

A C C E S S I B I L I T Y

U N L I M I T E D

DESIGNERS NEED TO KNOW WHAT TO EXPECT FROM NEW ADA GUIDELINES -
FOR REAL THIS TIME.....

By: Peter Grojean, P.E., RAS, LEED AP

On July 26, 2010, President Obama announced the release of updated regulations and standards by the Department of Justice (DOJ). The new standards are based on the revised minimum guidelines previously established by the Access Board that include provisions for certain types of facilities not previously addressed. The Access Board - an independent Federal agency devoted to accessibility for people with disabilities - was created in 1973 to ensure access to federally funded facilities. The Access Board today is the leading source of information on accessible design criteria for the built environment, transit vehicles, telecommunications equipment and for electron and information technology.

When the Access Board published the new Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines on July 23, 2004, the design community expected adoption of the guidelines by the DOJ would occur fairly quickly. Obviously, this didn't happen. I even presented several classes to the local chapter of the AIA on the "upcoming" revisions and augmented sections of the Federal standards. That proved to only add confusion to the design standards since adoption by DOJ took 6 years - and in this business confusion is the enemy.

Now that Attorney General Eric Holder has signed the final regulations revising the DOJ's regulations and ADA Standards for Accessible Design, (and President Obama announced this fact) the change is real, though we are all waiting for the regulations and design standards to be published in the Federal Register. Until we see them published we won't know if DOJ made any changes to the Access Board document or the actual effective date - 18 months from the date of publication in the Federal Register.

Though there may be some revisions to the final document when published in the Federal Register, here are just some of the changes designers, commercial property owners and developers can expect:

- * Maximum side reach height is changing from 54" to 48". So 48" will become the new maximum high reach for both forward and parallel approaches.
- * 5% or at least one of mailboxes, depository, vending machine, change machine and gas pumps to meet forward or side reach - currently not addressed, so all are assumed to be required to be accessible.
- * 60% in lieu of 50% of public entrances to be accessible.
- * Sites that have 4 or fewer parking spaces are exempt from having to reserve by signage one space for disabled use - though 1 space will have to comply with requirements. Currently accessible parking must be reserved regardless of the number of spaces provided.
- * Van accessible parking requirements will be based on ratio of 1 in 6 accessible spaces. Currently, 1 in 8 spaces must comply with van accessible parking requirements.

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- * Stairs that serve as a means of egress will be required to comply. Current standards require stairs to be accessible only when they provide access to floor levels not otherwise connected by an accessible route. But the requirement for the horizontal extension at the bottom of the stairs is going away.
- * Common use sinks - under counter knee clearance will not be required, unless the space includes a cook top or conventional range.
- * Currently in toilet rooms with 6 or more toilet stalls, in addition to the "standard" accessible stall, an additional stall with parallel grab bars, 36" width and outward swinging door is required - commonly referred to as an "ambulatory" stall. The requirement will change to include when there are 6 or more stalls and urinals.
- * When multiple single-users toilet rooms are clustered in a single location, 50% rather than 100% will be required to be accessible.
- * The distance from the wall to the centerline of accessible water closets is currently established at 18". This will change to a range from 16" to 18". (And 17" to 19" in the ambulatory stall.)
- * New standards will no longer allow the lavatory to encroach into or overlapping the clear floor area of the water closet which extends 60" from the side wall.
- * New standards will allow 36" by 36" showers in alteration projects to have a 2" curb in lieu of the current ½" curb without exception. Also, accessible shower options will be expanded to included options currently only permitted in transient lodging.

In addition to these changes, the new Guidelines will include specific provisions for some type of facilities not previously addressed. These include: **Judicial Facilities and Courtrooms; Residential Facilities; Amusement Rides; Recreational Boating Facilities; Exercise Machines and Equipment; Fishing Piers and Platforms; Golf Facilities; Miniature Golf Facilities; Play Areas; Sauna and Steam Rooms; Swimming Pools, Wading Pools, and Spas; and Shooting Facilities with Firing Positions.**

Having reviewed all of this, a question remains with regard to the Texas Accessibility Standards (TAS). Since TAS has been certified by the DOJ as meeting or exceeding the requirements of the current ADAAG, any changes to the Federal standards will cause conflicts with the current TAS unless Texas adopts new standards consistent with the New ADA/AB. It is my understanding from conversations with representatives from the Texas Department of Licensing and Regulation (TDLR), the agency tasked with administering the Elimination of Architectural Barriers Law, that they would like to adopt the new Federal accessibility guidelines as the New Texas Accessibility Standards without any changes and to have the same effective dates. Texas accessibility standards currently require some provisions which exceed those of the current ADAAG. Can Texas adopt the new Federal standards, without change?... some in the disabled community don't think that will happen, so we'll have to wait and see.

NEWS FLASH!!

The official text was published in the Federal Register on September 15, 2010.

These final rules will take effect March 15, 2011. Compliance with the 2010 Standards for Accessible Design is permitted as of September 15, 2010, but not required until March 15, 2012. The Department has prepared fact sheets identifying the major changes in the rules.