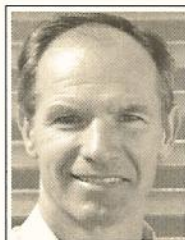


Revised fed ADA guidelines could modify Texas standards



Building Access

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Architects, interior designers, landscape architects and engineers have become fairly knowledgeable with the current guidelines and standards governing accessibility design. Since Texas has its own standards and those standards have been certified by the Justice Department as meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), we have felt secure in designing to the Texas standards. But change is in the wind and these changes are sure to cause some confusion and controversy.

On Jan. 14, the Access Board, an independent federal agency that makes rules regarding accessibility for people with disabilities, unanimously approved new guidelines in final form. On Feb. 23, the board submitted the guidelines to the Office of Management and Budget (OMB), the federal government's regulatory clearing house, for review and clearance. On June 25, the OMB approved the new guidelines and plans on publishing them in the Federal Register on July 26 – the 14th anniversary of the ADA's enactment into law. The new guidelines will not be enforceable until the Department of Justice and the Department of Transportation adopt them as the new standards for their respective jurisdictions.

Retooling Texas standards

Texas Department of Licensing and Regulation (TDLR) is also waiting for the new guidelines to be adopted, because Texas is anxious to change its standards – Texas Accessibility Standards – to be modeled after the new federal guidelines.

What changes can design professionals and building owners expect to see in the

new guidelines and what affect will the new guidelines have on both the public and private sectors? For the most part, the specific design criteria for accessible elements and facilities will not change. Ramps will still have a maximum slope of 8.33 percent and accessible toilet stalls will still be approximately 60-by-60 inches.

But there are numerous clarifications and some changes and additions. Also, the new guidelines allow numerous conditions which currently are the subject of the majority of variances submitted to TDLR.

For example, small employee work areas (less than 150 square feet) will not be required to be accessible if required to be elevated. This could include projector booths, sound rooms and even the caller platform in bingo halls. Currently, all of these areas are required to be accessible by elevator or ramp, unless a variance is granted by TDLR. Similarly, press boxes less than 500 square feet will not be required to be accessible.

Some other provisions which have become less stringent are: signs which designate permanent rooms will be permitted to be mounted between 48 inches to 60 inches from the floor (currently they must be mounted at 60 inches); accessible parking signage will not be required when four or fewer parking spaces are provided; platform lifts will be allowed without a variance to provide access to specific areas, i.e., performance areas, in existing buildings, incidental areas occupied by not more than five people and judicial spaces; and large assembly facilities (over 500 capacity) will be required to provide fewer wheelchair seating locations.

Some of the areas where the standards have become more stringent are: 60 percent of public entrances will be required to be accessible (currently 50 percent); one "van" accessible parking space will be required for every six accessible parking spaces (currently eight); maximum side reach will be 48 inches – though may be over an obstruction – (currently 54 inches); drinking fountains will require forward approach only (currently parallel approach is permitted); and no fixtures will be allowed in

the clear floor area of accessible toilets (currently the lavatory is allowed to be adjacent to the toilet).

Trouble spots

The new ADA Accessibility Guidelines also attempt to address some of the areas which have given designers and contractors the most trouble. For example, the current standards require the centerline of accessible toilets be 18 inches from the adjoining wall. No tolerances are given. The new guidelines provide a range of 16-to-18 inches from the adjoining wall. (Does this mean that in those instances where contractors were required to reposition toilets because they were 16 inches from the wall, that those modifications were not necessary?)

As mentioned above, accessible signage can now be between 48 inches and 60 inches and, in some instances, can be mounted on the door. The requirement to not require accessible parking signage in areas where four or less spaces are provided, is also a change to make the guidelines more practical.

Debates are currently being carried out in Washington and across the country over whether or not compliance with the original ADA Accessibility Guidelines in existing facilities is sufficient or will compliance with the new standards be required. The current ADAAG does not "grandfather" existing facilities, but arguments are being made for both sides of this issue. Lobbyists from the business organizations, hotel/motel industry, telephone suppliers and chambers or commerce argue that changes are not necessary and that the existing guidelines are already too stringent. Others in the design and construction business say many of the changes are necessary to address the numerous conditions which are not practical and which require – at least in Texas – variances from TDLR.

Peter Grojean, President of Accessibility Unlimited, is a registered professional engineer who specializes in the American with Disabilities Act. He is under contract with the Texas Department of Licensing and Regulations to review plans and inspect completed projects for compliance with the Texas Accessibility Standards.