

Title II of the ADA: ADA Facilities Track 3



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Safe Harbor: Existing Facilities

Elements that comply with the corresponding requirements for those elements in the 1991 Standards or UFAS do not need to be modified to meet the 2010 Standards **unless they are altered on or after March 15, 2012.**

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Built or Altered to 1991 Standards or UFAS...



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Not Subject to Safe Harbor §35.150(b)(2)(ii) and §36.304(d)(2)(iii)

- (A) Residential facilities and dwelling units
- (B) Amusement rides
- (C) Recreational boating facilities
- (D) Exercise machines and equipment
- (E) Fishing piers and platforms
- (F) Golf facilities
- (G) Miniature golf facilities

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Safe Harbor and Maintenance...

- Designed or altered AND complies with 1991 Standards or UFAS
- Maintain access
- May reduce access to comply with 2010 Standards...

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Not Subject to Safe Harbor §35.150(b)(2)(ii) and §36.304(d)(2)(iii)

- (H) Play areas
- (I) Saunas and steam rooms
- (J) Swimming pools, wading pools, and spas
- (K) Shooting facilities with firing positions
- (L) Miscellaneous
 - (1) Team or player seating
 - (2) Accessible route to bowling lanes
 - (3) Accessible route in court sports facilities

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35.133 Maintenance of Accessible Features

A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities ...

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Blocked Clear Floor Space



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35.133 Maintenance of Accessible Features

...does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

If the 2010 Standards reduce the technical requirements or the number of required accessible elements below the number required by the 1991 Standards, the technical requirements or the number of accessible elements in a facility subject to this part may be reduced in accordance with the requirements of the 2010 Standards.

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Construction



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Maintaining Compliance?



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Drainage Barrier



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Drainage Issues



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Clearing Snow at Crosswalks



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Detectable Warnings



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§ 35.160 General -- Communications...

(a)(1) A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

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Broken Pavement or Missing Pavement



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Emergency Call Stations

Not on Accessible Route



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Emergency Call Stations



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Public Computers



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35.130(b)(7) Reasonable Modification

A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

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Public Computers



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Charging and Work Stations



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Security Portals



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Self-Serve Kiosks



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Existing Facilities

Operate each service or activity so that, when viewed in its entirety, it is accessible to and usable by people with disabilities.

Applies to ALL facilities.

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Sculpture



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Integration

Must give priority to methods that provide services, programs, and activities in the most integrated setting appropriate.

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Program Access

No qualified individual with a disability shall, because a public entity's facilities are inaccessible or unusable,

Be excluded from participation;
Be denied benefits of programs;
Be subjected to discrimination.

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Existing Facilities

Operate each service or activity so that, when viewed in its entirety, it is accessible to and usable by people with disabilities.

Applies to ALL facilities.

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“When Viewed in its Entirety”

- ▶ Look at each program or program component – how do people participate generally?
- ▶ Identify locations in specific geographic areas – county by county, town by town, or neighborhood by neighborhood.
- ▶ What services or programs are offered at each location? Who is the intended audience/customer base?

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Flared-Side Curb Ramp



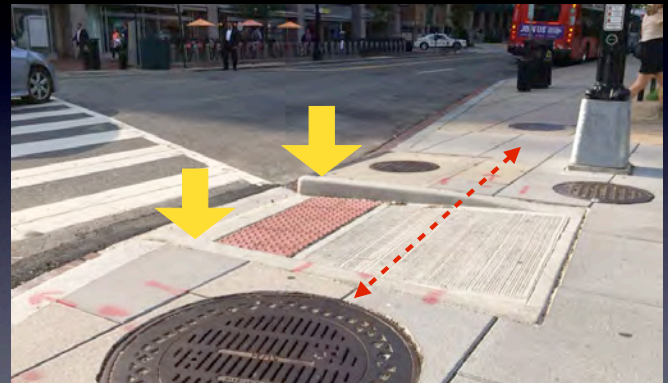
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Street Level Pedestrian Walkways...



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Returned-Side Curb Ramp



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§ 35.151(i) Curb Ramps

- (i) Curb ramps.
- (1) Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.
- (2) Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.

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Public Rights-of-Way Guidelines

Streets & Sidewalks

New guidelines the Board is developing will cover access to public rights-of-way, including sidewalks, intersections, street crossings, and on-street parking. The Board is also addressing access to shared use paths providing off-road means of transportation and recreation.

Public Rights-of-Way
New guidelines that will address pedestrian access to sidewalks and streets.

Shared Use Paths
New guidelines that will cover shared use paths.

www.access-board.gov/guidelines-and-standards/streets-sidewalks

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Detectable Warnings

No requirement
in 2010 Standards

Required by
DOT's 504
Regulations...

Rights-of-Way...



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Maintenance? Program Access?



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Hazard?



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Milling Pavement...



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Accessible Controls



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Temporary Fillet...



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Program Access?



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CONTACT



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Program Access?



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Questions



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