuvering within the work area or be constructed or equipped (i.e., with racks or shelves) to be accessible.

(4) Temporary Structures. These guidelines cover temporary buildings or facilities as well as permanent facilities. Temporary buildings and facilities are not of permanent construction but are extensively used or are essential for public use for a period of time. Examples of temporary buildings or facilities covered by these guidelines include, but are not limited to: reviewing stands, temporary classrooms, bleacher areas, exhibit areas, temporary banking facilities, temporary health screening services, or temporary safe pedestrian passageways around a construction site. Structures,

sites and equipment directly associated with the actual processes of construction, such as scaffolding, bridging, materials hoists, or construction trailers are not included.

#### (5) General Exceptions.

(a) In new construction, a person or entity is not required to meet fully the requirements of these guidelines where that person or entity can demonstrate that it is structurally impracticable to do so. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features. If full compliance with the requirements of these guidelines is structurally impracticable, a person or entity shall comply with the requirements to the extent it is not structurally impracticable. Any portion of the building or facility which can be made accessible shall comply to the extent that it is not structurally impracticable.

(b) Accessibility is not required to (i) observation galleries used primarily for security purposes; or (ii) in non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or freight (non-passenger) elevators, and frequented only by service personnel for repair purposes; such spaces include, but are not limited to, elevator pits, elevator penthouses, piping or equipment catwalks.

#### 4.1.2 Accessible Sites and Exterior Facilities: New Construction. An accessible site shall meet the following minimum requirements:

(1) At least one accessible route complying with 4.3 shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading zones if provided, and public streets or sidewalks, to an accessible building entrance.

(2) At least one accessible route complying with 4.3 shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.

(3) All objects that protrude from surfaces or posts into circulation paths shall comply with 4.4.

#### 4.1.2 Accessible Sites and Exterior Facilities: New Construction

(4) Ground surfaces along accessible routes and in accessible spaces shall comply with 4.5.

(5) (a) If parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces complying with 4.6 shall be provided in each such parking area in conformance with the table below. Spaces required by the table need not be provided in the particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience is ensured.

Total Parking in Lot	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 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

Except as provided in (b), access aisles adjacent to accessible spaces shall be 60 in (1525 mm) wide minimum.

(b) One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 in (2440 mm) wide minimum and shall be designated "van accessible" as required by 4.6.4. The vertical clearance at such spaces shall comply with 4.6.5. All such spaces may be grouped on one level of a parking structure.

**EXCEPTION:** Provision of all required parking spaces in conformance with "Universal Parking Design" (see appendix A4.6.3) is permitted.

(c) If passenger loading zones are provided, then at least one passenger loading zone shall comply with 4.6.6.

(d) At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 4.6 shall

be provided in accordance with 4.1.2(5)(a) except as follows:

(i) Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;

(ii) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

(e)\*Valet parking: Valet parking facilities shall provide a passenger loading zone complying with 4.6.6 located on an accessible route to the entrance of the facility. Paragraphs 5(a), 5(b), and 5(d) of this section do not apply to valet parking facilities.

(6) If toilet facilities are provided on a site, then each such public or common use toilet facility shall comply with 4.22. If bathing facilities are provided on a site, then each such public or common use bathing facility shall comply with 4.23.

For single user portable toilet or bathing units clustered at a single location, at least 5% but no less than one toilet unit or bathing unit complying with 4.22 or 4.23 shall be installed at each cluster whenever typical inaccessible units are provided. Accessible units shall be identified by the International Symbol of Accessibility.

**EXCEPTION:** Portable toilet units at construction sites used exclusively by construction personnel are not required to comply with 4.1.2(6).

(7) Building Signage. Signs which designate permanent rooms and spaces shall comply with 4.30.1, 4.30.4, 4.30.5 and 4.30.6. Other signs which provide direction to, or information about, functional spaces of the building shall comply with 4.30.1, 4.30.2, 4.30.3, and 4.30.5. Elements and spaces of accessible facilities which shall be identified by the International Symbol of Accessibility and which shall comply with 4.30.7 are:

(a) Parking spaces designated as reserved for individuals with disabilities:



### 4.1.3 Accessible Buildings: New Construction

(b) Accessible passenger loading zones;

(c) Accessible entrances when not all are accessible (inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance);

(d) Accessible toilet and bathing facilities when not all are accessible.

**4.1.3 Accessible Buildings: New Construction.** Accessible buildings and facilities shall meet the following minimum requirements:

(1) At least one accessible route complying with 4.3 shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility.

(2) All objects that overhang or protrude into circulation paths shall comply with 4.4.

(3) Ground and floor surfaces along accessible routes and in accessible rooms and spaces shall comply with 4.5.

(4) Interior and exterior stairs connecting levels that are not connected by an elevator, ramp, or other accessible means of vertical access shall comply with 4.9.

(5)\* One passenger elevator complying with 4.10 shall serve each level, including mezzanines, in all multi-story buildings and facilities unless exempted below. If more than one elevator is provided, each full passenger elevator shall comply with 4.10.

**EXCEPTION 1:** Elevators are not required in facilities that are less than three stories or that have less than 3000 square feet per story unless the building is a shopping center, a shopping mall, or the professional office of a health care provider, or another type of facility as determined by the Attorney General. The elevator exemption set forth in this paragraph does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in section 4.1.3. For example, floors above or below the accessible ground floor must meet the requirements of this section except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then toilet or bathing facilities must be provided on the accessible

ground floor. In new construction if a building or facility is eligible for this exemption but a full passenger elevator is nonetheless planned, that elevator shall meet the requirements of 4.10 and shall serve each level in the building. A full passenger elevator that provides service from a garage to only one level of a building or facility is not required to serve other levels.

**EXCEPTION 2:** Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks are exempted from this requirement.

**EXCEPTION 3:** Accessible ramps complying with 4.8 may be used in lieu of an elevator.

**EXCEPTION 4:** Platform lifts (wheelchair lifts) complying with 4.11 of this guideline and applicable state or local codes may be used in lieu of an elevator only under the following conditions:

(a) To provide an accessible route to a performing area in an assembly occupancy.

(b) To comply with the wheelchair viewing position line-of-sight and dispersion requirements of 4.33.3.

(c) To provide access to incidental occupiable spaces and rooms which are not open to the general public and which house no more than five persons, including but not limited to equipment control rooms and projection booths.

(d) To provide access where existing site constraints or other constraints make use of a ramp or an elevator infeasible.

(6) Windows: (Reserved).

(7) Doors:

(a) At each accessible entrance to a building or facility, at least one door shall comply with 4.13.

(b) Within a building or facility, at least one door at each accessible space shall comply with 4.13.

(c) Each door that is an element of an accessible route shall comply with 4.13.

### 4.1.3 Accessible Buildings: New Construction

(d) Each door required by 4.3.10, Egress, shall comply with 4.13.

(8) In new construction, at a minimum, the requirements in (a) and (b) below shall be satisfied independently:

(a)(i) At least 50% of all public entrances (excluding those in (b) below) must be accessible. At least one must be a ground floor entrance. Public entrances are any entrances that are not loading or service entrances.

(ii) Accessible entrances must be provided in a number at least equivalent to the number of exits required by the applicable building/fire codes. (This paragraph does not require an increase in the total number of entrances planned for a facility.)

(iii) An accessible entrance must be provided to each tenancy in a facility (for example, individual stores in a strip shopping center).

One entrance may be considered as meeting more than one of the requirements in (a). Where feasible, accessible entrances shall be the entrances used by the majority of people visiting or working in the building.

(b)(i) In addition, if direct access is provided for pedestrians from an enclosed parking garage to the building, at least one direct entrance from the garage to the building must be accessible.

(ii) If access is provided for pedestrians from a pedestrian tunnel or elevated walkway, one entrance to the building from each tunnel or walkway must be accessible.

One entrance may be considered as meeting more than one of the requirements in (b).

Because entrances also serve as emergency exits whose proximity to all parts of buildings and facilities is essential, it is preferable that all entrances be accessible.

(c) If the only entrance to a building, or tenancy in a facility, is a service entrance, that entrance shall be accessible.

(d) Entrances which are not accessible shall have directional signage complying with 4.30.1.

4.30.2, 4.30.3, and 4.30.5, which indicates the location of the nearest accessible entrance.

(9)\* In buildings or facilities, or portions of buildings or facilities, required to be accessible, accessible means of egress shall be provided in the same number as required for exits by local building/life safety regulations. Where a required exit from an occupiable level above or below a level of accessible exit discharge is not accessible, an area of rescue assistance shall be provided on each such level (in a number equal to that of inaccessible required exits). Areas of rescue assistance shall comply with 4.3.11. A horizontal exit, meeting the requirements of local building/life safety regulations, shall satisfy the requirement for an area of rescue assistance.

**EXCEPTION:** Areas of rescue assistance are not required in buildings or facilities having a supervised automatic sprinkler system.

#### (10)\* Drinking Fountains:

(a) Where only one drinking fountain is provided on a floor there shall be a drinking fountain which is accessible to individuals who use wheelchairs in accordance with 4.15 and one accessible to those who have difficulty bending or stooping. (This can be accommodated by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending; by providing a fountain accessible under 4.15 and a water cooler; or by such other means as would achieve the required accessibility for each group on each floor.)

(b) Where more than one drinking fountain or water cooler is provided on a floor, 50% of those provided shall comply with 4.15 and shall be on an accessible route.

(11) Toilet Facilities: If toilet rooms are provided, then each public and common use toilet room shall comply with 4.22. Other toilet rooms provided for the use of occupants of specific spaces (i.e., a private toilet room for the occupant of a private office) shall be adaptable. If bathing rooms are provided, then each public and common use bathroom shall comply with 4.23. Accessible toilet rooms and bathing facilities shall be on an accessible route.

### (12) Storage, Shelving and Display Units:

(a) If fixed or built-in storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, at least one of each type provided shall contain storage space complying with 4.25. Additional storage may be provided outside of the dimensions required by 4.25.

(b) Shelves or display units allowing self-service by customers in mercantile occupancies shall be located on an accessible route complying with 4.3. Requirements for accessible reach range do not apply.

(13) Controls and operating mechanisms in accessible spaces, along accessible routes, or as parts of accessible elements (for example, light switches and dispenser controls) shall comply with 4.27.

(14) If emergency warning systems are provided, then they shall include both audible alarms and visual alarms complying with 4.28. Sleeping accommodations required to comply with 9.3 shall have an alarm system complying with 4.28. Emergency warning systems in medical care facilities may be modified to suit standard health care alarm design practice.

(15) Detectable warnings shall be provided at locations as specified in 4.29.

### (16) Building Signage:

(a) Signs which designate permanent rooms and spaces shall comply with 4.30.1, 4.30.4, 4.30.5 and 4.30.6.

(b) Other signs which provide direction to or information about functional spaces of the building shall comply with 4.30.1, 4.30.2, 4.30.3, and 4.30.5.

**EXCEPTION:** Building directories, menus, and all other signs which are temporary are not required to comply.

### (17) Public Telephones:

(a) If public pay telephones, public closed circuit telephones, or other public telephones are provided, then they shall comply with 4.31.2 through 4.31.8 to the extent required by the following table:

Number of each type of telephones provided on each floor	Number of telephones required to comply with 4.31.2 through 4.31.8 <sup>1</sup>
--	---

1 or more single unit	1 per floor
-----------------------	-------------

1 bank <sup>2</sup>	1 per floor
---------------------	-------------

2 or more banks <sup>2</sup>	1 per bank. Accessible unit may be installed as a single unit in proximity (either visible or with signage) to the bank. At least one public telephone per floor shall meet the requirements for a forward reach telephone <sup>3</sup> .
------------------------------	---

<sup>1</sup> Additional public telephones may be installed at any height. Unless otherwise specified, accessible telephones may be either forward or side reach telephones.

<sup>2</sup> A bank consists of two or more adjacent public telephones, often installed as a unit.

<sup>3</sup> **EXCEPTION:** For exterior installations only, if dial tone first service is available, then a side reach telephone may be installed instead of the required forward reach telephone (i.e., one telephone in proximity to each bank shall comply with 4.31).

(b)\* All telephones required to be accessible and complying with 4.31.2 through 4.31.8 shall be equipped with a volume control. In addition, 25 percent, but never less than one, of all other public telephones provided shall be equipped with a volume control and shall be dispersed among all types of public telephones, including closed circuit telephones, throughout the building or facility. Signage complying with applicable provisions of 4.30.7 shall be provided.

(c) The following shall be provided in accordance with 4.31.9:

(i) If a total number of four or more public pay telephones (including both interior and exterior phones) is provided at a site, and at least one is in an interior location, then at least one interior public text telephone shall be provided.

(ii) If an interior public pay telephone is provided in a stadium or arena, in a convention center, in a hotel with a convention center, or

### 4.1.3 Accessible Buildings: New Construction

in a covered mall, at least one interior public text telephone shall be provided in the facility.

(iii) If a public pay telephone is located in or adjacent to a hospital emergency room, hospital recovery room, or hospital waiting room, one public text telephone shall be provided at each such location.

(d) Where a bank of telephones in the interior of a building consists of three or more public pay telephones, at least one public pay telephone in each such bank shall be equipped with a shelf and outlet in compliance with 4.31.9(2).

(18) If fixed or built-in seating or tables (including, but not limited to, study carrels and student laboratory stations), are provided in accessible public or common use areas, at least five percent (5%), but not less than one, of the fixed or built-in seating areas or tables shall comply with 4.32. An accessible route shall lead to and through such fixed or built-in seating areas, or tables.

#### (19)\* Assembly areas:

(a) In places of assembly with fixed seating accessible wheelchair locations shall comply with 4.33.2, 4.33.3, and 4.33.4 and shall be provided consistent with the following table:

**Capacity of Seating  
In Assembly Areas      Number of Required  
Wheelchair Locations**

4 to 25	1
26 to 50	2
51 to 300	4
301 to 500	6
over 500	6, plus 1 additional space for each total seating capacity increase of 100

In addition, one percent, but not less than one, of all fixed seats shall be aisle seats with no armrests on the aisle side, or removable or folding armrests on the aisle side. Each such seat shall be identified by a sign or marker. Signage notifying patrons of the availability of such seats shall be posted at the ticket office. Aisle seats are not required to comply with 4.33.4.

(b) This paragraph applies to assembly areas where audible communications are integral to the use of the space (e.g., concert and lecture halls, playhouses and movie theaters, meeting rooms, etc.). Such assembly areas, if (1) they accommodate at least 50 persons, or if they have audio-amplification systems, and (2) they have fixed seating, shall have a permanently installed assistive listening system complying with 4.33. For other assembly areas, a permanently installed assistive listening system, or an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system shall be provided. The minimum number of receivers to be provided shall be equal to 4 percent of the total number of seats, but in no case less than two. Signage complying with applicable provisions of 4.30 shall be installed to notify patrons of the availability of a listening system.

(20) Where automated teller machines (ATMs) are provided, each ATM shall comply with the requirements of 4.34 except where two or more are provided at a location, then only one must comply.

**EXCEPTION:** Drive-up-only automated teller machines are not required to comply with 4.27.2, 4.27.3 and 4.34.3.

(21) Where dressing and fitting rooms are provided for use by the general public, patients, customers or employees, 5 percent, but never less than one, of dressing rooms for each type of use in each cluster of dressing rooms shall be accessible and shall comply with 4.35.

Examples of types of dressing rooms are those serving different genders or distinct and different functions as in different treatment or examination facilities.

#### 4.1.4 (Reserved).

#### 4.1.5 Accessible Buildings: Additions.

Each addition to an existing building or facility shall be regarded as an alteration. Each space or element added to the existing building or facility shall comply with the applicable provisions of 4.1.1 to 4.1.3, Minimum Requirements (for New Construction) and the applicable technical specifications of 4.2 through 4.35 and sections 5 through 10. Each addition that



affects or could affect the usability of an area containing a primary function shall comply with 4.1.6(2).

#### 4.1.6 Accessible Buildings: Alterations.

(1) General. Alterations to existing buildings and facilities shall comply with the following:

(a) No alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration.

(b) If existing elements, spaces, or common areas are altered, then each such altered element, space, feature, or area shall comply with the applicable provisions of 4.1.1 to 4.1.3 Minimum Requirements (for New Construction). If the applicable provision for new construction requires that an element, space, or common area be on an accessible route, the altered element, space, or common area is not required to be on an accessible route except as provided in 4.1.6(2) (Alterations to an Area Containing a Primary Function.)

(c) If alterations of single elements, when considered together, amount to an alteration of a room or space in a building or facility, the entire space shall be made accessible.

(d) No alteration of an existing element, space, or area of a building or facility shall impose a requirement for greater accessibility than that which would be required for new construction. For example, if the elevators and stairs in a building are being altered and the elevators are, in turn, being made accessible, then no accessibility modifications are required to the stairs connecting levels connected by the elevator. If stair modifications to correct unsafe conditions are required by other codes, the modifications shall be done in compliance with these guidelines unless technically infeasible.

(e) At least one interior public text telephone complying with 4.31.9 shall be provided if:

(i) alterations to existing buildings or facilities with less than four exterior or interior public pay telephones would increase the total number to four or more telephones with at least one in an interior location; or

(ii) alterations to one or more exterior or interior public pay telephones occur in an existing building or facility with four or more public telephones with at least one in an interior location.

(f) If an escalator or stair is planned or installed where none existed previously and major structural modifications are necessary for such installation, then a means of accessible vertical access shall be provided that complies with the applicable provisions of 4.7, 4.8, 4.10, or 4.11.

(g) In alterations, the requirements of 4.1.3(9), 4.3.10 and 4.3.11 do not apply.

(h)\*Entrances: If a planned alteration entails alterations to an entrance, and the building has an accessible entrance, the entrance being altered is not required to comply with 4.1.3(8), except to the extent required by 4.1.6(2). If a particular entrance is not made accessible, appropriate accessible signage indicating the location of the nearest accessible entrance(s) shall be installed at or near the inaccessible entrance, such that a person with disabilities will not be required to retrace the approach route from the inaccessible entrance.

(i) If the alteration work is limited solely to the electrical, mechanical, or plumbing system, or to hazardous material abatement, or automatic sprinkler retrofitting, and does not involve the alteration of any elements or spaces required to be accessible under these guidelines, then 4.1.6(2) does not apply.

(j) EXCEPTION: In alteration work, if compliance with 4.1.6 is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible. Any elements or features of the building or facility that are being altered and can be made accessible shall be made accessible within the scope of the alteration.

**Technically Infeasible.** Means, with respect to an alteration of a building or a facility, that it has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or

#### 4.1.6 Accessible Buildings: Alterations

addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

##### (k) EXCEPTION:

(i) These guidelines do not require the installation of an elevator in an altered facility that is less than three stories or has less than 3,000 square feet per story unless the building is a shopping center, a shopping mall, the professional office of a health care provider, or another type of facility as determined by the Attorney General.

(ii) The exemption provided in paragraph (i) does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in these guidelines. For example, alterations to floors above or below the ground floor must be accessible regardless of whether the altered facility has an elevator. If a facility subject to the elevator exemption set forth in paragraph (i) nonetheless has a full passenger elevator, that elevator shall meet, to the maximum extent feasible, the accessibility requirements of these guidelines.

(2) Alterations to an Area Containing a Primary Function: In addition to the requirements of 4.1.6(1), an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

##### (3) Special Technical Provisions for Alterations to Existing Buildings and Facilities:

(a) Ramps: Curb ramps and interior or exterior ramps to be constructed on sites or in existing buildings or facilities where space limitations prohibit the use of a 1:12 slope or less may have slopes and rises as follows:

(i) A slope between 1:10 and 1:12 is allowed for a maximum rise of 6 inches.

(ii) A slope between 1:8 and 1:10 is allowed for a maximum rise of 3 inches. A slope steeper than 1:8 is not allowed.

(b) Stairs: Full extension of handrails at stairs shall not be required in alterations where such extensions would be hazardous or impossible due to plan configuration.

##### (c) Elevators:

(i) If safety door edges are provided in existing automatic elevators, automatic door reopening devices may be omitted (see 4.10.6).

(ii) Where existing shaft configuration or technical infeasibility prohibits strict compliance with 4.10.9, the minimum car plan dimensions may be reduced by the minimum amount necessary, but in no case shall the inside car area be smaller than 48 in by 48 in.

(iii) Equivalent facilitation may be provided with an elevator car of different dimensions when usability can be demonstrated and when all other elements required to be accessible comply with the applicable provisions of 4.10. For example, an elevator of 47 in by 69 in (1195 mm by 1755 mm) with a door opening on the narrow dimension, could accommodate the standard wheelchair clearances shown in Figure 4.

##### (d) Doors:

(i) Where it is technically infeasible to comply with clear opening width requirements of 4.13.5, a projection of 5/8 in maximum will be permitted for the latch side stop.

(ii) If existing thresholds are 3/4 in high or less, and have (or are modified to have) a beveled edge on each side, they may remain.

##### (e) Toilet Rooms:

(i) Where it is technically infeasible to comply with 4.22 or 4.23, the installation of at least one unisex toilet/bathroom per floor, located in the same area as existing toilet facilities, will be permitted in lieu of modifying existing toilet facilities to be accessible. Each unisex toilet room shall contain one water closet complying with 4.16 and one lavatory complying with 4.19, and the door shall have a privacy latch.

(ii) Where it is technically infeasible to install a required standard stall (Fig. 30(a)), or where other codes prohibit reduction of the fixture count (i.e., removal of a water closet in order to create a double-wide stall), either alternate stall (Fig. 30(b)) may be provided in lieu of the standard stall.

(iii) When existing toilet or bathing facilities are being altered and are not made accessible, signage complying with 4.30.1, 4.30.2, 4.30.3, 4.30.5, and 4.30.7 shall be provided indicating the location of the nearest accessible toilet or bathing facility within the facility.

#### (f) Assembly Areas:

(i) Where it is technically infeasible to disperse accessible seating throughout an altered assembly area, accessible seating areas may be clustered. Each accessible seating area shall have provisions for companion seating and shall be located on an accessible route that also serves as a means of emergency egress.

(ii) Where it is technically infeasible to alter all performing areas to be on an accessible route, at least one of each type of performing area shall be made accessible.

(g) Platform Lifts (Wheelchair Lifts): In alterations, platform lifts (wheelchair lifts) complying with 4.11 and applicable state or local codes may be used as part of an accessible route. The use of lifts is not limited to the four conditions in exception 4 of 4.1.3(5).

(h) Dressing Rooms: In alterations where technical infeasibility can be demonstrated, one dressing room for each sex on each level shall be made accessible. Where only unisex dressing rooms are provided, accessible unisex dressing rooms may be used to fulfill this requirement.

### 4.1.7 Accessible Buildings: Historic Preservation.

#### (1) Applicability:

(a) General Rule. Alterations to a qualified historic building or facility shall comply with 4.1.6 Accessible Buildings: Alterations, the applicable technical specifications of 4.2

through 4.35 and the applicable special application sections 5 through 10 unless it is determined in accordance with the procedures in 4.1.7(2) that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility in which case the alternative requirements in 4.1.7(3) may be used for the feature.

EXCEPTION: (Reserved).

(b) Definition. A qualified historic building or facility is a building or facility that is:

(i) Listed in or eligible for listing in the National Register of Historic Places; or

(ii) Designated as historic under an appropriate State or local law.

#### (2) Procedures:

(a) Alterations to Qualified Historic Buildings and Facilities Subject to Section 106 of the National Historic Preservation Act:

(i) Section 106 Process. Section 106 of the National Historic Preservation Act (16 U.S.C. 470 f) requires that a Federal agency with jurisdiction over a Federal, federally assisted, or federally licensed undertaking consider the effects of the agency's undertaking on buildings and facilities listed in or eligible for listing in the National Register of Historic Places and give the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking prior to approval of the undertaking.

(ii) ADA Application. Where alterations are undertaken to a qualified historic building or facility that is subject to section 106 of the National Historic Preservation Act, the Federal agency with jurisdiction over the undertaking shall follow the section 106 process. If the State Historic Preservation Officer or Advisory Council on Historic Preservation agrees that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility, the alternative requirements in 4.1.7(3) may be used for the feature.

## 4.2 Space Allowance and Reach Ranges

(b) **Alterations to Qualified Historic Buildings and Facilities Not Subject to Section 106 of the National Historic Preservation Act.** Where alterations are undertaken to a qualified historic building or facility that is not subject to section 106 of the National Historic Preservation Act, if the entity undertaking the alterations believes that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility and that the alternative requirements in 4.1.7(3) should be used for the feature, the entity should consult with the State Historic Preservation Officer. If the State Historic Preservation Officer agrees that compliance with the accessibility requirements for accessible routes (exterior and interior), ramps, entrances or toilets would threaten or destroy the historical significance of the building or facility, the alternative requirements in 4.1.7(3) may be used.

(c) **Consultation With Interested Persons.** Interested persons should be invited to participate in the consultation process, including State or local accessibility officials, individuals with disabilities, and organizations representing individuals with disabilities.

(d) **Certified Local Government Historic Preservation Programs.** Where the State Historic Preservation Officer has delegated the consultation responsibility for purposes of this section to a local government historic preservation program that has been certified in accordance with section 101(c) of the National Historic Preservation Act of 1966 (16 U.S.C. 470a (c)) and implementing regulations (36 CFR 61.5), the responsibility may be carried out by the appropriate local government body or official.

### (3) Historic Preservation: Minimum Requirements:

(a) At least one accessible route complying with 4.3 from a site access point to an accessible entrance shall be provided.

**EXCEPTION:** A ramp with a slope no greater than 1:6 for a run not to exceed 2 ft (610 mm) may be used as part of an accessible route to an entrance.

(b) At least one accessible entrance complying with 4.14 which is used by the public shall be provided.

**EXCEPTION:** If it is determined that no entrance used by the public can comply with 4.14, then access at any entrance not used by the general public but open (unlocked) with directional signage at the primary entrance may be used. The accessible entrance shall also have a notification system. Where security is a problem, remote monitoring may be used.

(c) If toilets are provided, then at least one toilet facility complying with 4.22 and 4.1.6 shall be provided along an accessible route that complies with 4.3. Such toilet facility may be unisex in design.

(d) Accessible routes from an accessible entrance to all publicly used spaces on at least the level of the accessible entrance shall be provided. Access shall be provided to all levels of a building or facility in compliance with 4.1 whenever practical.

(e) Displays and written information, documents, etc., should be located where they can be seen by a seated person. Exhibits and signage displayed horizontally (e.g., open books), should be no higher than 44 in (1120 mm) above the floor surface.

**NOTE:** The technical provisions of sections 4.2 through 4.35 are the same as those of the American National Standard Institute's document A117.1-1980, except as noted in the text.

## 4.2 Space Allowance and Reach Ranges.

**4.2.1° Wheelchair Passage Width.** The minimum clear width for single wheelchair passage shall be 32 in (815 mm) at a point and 36 in (915 mm) continuously (see Fig. 1 and 24(e)).

**4.2.2 Width for Wheelchair Passing.** The minimum width for two wheelchairs to pass is 60 in (1525 mm) (see Fig. 2).

**4.2.3° Wheelchair Turning Space.** The space required for a wheelchair to make a 180-degree turn is a clear space of 60 in (1525 mm)



diameter (see Fig. 3(a)) or a T-shaped space (see Fig. 3(b)).

#### 4.2.4\* Clear Floor or Ground Space for Wheelchairs.

**4.2.4.1 Size and Approach.** The minimum clear floor or ground space required to accommodate a single, stationary wheelchair and occupant is 30 in by 48 in (760 mm by 1220 mm) (see Fig. 4(a)). The minimum clear floor or ground space for wheelchairs may be positioned for forward or parallel approach to an object (see Fig. 4(b) and (c)). Clear floor or ground space for wheelchairs may be part of the knee space required under some objects.

**4.2.4.2 Relationship of Maneuvering Clearance to Wheelchair Spaces.** One full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair clear floor space. If a clear floor space is located in an alcove or otherwise confined on all or part of three sides, additional maneuvering clearances shall be provided as shown in Fig. 4(d) and (e).

**4.2.4.3 Surfaces for Wheelchair Spaces.** Clear floor or ground spaces for wheelchairs shall comply with 4.5.

**4.2.5\* Forward Reach.** If the clear floor space only allows forward approach to an object, the maximum high forward reach allowed shall be 48 in (1220 mm) (see Fig. 5(a)). The minimum low forward reach is 15 in (380 mm). If the high forward reach is over an obstruction, reach and clearances shall be as shown in Fig. 5(b).

**4.2.6\* Side Reach.** If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be 54 in (1370 mm) and the low side reach shall be no less than 9 in (230 mm) above the floor (Fig. 6(a) and (b)). If the side reach is over an obstruction, the reach and clearances shall be as shown in Fig 6(c).

#### 4.3 Accessible Route.

**4.3.1\* General.** All walks, halls, corridors, aisles, skywalks, tunnels, and other spaces

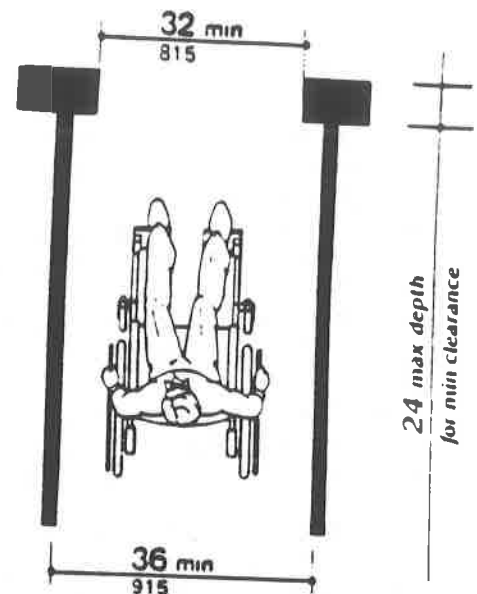


Fig. 1  
Minimum Clear Width  
for Single Wheelchair

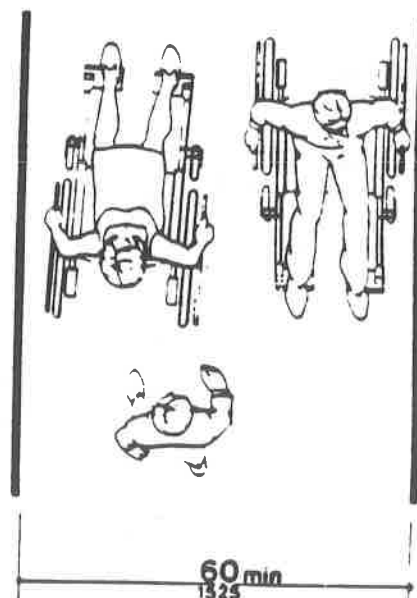


Fig. 2  
Minimum Clear Width  
for Two Wheelchairs

## 4.3 Accessible Route

that are part of an accessible route shall comply with 4.3.

### 4.3.2 Location.

(1) At least one accessible route *within the boundary of the site* shall be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. *The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.*

(2) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(3) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

(4) An accessible route shall connect at least one accessible entrance of each accessible

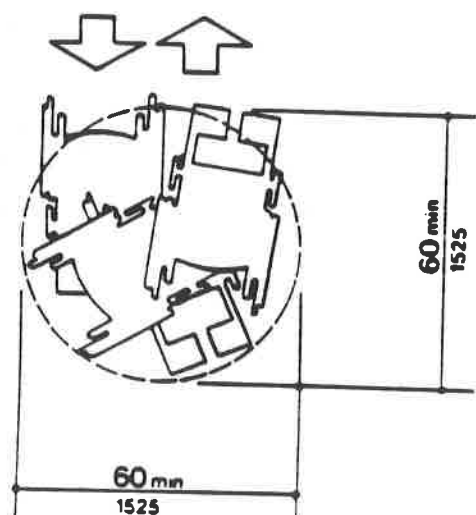
dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

**4.3.3 Width.** The minimum clear width of an accessible route shall be 36 in (915 mm) except at doors (see 4.13.5 and 4.13.6). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Fig. 7(a) and (b).

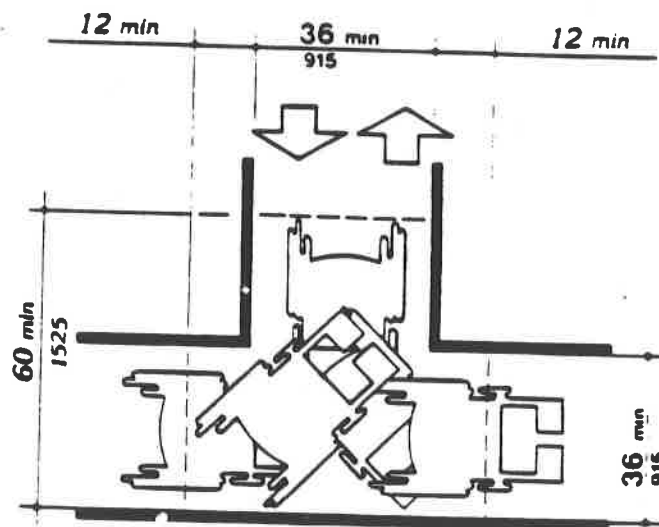
**4.3.4 Passing Space.** If an accessible route has less than 60 in (1525 mm) clear width, then passing spaces at least 60 in by 60 in (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 ft (61 m). A T-intersection of two corridors or walks is an acceptable passing place.

**4.3.5 Head Room.** Accessible routes shall comply with 4.4.2.

**4.3.6 Surface Textures.** The surface of an accessible route shall comply with 4.5.



(a)  
60-in (1525-mm)-Diameter Space



(b)  
T-Shaped Space for 180° Turns

Fig. 3  
Wheelchair Turning Space

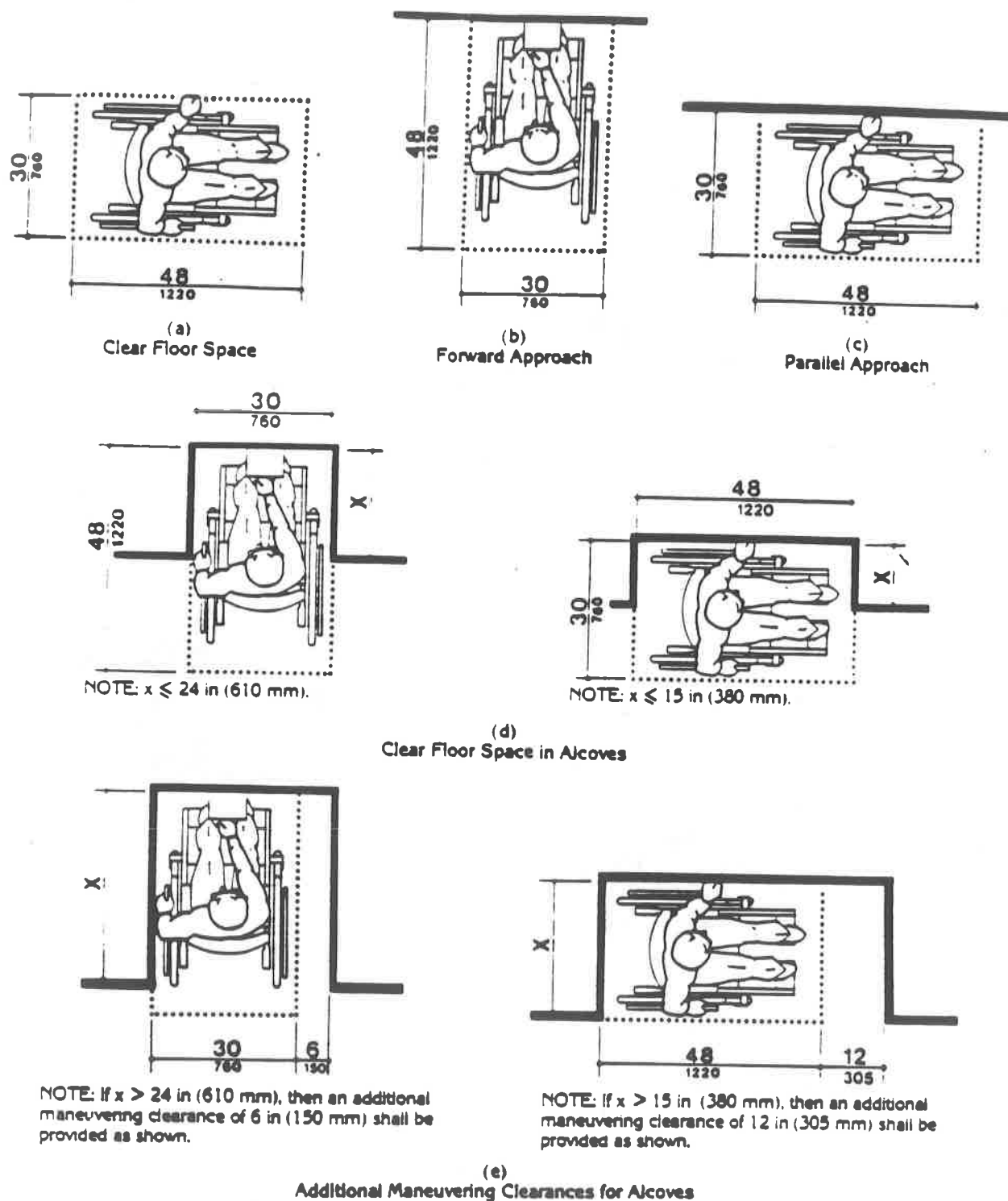
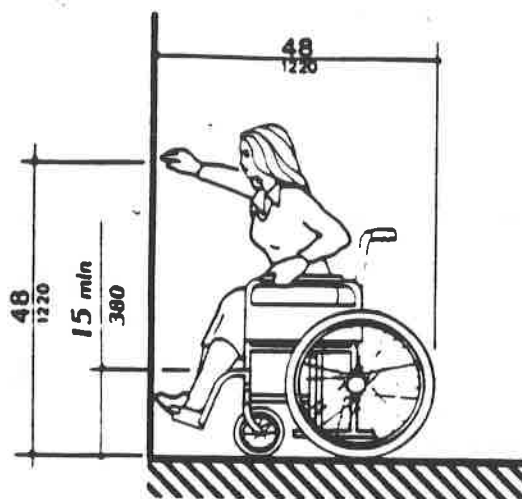
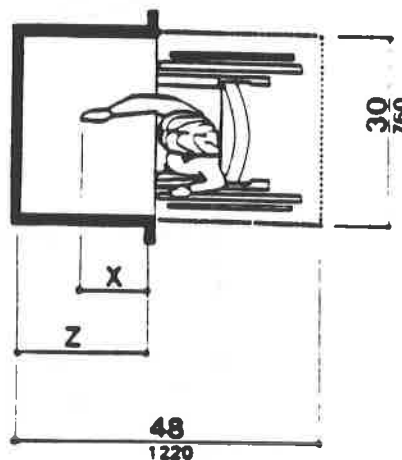
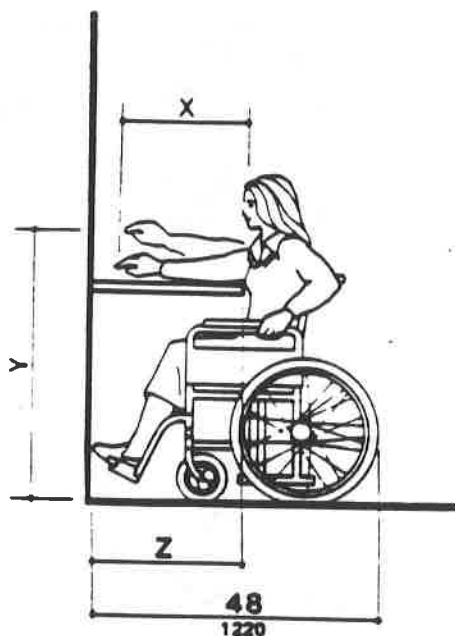
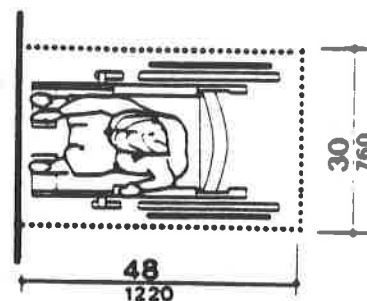


Fig. 4  
Minimum Clear Floor Space for Wheelchairs

## 4.3 Accessible Route



(a)  
High Forward Reach Limit



NOTE: x shall be  $\leq 25$  in (635 mm); z shall be  $\geq x$ . When x < 20 in (510 mm), then y shall be 48 in (1220 mm) maximum. When x is 20 to 25 in (510 to 635 mm), then y shall be 44 in (1120 mm) maximum.

(b)  
Maximum Forward Reach over an Obstruction

Fig. 5  
Forward Reach



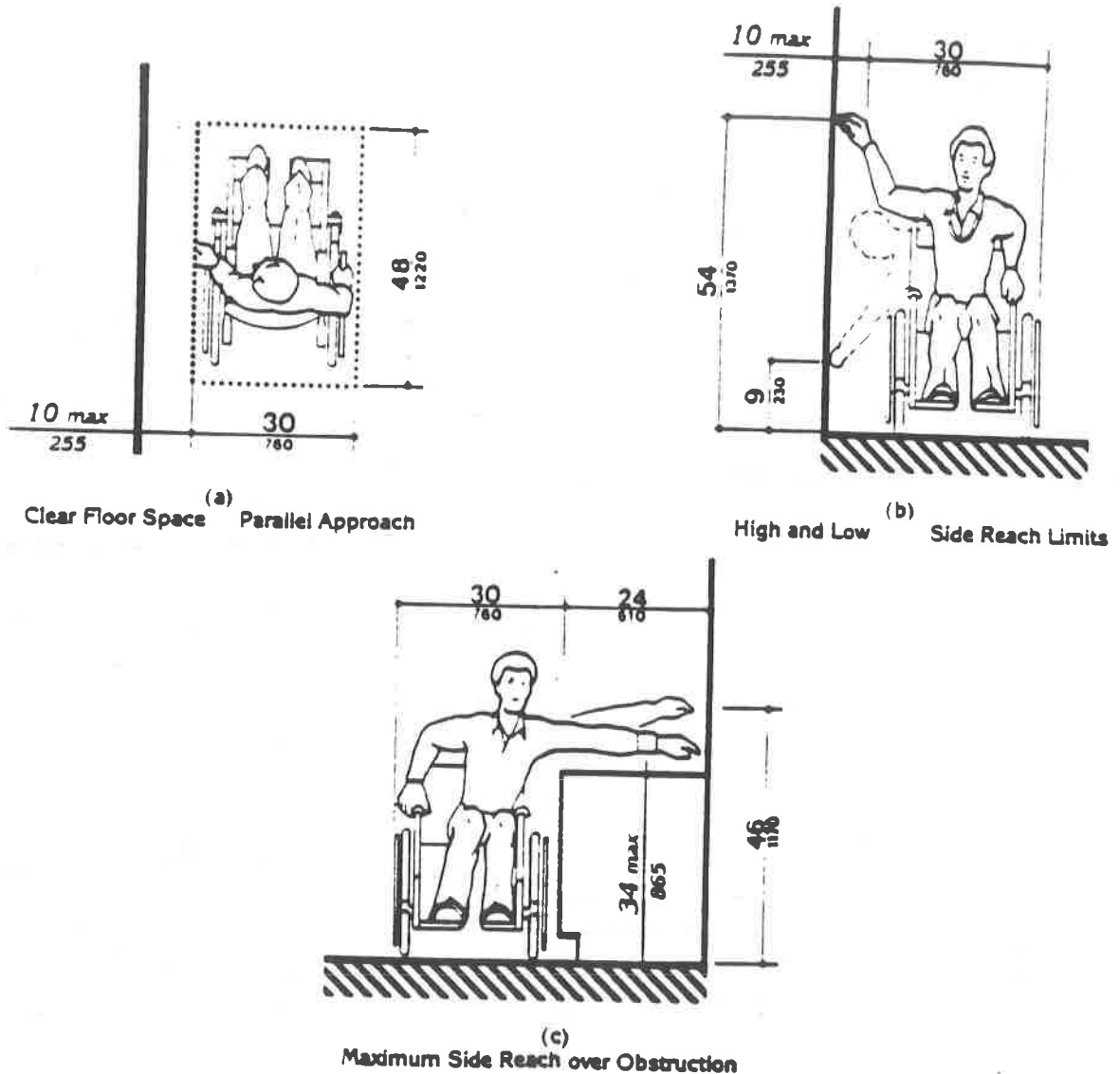


Fig. 6  
Side Reach

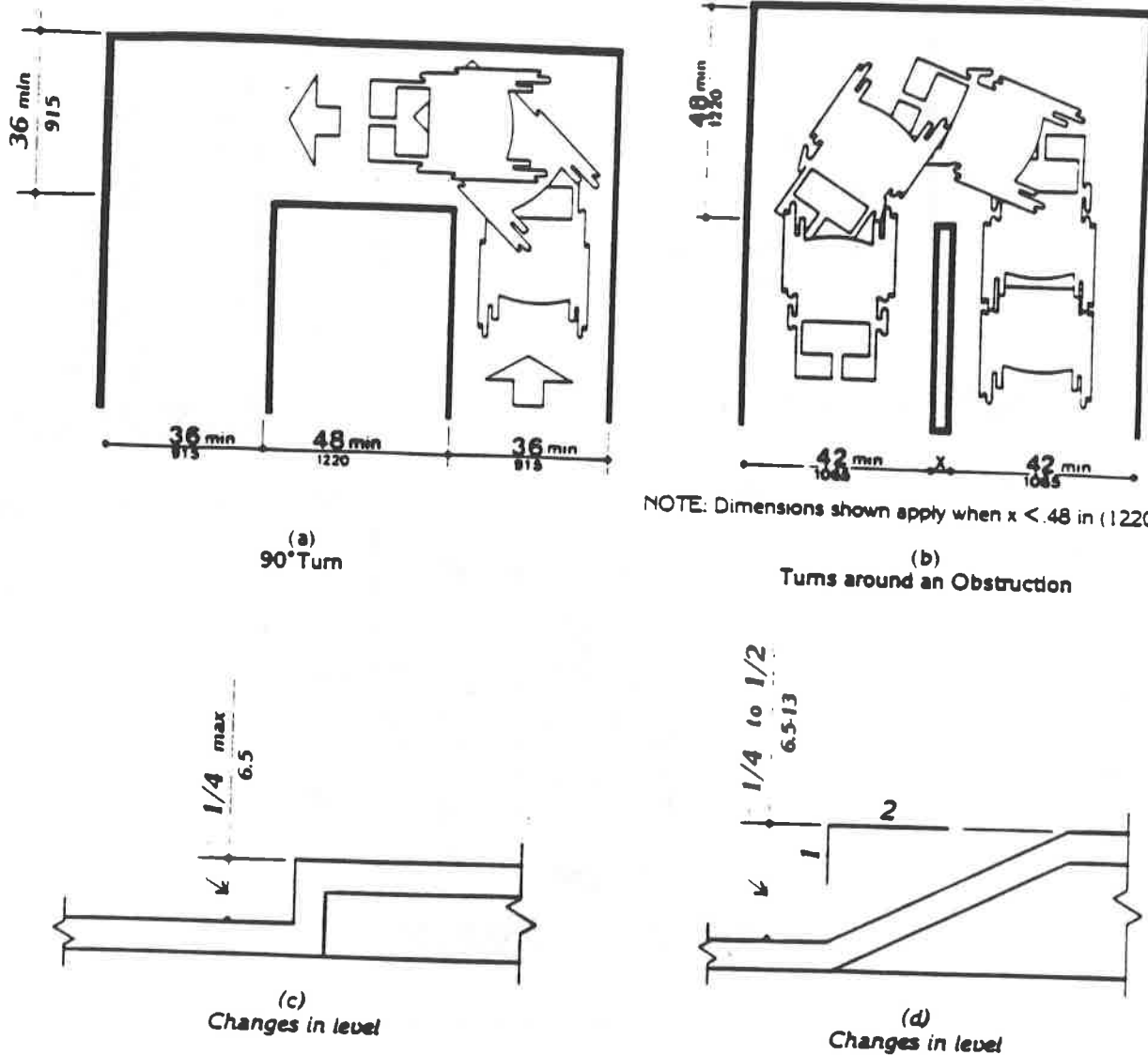
**4.3.7 Slope.** An accessible route with a running slope greater than 1:20 is a ramp and shall comply with 4.8. Nowhere shall the cross slope of an accessible route exceed 1:50.

**4.3.8 Changes in Levels.** Changes in levels along an accessible route shall comply with 4.5.2. If an accessible route has changes in level greater than 1/2 in (13 mm), then a curb

ramp, ramp, elevator, or platform lift (as permitted in 4.1.3 and 4.1.6) shall be provided that complies with 4.7, 4.8, 4.10, or 4.11, respectively. An accessible route does not include stairs, steps, or escalators. See definition of "egress, means of" in 3.5.

**4.3.9 Doors.** Doors along an accessible route shall comply with 4.13.

### 4.3.10\* Egress



NOTE: Dimensions shown apply when  $x < .48$  in (1220 mm).

Fig. 7  
Accessible Route

**4.3.10\* Egress.** Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible area of rescue assistance.

#### 4.3.11 Areas of Rescue Assistance.

**4.3.11.1 Location and Construction.** An area of rescue assistance shall be one of the following:

(1) A portion of a stairway landing within a smokeproof enclosure (complying with local requirements).

(2) A portion of an exterior exit balcony located immediately adjacent to an exit stairway when the balcony complies with local requirements for exterior exit balconies. Openings to the interior of the building located within 20 feet (6 m) of the

area of rescue assistance shall be protected with fire assemblies having a three-fourths hour fire protection rating.

(3) A portion of a one-hour fire-resistive corridor (complying with local requirements for fire-resistive construction and for openings) located immediately adjacent to an exit enclosure.

(4) A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required for corridors and openings.

(5) A portion of a stairway landing within an exit enclosure which is vented to the exterior and is separated from the interior of the building with not less than one-hour fire-resistive doors.

(6) When approved by the appropriate local authority, an area or a room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one hour and shall completely enclose the area or room. Doors in the smoke barrier shall be tight-fitting smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. Where the room or area exits into an exit enclosure which is required to be of more than one-hour fire-resistive construction, the room or area shall have the same fire-resistive construction, including the same opening protection, as required for the adjacent exit enclosure.

(7) An elevator lobby when elevator shafts and adjacent lobbies are pressurized as required for smokeproof enclosures by local regulations and when complying with requirements herein for size, communication, and signage. Such pressurization system shall be activated by smoke detectors on each floor located in a manner approved by the appropriate local authority. Pressurization equipment and its duct work within the building shall be separated from other portions of the building by a minimum two-hour fire-resistive construction.

**4.3.11.2 Size.** Each area of rescue assistance shall provide at least two accessible areas each being not less than 30 inches by 48 inches (760 mm by 1220 mm). The area of rescue

assistance shall not encroach on any required exit width. The total number of such 30-inch by 48-inch (760 mm by 1220 mm) areas per story shall be not less than one for every 200 persons of calculated occupant load served by the area of rescue assistance.

**EXCEPTION:** The appropriate local authority may reduce the minimum number of 30-inch by 48-inch (760 mm by 1220 mm) areas to one for each area of rescue assistance on floors where the occupant load is less than 200.

**4.3.11.3\* Stairway Width.** Each stairway adjacent to an area of rescue assistance shall have a minimum clear width of 48 inches between handrails.

**4.3.11.4\* Two-way Communication.** A method of two-way communication, with both visible and audible signals, shall be provided between each area of rescue assistance and the primary entry. The fire department or appropriate local authority may approve a location other than the primary entry.

**4.3.11.5 Identification.** Each area of rescue assistance shall be identified by a sign which states "AREA OF RESCUE ASSISTANCE" and displays the international symbol of accessibility. The sign shall be illuminated when exit sign illumination is required. Signage shall also be installed at all inaccessible exits and where otherwise necessary to clearly indicate the direction to areas of rescue assistance. In each area of rescue assistance, instructions on the use of the area under emergency conditions shall be posted adjoining the two-way communication system.

## 4.4 Protruding Objects.

**4.4.1\* General.** Objects projecting from walls (for example, telephones) with their leading edges between 27 in and 80 in (685 mm and 2030 mm) above the finished floor shall protrude no more than 4 in (100 mm) into walks, halls, corridors, passageways, or aisles (see Fig. 8(a)). Objects mounted with their leading edges at or below 27 in (685 mm) above the finished floor may protrude any amount (see Fig. 8(a) and (b)). Free-standing objects mounted on posts or pylons may overhang 12 in (305 mm) maximum from 27 in to 80 in (685 mm to 2030 mm) above the ground or

## 4.4 Protruding Objects

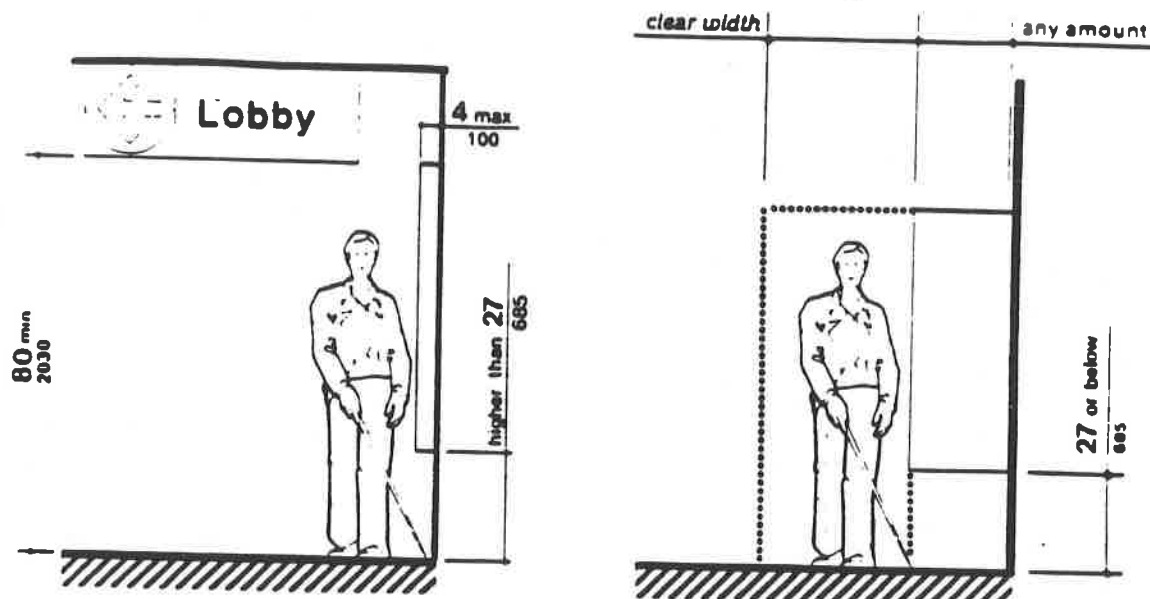


Fig. 8 (a)  
Walking Parallel to a Wall

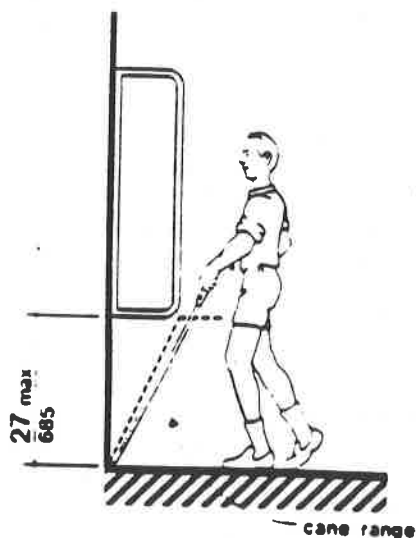


Fig. 8 (b)  
Walking Perpendicular to a Wall

Fig. 8  
Protruding Objects

finished floor (see Fig. 8(c) and (d)). Protruding objects shall not reduce the clear width of an accessible route or maneuvering space (see Fig. 8(e)).

**4.4.2 Head Room.** Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have 80 in (2030 mm) minimum clear head room (see Fig. 8(a)). If vertical clearance of an area adjoining an accessible route is reduced to less than 80 in (nominal dimension), a barrier to warn blind or visually-impaired persons shall be provided (see Fig. 8(c-1)).

## 4.5 Ground and Floor Surfaces.

**4.5.1\* General.** Ground and floor surfaces along accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, slip-resistant, and shall comply with 4.5.

**4.5.2 Changes in Level.** Changes in level up to 1/4 in (6 mm) may be vertical and without edge treatment (see Fig. 7(c)). Changes in level between 1/4 in and 1/2 in (6 mm and 13 mm)

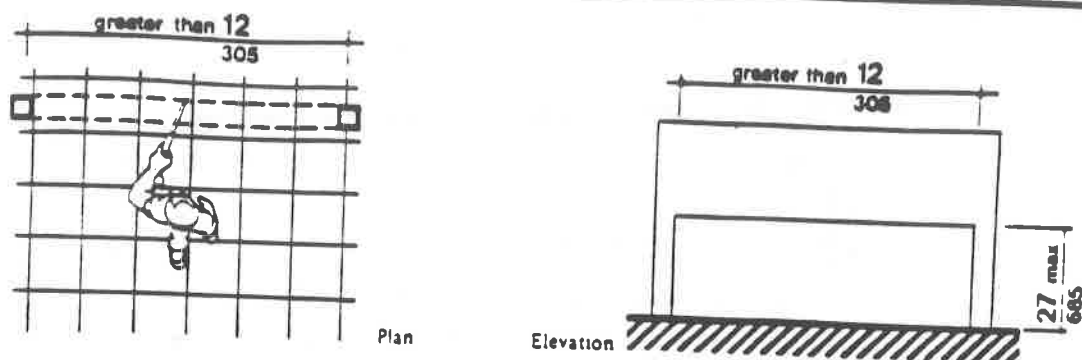


Fig. 8 (c) Free-Standing Overhanging Objects

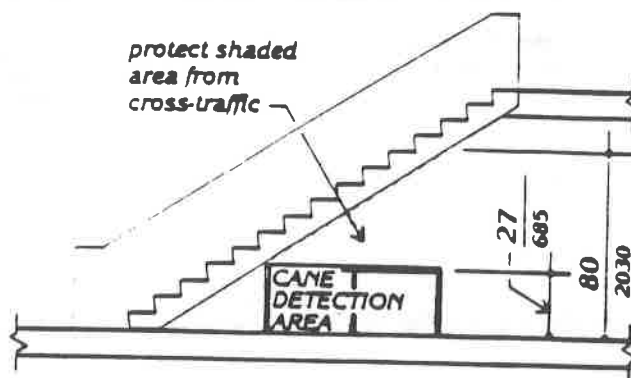


Fig. 8 (c-1) Overhead Hazards

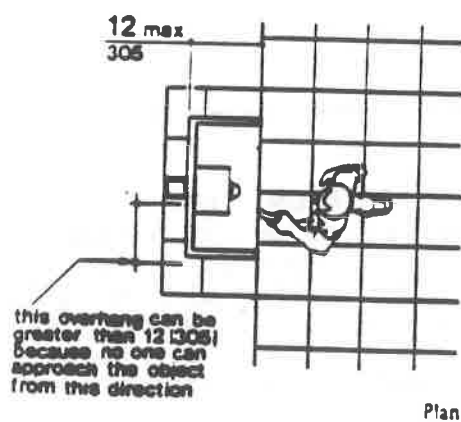


Fig. 8 (d)  
Objects Mounted on Posts or Pylons

Fig. 8  
Protruding Objects (Continued)

## 4.5 Ground and Floor Surfaces

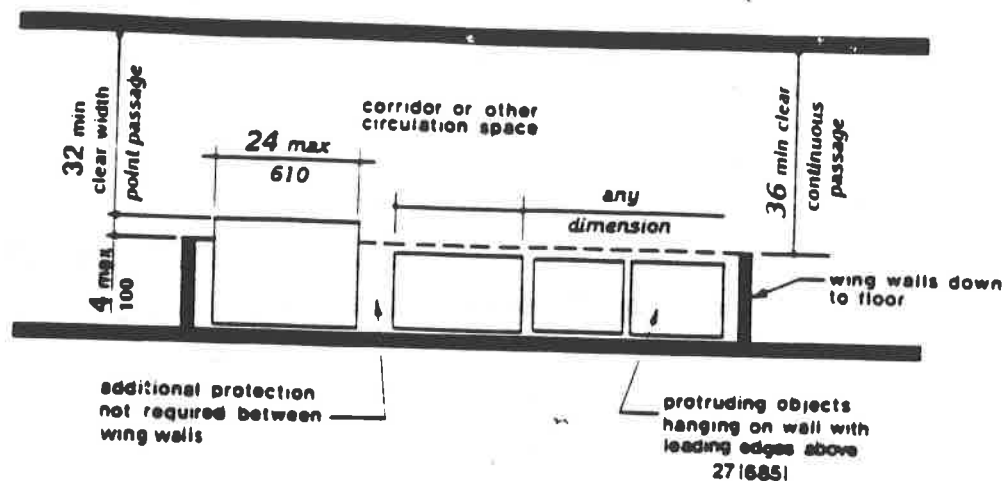


Fig. 8 (e)  
Example of Protection around Wall-Mounted Objects and Measurements of Clear Widths

Fig. 8  
Protruding Objects (Continued)

shall be beveled with a slope no greater than 1:2 (see Fig. 7(d)). Changes in level greater than 1/2 in (13 mm) shall be accomplished by means of a ramp that complies with 4.7 or 4.8.

**4.5.3\* Carpet.** If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing, or no cushion or pad; and have a level loop, textured loop, level cut pile, or level cut/uncut pile texture. The maximum pile thickness shall be 1/2 in (13 mm) (see Fig. 8(f)). Exposed edges of carpet shall be fastened to floor surfaces and have trim along the entire length of the exposed edge. Carpet edge trim shall comply with 4.5.2.

**4.5.4 Gratings.** If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 in (13 mm) wide in one direction (see Fig. 8(g)). If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel (see Fig. 8(h)).

## 4.6 Parking and Passenger Loading Zones.

**4.6.1 Minimum Number.** Parking spaces required to be accessible by 4.1 shall comply with 4.6.2 through 4.6.5. Passenger loading zones required to be accessible by 4.1 shall comply with 4.6.5 and 4.6.6.

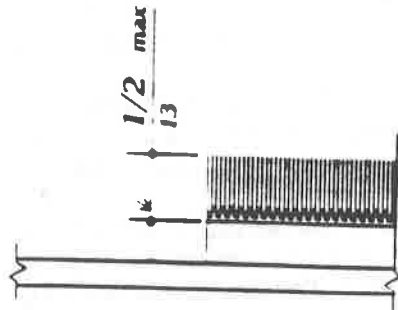


Fig. 8 (f)  
Carpet Pile Thickness

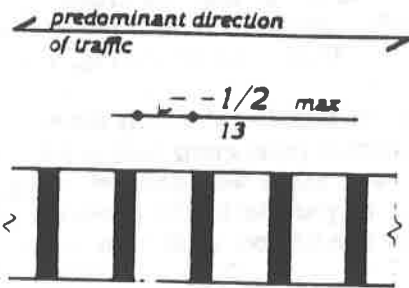


Fig. 8 (g)  
Gratings

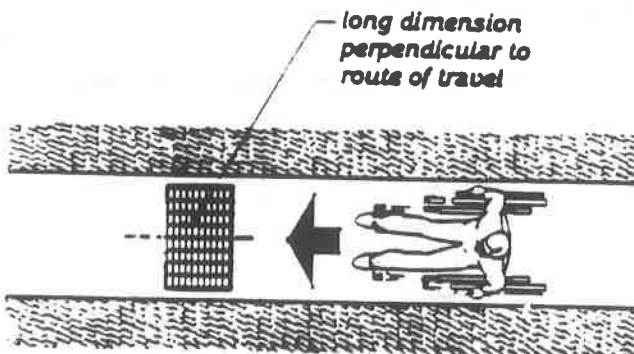


Fig. 8 (h)  
Grating Orientation

**4.6.2 Location.** Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

**4.6.3\* Parking Spaces.** Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with 4.3. Two accessible parking spaces may share a common access aisle (see Fig. 9). Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

**4.6.4\* Signage.** Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility (see 4.30.7). Spaces complying with 4.1.2(5)(b) shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

**4.6.5\* Vertical Clearance.** Provide minimum vertical clearance of 114 in (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 4.1.2(5)(b), provide minimum vertical clearance of 98 in (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

**4.6.6 Passenger Loading Zones.** Passenger loading zones shall provide an access aisle at least 60 in (1525 mm) wide and 20 ft (240 in) (6100 mm) long adjacent and parallel to the vehicle pull-up space (see Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with 4.7 shall be provided. Vehicle standing spaces and access aisles shall be level with



## 4.7 Curb Ramps

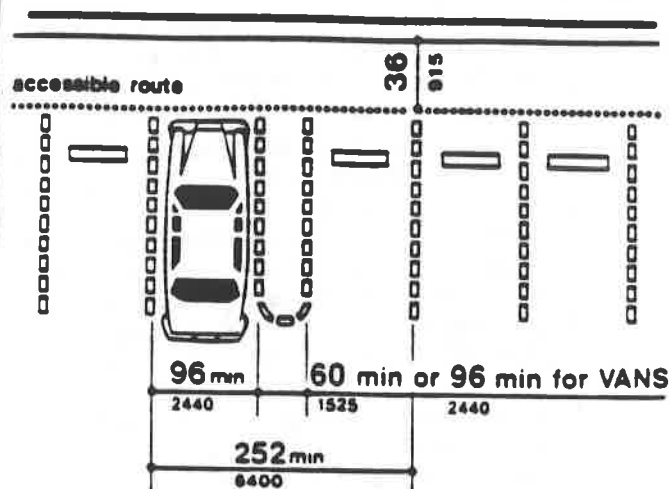


Fig. 9  
Dimensions of Parking Spaces

surface slopes not exceeding 1:50 (2%) in all directions.

### 4.7 Curb Ramps.

**4.7.1 Location.** Curb ramps complying with 4.7 shall be provided wherever an accessible route crosses a curb.

**4.7.2 Slope.** Slopes of curb ramps shall comply with 4.8.2. The slope shall be measured as shown in Fig. 11. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes. Maximum slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1:20.

**4.7.3 Width.** The minimum width of a curb ramp shall be 36 in (915 mm), exclusive of flared sides.

**4.7.4 Surface.** Surfaces of curb ramps shall comply with 4.5.

**4.7.5 Sides of Curb Ramps.** If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides; the maximum slope of the flare shall be 1:10 (see Fig. 12(a)). Curb ramps with returned curbs

may be used where pedestrians would not normally walk across the ramp (see Fig. 12(b)).

**4.7.6 Built-up Curb Ramps.** Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes (see Fig. 13).

**4.7.7 Detectable Warnings.** A curb ramp shall have a detectable warning complying with 4.29.2. The detectable warning shall extend the full width and depth of the curb ramp.

**4.7.8 Obstructions.** Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

**4.7.9 Location at Marked Crossings.** Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides (see Fig. 15).

**4.7.10 Diagonal Curb Ramps.** If diagonal (or corner type) curb ramps have returned curbs or other well-defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have 48 in (1220 mm) minimum clear space as shown in Fig. 15(c) and (d). If diagonal curb ramps are provided at marked crossings, the 48 in (1220 mm) clear space shall be within the markings (see Fig. 15(c) and (d)). If diagonal curb ramps have flared sides, they shall also have at least a 24 in (610 mm) long segment of straight curb located on each side of the curb ramp and within the marked crossing (see Fig. 15(c)).

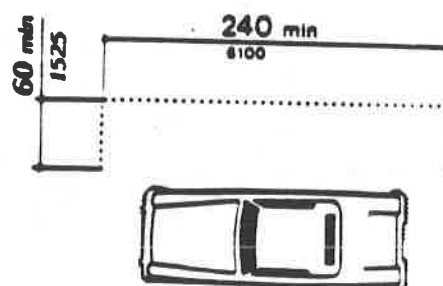


Fig. 10  
Access Aisle at Passenger Loading Zones



Adjoining slope shall not exceed 1:20

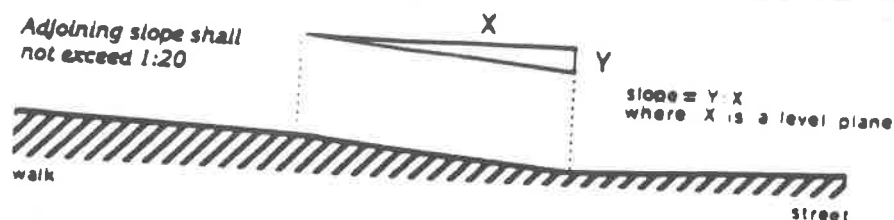
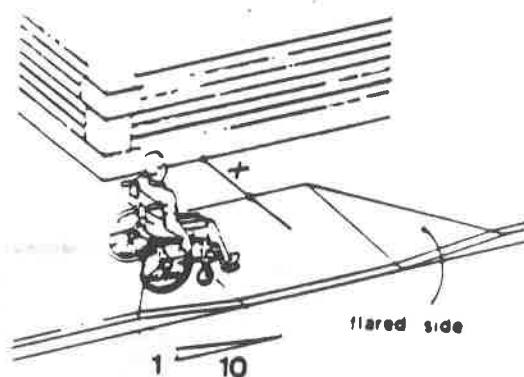
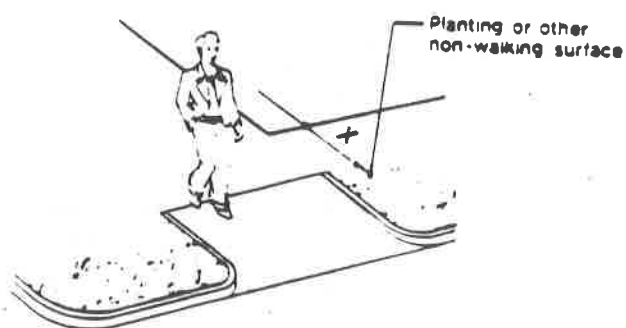


Fig. 11  
Measurement of Curb Ramp Slopes



(a)  
Flared Sides

If X is less than 48 in.,  
then the slope of the flared side  
shall not exceed 1:12.



(b)  
Returned Curb

Fig. 12  
Sides of Curb Ramps

**4.7.11 Islands.** Any raised islands in crossings shall be cut through level with the street or have curb ramps at both sides and a level area at least 48 in (1220 mm) long between the curb ramps in the part of the island intersected by the crossings (see Fig. 15(a) and (b)).

#### 4.8 Ramps.

**4.8.1° General.** Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with 4.8.

**4.8.2° Slope and Rise.** The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. The maximum rise for any run shall be 30 in (760 mm) (see Fig. 16). Curb ramps

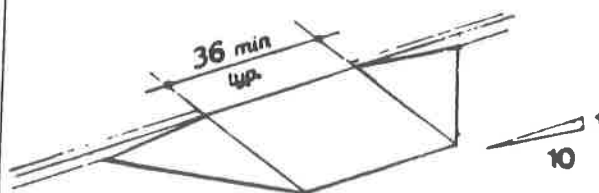
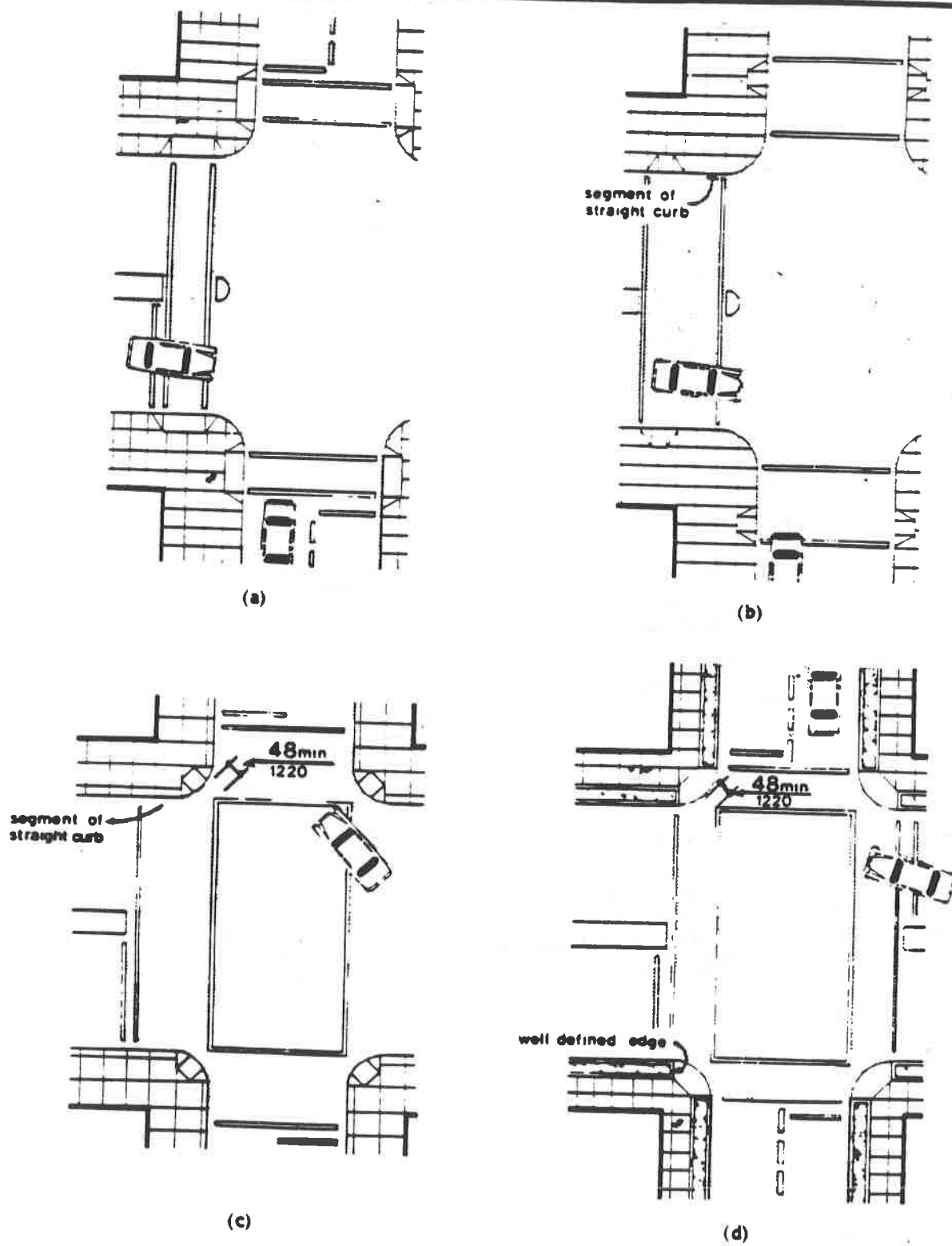


Fig. 13  
Built-Up Curb Ramp

and ramps to be constructed on existing sites or in existing buildings or facilities may have slopes and rises as allowed in 4.1.6(3)(a) if space limitations prohibit the use of a 1:12 slope or less.

## 4.8 Ramps



**Fig. 15**  
**Curb Ramps at Marked Crossings**

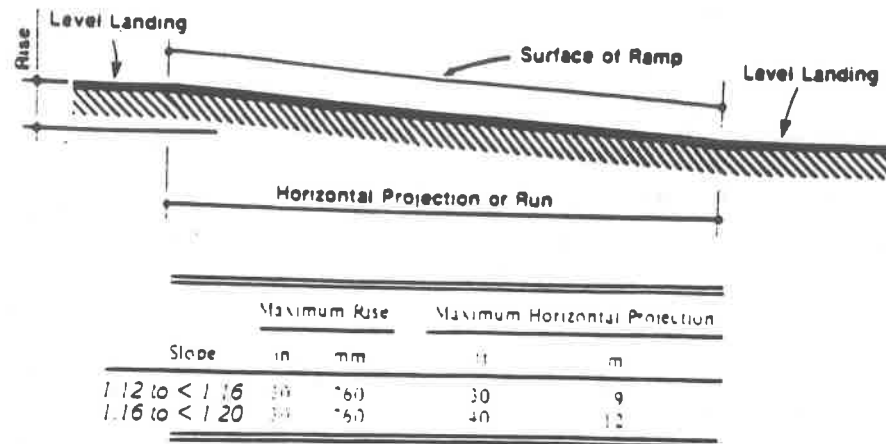


Fig. 16  
Components of a Single Ramp Run and Sample Ramp Dimensions

**4.8.3 Clear Width.** The minimum clear width of a ramp shall be 36 in (915 mm).

**4.8.4 Landings.** Ramps shall have level landings at bottom and top of *each* ramp and *each* ramp run. Landings shall have the following features:

- (1) The landing shall be at least as wide as the ramp run leading to it.
- (2) The landing length shall be a minimum of 60 in (1525 mm) clear.
- (3) If ramps change direction at landings, the minimum landing size shall be 60 in by 60 in (1525 mm by 1525 mm).
- (4) If a doorway is located at a landing, then the area in front of the doorway shall comply with 4.13.6.

**4.8.5 Handrails.** If a ramp run has a rise greater than 6 in (150 mm) or a horizontal projection greater than 72 in (1830 mm), then it shall have handrails on both sides. Handrails are not required on curb ramps or *adjacent to seating in assembly areas*. Handrails shall comply with 4.26 and shall have the following features:

(1) Handrails shall be provided along both sides of ramp segments. The inside handrail on switchback or dogleg ramps shall always be continuous.

(2) If handrails are not continuous, they shall extend at least 12 in (305 mm) beyond the top and bottom of the ramp segment and shall be parallel with the floor or ground surface (see Fig. 17).

(3) The clear space between the handrail and the wall shall be 1 - 1/2 in (38 mm).

(4) Gripping surfaces shall be continuous.

(5) Top of handrail gripping surfaces shall be mounted between 34 in and 38 in (865 mm and 965 mm) above ramp surfaces.

(6) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.

(7) Handrails shall not rotate within their fittings.

**4.8.6 Cross Slope and Surfaces.** The cross slope of ramp surfaces shall be no greater than 1:50. Ramp surfaces shall comply with 4.5.

## 4.9 Stairs

**4.8.7 Edge Protection.** Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp. Curbs shall be a minimum of 2 in (50 mm) high (see Fig. 17).

**4.8.8 Outdoor Conditions.** Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces.

### 4.9 Stairs.

**4.9.1\* Minimum Number.** Stairs required to be accessible by 4.1 shall comply with 4.9.

**4.9.2 Treads and Risers.** On any given flight of stairs, all steps shall have uniform riser heights and uniform tread widths. Stair treads shall be no less than 11 in (280 mm) wide, measured from riser to riser (see Fig. 18(a)). *Open risers are not permitted.*

**4.9.3 Nosings.** The undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than 1/2 in (13 mm). Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal. Nosings shall project no more than 1-1/2 in (38 mm) (see Fig. 18).

**4.9.4 Handrails.** Stairways shall have handrails at both sides of all stairs. Handrails shall comply with 4.26 and shall have the following features:

(1) Handrails shall be continuous along both sides of stairs. The inside handrail on switchback or dogleg stairs shall always be continuous (see Fig. 19(a) and (b)).

(2) If handrails are not continuous, they shall extend at least 12 in (305 mm) beyond the top riser and at least 12 in (305 mm) plus the width of one tread beyond the bottom riser. At the top, the extension shall be parallel with the floor or ground surface. At the bottom, the handrail shall continue to slope for a distance of the width of one tread from the bottom riser; the remainder of the extension shall be horizontal (see Fig. 19(c) and (d)). Handrail extensions shall comply with 4.4.

(3) The clear space between handrails and wall shall be 1-1/2 in (38 mm).

(4) Gripping surfaces shall be uninterrupted by newel posts, other construction elements, or obstructions.

(5) Top of handrail gripping surface shall be mounted between 34 in and 38 in (865 mm and 965 mm) above stair nosings.

(6) Ends of handrails shall be either rounded or returned smoothly to floor, wall or post.

(7) Handrails shall not rotate within their fittings.

**4.9.5 Detectable Warnings at Stairs.** (Reserved).

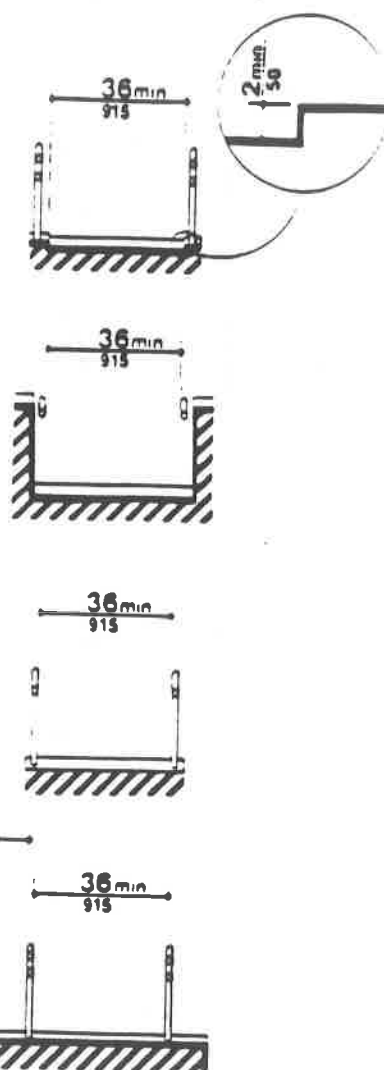
**4.9.6 Outdoor Conditions.** Outdoor stairs and their approaches shall be designed so that water will not accumulate on walking surfaces.

### 4.10 Elevators.

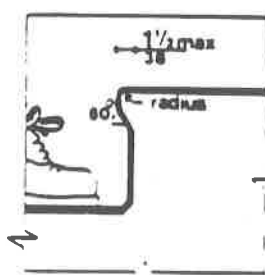
**4.10.1 General.** Accessible elevators shall be on an accessible route and shall comply with 4.10 and with the ASME A17.1-1990, Safety Code for Elevators and Escalators. *Freight elevators shall not be considered as meeting the requirements of this section unless the only elevators provided are used as combination passenger and freight elevators for the public and employees.*

**4.10.2 Automatic Operation.** Elevator operation shall be automatic. Each car shall be equipped with a self-leveling feature that will automatically bring the car to floor landings within a tolerance of 1/2 in (13 mm) under rated loading to zero loading conditions. This self-leveling feature shall be automatic and independent of the operating device and shall correct the overtravel or undertravel.

**4.10.3 Hall Call Buttons.** Call buttons in elevator lobbies and halls shall be centered at 42 in (1065 mm) above the floor. Such call buttons shall have visual signals to indicate when each call is registered and when each call is answered. Call buttons shall be a minimum of 3/4 in (19 mm) in the smallest dimension. The button designating the up direction shall be on top. (See Fig. 20.) Buttons shall be raised or flush. Objects mounted beneath hall call buttons shall not project into the elevator lobby more than 4 in (100 mm).



### Examples of Edge Protection and Handrail Extensions

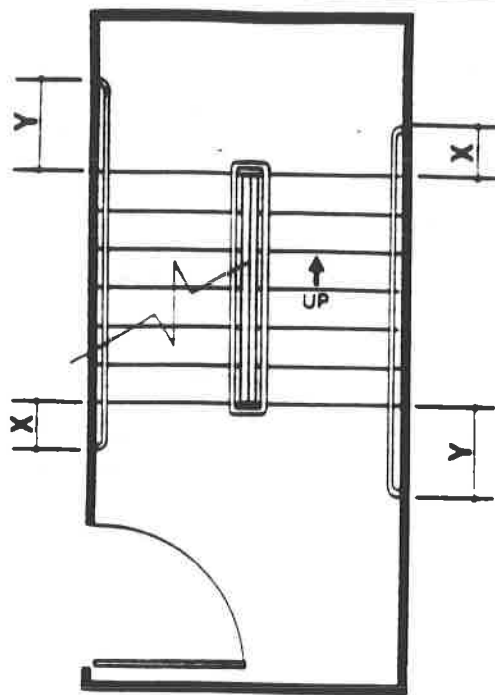


Technical drawing of a 90-degree elbow. The drawing shows a side view of the elbow with a 90-degree angle. The radius of the elbow is labeled as 1 1/2". The angle of the elbow is labeled as 60°.

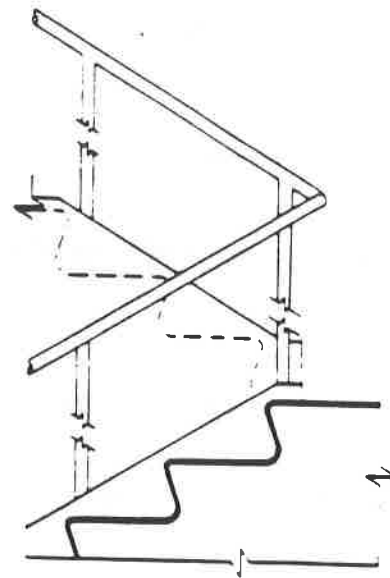
(c)  
**Rounded Nosing**

### Usable Tread Width and Examples of Acceptable Nosings

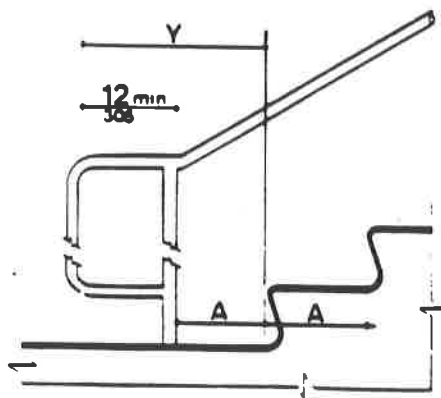
## 4.10 Elevators



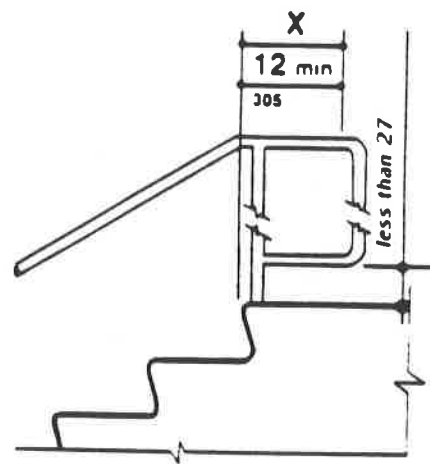
(a)  
Plan



(b)  
Elevation of Center Handrail



(c)  
Extension at Bottom of Run



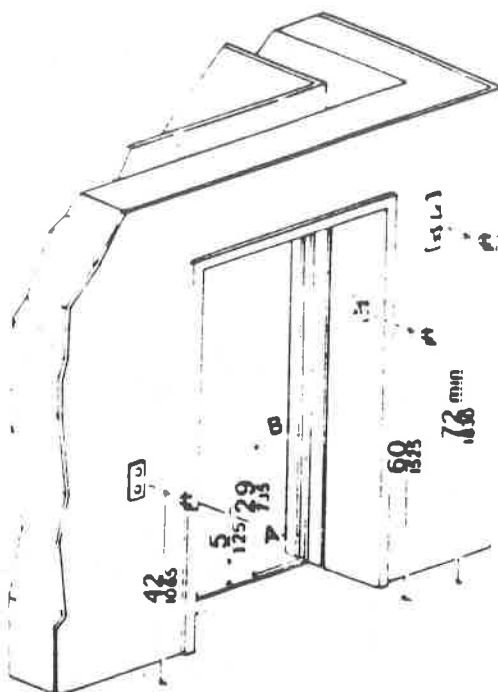
(d)  
Extension at Top of Run

**NOTE:**

*X is the 12 in minimum handrail extension required at each top riser.*

*Y is the minimum handrail extension of 12 in plus the width of one tread that is required at each bottom riser.*

**Fig. 19**  
**Stair Handrails**



NOTE: The automatic door reopening device is activated if an object passes through either line A or line B. Line A and line B represent the vertical locations of the door reopening device not requiring contact.

Fig. 20  
Hoistway and Elevator Entrances

**4.10.4 Hall Lanterns.** A visible and audible signal shall be provided at each hoistway entrance to indicate which car is answering a call. Audible signals shall sound once for the up direction and twice for the down direction or shall have verbal annunciators that say "up" or "down." Visible signals shall have the following features:

- (1) Hall lantern fixtures shall be mounted so that their centerline is at least 72 in (1830 mm) above the lobby floor. (See Fig. 20.)
- (2) Visual elements shall be at least 2-1/2 in (64 mm) in the smallest dimension.
- (3) Signals shall be visible from the vicinity of the hall call button (see Fig. 20). In-car lanterns located in cars, visible from the vicinity of hall call buttons, and conforming to the above requirements, shall be acceptable.

**4.10.5 Raised and Braille Characters on Hoistway Entrances.** All elevator hoistway entrances shall have *raised and Braille* floor designations provided on both jambs. The centerline of the characters shall be 60 in (1525 mm) above finish floor. Such characters shall be 2 in (50 mm) high and shall comply with 4.30.4. Permanently applied plates are acceptable if they are permanently fixed to the jambs. (See Fig. 20).

**4.10.6\* Door Protective and Reopening Device.** Elevator doors shall open and close automatically. They shall be provided with a reopening device that will stop and reopen a car door and hoistway door automatically if the door becomes obstructed by an object or person. The device shall be capable of completing these operations without requiring contact for an obstruction passing through the opening at heights of 5 in and 29 in (125 mm and 735 mm) above finish floor (see Fig. 20). Door reopening devices shall remain effective for at least 20 seconds. After such an interval, doors may close in accordance with the requirements of ASME A17.1-1990.

**4.10.7\* Door and Signal Timing for Hall Calls.** The minimum acceptable time from notification that a car is answering a call until the doors of that car start to close shall be calculated from the following equation:

$$T = D / (1.5 \text{ ft/s}) \text{ or } T = D / (445 \text{ mm/s})$$

where T total time in seconds and D distance (in feet or millimeters) from a point in the lobby or corridor 60 in (1525 mm) directly in front of the farthest call button controlling that car to the centerline of its hoistway door (see Fig. 21). For cars with in-car lanterns, T begins when the lantern is visible from the vicinity of hall call buttons and an audible signal is sounded. The minimum acceptable notification time shall be 5 seconds.

**4.10.8 Door Delay for Car Calls.** The minimum time for elevator doors to remain fully open in response to a car call shall be 3 seconds.

**4.10.9 Floor Plan of Elevator Cars.** The floor area of elevator cars shall provide space for wheelchair users to enter the car, maneuver



#### 4.10.12 Car Controls

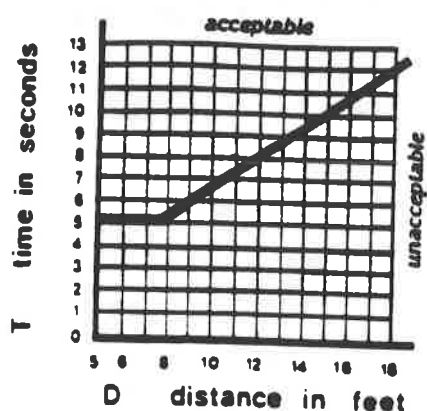


Fig. 21  
Graph of Timing Equation

within reach of controls, and exit from the car. Acceptable door opening and inside dimensions shall be as shown in Fig. 22. The clearance between the car platform sill and the edge of any hoistway landing shall be no greater than 1-1/4 in (32 mm).

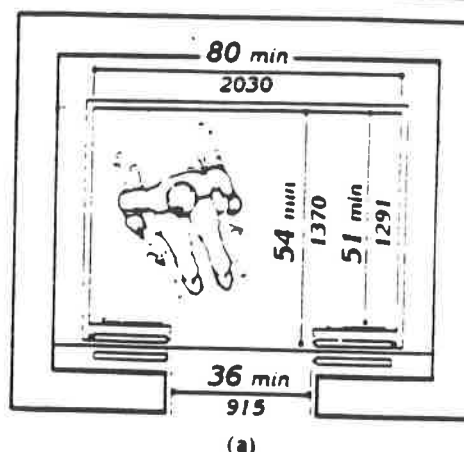
**4.10.10 Floor Surfaces.** Floor surfaces shall comply with 4.5.

**4.10.11 Illumination Levels.** The level of illumination at the car controls, platform, and car threshold and landing sill shall be at least 5 footcandles (53.8 lux).

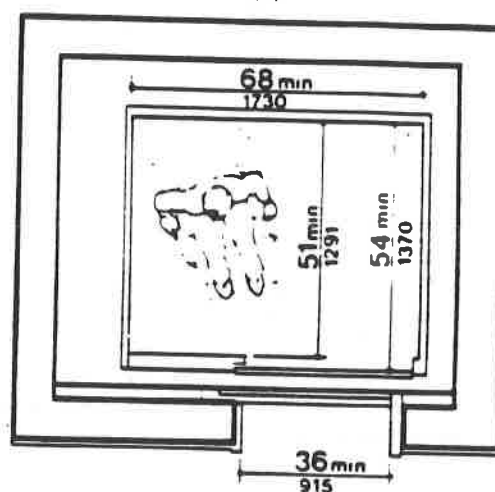
**4.10.12\* Car Controls.** Elevator control panels shall have the following features:

(1) **Buttons.** All control buttons shall be at least 3/4 in (19 mm) in their smallest dimension. They shall be raised or flush.

(2) **Tactile, Braille, and Visual Control Indicators.** All control buttons shall be designated by Braille and by raised standard alphabet characters for letters, arabic characters for numerals, or standard symbols as shown in Fig. 23(a), and as required in ASME A17.1-1990. Raised and Braille characters and symbols shall comply with 4.30. The call button for the main entry floor shall be designated by a raised star at the left of the floor designation (see Fig. 23(a)). All raised designations for control buttons shall be placed immediately to the left of the button to which they apply. Applied plates,



(a)



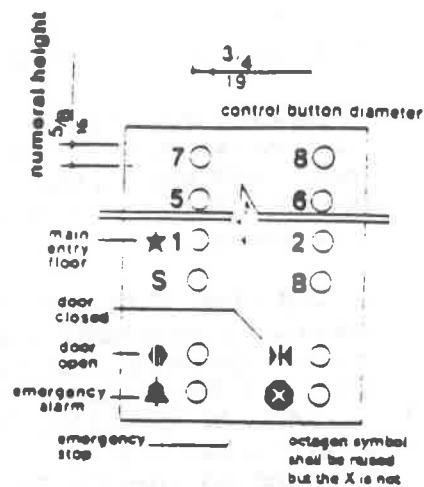
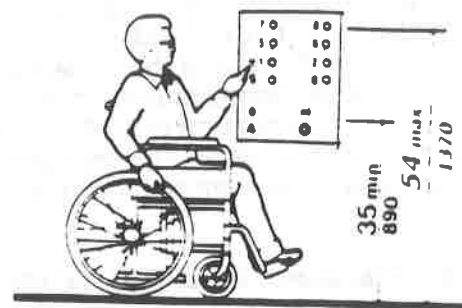
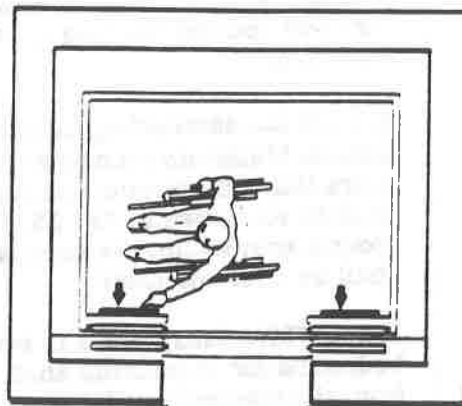
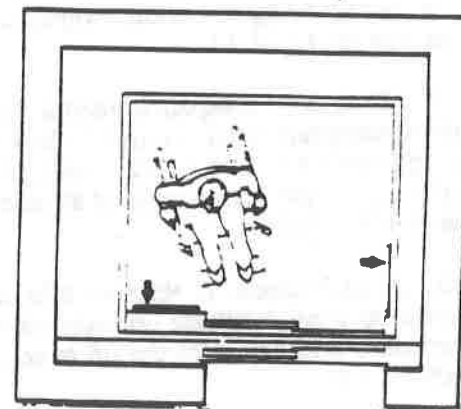
(b)

Fig. 22  
Minimum Dimensions of Elevator Cars

permanently attached, are an acceptable means to provide raised control designations. Floor buttons shall be provided with visual indicators to show when each call is registered. The visual indicators shall be extinguished when each call is answered.

(3) **Height.** All floor buttons shall be no higher than 54 in (1370 mm) above the finish floor for side approach and 48 in (1220 mm) for front approach. Emergency controls, including the emergency alarm and emergency stop, shall be grouped at the bottom of the panel and shall have their centerlines no less than 35 in (890 mm) above the finish floor (see Fig. 23(a) and (b)).



(a)  
Panel Detail(b)  
Car Control Height(c)  
Alternate Locations of Panel  
with Center Opening Door(d)  
Alternate Locations of Panel  
with Side Opening DoorFig. 23  
Car Controls

(4) Location. Controls shall be located on a front wall if cars have center opening doors, and at the side wall or at the front wall next to the door if cars have side opening doors (see Fig. 23(c) and (d)).

**4.10.13\* Car Position Indicators.** In elevator cars, a visual car position indicator shall be provided above the car control panel or over the door to show the position of the elevator in the hoistway. As the car passes or stops at a floor served by the elevators, the corresponding numerals shall illuminate.

and an audible signal shall sound. Numerals shall be a minimum of 1/2 in (13 mm) high. The audible signal shall be no less than 20 decibels with a frequency no higher than 1500 Hz. An automatic verbal announcement of the floor number at which a car stops or which a car passes may be substituted for the audible signal.

**4.10.14\* Emergency Communications.** If provided, emergency two-way communication systems between the elevator and a point outside the hoistway shall comply with ASME

## 4.1 I Platform Lifts (Wheelchair Lifts)

A17.1-1990. The highest operable part of a two-way communication system shall be a maximum of 48 in (1220 mm) from the floor of the car. It shall be identified by a raised symbol and lettering complying with 4.30 and located adjacent to the device. If the system uses a handset then the length of the cord from the panel to the handset shall be at least 29 in (735 mm). *If the system is located in a closed compartment the compartment door hardware shall conform to 4.27, Controls and Operating Mechanisms. The emergency inter-communication system shall not require voice communication.*

### 4.11 Platform Lifts (Wheelchair Lifts).

**4.11.1 Location.** Platform lifts (wheelchair lifts) permitted by 4.1 shall comply with the requirements of 4.11.

**4.11.2\* Other Requirements.** If platform lifts (wheelchair lifts) are used, they shall comply with 4.2.4, 4.5, 4.27, and ASME A17.1 Safety Code for Elevators and Escalators, Section XX, 1990.

**4.11.3 Entrance.** *If platform lifts are used then they shall facilitate unassisted entry, operation, and exit from the lift in compliance with 4.11.2.*

### 4.12 Windows.

**4.12.1\* General.** (Reserved).

**4.12.2\* Window Hardware.** (Reserved).

### 4.13 Doors.

**4.13.1 General.** Doors required to be accessible by 4.1 shall comply with the requirements of 4.13.

**4.13.2 Revolving Doors and Turnstiles.** Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route. An accessible gate or door shall be provided adjacent to the turnstile or revolving door and shall be so designed as to facilitate the same use pattern.

**4.13.3 Gates.** Gates, including ticket gates, shall meet all applicable specifications of 4.13.

**4.13.4 Double-Leaf Doorways.** If doorways have two *independently operated* door leaves, then at least one leaf shall meet the specifications in 4.13.5 and 4.13.6. That leaf shall be an active leaf.

**4.13.5 Clear Width.** Doorways shall have a minimum clear opening of 32 in (815 mm) with the door open 90 degrees, measured between the face of the door and the *opposite* stop (see Fig. 24(a), (b), (c), and (d)). Openings more than 24 in (610 mm) in depth shall comply with 4.2.1 and 4.3.3 (see Fig. 24(e)).

**EXCEPTION:** *Doors not requiring full user passage, such as shallow closets, may have the clear opening reduced to 20 in (510 mm) minimum.*

**4.13.6 Maneuvering Clearances at Doors.** Minimum maneuvering clearances at doors that are not automatic or power-assisted shall be as shown in Fig. 25. The floor or ground area within the required clearances shall be level and clear.

**EXCEPTION:** Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement for space at the latch side of the door (see dimension "x" in Fig. 25) if the door is at least 44 in (1120 mm) wide.

**4.13.7 Two Doors in Series.** The minimum space between two hinged or pivoted doors in series shall be 48 in (1220 mm) plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors (see Fig. 26).

**4.13.8\* Thresholds at Doorways.** Thresholds at doorways shall not exceed 3/4 in (19 mm) in height for exterior sliding doors or 1/2 in (13 mm) for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2 (see 4.5.2).

**4.13.9\* Door Hardware.** Handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy

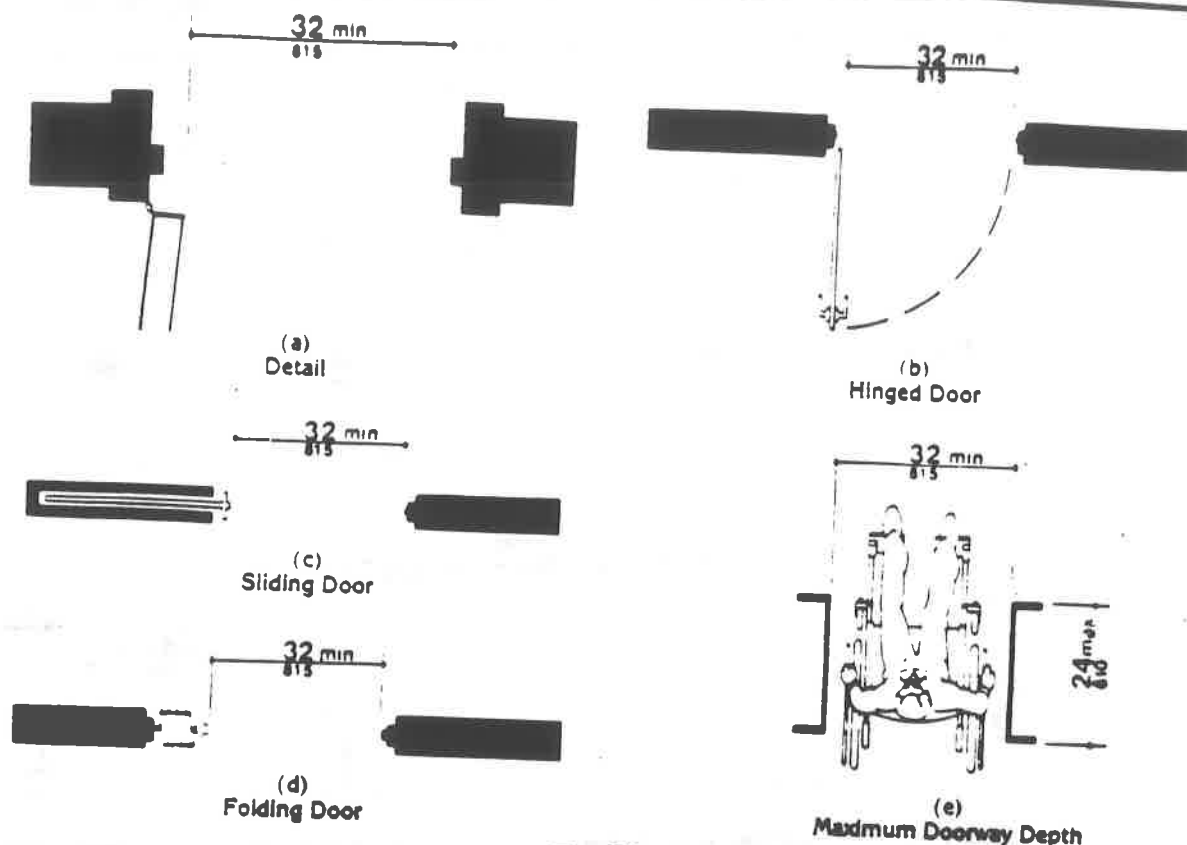


Fig. 24  
Clear Doorway Width and Depth

to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Hardware required for accessible door passage shall be mounted no higher than 48 in (1220 mm) above finished floor.

**4.13.10\* Door Closers.** If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees, the door will take at least 3 seconds to move to a point 3 in (75 mm) from the latch, measured to the leading edge of the door.

**4.13.11\* Door Opening Force.** The maximum force for pushing or pulling open a door shall be as follows:

(1) Fire doors shall have the minimum opening force allowable by the appropriate administrative authority.

(2) Other doors.

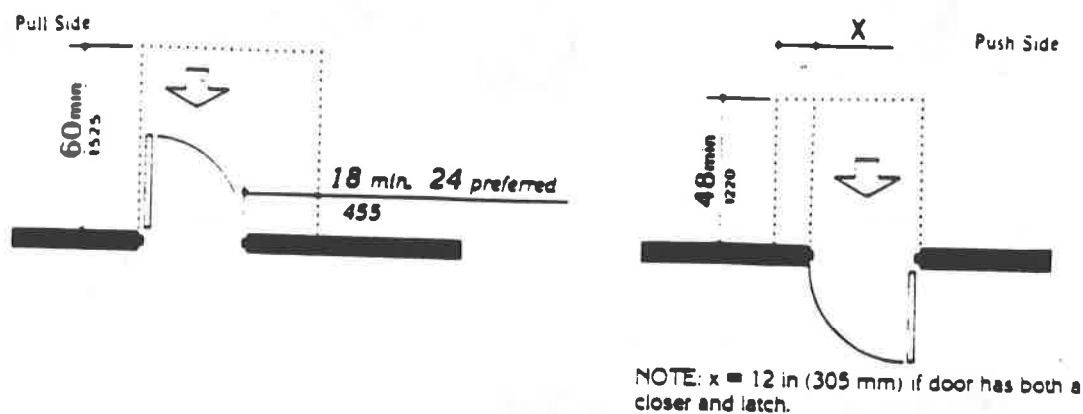
(a) exterior hinged doors: *(Reserved)*.

(b) interior hinged doors: 5 lbf (22.2N)

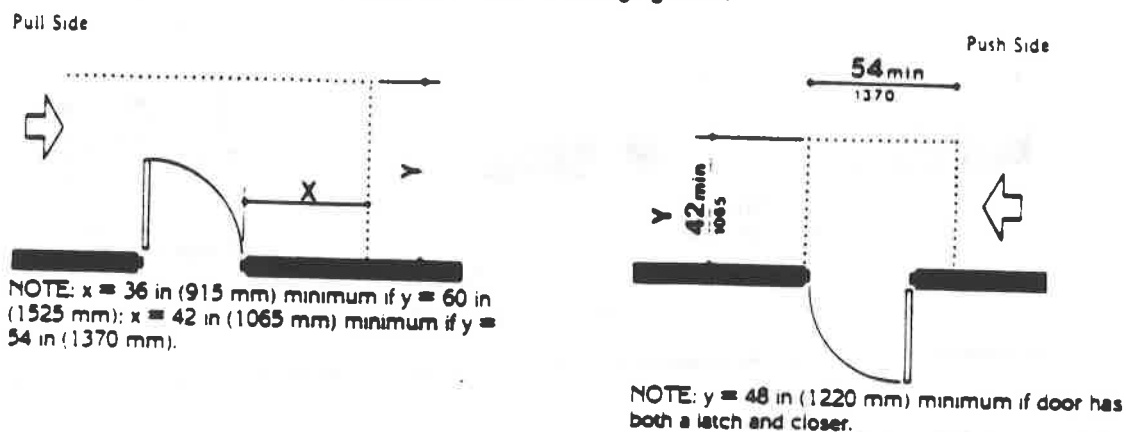
(c) sliding or folding doors: 5 lbf (22.2N)

These forces do not apply to the force required to retract latch bolts or disengage other devices that may hold the door in a closed position.

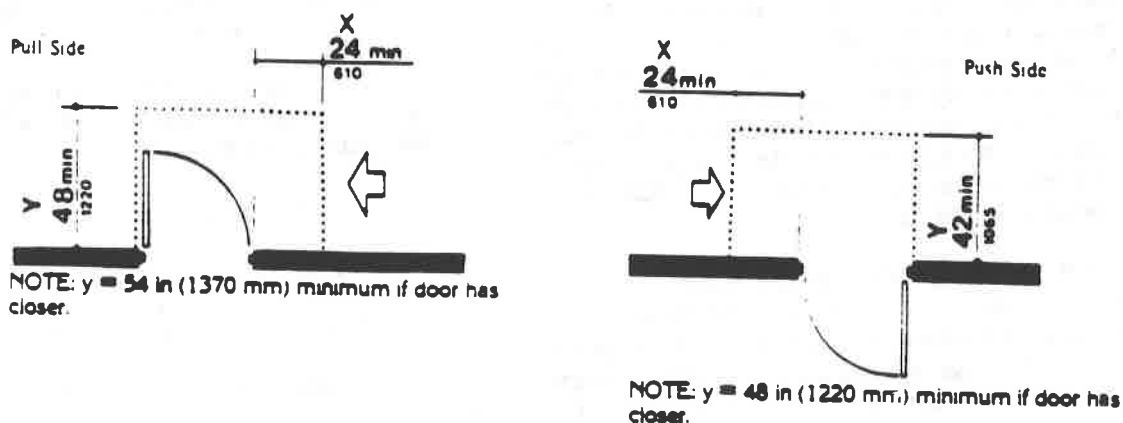
## 4.13 Doors



(a)  
Front Approaches — Swinging Doors



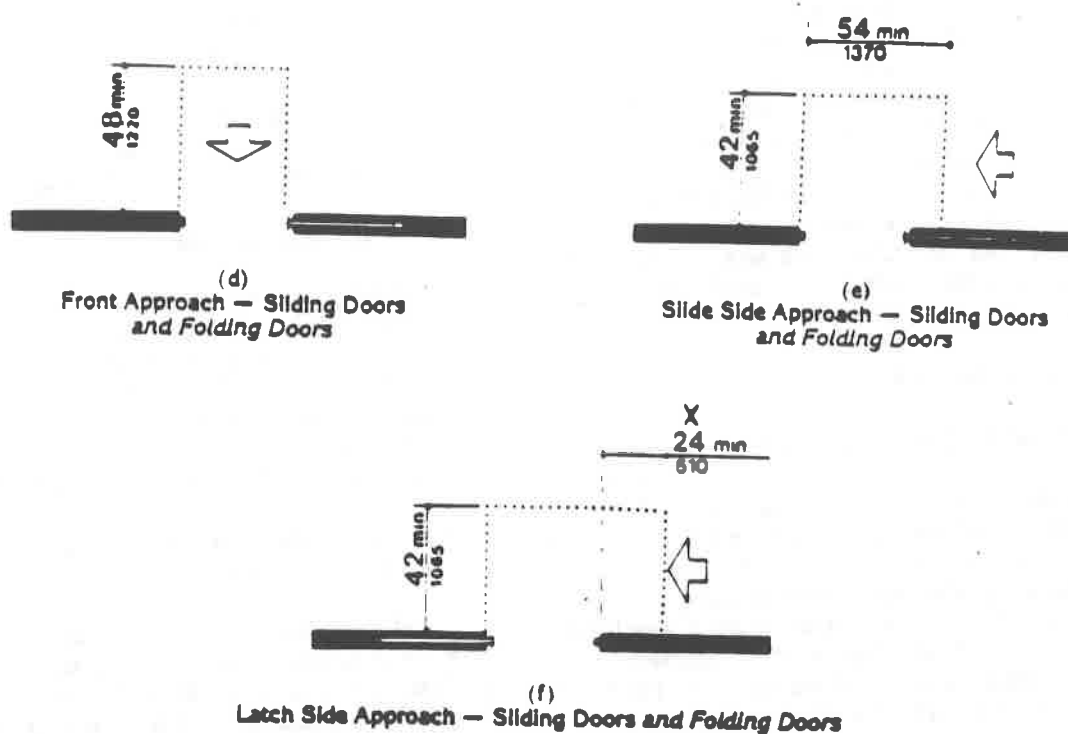
(b)  
Hinge Side Approaches — Swinging Doors



(c)  
Latch Side Approaches — Swinging Doors

NOTE: All doors in alcoves shall comply with the clearances for front approaches.

**Fig 25**  
Maneuvering Clearances at Doors



NOTE: All doors in alcoves shall comply with the clearances for front approaches.

Fig. 25  
Maneuvering Clearances at Doors (Continued)

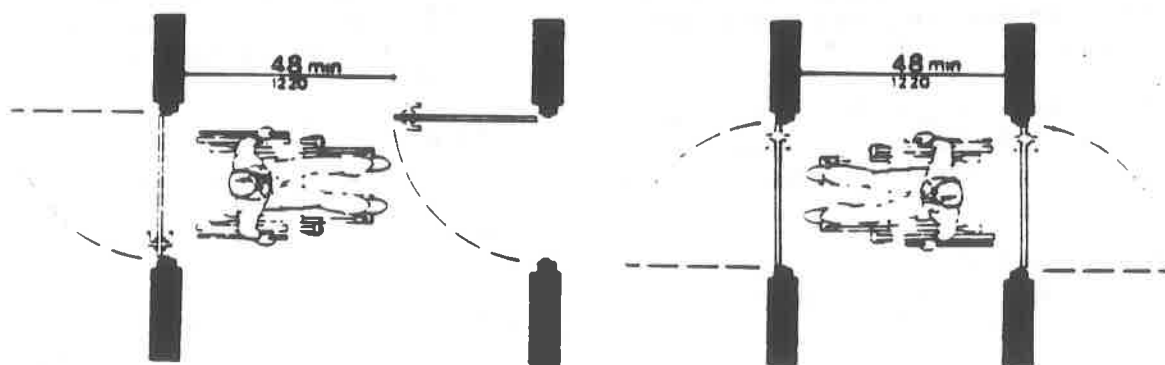


Fig. 26  
Two Hinged Doors in Series

## 4.14 Entrances

**4.13.12\* Automatic Doors and Power-Assisted Doors.** If an automatic door is used, then it shall comply with ANSI/BHMA A156.10-1985. Slowly opening, low-powered, automatic doors shall comply with ANSI A156.19-1984. Such doors shall not open to back check faster than 3 seconds and shall require no more than 15 lbf (66.6N) to stop door movement. If a power-assisted door is used, its door-opening force shall comply with 4.13.11 and its closing shall conform to the requirements in ANSI A156.19-1984.

## 4.14 Entrances.

**4.14.1 Minimum Number.** Entrances required to be accessible by 4.1 shall be part of an accessible route complying with 4.3. Such entrances shall be connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, and to public streets or sidewalks if available (see 4.3.2(1)). They shall also be connected by an accessible route to all accessible spaces or elements within the building or facility.

**4.14.2 Service Entrances.** A service entrance shall not be the sole accessible entrance unless it is the only entrance to a building or facility (for example, in a factory or garage).

## 4.15 Drinking Fountains and Water Coolers.

**4.15.1 Minimum Number.** Drinking fountains or water coolers required to be accessible by 4.1 shall comply with 4.15.

**4.15.2\* Spout Height.** Spouts shall be no higher than 36 in (915 mm), measured from the floor or ground surfaces to the spout outlet (see Fig. 27(a)).

**4.15.3 Spout Location.** The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or nearly parallel to the front of the unit. The spout shall provide a flow of water at least 4 in (100 mm) high so as to allow the insertion of a cup or glass under the flow of water. On an accessible drinking fountain with a round or

oval bowl, the spout must be positioned so the flow of water is within 3 in (75 mm) of the front edge of the fountain.

**4.15.4 Controls.** Controls shall comply with 4.27.4. Unit controls shall be front mounted or side mounted near the front edge.

## 4.15.5 Clearances.

(1) Wall- and post-mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least 27 in (685 mm) high, 30 in (760 mm) wide, and 17 in to 19 in (430 mm to 485 mm) deep (see Fig. 27(a) and (b)). Such units shall also have a minimum clear floor space 30 in by 48 in (760 mm by 1220 mm) to allow a person in a wheelchair to approach the unit facing forward.

(2) Free-standing or built-in units not having a clear space under them shall have a clear floor space at least 30 in by 48 in (760 mm by 1220 mm) that allows a person in a wheelchair to make a parallel approach to the unit (see Fig. 27(c) and (d)). This clear floor space shall comply with 4.2.4.

## 4.16 Water Closets.

**4.16.1 General.** Accessible water closets shall comply with 4.16.

**4.16.2 Clear Floor Space.** Clear floor space for water closets not in stalls shall comply with Fig. 28. Clear floor space may be arranged to allow either a left-handed or right-handed approach.

**4.16.3\* Height.** The height of water closets shall be 17 in to 19 in (430 mm to 485 mm), measured to the top of the toilet seat (see Fig. 29(b)). Seats shall not be sprung to return to a lifted position.

**4.16.4\* Grab Bars.** Grab bars for water closets not located in stalls shall comply with 4.26 and Fig. 29. The grab bar behind the water closet shall be 36 in (915 mm) minimum.

**4.16.5\* Flush Controls.** Flush controls shall be hand operated or automatic and shall comply with 4.27.4. Controls for flush valves

shall be mounted on the wide side of toilet areas no more than 44 in (1120 mm) above the floor.

**4.16.6 Dispensers.** Toilet paper dispensers shall be installed within reach, as shown in Fig. 29(b). *Dispensers that control delivery, or that do not permit continuous paper flow, shall not be used.*

## 4.17 Toilet Stalls.

**4.17.1 Location.** Accessible toilet stalls shall be on an accessible route and shall meet the requirements of 4.17.

**4.17.2 Water Closets.** Water closets in accessible stalls shall comply with 4.16.

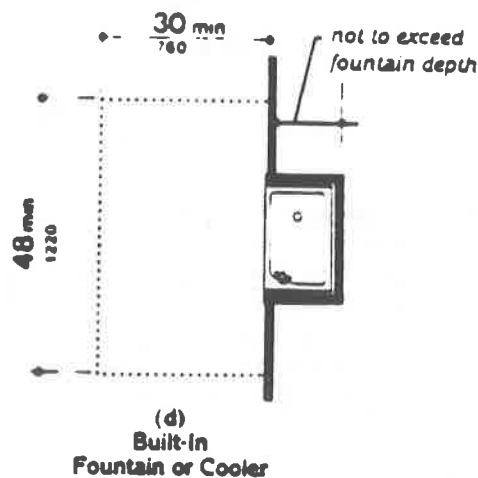
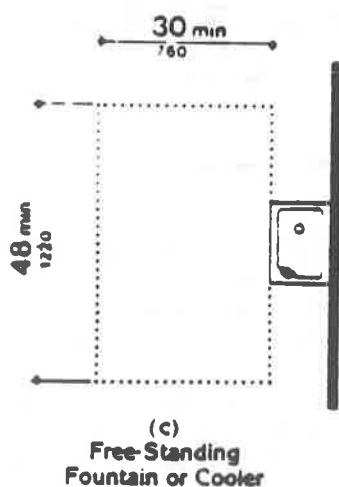
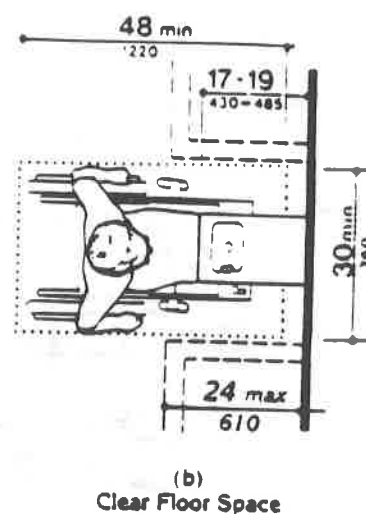
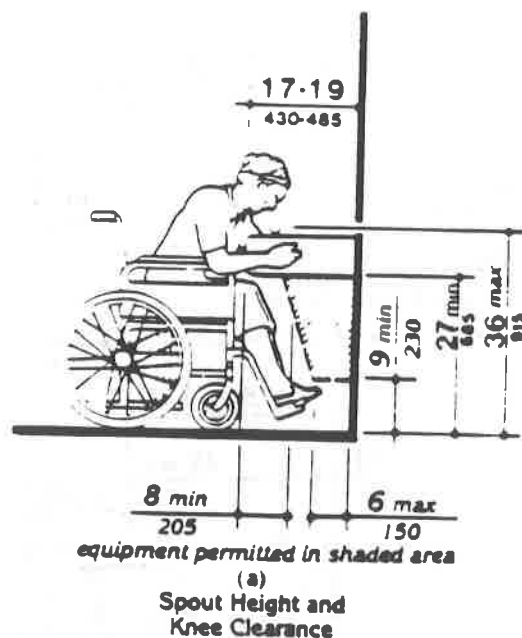


Fig. 27  
Drinking Fountains and Water Coolers



## 4.17 Toilet Stalls

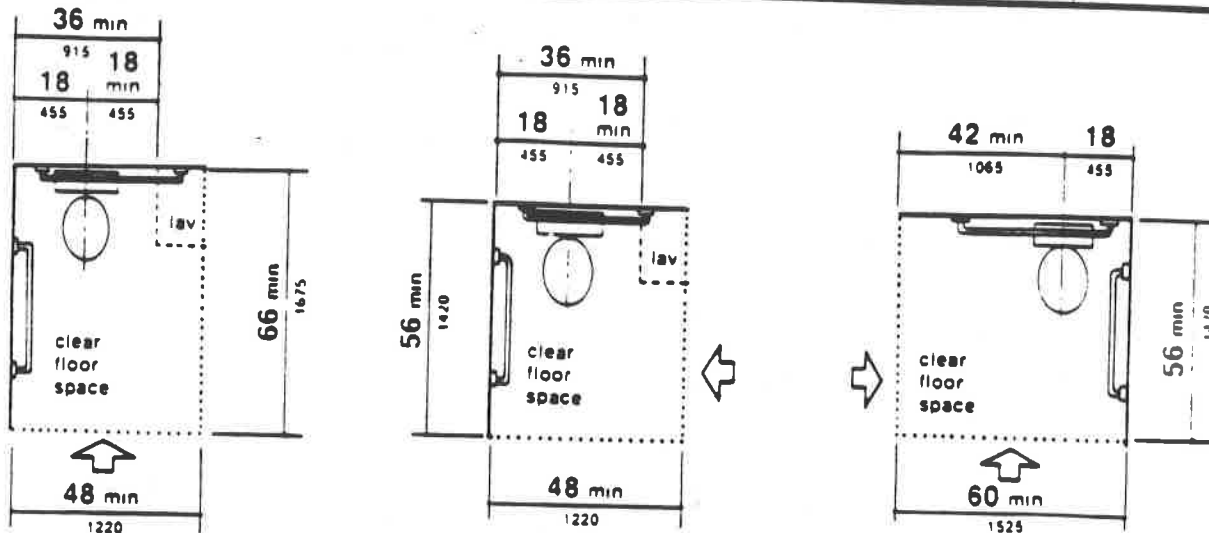


Fig. 28  
Clear Floor Space at Water Closets

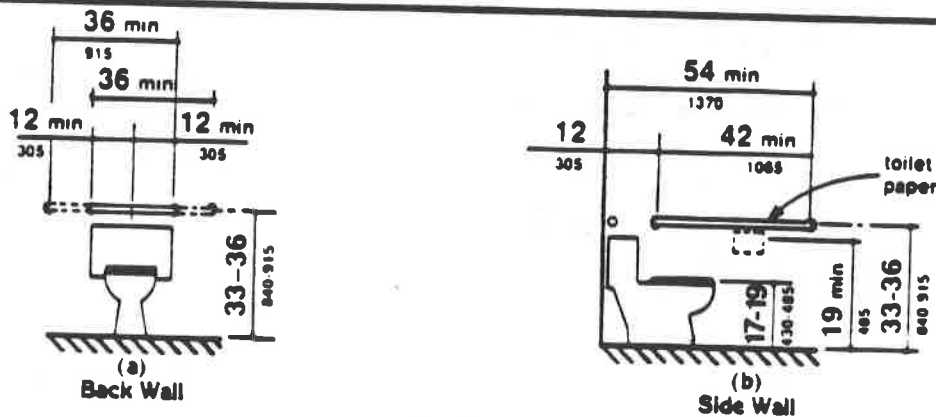


Fig. 29  
Grab Bars at Water Closets

**4.17.3° Size and Arrangement.** The size and arrangement of the standard toilet stall shall comply with Fig. 30(a), *Standard Stall*. Standard toilet stalls with a minimum depth of 56 in (1420 mm) (see Fig. 30(a)) shall have wall-mounted water closets. If the depth of a standard toilet stall is increased at least 3 in (75 mm), then a floor-mounted water closet may be used. Arrangements shown for standard toilet stalls may be reversed to allow either a left- or right-hand approach. Additional stalls shall be provided in conformance with 4.22.4.

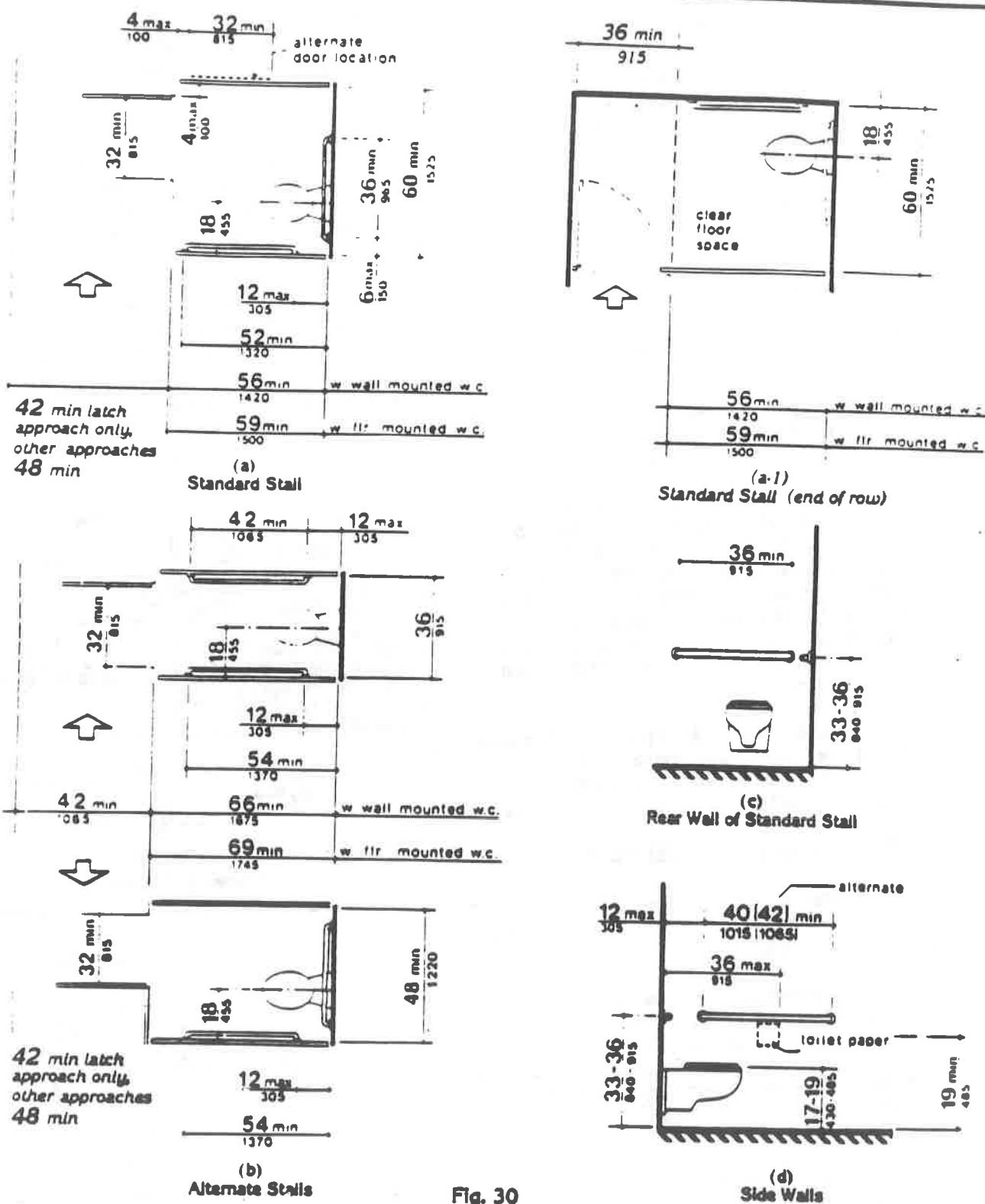
**EXCEPTION:** In instances of alteration work where provision of a standard stall (Fig. 30(a))

is technically infeasible or where plumbing code requirements prevent combining existing stalls to provide space, either alternate stall (Fig. 30(b)) may be provided in lieu of the standard stall.

**4.17.4 Toe Clearances.** In standard stalls, the front partition and at least one side partition shall provide a toe clearance of at least 9 in (230 mm) above the floor. If the depth of the stall is greater than 60 in (1525 mm), then the toe clearance is not required.

**4.17.5° Doors.** Toilet stall doors, including door hardware, shall comply with 4.13. If toilet stall approach is from the latch side of the stall door, clearance between the door side of the





**Fig. 30**  
**Toilet Stalls**

## 4.19 Lavatories and Mirrors

stall and any obstruction may be reduced to a minimum of 42 in (1065 mm) (Fig. 30).

**4.17.6 Grab Bars.** Grab bars complying with the length and positioning shown in Fig. 30(a), (b), (c), and (d) shall be provided. Grab bars may be mounted with any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear floor area. Grab bars shall comply with 4.26.

### 4.18 Urinals.

**4.18.1 General.** Accessible urinals shall comply with 4.18.

**4.18.2 Height.** Urinals shall be stall-type or wall-hung with an elongated rim at a maximum of 17 in (430 mm) above the finish floor.

**4.18.3 Clear Floor Space.** A clear floor space 30 in by 48 in (760 mm by 1220 mm) shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with 4.2.4. Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with 29 in (735 mm) clearance between them.

**4.18.4 Flush Controls.** Flush controls shall be hand operated or automatic, and shall comply with 4.27.4, and shall be mounted no more than 44 in (1120 mm) above the finish floor.

## 4.19 Lavatories and Mirrors.

**4.19.1 General.** The requirements of 4.19 shall apply to lavatory fixtures, vanities, and built-in lavatories.

**4.19.2 Height and Clearances.** Lavatories shall be mounted with the rim or counter surface no higher than 34 in (865 mm) above the finish floor. Provide a clearance of at least 29 in (735 mm) above the finish floor to the bottom of the apron. Knee and toe clearance shall comply with Fig. 31.

**4.19.3 Clear Floor Space.** A clear floor space 30 in by 48 in (760 mm by 1220 mm) complying with 4.2.4 shall be provided in front of a lavatory to allow forward approach. Such

clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of 19 in (485 mm) underneath the lavatory (see Fig. 32).

**4.19.4 Exposed Pipes and Surfaces.** Hot water and drain pipes under lavatories shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories.

**4.19.5 Faucets.** Faucets shall comply with 4.27.4. Lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs. If self-closing valves are

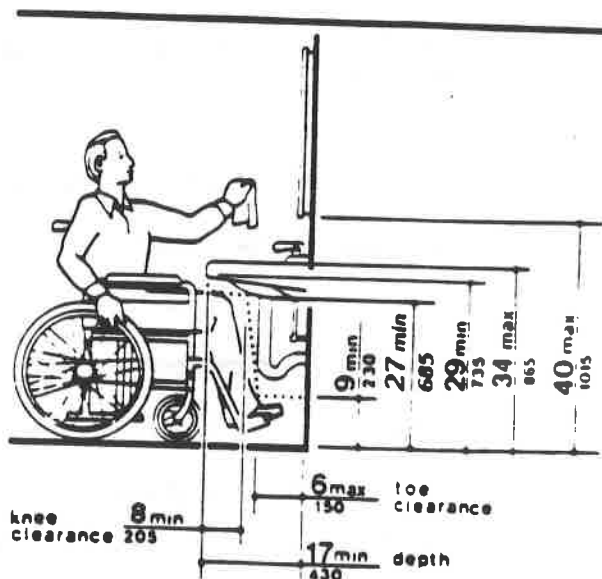


Fig. 31  
Lavatory Clearances

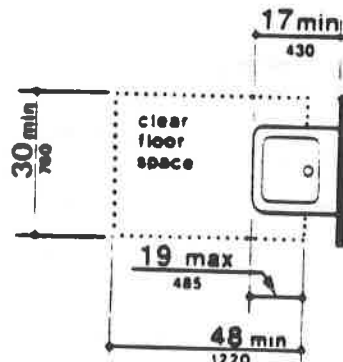


Fig. 32  
Clear Floor Space at Lavatories

used the faucet shall remain open for at least 10 seconds.

**4.19.6\* Mirrors.** Mirrors shall be mounted with the bottom edge of the reflecting surface no higher than 40 in (1015 mm) above the finish floor (see Fig. 31).

## 4.20 Bathtubs.

**4.20.1 General.** Accessible bathtubs shall comply with 4.20.

**4.20.2 Floor Space.** Clear floor space in front of bathtubs shall be as shown in Fig. 33.

**4.20.3 Seat.** An in-tub seat or a seat at the head end of the tub shall be provided as shown in Fig. 33 and 34. The structural strength of seats and their attachments shall comply with 4.26.3. Seats shall be mounted securely and shall not slip during use.

**4.20.4 Grab Bars.** Grab bars complying with 4.26 shall be provided as shown in Fig. 33 and 34.

**4.20.5 Controls.** Faucets and other controls complying with 4.27.4 shall be located as shown in Fig. 34.

**4.20.6 Shower Unit.** A shower spray unit with a hose at least 60 in (1525 mm) long that can be used both as a fixed shower head and as a hand-held shower shall be provided.

**4.20.7 Bathtub Enclosures.** If provided, enclosures for bathtubs shall not obstruct controls or transfer from wheelchairs onto bathtub seats or into tubs. Enclosures on bathtubs shall not have tracks mounted on their rims.

## 4.21 Shower Stalls.

**4.21.1\* General.** Accessible shower stalls shall comply with 4.21.

**4.21.2 Size and Clearances.** Except as specified in 9.1.2, shower stall size and clear floor space shall comply with Fig. 35(a) or (b). The shower stall in Fig. 35(a) shall be 36 in by 36 in (915 mm by 915 mm). Shower stalls required by 9.1.2 shall comply with Fig. 57(a)

or (b). The shower stall in Fig. 35(b) will fit into the space required for a bathtub.

**4.21.3 Seat.** A seat shall be provided in shower stalls 36 in by 36 in (915 mm by 915 mm) and shall be as shown in Fig. 36. The seat shall be mounted 17 in to 19 in (430 mm to 485 mm) from the bathroom floor and shall extend the full depth of the stall. In a 36 in by 36 in (915 mm by 915 mm) shower stall, the seat shall be on the wall opposite the controls. Where a fixed seat is provided in a 30 in by 60 in minimum (760 mm by 1525 mm) shower stall, it shall be a folding type and shall be mounted on the wall adjacent to the controls as shown in Fig. 57. The structural strength of seats and their attachments shall comply with 4.26.3.

**4.21.4 Grab Bars.** Grab bars complying with 4.26 shall be provided as shown in Fig. 37.

**4.21.5 Controls.** Faucets and other controls complying with 4.27.4 shall be located as shown in Fig. 37. In shower stalls 36 in by 36 in (915 mm by 915 mm), all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

**4.21.6 Shower Unit.** A shower spray unit with a hose at least 60 in (1525 mm) long that can be used both as a fixed shower head and as a hand-held shower shall be provided.

**EXCEPTION:** In unmonitored facilities where vandalism is a consideration, a fixed shower head mounted at 48 in (1220 mm) above the shower floor may be used in lieu of a hand-held shower head.

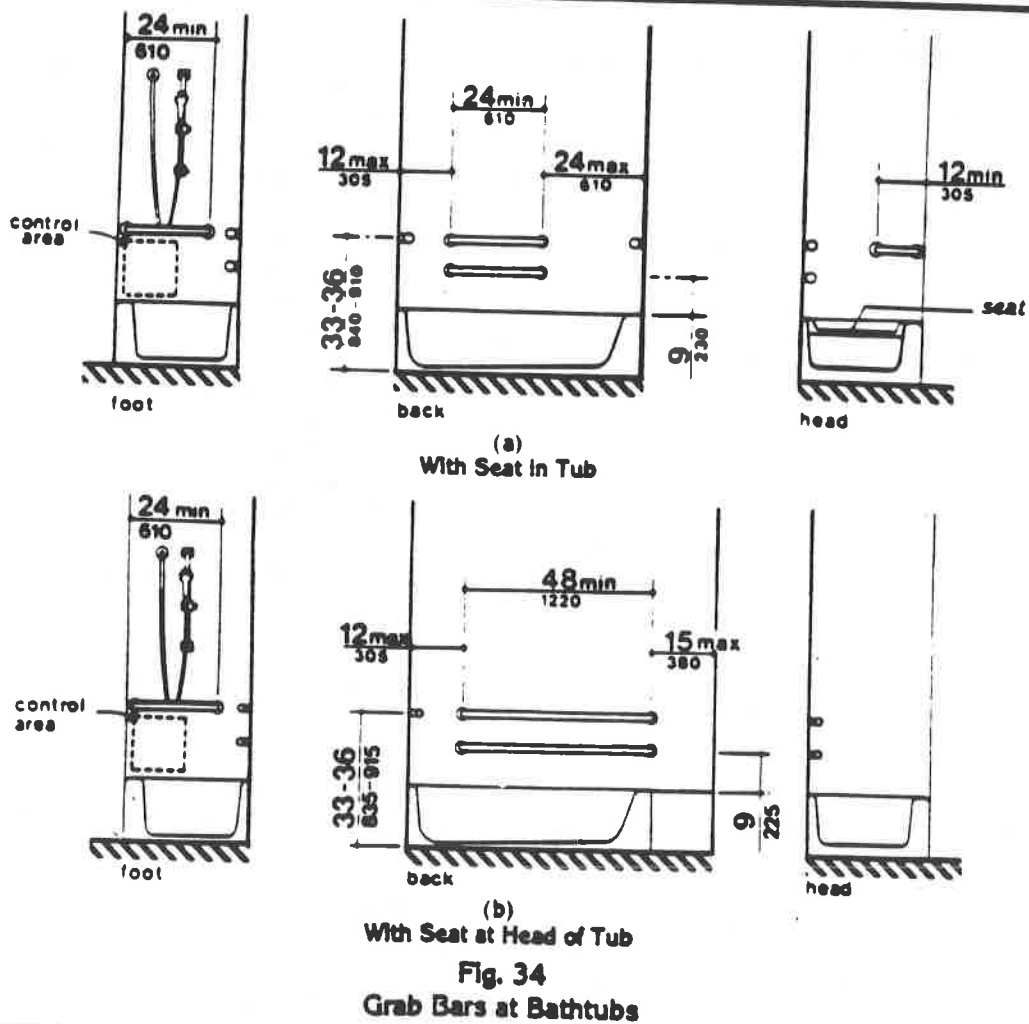
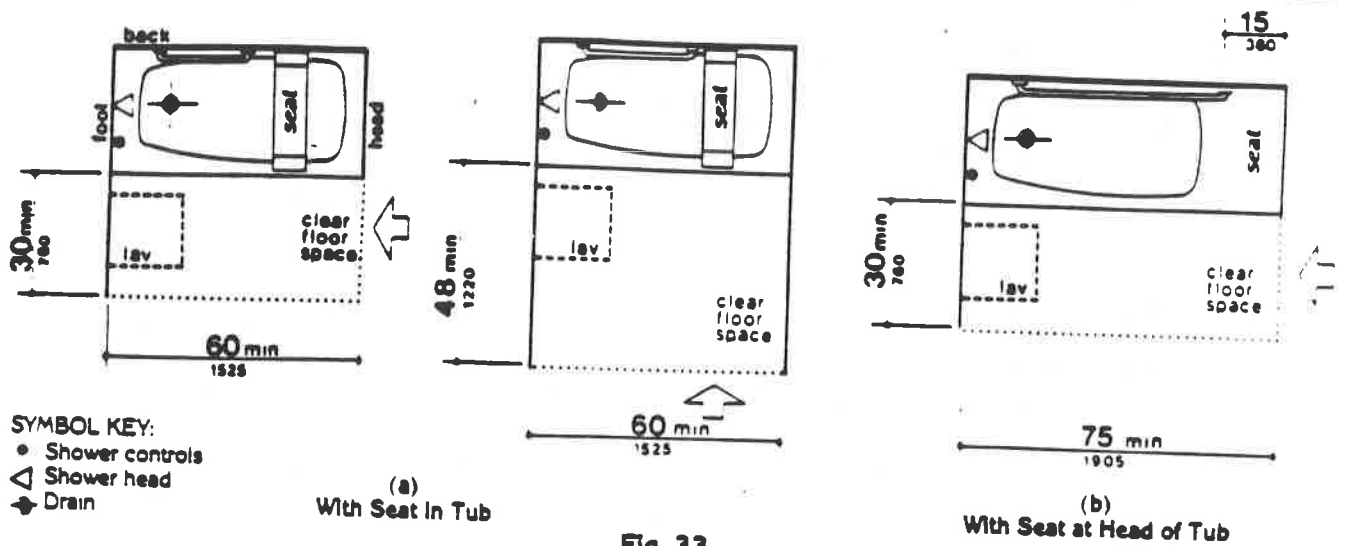
**4.21.7 Curbs.** If provided, curbs in shower stalls 36 in by 36 in (915 mm by 915 mm) shall be no higher than 1/2 in (13 mm). Shower stalls that are 30 in by 60 in (760 mm by 1525 mm) minimum shall not have curbs.

**4.21.8 Shower Enclosures.** If provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats.

## 4.22 Toilet Rooms.

**4.22.1 Minimum Number.** Toilet facilities required to be accessible by 4.1 shall comply

## 4.21 Shower Stalls



with 4.22. Accessible toilet rooms shall be on an accessible route.

**4.22.2 Doors.** All doors to accessible toilet rooms shall comply with 4.13. Doors shall not swing into the clear floor space required for any fixture.

**4.22.3\* Clear Floor Space.** The accessible fixtures and controls required in 4.22.4, 4.22.5, 4.22.6, and 4.22.7 shall be on an accessible route. An unobstructed turning space complying with 4.2.3 shall be provided within an accessible toilet room. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap.

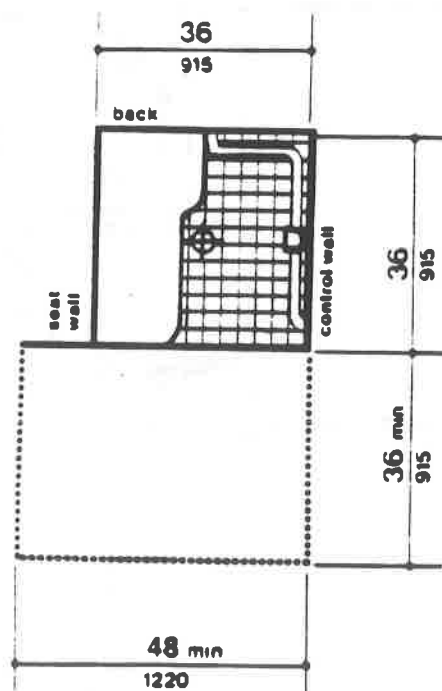
**4.22.4 Water Closets.** If toilet stalls are provided, then at least one shall be a standard

toilet stall complying with 4.17; where 6 or more stalls are provided, in addition to the stall complying with 4.17.3, at least one stall 36 in (915 mm) wide with an outward swinging, self-closing door and parallel grab bars complying with Fig. 30(d) and 4.26 shall be provided. Water closets in such stalls shall comply with 4.16. If water closets are not in stalls, then at least one shall comply with 4.16.

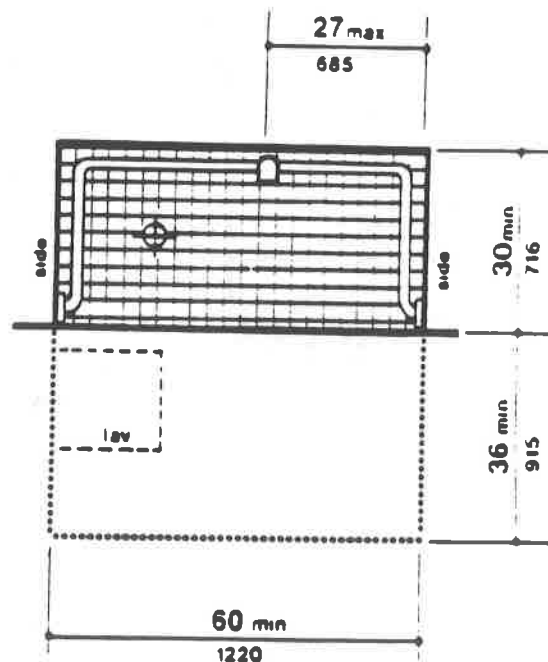
**4.22.5 Urinals.** If urinals are provided, then at least one shall comply with 4.18.

**4.22.6 Lavatories and Mirrors.** If lavatories and mirrors are provided, then at least one of each shall comply with 4.19.

**4.22.7 Controls and Dispenser.** If controls, dispensers, receptacles, or other



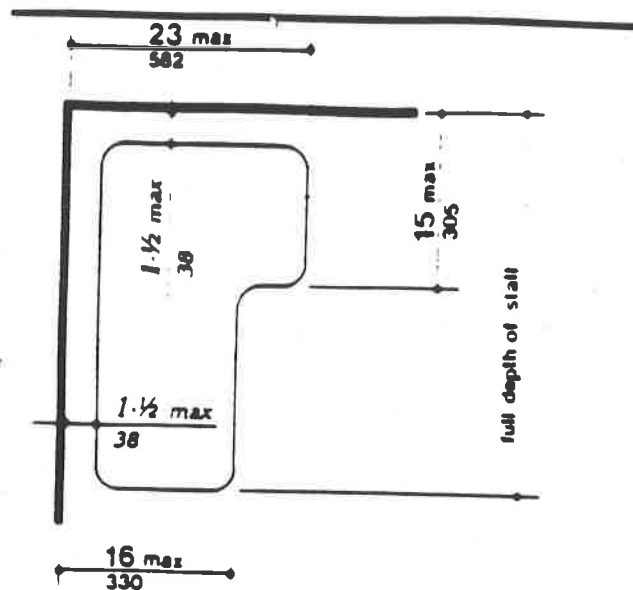
(a)  
36-in by 36-in  
(915-mm by 915-mm) Stall



(b)  
30-in by 60-in  
(760-mm by 1525-mm) Stall

Fig. 35.  
Shower Size and Clearances

#### 4.23 Bathrooms, Bathing Facilities, and Shower Rooms



**Fig. 36**  
**Shower Seat Design**

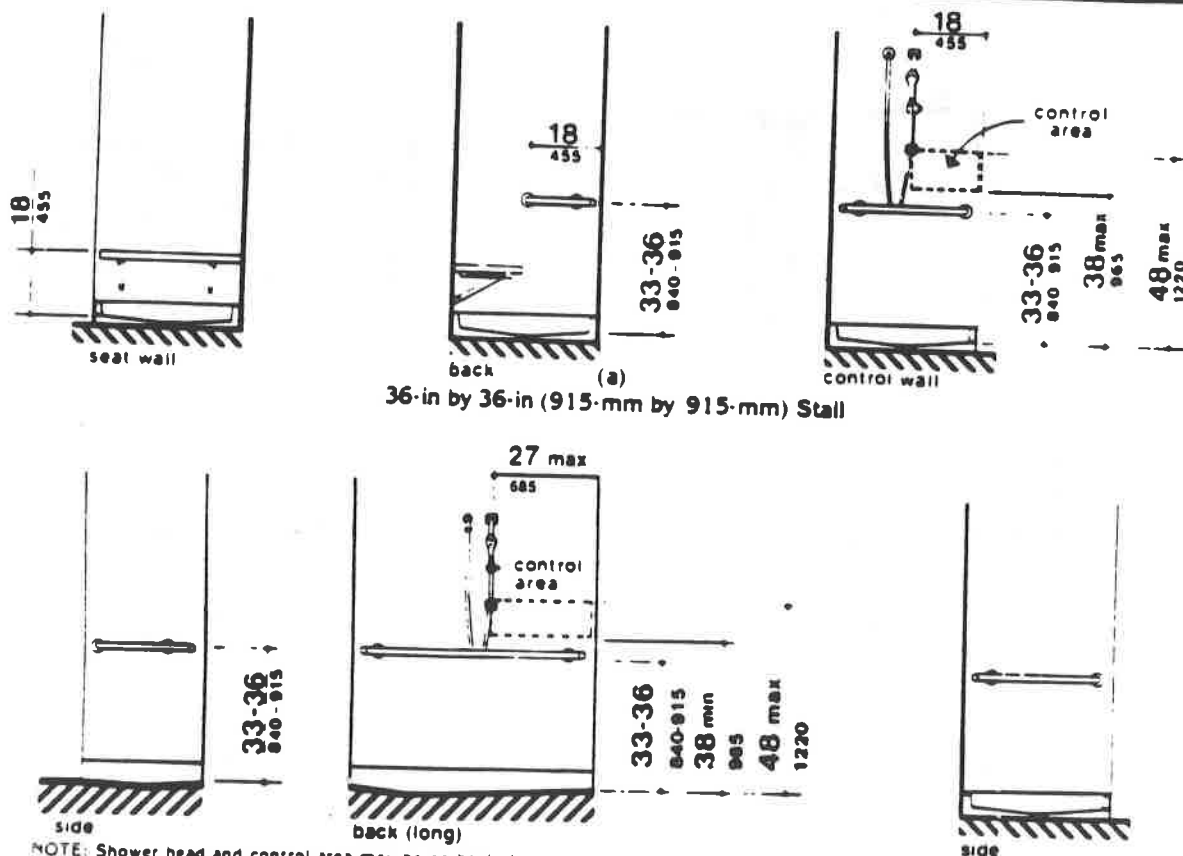
equipment are provided, then at least one of each shall be on an accessible route and shall comply with 4.27.

#### 4.23 Bathrooms, Bathing Facilities, and Shower Rooms.

**4.23.1 Minimum Number.** Bathrooms, bathing facilities, or shower rooms required to be accessible by 4.1 shall comply with 4.23 and shall be on an accessible route.

**4.23.2 Doors.** Doors to accessible bathrooms shall comply with 4.13. Doors shall not swing into the floor space required for any fixture.

**4.23.3\* Clear Floor Space.** The accessible fixtures and controls required in 4.23.4, 4.23.5, 4.23.6, 4.23.7, 4.23.8, and 4.23.9 shall be on an accessible route. An unobstructed turning



NOTE: Shower head and control area may be on back (long) wall (as shown) or on either side wall.

(b)  
30-in by 60-in (760-mm by 1525-mm) Stall

**Fig. 37**  
**Grab Bars at Shower Stalls**



space complying with 4.2.3 shall be provided within an accessible bathroom. The clear floor spaces at fixtures and controls, the accessible route, and the turning space may overlap.

**4.23.4 Water Closets.** If toilet stalls are provided, then at least one shall be a standard toilet stall complying with 4.17; where 6 or more stalls are provided, in addition to the stall complying with 4.17.3, at least one stall 36 in (915 mm) wide with an outward swinging, self-closing door and parallel grab bars complying with Fig. 30(d) and 4.26 shall be provided. Water closets in such stalls shall comply with 4.16. If water closets are not in stalls, then at least one shall comply with 4.16.

**4.23.5 Urinals.** If urinals are provided, then at least one shall comply with 4.18.

**4.23.6 Lavatories and Mirrors.** If lavatories and mirrors are provided, then at least one of each shall comply with 4.19.

**4.23.7 Controls and Dispensers.** If controls, dispensers, receptacles, or other equipment are provided, then at least one of each shall be on an accessible route and shall comply with 4.27.

**4.23.8 Bathing and Shower Facilities.** If tubs or showers are provided, then at least one accessible tub that complies with 4.20 or at least one accessible shower that complies with 4.21 shall be provided.

**4.23.9\* Medicine Cabinets.** If medicine cabinets are provided, at least one shall be located with a usable shelf no higher than 44 in (1120 mm) above the floor space. The floor space shall comply with 4.2.4.

## 4.24 Sinks.

**4.24.1 General.** Sinks required to be accessible by 4.1 shall comply with 4.24.

**4.24.2 Height.** Sinks shall be mounted with the counter or rim no higher than 34 in (865 mm) above the finish floor.

**4.24.3 Knee Clearance.** Knee clearance that is at least 27 in (685 mm) high, 30 in (760 mm) wide, and 19 in (485 mm) deep shall be pro-

vided underneath sinks.

**4.24.4 Depth.** Each sink shall be a maximum of 6-1/2 in (165 mm) deep.

**4.24.5 Clear Floor Space.** A clear floor space at least 30 in by 48 in (760 mm by 1220 mm) complying with 4.2.4 shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend a maximum of 19 in (485 mm) underneath the sink (see Fig. 32).

**4.24.6 Exposed Pipes and Surfaces.** Hot water and drain pipes exposed under sinks shall be insulated or otherwise configured so as to protect against contact. There shall be no sharp or abrasive surfaces under sinks.

**4.24.7 Faucets.** Faucets shall comply with 4.27.4. Lever-operated, push-type, touch-type, or electronically controlled mechanisms are acceptable designs.

## 4.25 Storage.

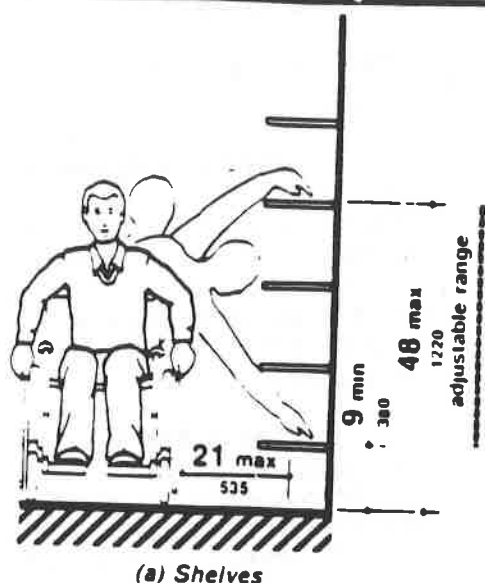
**4.25.1 General.** Fixed storage facilities such as cabinets, shelves, closets, and drawers required to be accessible by 4.1 shall comply with 4.25.

**4.25.2 Clear Floor Space.** A clear floor space at least 30 in by 48 in (760 mm by 1220 mm) complying with 4.2.4 that allows either a forward or parallel approach by a person using a wheelchair shall be provided at accessible storage facilities.

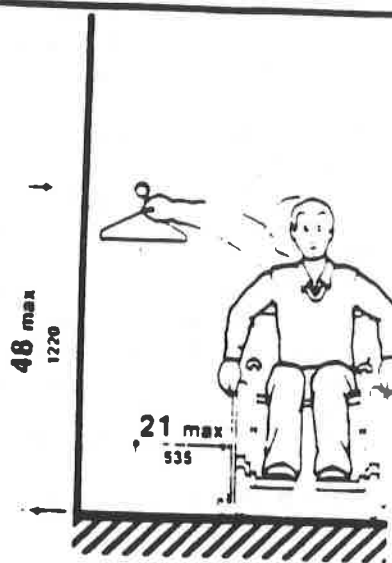
**4.25.3 Height.** Accessible storage spaces shall be within at least one of the reach ranges specified in 4.2.5 and 4.2.6 (see Fig. 5 and Fig. 6). Clothes rods or shelves shall be a maximum of 54 in (1370 mm) above the finish floor for a side approach. Where the distance from the wheelchair to the clothes rod or shelf exceeds 10 in (255 mm) (as in closets without accessible doors) the height and depth to the rod or shelf shall comply with Fig. 38(a) and Fig. 38(b).

**4.25.4 Hardware.** Hardware for accessible storage facilities shall comply with 4.27.4. Touch latches and U-shaped pulls are acceptable.

## 4.26 Handrails, Grab Bars, and Tub and Shower Seats



(a) Shelves



(b) Closets

Fig. 38  
Storage Shelves and Closets

### 4.26 Handrails, Grab Bars, and Tub and Shower Seats.

**4.26.1\* General.** All handrails, grab bars, and tub and shower seats required to be accessible by 4.1, 4.8, 4.9, 4.16, 4.17, 4.20 or 4.21 shall comply with 4.26.

**4.26.2\* Size and Spacing of Grab Bars and Handrails.** The diameter or width of the gripping surfaces of a handrail or grab bar shall be 1-1/4 in to 1-1/2 in (32 mm to 38 mm), or the shape shall provide an equivalent gripping surface. If handrails or grab bars are mounted adjacent to a wall, the space between the wall and the grab bar shall be 1-1/2 in (38 mm) (see Fig. 39(a), (b), (c), and (e)). Handrails may be located in a recess if the recess is a maximum of 3 in (75 mm) deep and extends at least 18 in (455 mm) above the top of the rail (see Fig. 39(d)).

**4.26.3 Structural Strength.** The structural strength of grab bars, tub and shower seats, fasteners, and mounting devices shall meet the following specification:

(1) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 250 lbf (1112N) shall

be less than the allowable stress for the material of the grab bar or seat.

(2) Shear stress induced in a grab bar or seat by the application of 250 lbf (1112N) shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

(3) Shear force induced in a fastener or mounting device from the application of 250 lbf (1112N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

(4) Tensile force induced in a fastener by a direct tension force of 250 lbf (1112N) plus the maximum moment from the application of 250 lbf (1112N) shall be less than the allowable withdrawal load between the fastener and the supporting structure.

(5) Grab bars shall not rotate within their fittings.



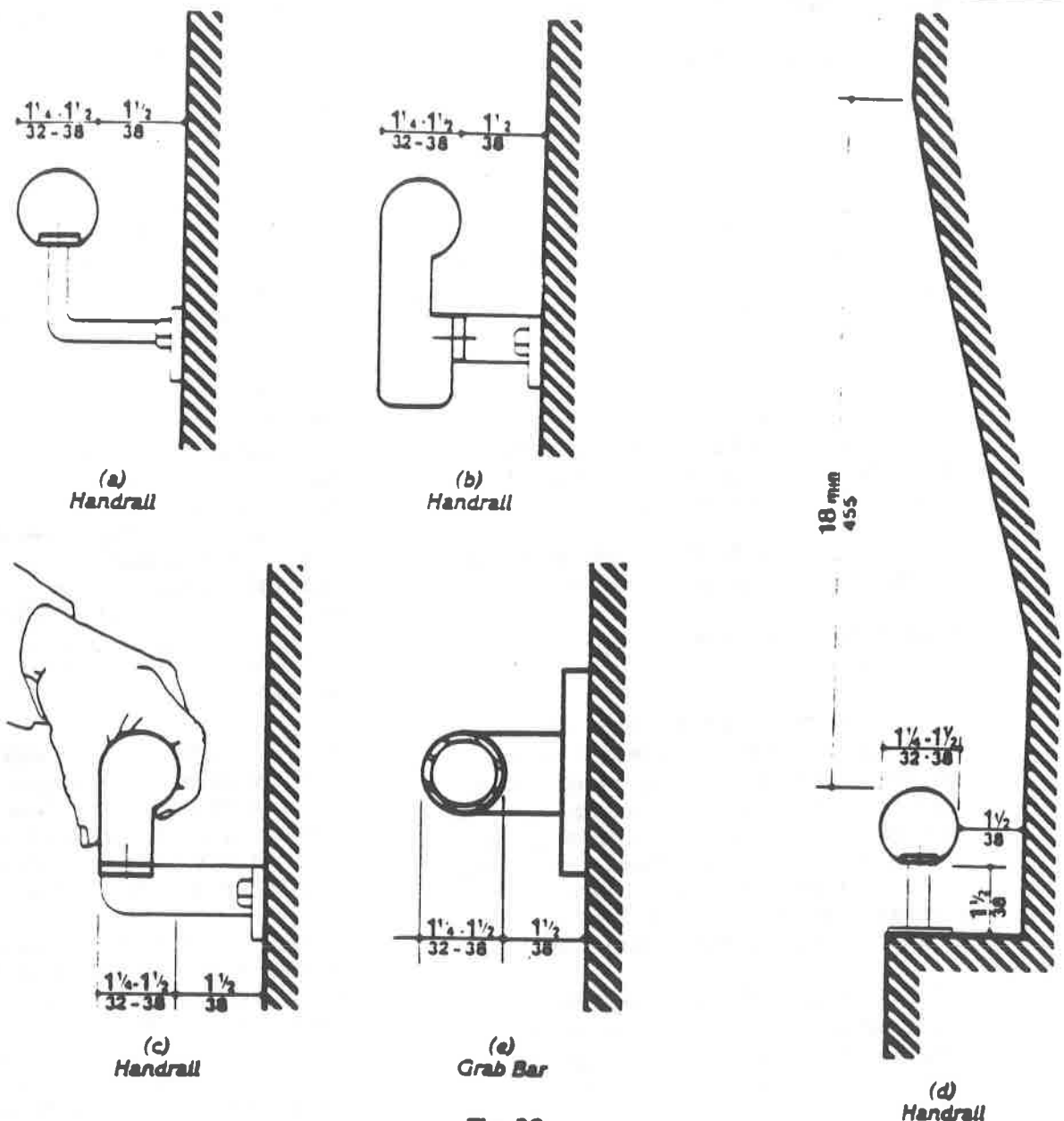


Fig. 39  
Size and Spacing of Handrails and Grab Bars

**4.26.4 Eliminating Hazards.** A handrail or grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of 1/8 in (3.2 mm).

## 4.27 Controls and Operating Mechanisms.

**4.27.1 General.** Controls and operating mechanisms required to be accessible by 4.1 shall comply with 4.27.

## 4.29 Detectable Warnings.

**4.29.1 General.** Detectable warnings required by 4.1 and 4.7 shall comply with 4.29.

**4.29.2\* Detectable Warnings on Walking Surfaces.** Detectable warnings shall consist of raised truncated domes with a diameter of nominal 0.9 in (23 mm), a height of nominal 0.2 in (5 mm) and a center-to-center spacing of nominal 2.35 in (60 mm) and shall contrast visually with adjoining surfaces, either light-on-dark, or dark-on-light.

The material used to provide contrast shall be an integral part of the walking surface. Detectable warnings used on interior surfaces shall differ from adjoining walking surfaces in resiliency or sound-on-cane contact.

**4.29.3 Detectable Warnings on Doors To Hazardous Areas.** (Reserved).

**4.29.4 Detectable Warnings at Stairs.** (Reserved).

**4.29.5 Detectable Warnings at Hazardous Vehicular Areas.** If a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings, or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by a continuous detectable warning which is 36 in (915 mm) wide, complying with 4.29.2.

**4.29.6 Detectable Warnings at Reflecting Pools.** The edges of reflecting pools shall be protected by railings, walls, curbs, or detectable warnings complying with 4.29.2.

**4.29.7 Standardization.** (Reserved).

## 4.30 Signage.

**4.30.1\* General.** Signage required to be accessible by 4.1 shall comply with the applicable provisions of 4.30.

**4.30.2\* Character Proportion.** Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.

**4.30.3 Character Height.** Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an upper case X. Lower case characters are permitted.

Height Above Finished Floor	Minimum Character Height
Suspended or Projected Overhead in compliance with 4.4.2	3 in (75 mm) minimum

## 4.30.4\* Raised and Brailled Characters and Pictorial Symbol Signs

**(Pictograms).** Letters and numerals shall be raised 1/32 in, upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille. Raised characters shall be at least 5/8 in (16 mm) high, but no higher than 2 in (50 mm). Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be 6 in (152 mm) minimum in height.

**4.30.5\* Finish and Contrast.** The characters and background of signs shall be eggshell, matte, or other non-glare finish. Characters and symbols shall contrast with their background — either light characters on a dark background or dark characters on a light background.

**4.30.6 Mounting Location and Height.** Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door. Where there is no wall space to the latch side of the door, including at double leaf doors, signs shall be placed on the nearest adjacent wall. Mounting height shall be 60 in (1525 mm) above the finish floor to the centerline of the sign. Mounting location for such signage shall be so that a person may approach within 3 in (76 mm) of signage without encountering protruding objects or standing within the swing of a door.

## 4.30.7\* Symbols of Accessibility.

(1) Facilities and elements required to be identified as accessible by 4.1 shall use the international symbol of accessibility. The

**4.27.2 Clear Floor Space.** Clear floor space complying with 4.2.4 that allows a forward or a parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment.

**4.27.3\* Height.** The highest operable part of controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in 4.2.5 and 4.2.6. Electrical and communications system receptacles on walls shall be mounted no less than 15 in (380 mm) above the floor.

*EXCEPTION: These requirements do not apply where the use of special equipment dictates otherwise or where electrical and communications systems receptacles are not normally intended for use by building occupants.*

**4.27.4 Operation.** Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N).

## 4.28 Alarms.

**4.28.1 General.** Alarm systems required to be accessible by 4.1 shall comply with 4.28. At a minimum, visual signal appliances shall be provided in buildings and facilities in each of the following areas: restrooms and any other general usage areas (e.g., meeting rooms), hallways, lobbies, and any other area for common use.

**4.28.2\* Audible Alarms.** If provided, audible emergency alarms shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by at least 15 dbA or exceeds any maximum sound level with a duration of 60 seconds by 5 dbA, whichever is louder. Sound levels for alarm signals shall not exceed 120 dbA.

**4.28.3\* Visual Alarms.** Visual alarm signal appliances shall be integrated into the building or facility alarm system. If single station audible alarms are provided then single station visual alarm signals shall be provided. Visual alarm signals shall have the following minimum photometric and location features:

(1) The lamp shall be a xenon strobe type or equivalent.

(2) The color shall be clear or nominal white (i.e., unfiltered or clear filtered white light).

(3) The maximum pulse duration shall be two-tenths of one second (0.2 sec) with a maximum duty cycle of 40 percent. The pulse duration is defined as the time interval between initial and final points of 10 percent of maximum signal.

(4) The intensity shall be a minimum of 75 candela.

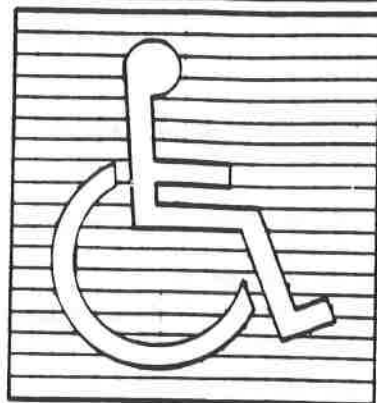
(5) The flash rate shall be a minimum of 1 Hz and a maximum of 3 Hz.

(6) The appliance shall be placed 80 in (2030 mm) above the highest floor level within the space or 6 in (152 mm) below the ceiling, whichever is lower.

(7) In general, no place in any room or space required to have a visual signal appliance shall be more than 50 ft (15 m) from the signal (in the horizontal plane). In large rooms and spaces exceeding 100 ft (30 m) across, without obstructions 6 ft (2 m) above the finish floor, such as auditoriums, devices may be placed around the perimeter, spaced a maximum 100 ft (30 m) apart, in lieu of suspending appliances from the ceiling.

(8) No place in common corridors or hallways in which visual alarm signalling appliances are required shall be more than 50 ft (15 m) from the signal.

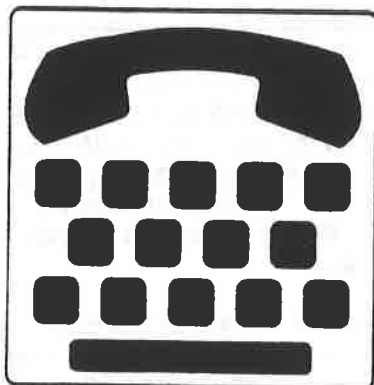
**4.28.4\* Auxiliary Alarms.** Units and sleeping accommodations shall have a visual alarm connected to the building emergency alarm system or shall have a standard 110-volt electrical receptacle into which such an alarm can be connected and a means by which a signal from the building emergency alarm system can trigger such an auxiliary alarm. When visual alarms are in place the signal shall be visible in all areas of the unit or room. Instructions for use of the auxiliary alarm or receptacle shall be provided.



(a)  
Proportions  
International Symbol of Accessibility



(b)  
Display Conditions  
International Symbol of Accessibility



(c)  
International TDD Symbol



(d)  
International Symbol of Access for Hearing Loss

Fig. 43  
International Symbols

symbol shall be displayed as shown in Fig. 43(a) and (b).

(2) **Volume Control Telephones.** Telephones required to have a volume control by 4.1.3(17)(b) shall be identified by a sign containing a depiction of a telephone handset with radiating sound waves.

(3) **Text Telephones.** Text telephones required by 4.1.3 (17)(c) shall be identified by the international TDD symbol (Fig 43(c)). In addition, if a facility has a public text telephone, directional signage indicating the location of the nearest text telephone shall be placed adjacent to all banks of telephones which do not contain a text telephone. Such directional signage shall include the international TDD symbol. If a facility has no banks of telephones, the directional signage shall be provided at the entrance (e.g., in a building directory).

(4) **Assistive Listening Systems.** In assembly areas where permanently installed assistive listening systems are required by 4.1.3(19)(b) the availability of such systems shall be identified with signage that includes the international symbol of access for hearing loss (Fig 43(d)).

## 4.30.8\* Illumination Levels. (Reserved).

## 4.31 Telephones.

**4.31.1 General.** Public telephones required to be accessible by 4.1 shall comply with 4.31.

**4.31.2 Clear Floor or Ground Space.** A clear floor or ground space at least 30 in by 48 in (760 mm by 1220 mm) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at telephones (see Fig. 44). The clear floor or ground space shall comply with 4.2.4. Bases, enclosures, and fixed seats shall not impede approaches to telephones by people who use wheelchairs.

**4.31.3\* Mounting Height.** The highest operable part of the telephone shall be within the reach ranges specified in 4.2.5 or 4.2.6.

**4.31.4 Protruding Objects.** Telephones shall comply with 4.4.

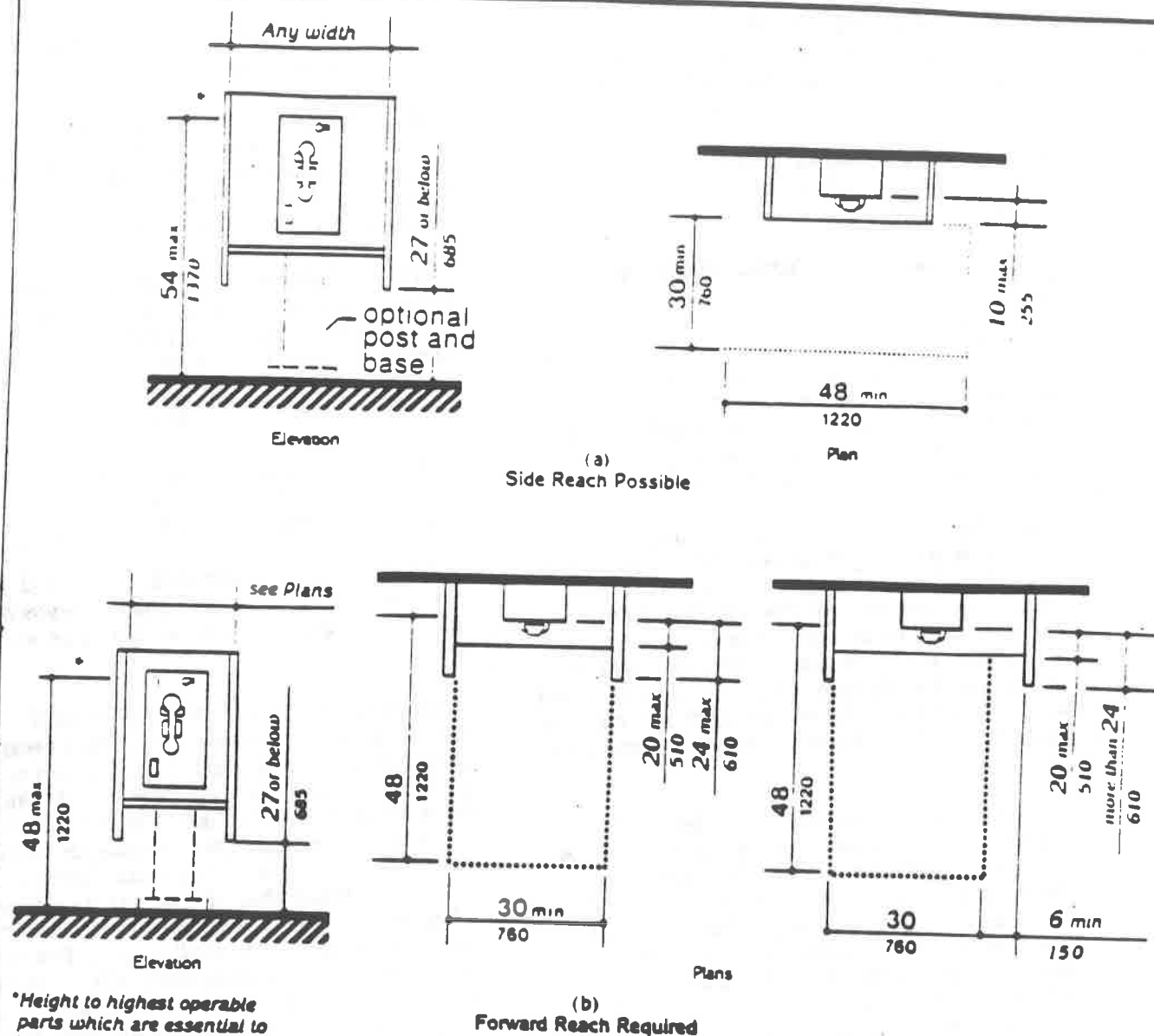


Fig. 44  
Mounting Heights and Clearances for Telephones

#### 4.31.5 Hearing Aid Compatible and Volume Control Telephones Required by 4.1.

(1) Telephones shall be hearing aid compatible.

(2) Volume controls, capable of a minimum of 12 dbA and a maximum of 18 dbA above

normal, shall be provided in accordance with 4.1.3. If an automatic reset is provided then, 18 dbA may be exceeded.

**4.31.6 Controls.** Telephones shall have pushbutton controls where service for such equipment is available.



## 4.32 Fixed or Built-in Seating and Tables

**4.31.7 Telephone Books.** Telephone books, if provided, shall be located in a position that complies with the reach ranges specified in 4.2.5 and 4.2.6.

**4.31.8 Cord Length.** The cord from the telephone to the handset shall be at least 29 in (735 mm) long.

### 4.31.9\* Text Telephones Required by 4.1.

(1) Text telephones used with a pay telephone shall be permanently affixed within or adjacent to the telephone enclosure. If an acoustic coupler is used, the telephone cord shall be sufficiently long to allow connection of the text telephone and the telephone receiver.

(2) Pay telephones designed to accommodate a portable text telephone shall be equipped with a shelf and an electrical outlet within or adjacent to the telephone enclosure. The telephone handset shall be capable of being placed flush on the surface of the shelf. The shelf shall be capable of accommodating a text telephone and shall have 6 in (152 mm) minimum vertical clearance in the area where the text telephone is to be placed.

(3) Equivalent facilitation may be provided. For example, a portable text telephone may be made available in a hotel at the registration desk if it is available on a 24-hour basis for use with nearby public pay telephones. In this instance, at least one pay telephone shall comply with paragraph 2 of this section. In addition, if an acoustic coupler is used, the telephone handset cord shall be sufficiently long so as to allow connection of the text telephone and the telephone receiver. Directional signage shall be provided and shall comply with 4.30.7.

## 4.32 Fixed or Built-in Seating and Tables.

**4.32.1 Minimum Number.** Fixed or built-in seating or tables required to be accessible by 4.1 shall comply with 4.32.

**4.32.2 Seating.** If seating spaces for people in wheelchairs are provided at fixed tables or counters, clear floor space complying with 4.2.4 shall be provided. Such clear floor space

shall not overlap knee space by more than 19 in (485 mm) (see Fig. 45).

**4.32.3 Knee Clearances.** If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 in (685 mm) high, 30 in (760 mm) wide, and 19 in (485 mm) deep shall be provided (see Fig. 45).

**4.32.4\* Height of Tables or Counters.** The tops of accessible tables and counters shall be from 28 in to 34 in (710 mm to 865 mm) above the finish floor or ground.

## 4.33 Assembly Areas.

**4.33.1 Minimum Number.** Assembly and associated areas required to be accessible by 4.1 shall comply with 4.33.

**4.33.2\* Size of Wheelchair Locations.** Each wheelchair location shall provide minimum clear ground or floor spaces as shown in Fig. 46.

**4.33.3\* Placement of Wheelchair Locations.** Wheelchair areas shall be an integral part of any fixed seating plan and shall be provided so as to provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. They shall adjoin an accessible route that also serves as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seating area. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users.

**EXCEPTION:** Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress.

**4.33.4 Surfaces.** The ground or floor at wheelchair locations shall be level and shall comply with 4.5.

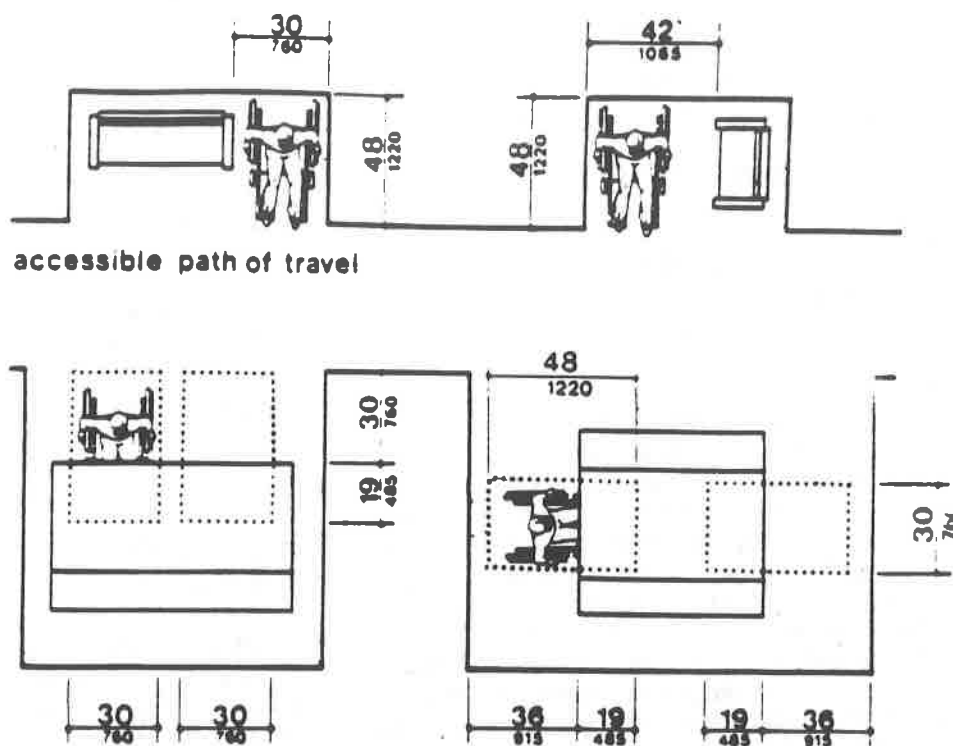


Fig. 45  
Minimum Clearances for Seating and Tables

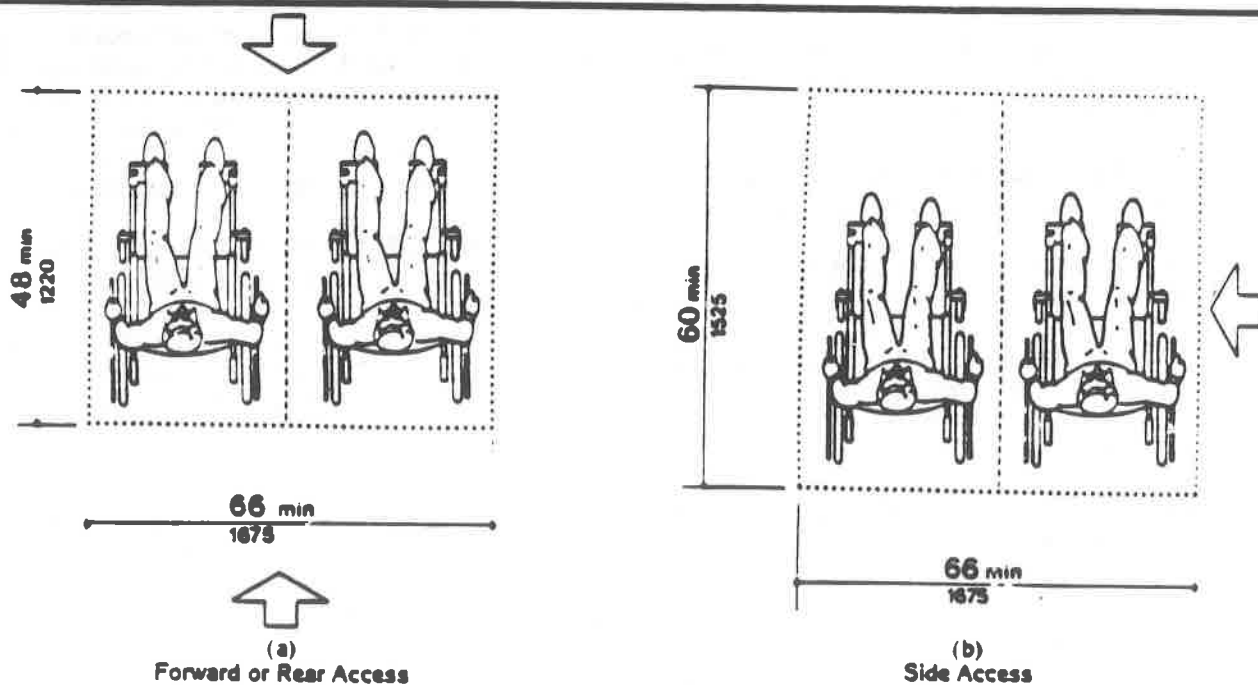


Fig. 46  
Space Requirements for Wheelchair  
Seating Spaces In Series

## 4.34 Automated Teller Machines

### 4.33.5 Access to Performing Areas.

An accessible route shall connect wheelchair seating locations with performing areas, including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers.

### 4.33.6\* Placement of Listening Systems.

If the listening system provided serves individual fixed seats, then such seats shall be located within a 50 ft (15 m) viewing distance of the stage or playing area and shall have a complete view of the stage or playing area.

### 4.33.7\* Types of Listening Systems.

Assistive listening systems (ALS) are intended to augment standard public address and audio systems by providing signals which can be received directly by persons with special receivers or their own hearing aids and which eliminate or filter background noise. The type of assistive listening system appropriate for a particular application depends on the characteristics of the setting, the nature of the program, and the intended audience. Magnetic induction loops, infra-red and radio frequency systems are types of listening systems which are appropriate for various applications.

## 4.34 Automated Teller Machines.

**4.34.1 General.** Each machine required to be accessible by 4.1.3 shall be on an accessible route and shall comply with 4.34.

**4.34.2 Controls.** Controls for user activation shall comply with the requirements of 4.27.

### 4.34.3 Clearances and Reach Range.

Free standing or built-in units not having a clear space under them shall comply with 4.27.2 and 4.27.3 and provide for a parallel approach and both a forward and side reach to the unit allowing a person in a wheelchair to access the controls and dispensers.

**4.34.4 Equipment for Persons with Vision Impairments.** Instructions and all information for use shall be made accessible to and independently usable by persons with vision impairments.

## 4.35 Dressing and Fitting Rooms.

**4.35.1 General.** Dressing and fitting rooms required to be accessible by 4.1 shall comply with 4.35 and shall be on an accessible route.

**4.35.2 Clear Floor Space.** A clear floor space allowing a person using a wheelchair to make a 180-degree turn shall be provided in every accessible dressing room entered through a swinging or sliding door. No door shall swing into any part of the turning space. Turning space shall not be required in a private dressing room entered through a curtained opening at least 32 in (815 mm) wide if clear floor space complying with section 4.2 renders the dressing room usable by a person using a wheelchair.

**4.35.3 Doors.** All doors to accessible dressing rooms shall be in compliance with section 4.13.

**4.35.4 Bench.** Every accessible dressing room shall have a 24 in by 48 in (610 mm by 1220 mm) bench fixed to the wall along the longer dimension. The bench shall be mounted 17 in to 19 in (430 mm to 485 mm) above the finish floor. Clear floor space shall be provided alongside the bench to allow a person using a wheelchair to make a parallel transfer onto the bench. The structural strength of the bench and attachments shall comply with 4.26.3. Where installed in conjunction with showers, swimming pools, or other wet locations, water shall not accumulate upon the surface of the bench and the bench shall have a slip-resistant surface.

**4.35.5 Mirror.** Where mirrors are provided in dressing rooms of the same use, then in an accessible dressing room, a full-length mirror, measuring at least 18 in wide by 54 in high (460 mm by 1370 mm), shall be mounted in a position affording a view to a person on the bench as well as to a person in a standing position.

NOTE: Sections 4.1.1 through 4.1.7 and sections 5 through 10 are different from ANSI A117.1 in their entirety and are printed in standard type.



## 5. RESTAURANTS AND CAFETERIAS.

**5.1° General.** Except as specified or modified in this section, restaurants and cafeterias shall comply with the requirements of 4.1 to 4.35. Where fixed tables (or dining counters where food is consumed but there is no service) are provided, at least 5 percent, but not less than one, of the fixed tables (or a portion of the dining counter) shall be accessible and shall comply with 4.32 as required in 4.1.3(18). In establishments where separate areas are designated for smoking and non-smoking patrons, the required number of accessible fixed tables (or counters) shall be proportionally distributed between the smoking and non-smoking areas. In new construction, and where practicable in alterations, accessible fixed tables (or counters) shall be distributed throughout the space or facility.

**5.2 Counters and Bars.** Where food or drink is served at counters exceeding 34 in (865 mm) in height for consumption by customers seated on stools or standing at the counter, a portion of the main counter which is 60 in (1525 mm) in length minimum shall be provided in compliance with 4.32 or service shall be available at accessible tables within the same area.

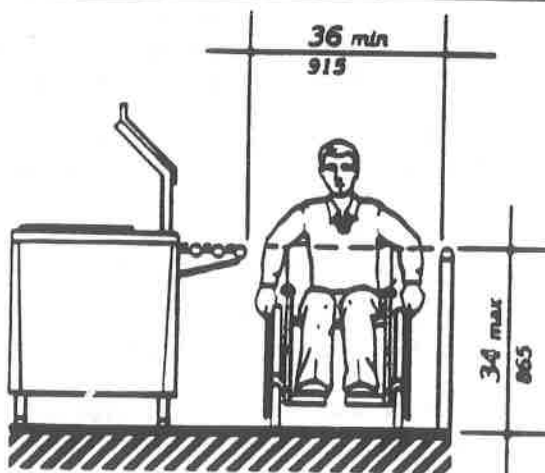


Fig. 53  
Food Service Lines

**5.3 Access Aisles.** All accessible fixed tables shall be accessible by means of an access aisle at least 36 in (915 mm) clear between parallel edges of tables or between a wall and the table edges.

**5.4 Dining Areas.** In new construction, all dining areas, including raised or sunken dining areas, loggias, and outdoor seating areas, shall be accessible. In non-elevator buildings, an accessible means of vertical access to the mezzanine is not required under the following conditions: 1) the area of mezzanine seating measures no more than 33 percent of the area of the total accessible seating area; 2) the same services and decor are provided in an accessible space usable by the general public; and 3) the accessible areas are not restricted to use by people with disabilities. In alterations, accessibility to raised or sunken dining areas, or to all parts of outdoor seating areas is not required provided that the same services and decor are provided in an accessible space usable by the general public and are not restricted to use by people with disabilities.

**5.5 Food Service Lines.** Food service lines shall have a minimum clear width of 36 in (915 mm), with a preferred clear width of 42 in (1065 mm) to allow passage around a person using a wheelchair. Tray slides shall be mounted no higher than 34 in (865 mm) above the floor (see Fig. 53). If self-service shelves

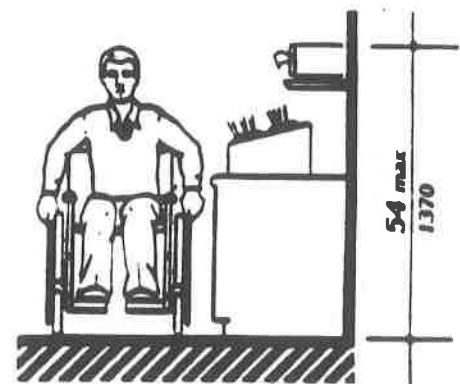


Fig. 54  
Tableware Areas

are provided, at least 50 percent of each type must be within reach ranges specified in 4.2.5 and 4.2.6.

### 5.6 Tableware and Condiment Areas.

Self-service shelves and dispensing devices for tableware, dishware, condiments, food and beverages shall be installed to comply with 4.2 (see Fig. 54).

**5.7 Raised Platforms.** In banquet rooms or spaces where a head table or speaker's lectern is located on a raised platform, the platform shall be accessible in compliance with 4.8 or 4.11. Open edges of a raised platform shall be protected by placement of tables or by a curb.

**5.8 Vending Machines and Other Equipment.** Spaces for vending machines and other equipment shall comply with 4.2 and shall be located on an accessible route.

**5.9 Quiet Areas.** (Reserved).

## 6. MEDICAL CARE FACILITIES.

**6.1 General.** Medical care facilities included in this section are those in which people receive physical or medical treatment or care and where persons may need assistance in responding to an emergency and where the period of stay may exceed twenty-four hours. In addition to the requirements of 4.1 through 4.35, medical care facilities and buildings shall comply with 6.

(1) Hospitals - general purpose hospitals, psychiatric facilities, detoxification facilities — At least 10 percent of patient bedrooms and toilets, and all public use and common use areas are required to be designed and constructed to be accessible.

(2) Hospitals and rehabilitation facilities that specialize in treating conditions that affect mobility, or units within either that specialize in treating conditions that affect mobility — All patient bedrooms and toilets, and all public use and common use areas are required to be designed and constructed to be accessible.

(3) Long term care facilities, nursing homes — At least 50 percent of patient bedrooms and toilets, and all public use and common use areas are required to be designed and constructed to be accessible.

(4) Alterations to patient bedrooms.

(a) When patient bedrooms are being added or altered as part of a planned renovation of an entire wing, a department, or other discrete area of an existing medical facility, a percentage of the patient bedrooms that are being added or altered shall comply with 6.3. The percentage of accessible rooms provided shall be consistent with the percentage of rooms required to be accessible by the applicable requirements of 6.1(1), 6.1(2), or 6.1(3), until the number of accessible patient bedrooms in the facility equals the overall number that would be required if the facility were newly constructed. (For example, if 20 patient bedrooms are being altered in the obstetrics department of a hospital, 2 of the altered rooms must be made accessible. If, within the same hospital, 20 patient bedrooms are being altered in a unit that specializes in treating mobility impairments, all of the altered rooms must be made accessible.) Where toilet/bath rooms are part of patient bedrooms which are added or altered and required to be accessible, each such patient toilet/bathroom shall comply with 6.4.

(b) When patient bedrooms are being added or altered individually, and not as part of an alteration of the entire area, the altered patient bedrooms shall comply with 6.3, unless either: a) the number of accessible rooms provided in the department or area containing the altered patient bedroom equals the number of accessible patient bedrooms that would be required if the percentage requirements of 6.1(1), 6.1(2), or 6.1(3) were applied to that department or area; or b) the number of accessible patient bedrooms in the facility equals the overall number that would be required if the facility were newly constructed. Where toilet/bathrooms are part of patient bedrooms which are added or altered and required to be accessible, each such toilet/bathroom shall comply with 6.4.

**6.2 Entrances.** At least one accessible entrance that complies with 4.14 shall be protected from the weather by canopy or roof overhang. Such entrances shall incorporate a passenger loading zone that complies with 4.6.6.

**6.3 Patient Bedrooms.** Provide accessible patient bedrooms in compliance with 4.1 through 4.35. Accessible patient bedrooms shall comply with the following:

(1) Each bedroom shall have a door that complies with 4.13.

**EXCEPTION:** Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement in 4.13.6 for maneuvering space at the latch side of the door if the door is at least 44 in (1120 mm) wide.

(2) Each bedroom shall have adequate space to provide a maneuvering space that complies with 4.2.3. In rooms with 2 beds, it is preferable that this space be located between beds.

(3) Each bedroom shall have adequate space to provide a minimum clear floor space of 36 in (915 mm) along each side of the bed and to provide an accessible route complying with 4.3.3 to each side of each bed.

**6.4 Patient Toilet Rooms.** Where toilet/bath rooms are provided as a part of a patient bedroom, each patient bedroom that is required to be accessible shall have an accessible toilet/bath room that complies with 4.22 or 4.23 and shall be on an accessible route.

## **7. BUSINESS AND MERCANTILE.**

**7.1 General.** In addition to the requirements of 4.1 to 4.35, the design of all areas used for business transactions with the public shall comply with 7.

## **7.2 Sales and Service Counters, Teller Windows, Information Counters.**

(1) In department stores and miscellaneous retail stores where counters have cash registers and are provided for sales or distribution of goods or services to the public, at least one of each type shall have a portion of the counter which is at least 36 in (915 mm) in length with a maximum height of 36 in (915 mm) above the finish floor. It shall be on an accessible route complying with 4.3. The accessible counters must be dispersed throughout the building or facility. In alterations where it is technically infeasible to provide an accessible counter, an auxiliary counter meeting these requirements may be provided.

(2) At ticketing counters, teller stations in a bank, registration counters in hotels and motels, box office ticket counters, and other counters that may not have a cash register but at which goods or services are sold or distributed, either:

(i) a portion of the main counter which is a minimum of 36 in (915 mm) in length shall be provided with a maximum height of 36 in (915 mm); or

(ii) an auxiliary counter with a maximum height of 36 in (915 mm) in close proximity to the main counter shall be provided; or

(iii) equivalent facilitation shall be provided (e.g., at a hotel registration counter, equivalent facilitation might consist of: (1) provision of a folding shelf attached to the main counter on which an individual with disabilities can write, and (2) use of the space on the side of the counter or at the concierge desk, for handing materials back and forth).

All accessible sales and service counters shall be on an accessible route complying with 4.3.

(3)\* Assistive Listening Devices. (Reserved)

### 7.3\* Check-out Aisles.

(1) In new construction, accessible check-out aisles shall be provided in conformance with the table below:

Total Check-out Aisles of Each Design	Minimum Number of Accessible Check-out Aisles (of each design)
1 - 4	1
5 - 8	2
8 - 15	3
over 15	3, plus 20% of additional aisles

**EXCEPTION:** In new construction, where the selling space is under 5000 square feet, only one check-out aisle is required to be accessible.

**EXCEPTION:** In alterations, at least one check-out aisle shall be accessible in facilities under 5000 square feet of selling space. In facilities of 5000 or more square feet of selling space, at least one of each design of check-out aisle shall be made accessible when altered until the number of accessible check-out aisles of each design equals the number required in new construction.

Examples of check-out aisles of different "design" include those which are specifically designed to serve different functions. Different "design" includes but is not limited to the following features - length of belt or no belt; or permanent signage designating the aisle as an express lane.

(2) Clear aisle width for accessible check-out aisles shall comply with 4.2.1 and maximum adjoining counter height shall not exceed 38 in (965 mm) above the finish floor. The top of the lip shall not exceed 40 in (1015 mm) above the finish floor.

(3) Signage identifying accessible check-out aisles shall comply with 4.30.7 and shall be mounted above the check-out aisle in the same location where the check-out number or type of check-out is displayed.

**7.4 Security Bollards.** Any device used to prevent the removal of shopping carts from store premises shall not prevent access or egress to people in wheelchairs. An alternate

entry that is equally convenient to that provided for the ambulatory population is acceptable.

## 8. LIBRARIES.

**8.1 General.** In addition to the requirements of 4.1 to 4.35, the design of all public areas of a library shall comply with 8, including reading and study areas, stacks, reference rooms, reserve areas, and special facilities or collections.

**8.2 Reading and Study Areas.** At least 5 percent or a minimum of one of each element of fixed seating, tables, or study carrels shall comply with 4.2 and 4.32. Clearances between fixed accessible tables and between study carrels shall comply with 4.3.

**8.3 Check-Out Areas.** At least one lane at each check-out area shall comply with 7.2(1). Any traffic control or book security gates or turnstiles shall comply with 4.13.

**8.4 Card Catalogs and Magazine Displays.** Minimum clear aisle space at card catalogs and magazine displays shall comply with Fig. 55. Maximum reach height shall comply with 4.2, with a height of 48 in (1220 mm) preferred irrespective of approach allowed.

**8.5 Stacks.** Minimum clear aisle width between stacks shall comply with 4.3, with a minimum clear aisle width of 42 in (1065 mm) preferred where possible. Shelf height in stack areas is unrestricted (see Fig. 56).



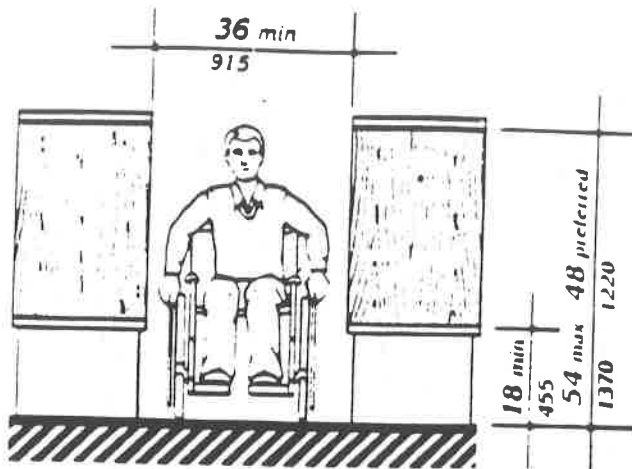


Fig. 55  
Card Catalog

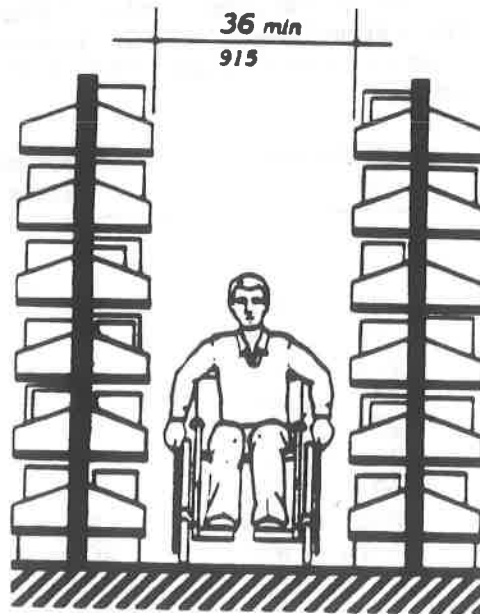


Fig. 56  
Stacks

## 9. ACCESSIBLE TRANSIENT LODGING.

(1) Except as specified in the special technical provisions of this section, accessible transient lodging shall comply with the applicable requirements of 4.1 through 4.35. Transient lodging includes facilities or portions thereof used for sleeping accommodations, when not classed as a medical care facility.

### 9.1 Hotels, Motels, Inns, Boarding Houses, Dormitories, Resorts and Other Similar Places of Transient Lodging.

**9.1.1 General.** All public use and common use areas are required to be designed and constructed to comply with section 4 (Accessible Elements and Spaces: Scope and Technical Requirements).

**EXCEPTION:** Sections 9.1 through 9.4 do not apply to an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor.

**9.1.2 Accessible Units, Sleeping Rooms, and Suites.** Accessible sleeping rooms or suites that comply with the requirements of 9.2 (Requirements for Accessible Units, Sleeping Rooms, and Suites) shall be provided in conformance with the table below. In addition, in hotels, of 50 or more sleeping rooms or suites, additional accessible sleeping rooms or suites that include a roll-in shower shall also be provided in conformance with the table below. Such accommodations shall comply with the requirements of 9.2, 4.21, and Figure 57(a) or (b).

### 9.1.3 Sleeping Accommodations for Persons with Hearing Impairments

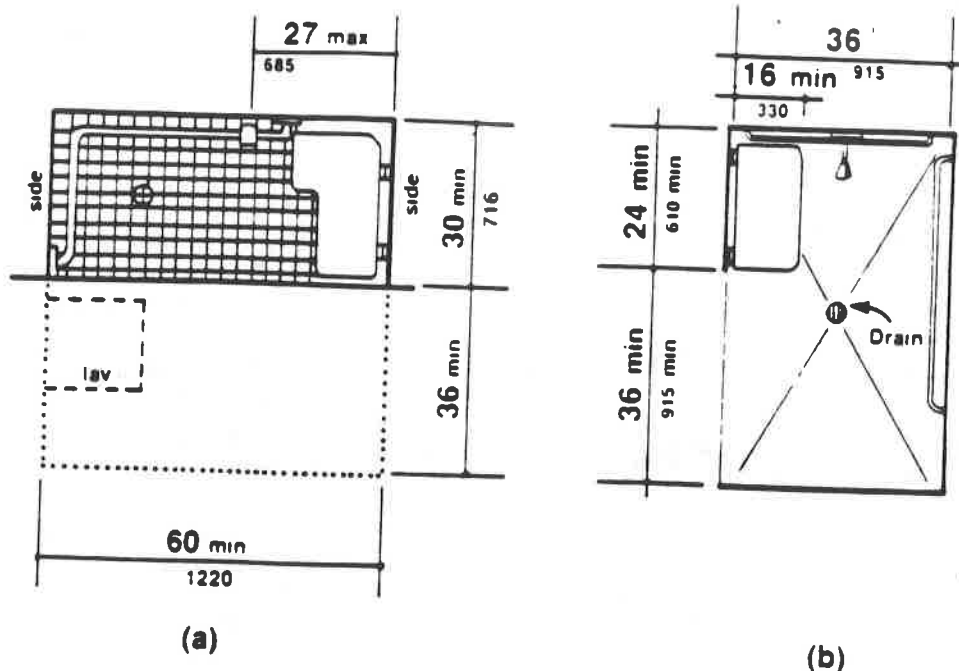


Fig. 57  
Roll-in Shower with Folding Seat

Number of Rooms	Accessible Rooms	Rooms with Roll-in Showers
1 to 25	1	
26 to 50	2	
51 to 75	3	1
76 to 100	4	1
101 to 150	5	2
151 to 200	6	2
201 to 300	7	3
301 to 400	8	4
401 to 500	9	4 plus one for each additional 100 over 400
501 to 1000	2% of total	
1001 and over	20 plus 1 for each 100 over 1000	

### 9.1.3 Sleeping Accommodations for Persons with Hearing Impairments.

In addition to those accessible sleeping rooms and suites required by 9.1.2, sleeping rooms

and suites that comply with 9.3 (Visual Alarms, Notification Devices, and Telephones) shall be provided in conformance with the following table:

Number of Elements	Accessible Elements
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 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

#### 9.1.4 Classes of Sleeping Accommodations.

(1) In order to provide persons with disabilities a range of options equivalent to those available to other persons served by the facility, sleeping rooms and suites required to be accessible by 9.1.2 shall be dispersed among the various classes of sleeping accommodations available to patrons of the place of transient lodging. Factors to be considered include room size, cost, amenities provided, and the number of beds provided.

(2) **Equivalent Facilitation.** For purposes of this section, it shall be deemed equivalent facilitation if the operator of a facility elects to limit construction of accessible rooms to those intended for multiple occupancy, provided that such rooms are made available at the cost of a single-occupancy room to an individual with disabilities who requests a single-occupancy room.

**9.1.5. Alterations to Accessible Units, Sleeping Rooms, and Suites.** When sleeping rooms are being altered in an existing facility, or portion thereof, subject to the requirements of this section, at least one sleeping room or suite that complies with the requirements of 9.2 (Requirements for Accessible Units, Sleeping Rooms, and Suites) shall be provided for each 25 sleeping rooms, or fraction thereof, of rooms being altered until the number of such rooms provided equals the number required to be accessible with 9.1.2. In addition, at least one sleeping room or suite that complies with the requirements of 9.3 (Visual Alarms, Notification Devices, and Telephones) shall be provided for each 25 sleeping rooms, or fraction thereof, of rooms being altered until the number of such rooms equals the number required to be accessible by 9.1.3.

#### 9.2 Requirements for Accessible Units, Sleeping Rooms and Suites.

**9.2.1 General.** Units, sleeping rooms, and suites required to be accessible by 9.1 shall comply with 9.2.

**9.2.2 Minimum Requirements.** An accessible unit, sleeping room or suite shall be on an

accessible route complying with 4.3 and have the following accessible elements and spaces.

(1) Accessible sleeping rooms shall have a 36 in (915 mm) clear width maneuvering space located along both sides of a bed, except that where two beds are provided, this requirement can be met by providing a 36 in (915 mm) wide maneuvering space located between the two beds.

(2) An accessible route complying with 4.3 shall connect all accessible spaces and elements, including telephones, within the unit, sleeping room, or suite. This is not intended to require an elevator in multi-story units as long as the spaces identified in 9.2.2(6) and (7) are on accessible levels and the accessible sleeping area is suitable for dual occupancy.

(3) Doors and doorways designed to allow passage into and within all sleeping rooms, suites or other covered units shall comply with 4.13.

(4) If fixed or built-in storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, at least one of each type provided shall contain storage space complying with 4.25. Additional storage may be provided outside of the dimensions required by 4.25.

(5) All controls in accessible units, sleeping rooms, and suites shall comply with 4.27.

(6) Where provided as part of an accessible unit, sleeping room, or suite, the following spaces shall be accessible and shall be on an accessible route:

- (a) the living area.
- (b) the dining area.
- (c) at least one sleeping area.
- (d) patios, terraces, or balconies.

**EXCEPTION:** The requirements of 4.13.8 and 4.3.8 do not apply where it is necessary to utilize a higher door threshold or a change in level to protect the integrity of the unit from wind/water damage. Where this exception results in patios, terraces or balconies that are not at an accessible level, equivalent facilitation

### 9.3 Visual Alarms, Notification Devices and Telephones

shall be provided. (E.g., equivalent facilitation at a hotel patio or balcony might consist of providing raised decking or a ramp to provide accessibility.)

(e) at least one full bathroom (i.e., one with a water closet, a lavatory, and a bathtub or shower).

(f) if only half baths are provided, at least one half bath.

(g) carports, garages or parking spaces.

(7) Kitchens, Kitchenettes, or Wet Bars. When provided as accessory to a sleeping room or suite, kitchens, kitchenettes, wet bars, or similar amenities shall be accessible. Clear floor space for a front or parallel approach to cabinets, counters, sinks, and appliances shall be provided to comply with 4.2.4. Countertops and sinks shall be mounted at a maximum height of 34 in (865 mm) above the floor. At least fifty percent of shelf space in cabinets or refrigerator/freezers shall be within the reach ranges of 4.2.5 or 4.2.6 and space shall be designed to allow for the operation of cabinet and/or appliance doors so that all cabinets and appliances are accessible and usable. Controls and operating mechanisms shall comply with 4.27.

(8) Sleeping room accommodations for persons with hearing impairments required by 9.1 and complying with 9.3 shall be provided in the accessible sleeping room or suite.

### 9.3 Visual Alarms, Notification Devices and Telephones.

**9.3.1 General.** In sleeping rooms required to comply with this section, auxiliary visual alarms shall be provided and shall comply with 4.28.4. Visual notification devices shall also be provided in units, sleeping rooms and suites to alert room occupants of incoming telephone calls and a door knock or bell. Notification devices shall not be connected to auxiliary visual alarm signal appliances. Permanently installed telephones shall have volume controls complying with 4.31.5; an accessible electrical outlet within 4 ft (1220 mm) of a telephone connection shall be provided to facilitate the use of a text telephone.

**9.3.2 Equivalent Facilitation.** For purposes of this section, equivalent facilitation shall include the installation of electrical outlets (including outlets connected to a facility's central alarm system) and telephone wiring in sleeping rooms and suites to enable persons with hearing impairments to utilize portable visual alarms and communication devices provided by the operator of the facility.

**9.4 Other Sleeping Rooms and Suites.** Doors and doorways designed to allow passage into and within all sleeping units or other covered units shall comply with 4.13.5.

### 9.5 Transient Lodging in Homeless Shelters, Halfway Houses, Transient Group Homes, and Other Social Service Establishments.

**9.5.1 New Construction.** In new construction all public use and common use areas are required to be designed and constructed to comply with section 4. At least one of each type of amenity (such as washers, dryers and similar equipment installed for the use of occupants) in each common area shall be accessible and shall be located on an accessible route to any accessible unit or sleeping accommodation.

**EXCEPTION:** Where elevators are not provided as allowed in 4.1.3(5), accessible amenities are not required on inaccessible floors as long as one of each type is provided in common areas on accessible floors.

### 9.5.2 Alterations.

(1) Social service establishments which are not homeless shelters:

(a) The provisions of 9.5.3 and 9.1.5 shall apply to sleeping rooms and beds.

(b) Alteration of other areas shall be consistent with the new construction provisions of 9.5.1.

(2) Homeless shelters. If the following elements are altered, the following requirements apply:



(a) at least one public entrance shall allow a person with mobility impairments to approach, enter and exit including a minimum clear door width of 32 in (815 mm).

(b) sleeping space for homeless persons as provided in the scoping provisions of 9.1.2 shall include doors to the sleeping area with a minimum clear width of 32 in (815 mm) and maneuvering space around the beds for persons with mobility impairments complying with 9.2.2(1).

(c) at least one toilet room for each gender or one unisex toilet room shall have a minimum clear door width of 32 in (815 mm), minimum turning space complying with 4.2.3, one water closet complying with 4.16, one lavatory complying with 4.19 and the door shall have a privacy latch; and, if provided, at least one tub or shower shall comply with 4.20 or 4.21, respectively.

(d) at least one common area which a person with mobility impairments can approach, enter and exit including a minimum clear door width of 32 in (815 mm).

(e) at least one route connecting elements (a), (b), (c) and (d) which a person with mobility impairments can use including minimum clear width of 36 in (915 mm), passing space complying with 4.3.4, turning space complying with 4.2.3 and changes in levels complying with 4.3.8.

(f) homeless shelters can comply with the provisions of (a)-(e) by providing the above elements on one accessible floor.

**9.5.3. Accessible Sleeping Accommodations in New Construction.** Accessible sleeping rooms shall be provided in conformance with the table in 9.1.2 and shall comply with 9.2 Accessible Units, Sleeping Rooms and Suites (where the items are provided). Additional sleeping rooms that comply with 9.3 Sleeping Accommodations for Persons with Hearing Impairments shall be provided in conformance with the table provided in 9.1.3.

In facilities with multi-bed rooms or spaces, a percentage of the beds equal to the table provided in 9.1.2 shall comply with 9.2.2(1).

## 10. TRANSPORTATION FACILITIES. (Reserved).

## APPENDIX

This appendix contains materials of an advisory nature and provides additional information that should help the reader to understand the minimum requirements of the guidelines or to design buildings or facilities for greater accessibility. The paragraph numbers correspond to the sections or paragraphs of the guideline to which the material relates and are therefore not consecutive (for example, A4.2.1 contains additional information relevant to 4.2.1). Sections of the guidelines for which additional material appears in this appendix have been indicated by an asterisk. Nothing in this appendix shall in any way obviate any obligation to comply with the requirements of the guidelines itself.

**A2.2 Equivalent Facilitation.** Specific examples of equivalent facilitation are found in the following sections:

- 4.1.6(3)(c) Elevators in Alterations
- 4.31.9 Text Telephones
- 7.2 Sales and Service  
Counters, Teller Windows,  
Information Counters
- 9.1.4 Classes of Sleeping  
Accommodations
- 9.2.2(6)(d) Requirements for Accessible  
Units, Sleeping Rooms, and  
Suites

### A4.1.1 Application.

**A4.1.1(3) Areas Used Only by Employees as Work Areas.** Where there are a series of individual work stations of the same type (e.g., laboratories, service counters, ticket booths), 5%, but not less than one, of each type of work station should be constructed so that an individual with disabilities can maneuver within the work stations. Rooms housing individual offices in a typical office building must meet the requirements of the guidelines concerning doors, accessible routes, etc. but do not need to allow for maneuvering space around individual desks. Modifications required to permit maneuvering within the work area may be accomplished as a reasonable accommodation to individual employees with disabilities under Title I of the ADA. Consideration should also be given to placing shelves in employee work areas at a

convenient height for accessibility or installing commercially available shelving that is adjustable so that reasonable accommodations can be made in the future.

If work stations are made accessible they should comply with the applicable provisions of 4.2 through 4.35.

### A4.1.2 Accessible Sites and Exterior Facilities: New Construction.

**A4.1.2(5)(e) Valet Parking.** Valet parking is not always usable by individuals with disabilities. For instance, an individual may use a type of vehicle controls that render the regular controls inoperable or the driver's seat belt may be removed. In these situations, another person cannot park the vehicle. It is recommended that some self-parking spaces be provided at valet parking facilities for individuals whose vehicles cannot be parked by another person and that such spaces be located on an accessible route to the entrance of the facility.

### A4.1.3 Accessible Buildings: New Construction.

**A4.1.3(5)** Only full passenger elevators are covered by the accessibility provisions of 4.10. Materials and equipment hoists, freight elevators not intended for passenger use, dumbwaiters, and construction elevators are not covered by these guidelines. If a building is exempt from the elevator requirement, it is not necessary to provide a platform lift or other means of vertical access in lieu of an elevator.

Under Exception 4, platform lifts are allowed where existing conditions make it impractical to install a ramp or elevator. Such conditions generally occur where it is essential to provide access to small raised or lowered areas where space may not be available for a ramp. Examples include, but are not limited to, raised pharmacy platforms, commercial offices raised above a sales floor, or radio and news booths.

**A4.1.3(9)** Supervised automatic sprinkler systems have built in signals for monitoring features of the system such as the opening and closing of water control valves, the power supplies for needed pumps, water tank levels, and for indicating conditions that will impair the satisfactory operation of the sprinkler system.

## A4.2 Space Allowances and Reach Ranges

Because of these monitoring features, supervised automatic sprinkler systems have a high level of satisfactory performance and response to fire conditions.

**A4.1.3(10)** If an odd number of drinking fountains is provided on a floor, the requirement in 4.1.3(10)(b) may be met by rounding down the odd number to an even number and calculating 50% of the even number. When more than one drinking fountain on a floor is required to comply with 4.15, those fountains should be dispersed to allow wheelchair users convenient access. For example, in a large facility such as a convention center that has water fountains at several locations on a floor, the accessible water fountains should be located so that wheelchair users do not have to travel a greater distance than other people to use a drinking fountain.

**A4.1.3(17)(b)** In addition to the requirements of section 4.1.3(17)(b), the installation of additional volume controls is encouraged. Volume controls may be installed on any telephone.

**A4.1.3(19)(a)** Readily removable or folding seating units may be installed in lieu of providing an open space for wheelchair users. Folding seating units are usually two fixed seats that can be easily folded into a fixed center bar to allow for one or two open spaces for wheelchair users when necessary. These units are more easily adapted than removable seats which generally require the seat to be removed in advance by the facility management.

Either a sign or a marker placed on seating with removable or folding arm rests is required by this section. Consideration should be given for ensuring identification of such seats in a darkened theater. For example, a marker which contrasts (light on dark or dark on light) and which also reflects light could be placed on the side of such seating so as to be visible in a lighted auditorium and also to reflect light from a flashlight.

### A4.1.6 Accessible Buildings: Alterations.

**A4.1.6(1)(h)** When an entrance is being altered, it is preferable that those entrances being altered be made accessible to the extent feasible.

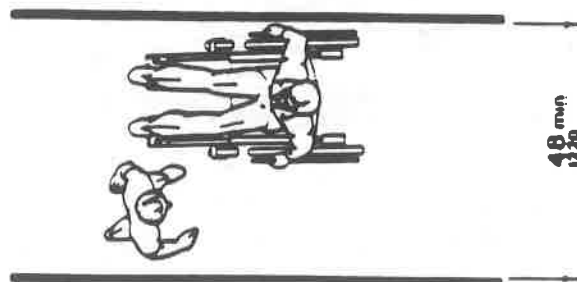
## A4.2 Space Allowances and Reach Ranges.

### A4.2.1 Wheelchair Passage Width.

(1) **Space Requirements for Wheelchairs.** Many persons who use wheelchairs need a 30 in (760 mm) clear opening width for doorways, gates, and the like, when the latter are entered head-on. If the person is unfamiliar with a building, if competing traffic is heavy, if sudden or frequent movements are needed, or if the wheelchair must be turned at an opening, then greater clear widths are needed. For most situations, the addition of an inch of leeway on either side is sufficient. Thus, a minimum clear width of 32 in (815 mm) will provide adequate clearance. However, when an opening or a restriction in a passageway is more than 24 in (610 mm) long, it is essentially a passageway and must be at least 36 in (915 mm) wide.

(2) **Space Requirements for Use of Walking Aids.** Although people who use walking aids can maneuver through clear width openings of 32 in (815 mm), they need 36 in (915 mm) wide passageways and walks for comfortable gaits. Crutch tips, often extending down at a wide angle, are a hazard in narrow passageways where they might not be seen by other pedestrians. Thus, the 36 in (915 mm) width provides a safety allowance both for the person with a disability and for others.

(3) **Space Requirements for Passing.** Able-bodied persons in winter clothing, walking



**Fig. A1**  
Minimum Passage Width for One Wheelchair  
and One Ambulatory Person

*advantage to this design is that no additional signage is needed because all spaces can accommodate a van with a side-mounted lift or ramp. Also, there is no competition between cars and vans for spaces since all spaces can accommodate either. Furthermore, the wider space permits vehicles to park to one side or the other within the 132 in (3350 mm) space to allow persons to exit and enter the vehicle on either the driver or passenger side, although, in some cases, this would require exiting or entering without a marked access aisle.*

An essential consideration for any design is having the access aisle level with the parking space. Since a person with a disability, using a lift or ramp, must maneuver within the access aisle, the aisle cannot include a ramp or sloped area. The access aisle must be connected to an accessible route to the appropriate accessible entrance of a building or facility. The parking access aisle must either blend with the accessible route or have a curb ramp complying with 4.7. Such a curb ramp opening must be located within the access aisle boundaries, not within the parking space boundaries. Unfortunately, many facilities are designed with a ramp that is blocked when any vehicle parks in the accessible space. Also, the required dimensions of the access aisle cannot be restricted by planters, curbs or wheel stops.

**A4.6.4 Signage.** Signs designating parking places for disabled people can be seen from a driver's seat if the signs are mounted high enough above the ground and located at the front of a parking space.

**A4.6.5 Vertical Clearance.** High-top vans, which disabled people or transportation services often use, require higher clearances in parking garages than automobiles.

## **A4.8 Ramps.**

**A4.8.1 General.** Ramps are essential for wheelchair users if elevators or lifts are not available to connect different levels. However, some people who use walking aids have difficulty with ramps and prefer stairs.

**A4.8.2 Slope and Rise.** Ramp slopes between 1:16 and 1:20 are preferred. The ability to manage an incline is related to both its slope and its length. Wheelchair users with

disabilities affecting their arms or with low stamina have serious difficulty using inclines. Most ambulatory people and most people who use wheelchairs can manage a slope of 1:16. Many people cannot manage a slope of 1:12 for 30 ft (9 m).

**A4.8.4 Landings.** Level landings are essential toward maintaining an aggregate slope that complies with these guidelines. A ramp landing that is not level causes individuals using wheelchairs to tip backward or bottom out when the ramp is approached.

**A4.8.5 Handrails.** The requirements for stair and ramp handrails in this guideline are for adults. When children are principal users in a building or facility, a second set of handrails at an appropriate height can assist them and aid in preventing accidents.

## **A4.9 Stairs.**

**A4.9.1 Minimum Number.** Only interior and exterior stairs connecting levels that are not connected by an elevator, ramp, or other accessible means of vertical access have to comply with 4.9.

## **A4.10 Elevators.**

**A4.10.6 Door Protective and Reopening Device.** The required door reopening device would hold the door open for 20 seconds if the doorway remains obstructed. After 20 seconds, the door may begin to close. However, if designed in accordance with ASME A17.1-1990, the door closing movement could still be stopped if a person or object exerts sufficient force at any point on the door edge.

**A4.10.7 Door and Signal Timing for Hall Calls.** This paragraph allows variation in the location of call buttons, advance time for warning signals, and the door-holding period used to meet the time requirement.

**A4.10.12 Car Controls.** Industry-wide standardization of elevator control panel design would make all elevators significantly more convenient for use by people with severe visual impairments. In many cases, it will be possible to locate the highest control on elevator panels within 48 in (1220 mm) from the floor.



## A4.11 Platform Lifts (Wheelchair Lifts)

**A4.10.13 Car Position Indicators.** A special button may be provided that would activate the audible signal within the given elevator only for the desired trip, rather than maintaining the audible signal in constant operation.

**A4.10.14 Emergency Communications.** A device that requires no handset is easier to use by people who have difficulty reaching. Also, small handles on handset compartment doors are not usable by people who have difficulty grasping.

*Ideally, emergency two-way communication systems should provide both voice and visual display intercommunication so that persons with hearing impairments and persons with vision impairments can receive information regarding the status of a rescue. A voice intercommunication system cannot be the only means of communication because it is not accessible to people with speech and hearing impairments. While a voice intercommunication system is not required, at a minimum, the system should provide both an audio and visual indication that a rescue is on the way.*

## A4.11 Platform Lifts (Wheelchair Lifts).

**A4.11.2 Other Requirements.** Inclined stairway chairlifts, and inclined and vertical platform lifts (wheelchair lifts) are available for short-distance, vertical transportation of people with disabilities. Care should be taken in selecting lifts as some lifts are not equally suitable for use by both wheelchair users and semi-ambulatory individuals.

## A4.12 Windows.

**A4.12.1 General.** Windows intended to be operated by occupants in accessible spaces should comply with 4.12.

**A4.12.2 Window Hardware.** Windows requiring pushing, pulling, or lifting to open (for example, double-hung, sliding, or casement and awning units without cranks) should require no more than 5 lbf (22.2 N) to open or close. Locks, cranks, and other window hardware should comply with 4.27.

## A4.13 Doors.

**A4.13.8 Thresholds at Doorways.** Thresholds and surface height changes in doorways are particularly inconvenient for wheelchair users who also have low stamina or restrictions in arm movement because complex maneuvering is required to get over the level change while operating the door.

**A4.13.9 Door Hardware.** Some disabled persons must push against a door with their chair or walker to open it. Applied kickplates on doors with closers can reduce required maintenance by withstanding abuse from wheelchairs and canes. To be effective, they should cover the door width, less approximately 2 in (51 mm), up to a height of 16 in (405 mm) from its bottom edge and be centered across the width of the door.

**A4.13.10 Door Closers.** Closers with delayed action features give a person more time to maneuver through doorways. They are particularly useful on frequently used interior doors such as entrances to toilet rooms.

**A4.13.11 Door Opening Force.** Although most people with disabilities can exert at least 5 lbf (22.2N), both pushing and pulling from a stationary position, a few people with severe disabilities cannot exert 3 lbf (13.13N). Although some people cannot manage the allowable forces in this guideline and many others have difficulty, door closers must have certain minimum closing forces to close doors satisfactorily. Forces for pushing or pulling doors open are measured with a push-pull scale under the following conditions:

(1) Hinged doors: Force applied perpendicular to the door at the door opener or 30 in (760 mm) from the hinged side, whichever is farther from the hinge.

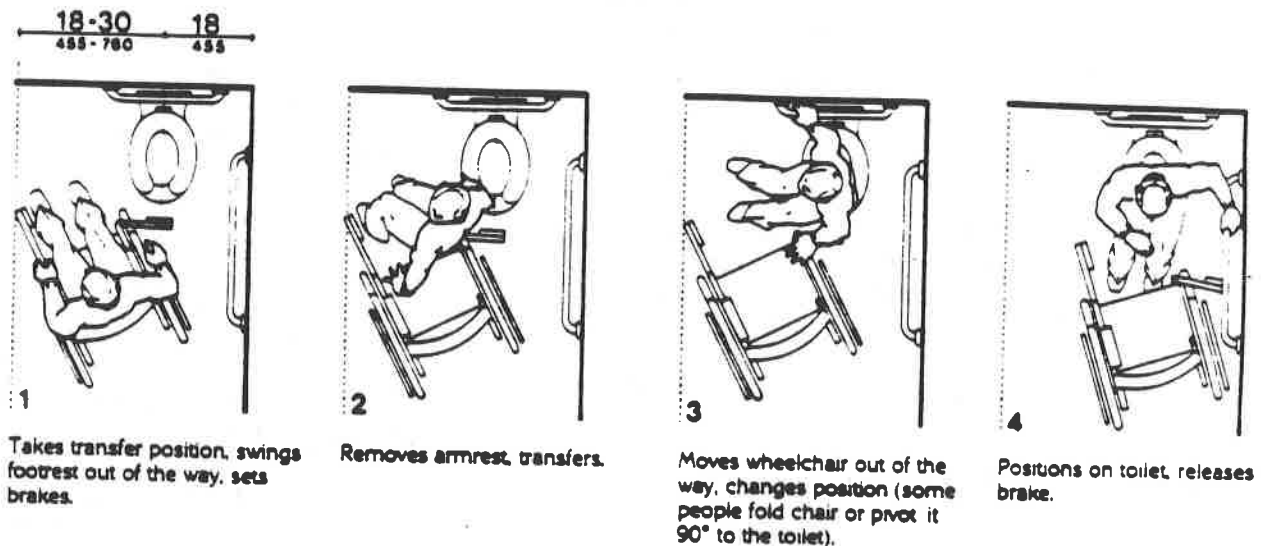
(2) Sliding or folding doors: Force applied parallel to the door at the door pull or latch.

(3) Application of force: Apply force gradually so that the applied force does not exceed the resistance of the door. In high-rise buildings, air-pressure differentials may require a modification of this specification in order to meet the functional intent.

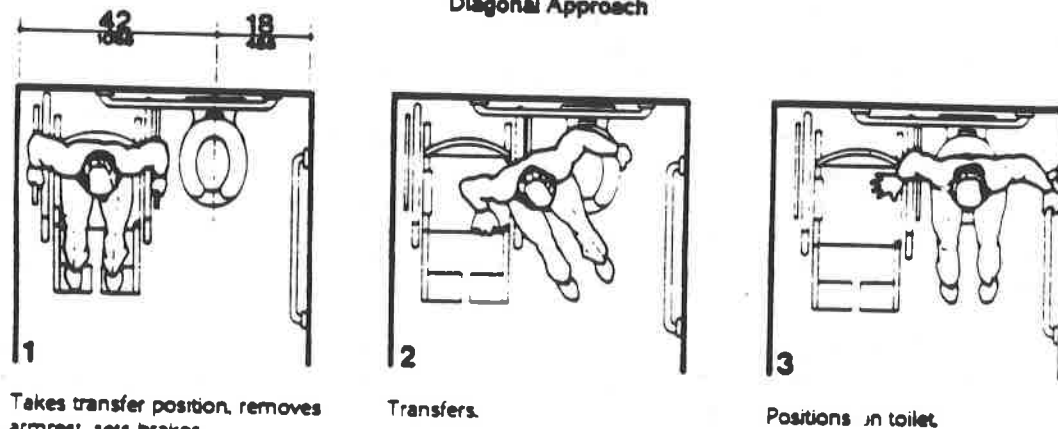
**A4.13.12 Automatic Doors and Power-Assisted Doors.** Sliding automatic doors do not need guard rails and are more convenient for wheelchair users and visually impaired people to use. If slowly opening automatic doors can be reactivated before their closing cycle is completed, they will be more convenient in busy doorways.

## A4.15 Drinking Fountains and Water Coolers.

**A4.15.2 Spout Height.** Two drinking fountains, mounted side by side or on a single post, are usable by people with disabilities and people who find it difficult to bend over.



(a)  
Diagonal Approach



(b)  
Side Approach

Fig. A.6  
Wheelchair Transfers

## **A4.16 Water Closets.**

**A4.16.3 Height.** Height preferences for toilet seats vary considerably among disabled people. Higher seat heights may be an advantage to some ambulatory disabled people, but are often a disadvantage for wheelchair users and others. Toilet seats 18 in (455 mm) high seem to be a reasonable compromise. Thick seats and filler rings are available to adapt standard fixtures to these requirements.

**A4.16.4 Grab Bars.** Fig. A6(a) and (b) show the diagonal and side approaches most commonly used to transfer from a wheelchair to a water closet. Some wheelchair users can transfer from the front of the toilet while others use a 90-degree approach. Most people who use the two additional approaches can also use either the diagonal approach or the side approach.

**A4.16.5 Flush Controls.** Flush valves and related plumbing can be located behind walls or to the side of the toilet, or a toilet seat lid can be provided if plumbing fittings are directly behind the toilet seat. Such designs reduce the chance of injury and imbalance caused by leaning back against the fittings. Flush controls for tank-type toilets have a standardized mounting location on the left side of the tank (facing the tank). Tanks can be obtained by special order with controls mounted on the right side. If administrative authorities require flush controls for flush valves to be located in a position that conflicts with the location of the rear grab bar, then that bar may be split or shifted toward the wide side of the toilet area.

## **A4.17 Toilet Stalls.**

**A4.17.3 Size and Arrangement.** This section requires use of the 60 in (1525 mm) standard stall (Figure 30(a)) and permits the 36 in (915 mm) or 48 in (1220 mm) wide alternate stall (Figure 30(b)) only in alterations where provision of the standard stall is technically infeasible or where local plumbing codes prohibit reduction in the number of fixtures. A standard stall provides a clear space on one side of the water closet to enable persons who use wheelchairs to perform a side or diagonal transfer from the wheelchair to the water closet. However, some persons with disabilities who use mobility aids such as walkers, canes or crutches

are better able to use the two parallel grab bars in the 36 in (915 mm) wide alternate stall to achieve a standing position.

In large toilet rooms, where six or more toilet stalls are provided, it is therefore required that a 36 in (915 mm) wide stall with parallel grab bars be provided in addition to the standard stall required in new construction. The 36 in (915 mm) width is necessary to achieve proper use of the grab bars; wider stalls would position the grab bars too far apart to be easily used and narrower stalls would position the grab bars too close to the water closet. Since the stall is primarily intended for use by persons using canes, crutches and walkers, rather than wheelchairs, the length of the stall could be conventional. The door, however, must swing outward to ensure a usable space for people who use crutches or walkers.

**A4.17.5 Doors.** To make it easier for wheelchair users to close toilet stall doors, doors can be provided with closers, spring hinges, or a pull bar mounted on the inside surface of the door near the hinge side.

## **A4.19 Lavatories and Mirrors.**

**A4.19.6 Mirrors.** If mirrors are to be used by both ambulatory people and wheelchair users, then they must be at least 74 in (1880 mm) high at their topmost edge. A single full length mirror can accommodate all people, including children.

## **A4.21 Shower Stalls.**

**A4.21.1 General.** Shower stalls that are 36 in by 36 in (915 mm by 915 mm) wide provide additional safety to people who have difficulty maintaining balance because all grab bars and walls are within easy reach. Seated people use the walls of 36 in by 36 in (915 mm by 915 mm) showers for back support. Shower stalls that are 60 in (1525 mm) wide and have no curb may increase usability of a bathroom by wheelchair users because the shower area provides additional maneuvering space.

## **A4.22 Toilet Rooms.**

**A4.22.3 Clear Floor Space.** In many small facilities, single-user restrooms may be the only

facilities provided for all building users. In addition, the guidelines allow the use of "unisex" or "family" accessible toilet rooms in alterations when technical infeasibility can be demonstrated. Experience has shown that the provision of accessible "unisex" or single-user restrooms is a reasonable way to provide access for wheelchair users and any attendants, especially when attendants are of the opposite sex. Since these facilities have proven so useful, it is often considered advantageous to install a "unisex" toilet room in new facilities in addition to making the multi-stall restrooms accessible, especially in shopping malls, large auditoriums, and convention centers.

Figure 28 (section 4.16) provides minimum clear floor space dimensions for toilets in accessible "unisex" toilet rooms. The dotted lines designate the minimum clear floor space, depending on the direction of approach, required for wheelchair users to transfer onto the water closet. The dimensions of 48 in (1220 mm) and 60 in (1525 mm), respectively, correspond to the space required for the two common transfer approaches utilized by wheelchair users (see Fig. A6). It is important to keep in mind that the placement of the lavatory to the immediate side of the water closet will preclude the side approach transfer illustrated in Figure A6(b).

To accommodate the side transfer, the space adjacent to the water closet must remain clear of obstruction for 42 in (1065 mm) from the centerline of the toilet (Figure 28) and the lavatory must not be located within this clear space. A turning circle or T-turn, the clear floor space at the lavatory, and maneuvering space at the door must be considered when determining the possible wall locations. A privacy latch or other accessible means of ensuring privacy during use should be provided at the door.

#### RECOMMENDATIONS:

1. In new construction, accessible single-user restrooms may be desirable in some situations because they can accommodate a large variety of building users. However, they cannot be used in lieu of making the multi-stall toilet rooms accessible as required.
2. Where strict compliance to the guidelines for accessible toilet facilities is technically infeasible in the alteration of existing facilities, accessible "unisex" toilets are a reasonable alternative.
3. In designing accessible single-user restrooms, the provisions of adequate space to allow a side transfer will provide accommodation to the largest number of wheelchair users.

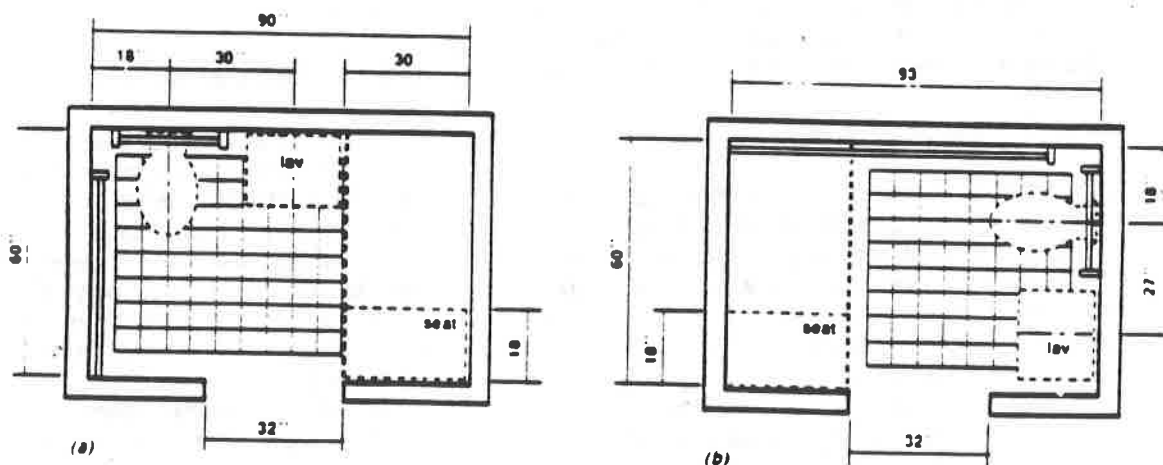


Fig. A7



## A4.23 Bathrooms, Bathing Facilities, and Shower Rooms

### A4.23 Bathrooms, Bathing Facilities, and Shower Rooms.

**A4.23.3 Clear Floor Space.** Figure A7 shows two possible configurations of a toilet room with a roll-in shower. The specific shower shown is designed to fit exactly within the dimensions of a standard bathtub. Since the shower does not have a lip, the floor space can be used for required maneuvering space. This would permit a toilet room to be smaller than would be permitted with a bathtub and still provide enough floor space to be considered accessible. This design can provide accessibility in facilities where space is at a premium (i.e., hotels and medical care facilities). The alternate roll-in shower (Fig. 57b) also provides sufficient room for the "T-turn" and does not require plumbing to be on more than one wall.

**A4.23.9 Medicine Cabinets.** Other alternatives for storing medical and personal care items are very useful to disabled people. Shelves, drawers, and floor-mounted cabinets can be provided within the reach ranges of disabled people.

### A4.26 Handrails, Grab Bars, and Tub and Shower Seats.

**A4.26.1 General.** Many disabled people rely heavily upon grab bars and handrails to maintain balance and prevent serious falls. Many people brace their forearms between supports and walls to give them more leverage and stability in maintaining balance or for lifting. The grab bar clearance of 1-1/2 in (38 mm) required in this guideline is a safety clearance to prevent injuries resulting from arms slipping through the openings. It also provides adequate gripping room.

**A4.26.2 Size and Spacing of Grab Bars and Handrails.** This specification allows for alternate shapes of handrails as long as they allow an opposing grip similar to that provided by a circular section of 1-1/4 in to 1-1/2 in (32 mm to 38 mm).

### A4.27 Controls and Operating Mechanisms.

**A4.27.3 Height.** Fig. A8 further illustrates

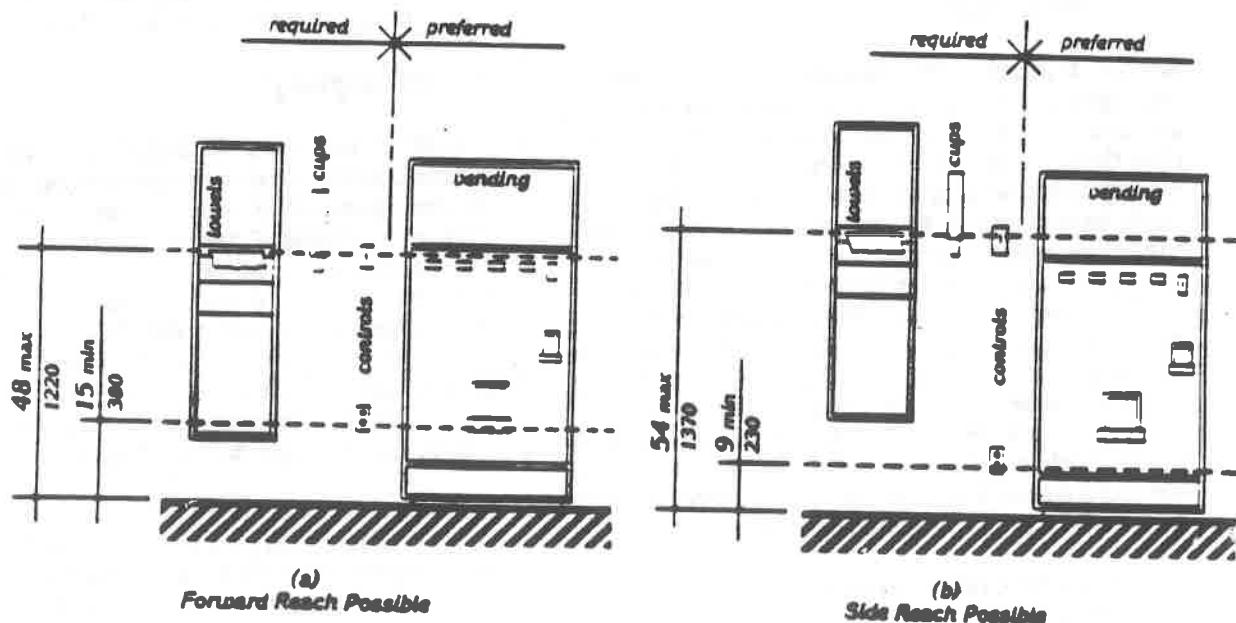


Fig. A8  
Control Reach Limitations

mandatory and advisory control mounting height provisions for typical equipment.

Electrical receptacles installed to serve individual appliances and not intended for regular or frequent use by building occupants are not required to be mounted within the specified reach ranges. Examples would be receptacles installed specifically for wall-mounted clocks, refrigerators, and microwave ovens.

## A4.28 Alarms.

**A4.28.2 Audible Alarms.** Audible emergency signals must have an intensity and frequency that can attract the attention of individuals who have partial hearing loss. People over 60 years of age generally have difficulty perceiving frequencies higher than 10,000 Hz. An alarm signal which has a periodic element to its signal, such as single stroke bells (clang-pause-clang-pause), hi-low (up-down-up-down) and fast whoop (on-off-on-off) are best. Avoid continuous or reverberating tones. Select a signal which has a sound characterized by three or four clear tones without a great deal of "noise" in between.

**A4.28.3 Visual Alarms.** The specifications in this section do not preclude the use of zoned or coded alarm systems.

**A4.28.4 Auxiliary Alarms.** Locating visual emergency alarms in rooms where persons who are deaf may work or reside alone can ensure that they will always be warned when an emergency alarm is activated. To be effective, such devices must be located and oriented so that they will spread signals and reflections throughout a space or raise the overall light level sharply. However, visual alarms alone are not necessarily the best means to alert sleepers. A study conducted by Underwriters Laboratory (UL) concluded that a flashing light more than seven times brighter was required (110 candela v. 15 candela, at the same distance) to awaken sleepers as was needed to alert awake subjects in a normal daytime illuminated room.

For hotel and other rooms where people are likely to be asleep, a signal-activated vibrator placed between mattress and box spring or under a pillow was found by UL to be much more effective in alerting sleepers. Many readily available devices are sound-activated so that they could respond to an alarm clock, clock

radio, wake-up telephone call or room smoke detector. Activation by a building alarm system can either be accomplished by a separate circuit activating an auditory alarm which would, in turn, trigger the vibrator or by a signal transmitted through the ordinary 110-volt outlet. Transmission of signals through the power line is relatively simple and is the basis of common, inexpensive remote light control systems sold in many department and electronic stores for home use. So-called "wireless" intercoms operate on the same principal.

## A4.29 Detectable Warnings.

**A4.29.2 Detectable Warnings on Walking Surfaces.** The material used to provide contrast should contrast by at least 70%. Contrast in percent is determined by:

$$\text{Contrast} = [(B_1 - B_2) / B_2] \times 100$$

where  $B_1$  = light reflectance value (LRV) of the lighter area  
and  $B_2$  = light reflectance value (LRV) of the darker area.

Note that in any application both white and black are never absolute; thus,  $B_1$  never equals 100 and  $B_2$  is always greater than 0.

## A4.30 Signage.

**A4.30.1 General.** In building complexes where finding locations independently on a routine basis may be a necessity (for example, college campuses), tactile maps or prerecorded instructions can be very helpful to visually impaired people. Several maps and auditory instructions have been developed and tested for specific applications. The type of map or instructions used must be based on the information to be communicated, which depends highly on the type of buildings or users.

Landmarks that can easily be distinguished by visually impaired individuals are useful as orientation cues. Such cues include changes in illumination level, bright colors, unique patterns, wall murals, location of special equipment or other architectural features.

Many people with disabilities have limitations in movement of their heads and reduced peripheral vision. Thus, signage positioned

## A4.30 Signage

perpendicular to the path of travel is easiest for them to notice. People can generally distinguish signage within an angle of 30 degrees to either side of the centerlines of their faces without moving their heads.

**A4.30.2 Character Proportion.** The legibility of printed characters is a function of the viewing distance, character height, the ratio of the stroke width to the height of the character, the contrast of color between character and background, and print font. The size of characters must be based upon the intended viewing distance. A severely nearsighted person may have to be much closer to recognize a character of a given size than a person with normal visual acuity.

**A4.30.4 Raised and Brailled Characters and Pictorial Symbol Signs (Pictograms).** The standard dimensions for literary Braille are as follows:

Dot diameter	.059 in.
Inter-dot spacing	.090 in.
Horizontal separation between cells	.241 in.
Vertical separation between cells	.395 in.

Raised borders around signs containing raised characters may make them confusing to read unless the border is set far away from the characters. Accessible signage with descriptive materials about public buildings, monuments, and objects of cultural interest may not provide sufficiently detailed and meaningful information. Interpretive guides, audio tape devices, or other methods may be more effective in presenting such information.

**A4.30.5 Finish and Contrast.** An eggshell finish (11 to 19 degree gloss on 60 degree glossimeter) is recommended. Research indicates that signs are more legible for persons with low vision when characters contrast with their background by at least 70 percent. Contrast in percent shall be determined by:

$$\text{Contrast} = [(B_1 - B_2)/B_1] \times 100$$

where  $B_1$  = light reflectance value (LRV) of the lighter area  
and  $B_2$  = light reflectance value (LRV) of the darker area.

Note that in any application both white and black are never absolute; thus,  $B_1$  never equals 100 and  $B_2$  is always greater than 0.

The greatest readability is usually achieved through the use of light-colored characters or symbols on a dark background.

**A4.30.7 Symbols of Accessibility for Different Types of Listening Systems.** Paragraph 4 of this section requires signage indicating the availability of an assistive listening system. An appropriate message should be displayed with the international symbol of access for hearing loss since this symbol conveys general accessibility for people with hearing loss. Some suggestions are:

INFRARED  
ASSISTIVE LISTENING SYSTEM  
AVAILABLE  
—PLEASE ASK—

AUDIO LOOP IN USE  
TURN T-SWITCH FOR  
BETTER HEARING  
—OR ASK FOR HELP—

FM  
ASSISTIVE LISTENING  
SYSTEM AVAILABLE  
—PLEASE ASK—

The symbol may be used to notify persons of the availability of other auxiliary aids and services such as: real time captioning, captioned note taking, sign language interpreters, and oral interpreters.

**A4.30.8 Illumination Levels.** Illumination levels on the sign surface shall be in the 100 to 300 lux range (10 to 30 footcandles) and shall be uniform over the sign surface. Signs shall be located such that the illumination level on the surface of the sign is not significantly exceeded by the ambient light or visible bright lighting source behind or in front of the sign.

## A4.31 Telephones.

**A4.31.3 Mounting Height.** In localities where the dial-tone first system is in operation, calls can be placed at a coin telephone through the operator without inserting coins. The operator button is located at a height of 46 in (1170 mm) if the coin slot of the telephone is at 54 in (1370 mm). A generally available public telephone with a coin slot mounted lower on the equipment would allow universal installation of telephones at a height of 48 in (1220 mm) or less to all operable parts.

**A4.31.9 Text Telephones.** A public text telephone may be an integrated text telephone pay phone unit or a conventional portable text telephone that is permanently affixed within, or adjacent to, the telephone enclosure. In order to be usable with a pay phone, a text telephone which is not a single integrated text telephone pay phone unit will require a shelf large enough (10 in (255 mm) wide by 10 in (255 mm) deep with a 6 in (150 mm) vertical clearance minimum) to accommodate the device, an electrical outlet, and a power cord. Movable or portable text telephones may be used to provide equivalent facilitation. A text telephone should be readily available so that a person using it may access the text telephone easily and conveniently. As currently designed pocket-type text telephones for personal use do not accommodate a wide range of users. Such devices would not be considered substantially equivalent to conventional text telephones. However, in the future as technology develops this could change.

## A4.32 Fixed or Built-in Seating and Tables.

**A4.32.4 Height of Tables or Counters.** Different types of work require different table or counter heights for comfort and optimal performance. Light detailed work such as writing requires a table or counter close to elbow height for a standing person. Heavy manual work such as rolling dough requires a counter or table height about 10 in (255 mm) below elbow height for a standing person. This principle of high/low table or counter heights also applies for seated persons; however, the limiting condition for seated manual work is clearance under the table or counter.

Table A1 shows convenient counter heights for seated persons. The great variety of heights for comfort and optimal performance indicates a need for alternatives or a compromise in height if people who stand and people who sit will be using the same counter area.

**Table A1**  
**Convenient Heights of Tables**  
**and Counters for Seated People<sup>1</sup>**

Conditions of Use	Short Women in mm		Tall Men in mm	
Seated in a wheelchair:				
Manual work-				
Desk or removeable armrests	26	660	30	760
Fixed, full-size armrests <sup>2</sup>	32 <sup>3</sup>	815	32 <sup>3</sup>	815
Light detailed work:				
Desk or removeable armrests	29	735	34	865
Fixed, full-size armrests <sup>2</sup>	32 <sup>3</sup>	815	34	865
Seated in a 16-in. (405-mm) High chair:				
Manual work	26	660	27	685
Light detailed work	28	710	31	785

<sup>1</sup> All dimensions are based on a work-surface thickness of 1 1/2 in (38 mm) and a clearance of 1 1/2 in (38 mm) between legs and the underside of a work surface.

<sup>2</sup> This type of wheelchair arm does not interfere with the positioning of a wheelchair under a work surface.

<sup>3</sup> This dimension is limited by the height of the armrests; a lower height would be preferable. Some people in this group prefer lower work surfaces, which require positioning the wheelchair back from the edge of the counter.

## A4.33 Assembly Areas.

**A4.33.2 Size of Wheelchair Locations.** Spaces large enough for two wheelchairs allow people who are coming to a performance together to sit together.

**A4.33.3 Placement of Wheelchair Locations.** The location of wheelchair areas can be planned so that a variety of positions



**Table A2. Summary of Assistive Listening Devices**

within the seating area are provided. This will allow choice in viewing and price categories.

*Building/life safety codes set minimum distances between rows of fixed seats with consideration of the number of seats in a row, the exit aisle width and arrangement, and the location of exit doors. "Continental" seating, with a greater number of seats per row and a*

*commensurate increase in row spacing and exit doors, facilitates emergency egress for all people and increases ease of access to mid-row seats especially for people who walk with difficulty. Consideration of this positive attribute of "continental" seating should be included along with all other factors in the design of fixed seating areas.*

**Table A2. Summary of Assistive Listening Devices**

System	Advantages	Disadvantages	Typical Applications
<b>Induction Loop</b> Transmitter: Transducer wired to induction loop around listening area. Receiver: Self-contained induction receiver or personal hearing aid with telecoil.	Cost-Effective Low Maintenance Easy to use Unobtrusive May be possible to integrate into existing public address system. Some hearing aids can function as receivers.	Signal spills over to adjacent rooms. Susceptible to electrical interference. Limited portability Inconsistent signal strength. Head position affects signal strength. Lack of standards for induction coil performance.	Meeting areas Theaters Churches and Temples Conference rooms Classrooms TV viewing
<b>FM</b> Transmitter: Flashlight-sized worn by speaker. Receiver: With personal hearing aid via DAI or induction neck-loop and telecoil; or self-contained with earphone(s).	Highly portable Different channels allow use by different groups within the same room. High user mobility Variable for large range of hearing losses.	High cost of receivers Equipment fragile Equipment obtrusive High maintenance Expensive to maintain Custom fitting to individual user may be required.	Classrooms Tour groups Meeting areas Outdoor events One-on-one
<b>Infrared</b> Transmitter: Emitter in line-of-sight with receiver. Receiver: Self-contained. Or with personal hearing aid via DAI or induction neckloop and telecoil.	Easy to use Insures privacy or confidentiality Moderate cost Can often be integrated into existing public address system.	Line-of-sight required between emitter and receiver. Ineffective outdoors Limited portability Requires installation	Theaters Churches and Temples Auditoriums Meetings requiring confidentiality TV viewing

Source: Rehab Brief, National Institute on Disability and Rehabilitation Research, Washington, DC, Vol. XII, No. 10, (1990).

**SECTION 10105**  
**VISUAL DISPLAY BOARDS**

**PART 1. GENERAL**

**1.1 SECTION INCLUDES**

- A. [Surfaced metal] [Slate] [Hardboard] chalkboards.
- B. Surfaced metal markerboards.
- C. Tackboards.
- D. [Trim,] [Chalkrail,] [and] accessories.

**1.2 PRODUCTS FURNISHED BUT NOT INSTALLED UNDER THIS SECTION**

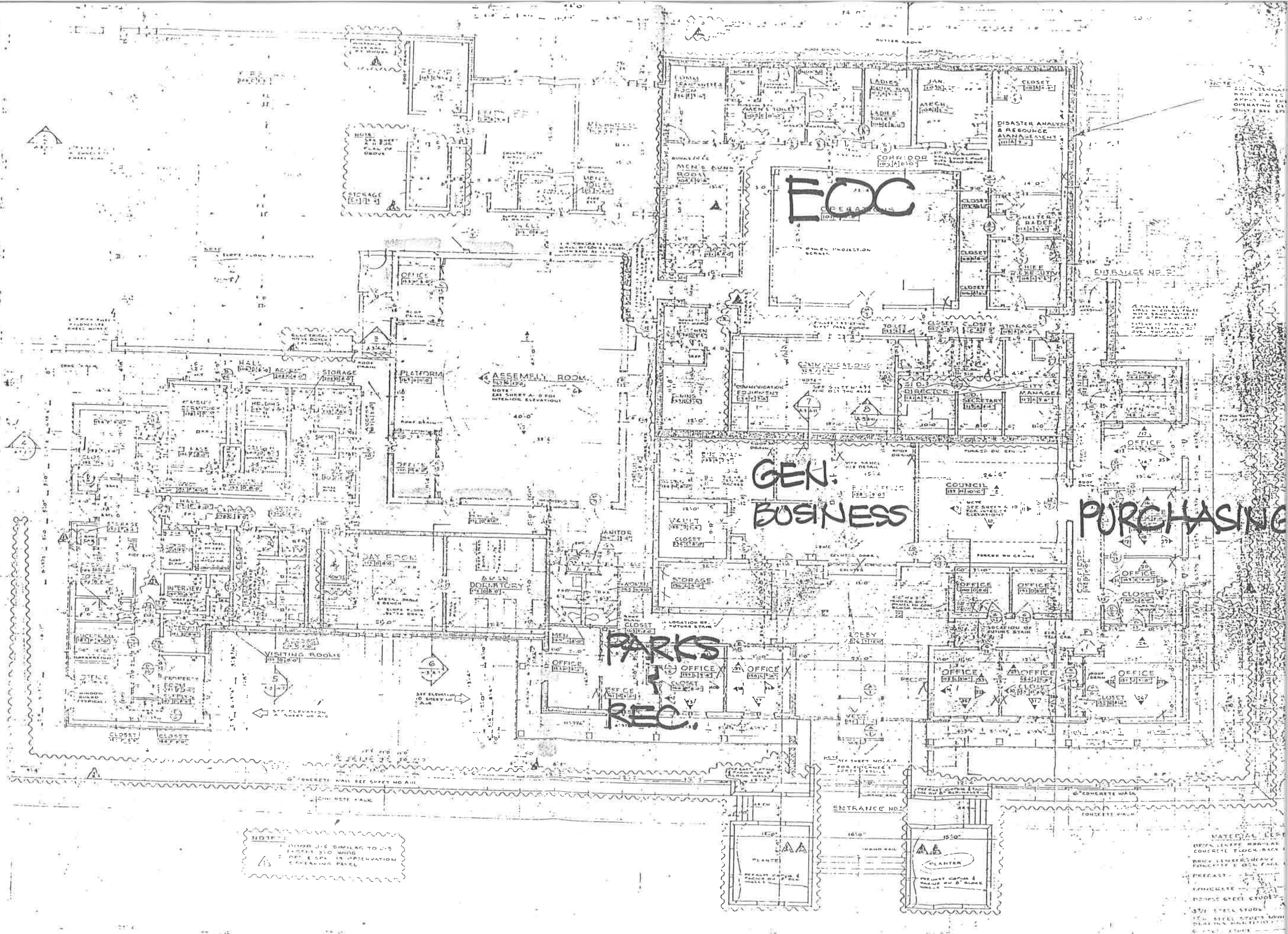
- A. Section [\_\_\_\_\_-\_\_\_\_\_]: Placement of concealed supports in wall construction.

**1.3 RELATED SECTIONS**

- A. Section [\_\_\_\_\_-\_\_\_\_\_]: Substrate construction.
- B. Section 06114 - Wood Blocking and Curbing: Wood grounds.
- C. Section [06200 - Finish Carpentry] [\_\_\_\_\_-\_\_\_\_\_]: Wood frame [and chalkrails].
- D. Section 09900 - Painting: Finish to wood frame [and chalkrail].

**1.4 REFERENCES**

- A. AHA A135.4 - Basic Hardboard.
- B. ASTM A424 - Steel Sheets for Porcelain Enameling.
- C. ASTM A526 - Steel Sheet, Zinc-Coated (Galvanized) by the Hot-Dip Process, Commercial Quality.
- D. ASTM B209 - Aluminum-Alloy Sheet and Plate.
- E. ASTM B221 - Aluminum-Alloy Extruded Bars, Rods, Wire, Shapes, and Tubes.
- F. ASTM C36 - Gypsum Wallboard.
- G. ASTM C208 - Insulation Board (Cellulose Fiber) Structural and Decorative.
- H. ASTM C543 - Slate Blackboards.







COPY

RESOLUTION NO. 94-04

"A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACT WITH BARGE, WAGGONER, SUMNER AND CANNON TO PROVIDE A STUDY IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT (ADA)."

WHEREAS, Public Law No. 101-336, the Americans With Disabilities Act (ADA), was signed into law on July 26, 1990; and

WHEREAS, the passage of this law prohibits discrimination against the disabled in the areas of employment, public services, public accommodation, and services operated by private entities and telecommunications; and

WHEREAS, under Title III of the ADA some physical alteration of public facilities may be necessary to accommodate the disabled; and

WHEREAS, in order to comply with Title III of the ADA, a study of municipal facilities is needed to evaluate accessibility; and

WHEREAS, Barge, Waggoner, Sumner and Cannon of Knoxville, Tennessee, has proposed to provide this study at a cost of One Thousand Six Hundred Dollars (\$1,600).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in adjourned session this 22nd day of February, 1994, that the Mayor and City Manager are hereby authorized, empowered and directed to execute a contract with BARGE, WAGGONER, SUMNER AND CANNON as specified above.

On Motion by COUNCIL MEMBER WITT, Seconded by

COUNCIL MEMBER NEWMAN, said Resolution was unanimously

approved this 22nd day of February, 1994.

  
LAWRENCE A. ROSEBERRY, Mayor

  
MELVIN L. BARKER, City Manager

APPROVED AS TO FORM:

  
KENNETH D. HIGGINS, City Attorney

