

The ADA for State and Local Governments: Facility Track

Session I -- The 2010 Standards and an Overview of Title II



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U. S. Department of Justice

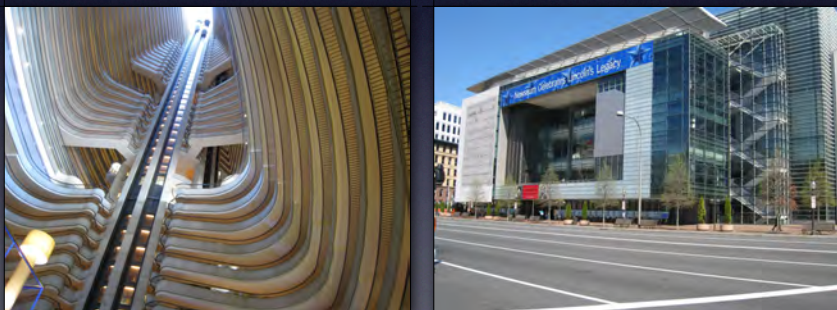
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Title II - State and Local Governments



2

Title III - Public Accommodations and Commercial Facilities



3

Title II and III Regulations

2010 Revisions to ADA Regulations

- Revision of Nondiscrimination Provisions and
- Adoption of 2010 Standards

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Title II and III Regulations

2010 Standards and “2004 ADAAG” defined in revised regulations...

2004 ADAAG -- requirements set forth in appendices B and D to 36 CFR part 1191 (2009)

2010 Standards -- 2010 ADA Standards for Accessible Design, which consist of the 2004 ADAAG and the requirements contained in § 35.151 and subpart D of 28 CFR part 36

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Title II Regulations at ADA.gov

Reviewers / DOE version

Americans with Disabilities Act Title II Regulations

Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services
(as amended by the final rule published on September 15, 2010)

Table of Contents

Supplementary Information
Revised Final Title II Regulation with Integrated Text

Subpart A -- General

- § 35.101 Purpose
- § 35.102 Application
- § 35.103 Relationship to other laws
- § 35.104 Definitions
- § 35.105 Self-evaluation
- § 35.106 Notice
- § 35.107 Designation of responsible employee and adoption of grievance procedures
- § 35.108 -- 35.129 (Reserved)

Subpart B -- General Requirements

- § 35.130 General prohibitions against discrimination
- § 35.131 Single use of drugs
- § 35.132 Smoking
- § 35.133 Maintenance of accessible features
- § 35.134 Retaliation or coercion
- § 35.135 Personal services and services
- § 35.136 Service animals
- § 35.137 Mobility devices
- § 35.138 Ticketing
- § 35.139 Direct threat

Subpart C -- Employment

- § 35.140 Employment discrimination prohibited
- § 35.141-35.148 (Reserved)

Subpart D -- Program Accessibility

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Title III Regulations at ADA.gov

Americans with Disabilities Act Title III Regulations

Part 36 Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (as amended by the final rule published on September 15, 2010)

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- § 36.102 Application
- § 36.103 Relationship to other laws
- § 36.104 Definitions
- § 36.105 -- 36.199 (Reserved)

Subpart B -- General Requirements

- § 36.201 General
- § 36.202 Activities
- § 36.203 Integrated settings
- § 36.204 Administrative methods
- § 36.205 Association
- § 36.206 Retaliation or coercion
- § 36.207 Places of public accommodations located in private residences
- § 36.208 Direct threat
- § 36.209 Illegal use of drugs
- § 36.210 Smoking
- § 36.211 Maintenance of accessible features
- § 36.212 Insurance
- § 36.213 Relationship of subpart B to subparts C and D of this part

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Title II Regulations at ADA.gov

ADA.gov Information and Technical Assistance on the Americans with Disabilities Act

United States Department of Justice
Civil Rights Division

Search ADA.gov

More Search Options

Law / Regulations Design Standards Technical Assistance Materials Enforcement

New on ADA.gov

- Fire Department of the City of New York | Complaint Consent Decree (posted 5/10/13)
- Stewart County, Georgia
Project Civic Access Agreement (posted 5/9/13)
- Burke Health and Rehabilitation Center
Settlement Agreement (posted 5/3/13)
- The City of Jacksonville
Project Civic Access Agreement (posted 4/19/13)
- Settlement Agreement (posted 4/5/13)
- Manassas Health and Rehab Center
Settlement Agreement (posted 4/5/13)
- Gainesville Health and Rehab Center
Settlement Agreement (posted 4/5/13)
- Center for Orthopaedic and Sports Medicine, Inc.
Settlement Agreement (posted 4/5/13)
- Northern Ohio Medical Specialists
Settlement Agreement (posted 4/5/13)
- The Learning Clinic
Settlement Agreement (posted 3/25/2013)
- Arapahoe County Sheriff's Office, Colorado
The City of Englewood, Colorado
Settlement Agreements (posted 3/22/2013)
- Glenbelgh
Settlement Agreement (posted 3/13/2013)

INTRODUCTION TO THE ADA

Publications and videos that answer these questions and more: What is the ADA? Who is a person with a disability? Who must comply with the ADA? Where can you call to ask questions about the ADA?

ADA REQUIREMENTS AND TECHNICAL ASSISTANCE

Regulations, design standards, publications, video, and other media that provide information about compliance with the ADA

ADA ENFORCEMENT ACTIVITIES

The Department enforces the ADA enforcement through complaints, lawsuits, consent decrees, settlement agreements, and alternate dispute resolution (mediation)

FEDERAL AND ADA DISABILITY RESOURCES

Federal agencies with ADA or Section 504 responsibilities and Federal websites with information related to disability rights issues

Featured Topics

ADA: Know Your Rights
Returning Service Members with Disabilities

Returning Service Members with Disabilities

File a Complaint

Instructions for filing a complaint with the Department of Justice and for requesting accommodations for the filing process

Find information on ADA.gov

Topics of interest on ADA.gov -- common ADA topics of interest that can be used in an ADA search

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2010 Standards for Accessible Design

Title II Standards

Requirements in 28 CFR 35.151
and
2004 ADAAG

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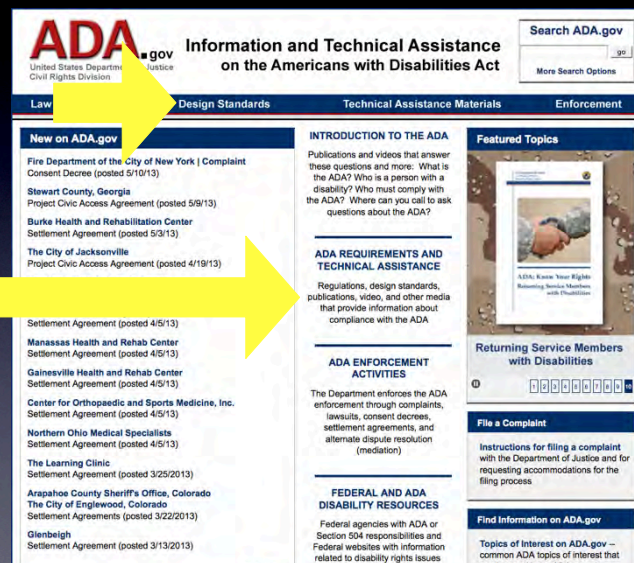
2010 Standards for Accessible Design

Title III Standards

Requirements in 28 CFR
part 36 subpart D
and
2004 ADAAG

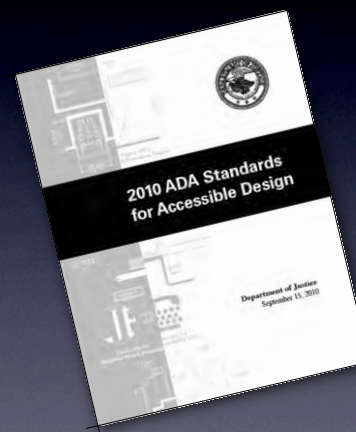
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2010 Standards at ADA.gov



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DOJ's 2010 ADA Standards

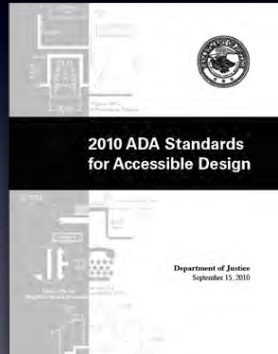


Appendices B and D to
36 CFR part 1191
(2009) -- 2004 ADA
Guidelines...

and the requirements
contained in § 35.151
and subpart D of 28
CFR part 36

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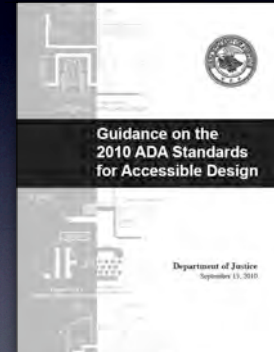
2010 Standards



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3	Public Accommodations and Commercial Facilities: Guidance on the Revisions to 28 CFR part 36, subpart D.....	39
4	Appendix B to part 36: Analysis and Commentary on the 2010 ADA Standards for Accessible Design.....	69

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Compliance Date

March 15, 2012

What Does This Mean?

Title II 2010 Standards

Current ADA Standards

Physical Construction or Alterations Commence on or After March 15, 2012



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Title II -- On or after March 15, 2012

- ...if physical construction or alterations commence on or after March 15, 2012, then the 2010 Standards apply.
- ...new construction, alterations, and program access
- 2010 Standards are also the new reference point for program accessibility

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2010 Standards Applies...

- New Construction
- Alterations
- State and local government facilities -- Physical Changes for Program Accessibility
- Public accommodations -- Readily Achievable Barrier Removal

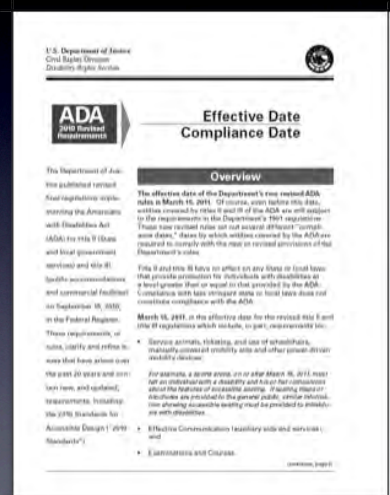
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Effective Date & Compliance Date

Available From:

www.ADA.gov

ADA
Information
Line



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General Prohibitions Against Discrimination

35.130 -- No qualified individual with a disability shall, on the basis of 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 public entity.

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New Construction

35.151(a) --
designed and
constructed in such
manner that the
facility or part of the
facility is readily
accessible to and
usable by individuals
with disabilities...



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Alterations

35.151(b) --
Each facility or part of a facility
altered by, on behalf of, or for
the use of a public entity in a
manner that affects or could
affect the usability of the facility
or part of the facility shall, to
the maximum extent feasible, be
altered in such manner that the
altered portion of the facility is
readily accessible to and usable
by individuals with disabilities...



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New Construction and Alterations

35.151(a)(1) Each facility or part of a facility
constructed by, on behalf of, or for the use of a
public entity shall be designed and constructed
in such manner that the facility or part of the
facility is readily accessible to and usable by
individuals with disabilities, if the construction
was commenced after January 26, 1992.

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2010 Standards



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Title II 2010 ADA Standards

A Kit of Parts...

Chapter 1 (reference standards, defined terms, etc...)

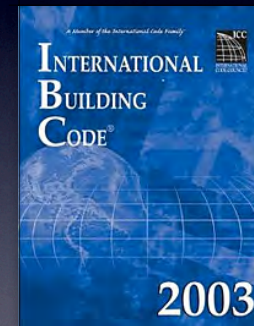
Chapter 2 Scoping Requirements

Chapters 3 - 10 Technical Requirements

Requirements Not Duplicated...

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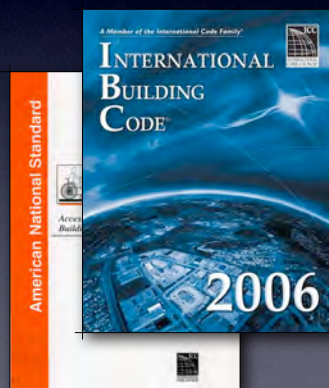
Harmonized with Model Building Codes



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Application in United States...

~50% of Building Codes 100% ADA Facilities --
DOJ Regulations



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Title II 2010 Standards

28 CFR part 35.151 New Construction and Alterations

(a) Design and construction, including the exception for structural impracticability.....	6
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(i) Curb ramps.....	13
(j) Facilities with residential dwelling units for sale to individual owners.....	13
(k) Detention and correctional facilities.....	13

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DOJ Regulation Text in 2010 Standards

Read with...

232.1 General. Buildings, facilities, or portions thereof, in which people are detained for penal or correctional purposes, or in which the liberty of the inmates is restricted for security reasons shall comply [See additional requirements at 28 CFR 35.151(k), p. 13.]

Advisory 232.1 General. Detention facilities include, but are not limited to, jails, detention centers, and holding cells in police stations. Correctional facilities include, but are not limited to, prisons, reformatories, and correctional centers.

Search for [See additional requirements...

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2010 Standards -- 2004 ADAAG

2004 ADAAG

Chapter 1: Application and Administration.....	37
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Chapter 3: Building Blocks.....	104
Chapter 4: Accessible Routes.....	117
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2010 Standards 2004 ADAAG Structure and Format

CHAPTER 1: APPLICATION AND
ADMINISTRATION

CHAPTER 2: SCOPING
REQUIREMENTS

CHAPTERS 3 - 10: TECHNICAL
REQUIREMENTS

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2010 Standards

- 1991 Standards – Advisory text was included in the Appendix
- 2010 Standards – Advisory text is included within the text after the provision
- **Advisory Language NOT enforceable**

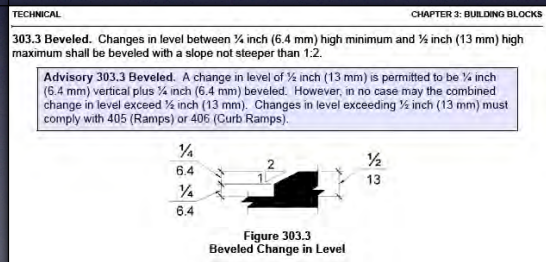
206.7.9 Team or Player Seating. Platform lifts shall be permitted to provide accessible routes to team or player seating areas serving areas of sport activity.

Advisory 206.7.9 Team or Player Seating. While the use of platform lifts is allowed, ramps are recommended to provide access to player seating areas serving an area of sport activity.

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2010 Standards

Figures provided for informational purposes only -- must read text... 104.3



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2010 ADA Standards

General Guidance:

Look for Chapter 2 Requirements
to Match Up with Requirements
from Chapters 3 - 10

206.4 Entrances with 404...

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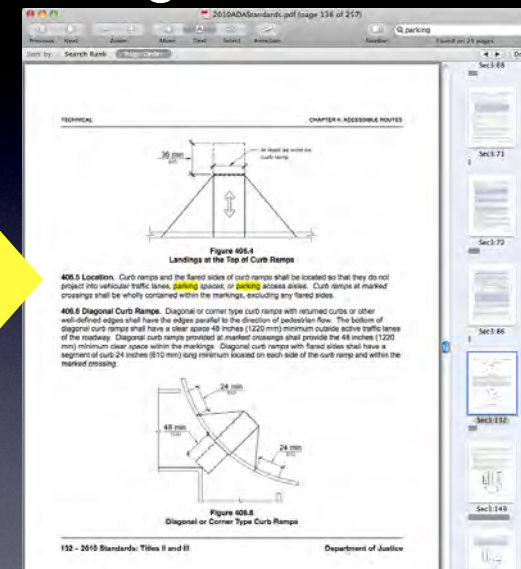
2010 ADA Standards Example -- Parking Spaces

Scoping is provided by 208
Parking Spaces (page 67)

Technical specifications are
in 502 Parking Spaces (page 149)

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Searching -- 2010 Standards



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Section 201.1 Scope

All **areas** of newly designed and newly constructed *buildings and facilities* and altered portions of existing *buildings and facilities* shall comply with these requirements.



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Section 201.2

Application Based on Building or Facility Use.

Where a site, building, facility, room, or space contains more than one use, **each portion** shall comply with the applicable requirements for that use.

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Section 202.3 Alterations

Where existing elements or spaces are altered, **each altered element or space** shall comply with the applicable requirements of Chapter 2.

EXCEPTIONS: 1. Unless required by 202.4, where elements or spaces are altered and the circulation path to the altered element or space is not altered, an accessible route shall not be required.

2. In alterations, where compliance with applicable requirements is technically infeasible, the alteration shall comply with the requirements to the maximum extent feasible.

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Section 202.2 Additions

Each **addition** to an existing building or facility shall comply with the requirements for **new construction**.

Each **addition** that affects or could affect the usability of or access to an area containing a primary function shall comply with 202.4.

40

Section 202.3 Alterations

The requirement in section 4.1.6(1)(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.” **is not in the 2010 Standards.**

See Advisory 202.3 Alterations.

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Section 202.4

Alterations Affecting Primary Function Areas

For title II facilities, read with 35.151(b)(4) Path of Travel.

Residential dwelling units are not required to comply with 202.4

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102 Adults and Children

The technical requirements are based on adult dimensions and anthropometrics.

In addition, this document includes technical requirements based on **children's dimensions and anthropometrics for drinking fountains, water closets, toilet compartments, lavatories and sinks, dining surfaces, and work surfaces.**

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308.1 Children's Reach

Advisory 308.1 General. The following table provides guidance on reach ranges for children according to age where building elements such as coat hooks, lockers, or operable parts are designed for use primarily by children. These dimensions apply to either forward or side reaches. Accessible elements and operable parts designed for adult use or children over age 12 can be located outside these ranges but must be within the adult reach ranges required by 308.

Children's Reach Ranges			
Forward or Side Reach	Ages 3 and 4	Ages 5 through 8	Ages 9 through 12
High (maximum)	36 in (915 mm)	40 in (1015 mm)	44 in (1120 mm)
Low (minimum)	20 in (510 mm)	18 in (455 mm)	16 in (405 mm)

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I05 Reference Standards

- Power, Power Assist, and Low Energy Power Operated Doors
- Elevators, Escalators, Platform Lifts, and Stairway Chairlifts
- Playground Equipment and Surfaces
- Accessible Means of Egress
- Guard Railings
- Fire Alarm Systems -- Visible Alarms

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Chapter I: Application and Administration

I06 Definitions

I06.2 Terms Defined in Referenced Standards

I06.3 Undefined Terms -- not defined in title II regulations or referenced standards

I06.5 Defined Terms

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Section 203 General Exceptions

This section exempts certain sites, buildings, facilities and elements from accessibility requirements of the 2010 Standards.

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Section 203 General Exceptions

Carries over similar exceptions from the 1991 Standards...

203.2 Construction Sites

203.3 Raised Areas

203.4 Limited Access Spaces

203.5 Machinery Spaces

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Where's the Accessible Route?



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Section 206 Accessible Routes

206.3 Location

Accessible routes shall coincide with or be located in the same area as general circulation paths. Where circulation paths are interior, required accessible routes shall also be interior.

50

Direct Access Bridges

206.4.2 Parking Structure Entrances

206.4.3 Entrances from Tunnels or Elevated Walkways



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Section 207 Egress

207.1 General. Means of egress shall comply with section 1003.2.13 of the **International Building Code** (2000 edition and 2001 Supplement) or section 1007 of the International Building Code (2003 edition) (incorporated by reference, see "Referenced Standards" in Chapter 1).

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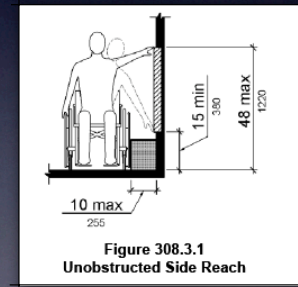
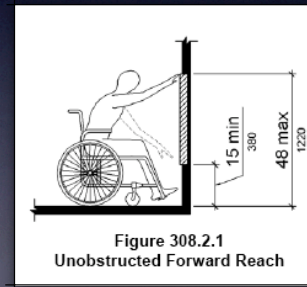
Section 215 Fire Alarm Systems



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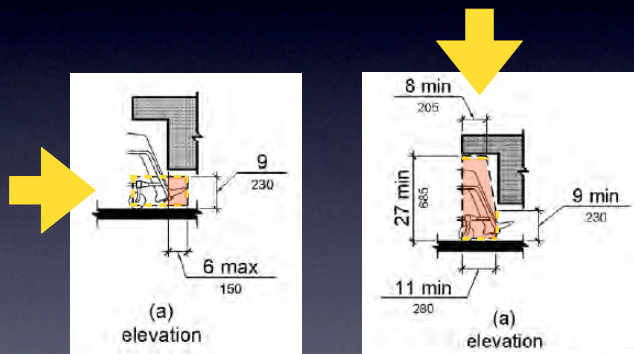
Chapter 3 Building Blocks

48 inches max -- 15 inches min



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Toe and Knee Clearance



55

Walking Surfaces

Section 403

- surface
- slope
- changes in level
- clearances
- **handrails** -- new



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Detectable Warnings

No requirement
in 2010
Standards

Required by
DOT's 504
Regulations...

Rights-of-Way...



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Door and Gate Surfaces

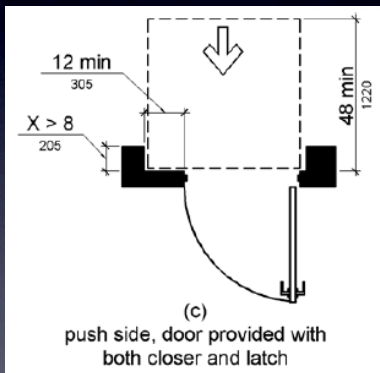
404.2.9



door & Gate
surfaces within
10" of the floor
must be smooth
- cannot snag
footrests

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Recessed Doorways



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505 Handrails

307.2 Protrusion Limits. Objects with leading edges more than 27 inches (685 mm) and not more than 80 inches (2030 mm) above the finish floor or ground shall protrude 4 inches (100 mm) maximum horizontally into the circulation path.

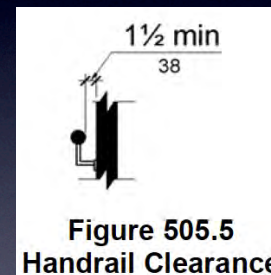


Figure 505.5
Handrail Clearance

EXCEPTION: Handrails shall be permitted to protrude 4 1/2 inches (115 mm) maximum

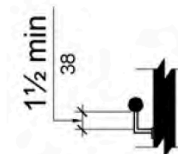
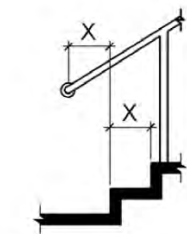


Figure 505.6
Horizontal Projections Below Gripping Surface

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505 Handrails



Note: X = tread depth

Figure 505.10.3
Bottom Handrail Extension at Stairs

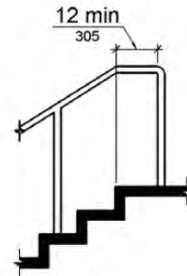


Figure 505.10.2
Top Handrail Extension at Stairs

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505 Handrails

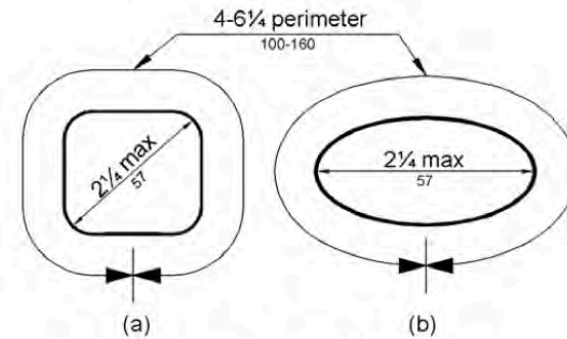


Figure 505.7.2
Handrail Non-Circular Cross Section

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Ambulatory Accessible Compartment

Six or More
Compartments
-- Also Urinals
+
Compartments



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609.3 Spacing

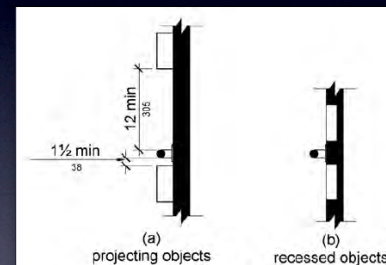


Figure 609.3
Spacing of Grab Bars



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New Technology...



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605 Urinals

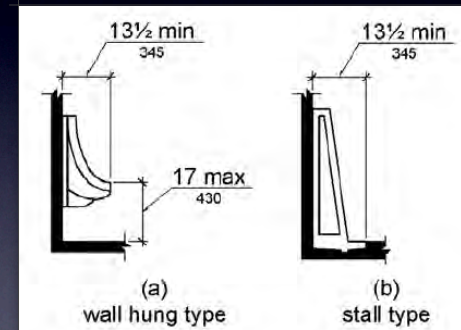


Figure 605.2
Height and Depth of Urinals

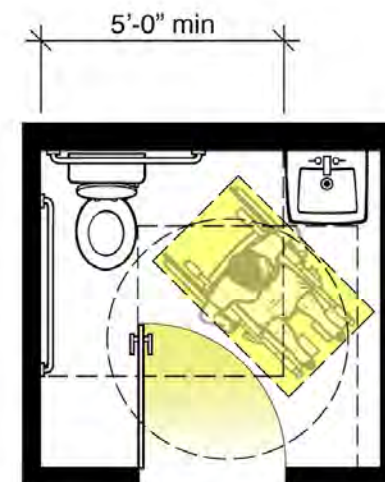
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213.3.3 More than One...



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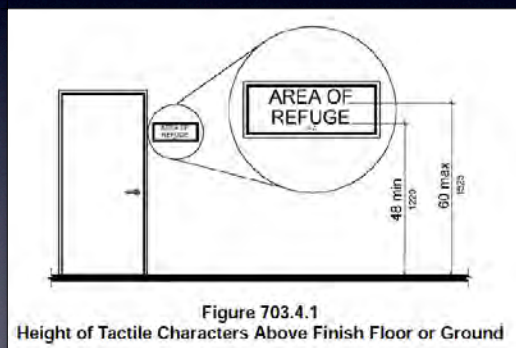
Single-User Toilet Room



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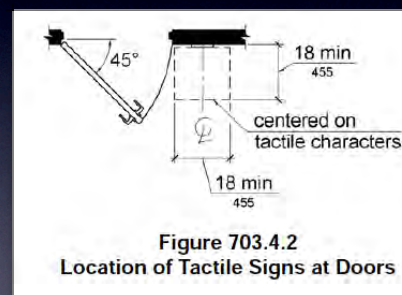
Signs and Signage

216 and 703



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Location of Tactile Signs



Pull Side



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www.ADA.gov

ADA Information Line

800-514-0301

800-514-0383(tty)

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Questions

?

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