

Title II of the ADA: New Construction, Alterations, and Existing Facilities



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Title II - State and Local Governments



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DOJ's Title II Regulations

- 2010 Revision of
Nondiscrimination Policies
and
- Adoption of 2010 Standards

3

Title II Regulations at ADA.gov



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Title II Regulations at ADA.gov



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§ 35.102 Application

(a) Except as provided in paragraph (b) of this section, this part applies to **all services, programs, and activities provided or made available by public entities.**

(b) To the extent that public transportation services, programs, and activities of public entities are covered by subtitle B of title II of the ADA, they are not subject to the requirements of this part.

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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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2010 Standards for Accessible Design

Title II Standards

Requirements in 28 CFR 35.151
and
2004 ADAAG

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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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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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Title II Until March 15, 2012

1991 Standards*



UFAS



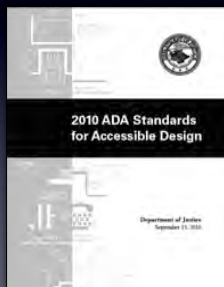
2010 Standards



*Elevator exemption does not apply.

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Title II On and After March 15, 2012



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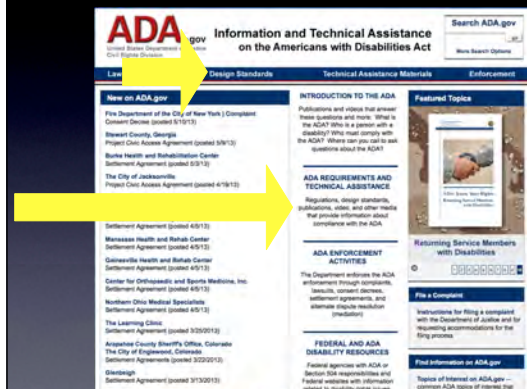
DOJ's 2010 ADA Standards



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 at ADA.gov



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2010 Standards



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2	2010 Standards for State and Local Government Facilities; Title II.....	3
3	2010 Standards for Public Accommodations and Commercial Facilities; Title III.....	15
4	2010 Standards for Titles II and III Facilities; 2004 ADAAG.....	31

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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
(b) Alterations, including alterations to historic properties, path of travel, and primary function	6
(c) Accessibility standards and compliance date	9
(d) Scope of coverage.....	11
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(h) Medical care facilities	13
(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 with the following requirements: [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: Guidance



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2	State and Local Government Facilities: Guidance on the Revisions to 28 CFR 35.151.....	3
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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2010 ADA Standards

Structure:

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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2010 Standards -- 2004 ADAAG

2004 ADAAG

Chapter 1: Application and Administration.....	37
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Chapter 3: Building Blocks.....	104
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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**

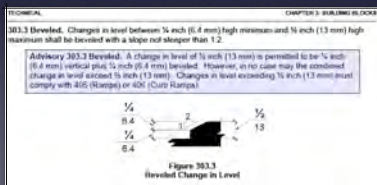
206.7.9 Team or Player Seating. Platform lifts shall be permitted to provide accessible routes to team or player seating areas serving areas of sport activity.

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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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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Historic Facilities



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Chapter 2: Scoping Requirements

Section 202.5 Alterations to Qualified Historic Buildings and Facilities

Alterations to a qualified historic building or facility shall comply with 202.3 and 202.4.

Read with 28 CFR 35.151 or 28 CFR 36.405

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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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2010 ADA Standards

What if an element or space is not scoped?

Reasonable number but at
least one...

Program access...

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Security Portals?



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Temporary Stage?



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2010 Standards

Path of Travel

28 CFR 35.151(b)(4)

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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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Street Level Pedestrian Walkways...



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Curb Ramps & Signals



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Chapter 2: Scoping Requirements

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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Chapter 2: Scoping Requirements

Section 203 General Exceptions

Adds new exception...

203.7 Detention and Correctional Facilities
In detention and correctional *facilities*, *common use areas* that are used only by inmates or detainees and security personnel and *that do not serve holding cells or housing cells required to comply with 232*, shall not be required to comply with these requirements or to be on an *accessible route*.

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Chapter 2: Scoping Requirements

Section 206 Accessible Routes



206.2.7 Press Boxes

Aggregate area of all
press boxes is 500
square feet maximum

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Chapter 2: Scoping Requirements

Section 206 Accessible Routes

206.2 Where Required

- ▶ Amusement Rides
- ▶ Recreational Boating Facilities
- ▶ Bowling Lanes
- ▶ Court Sports
- ▶ Exercise Machines and Equipment
- ▶ Fishing Piers and Platforms
- ▶ Golf and Miniature Golf Facilities
- ▶ Play Areas

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Chapter 2: Scoping Requirements

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.

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Where's the Accessible Route?



43

Accessible Route Connects All Accessible Buildings?



44

206.3 Location?



45

206.3 Location



46

Direct Access Bridges

206.4.2 Parking Structure Entrances

206.4.3 Entrances from Tunnels or Elevated Walkways



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Chapter 2: Scoping Requirements

Section 215 Fire Alarm Systems

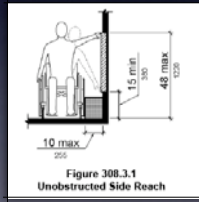
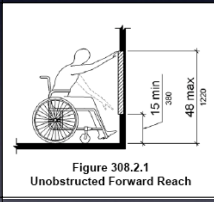


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2010 Standards

Chapter 3 Building Blocks

48 inches max -- 15 inches min



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Building Blocks



50

Clear Floor Space?



51

228 Scoping...



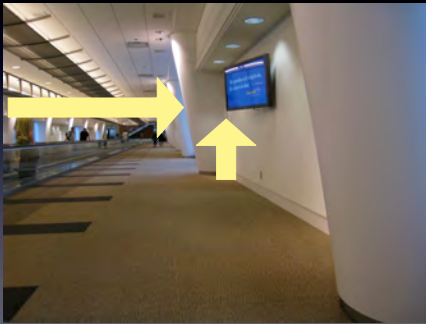
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307 Protruding Objects



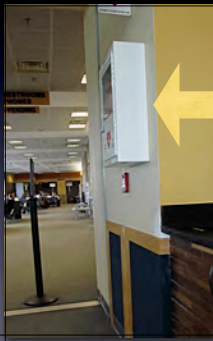
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Protruding Objects



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Protruding Object?



Wall-Mounted AED

55

Protruding Object?



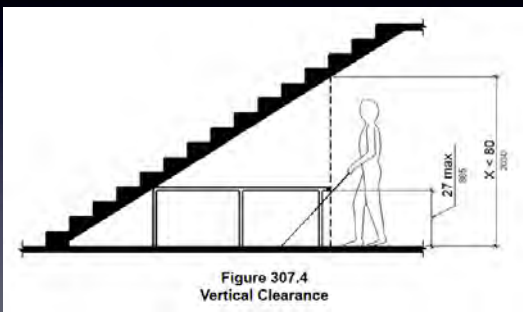
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Protruding Object?



57

307 Protruding Objects



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Hazard? Compliant?



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Permanent Railing



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Chapter 4

Accessible Routes

- Components
- Walking Surfaces
- Doors, Doorways, and Gates
- Ramps
- Curb Ramps
- Elevators
- Limited-Use/Limited-Application Elevators
- Private Residence Elevators
- Platform Lifts

61

Walking Surfaces

Section 403

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



62

406 Curb Ramps

- Counter Slope
- Sides of Curb Ramp
- Landings
- Location
- Diagonal Curb Ramps
- Islands

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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

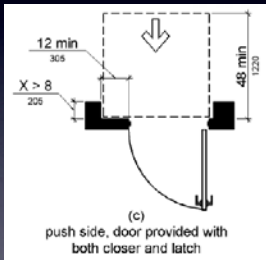
404.2.9



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

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Recessed Doorways



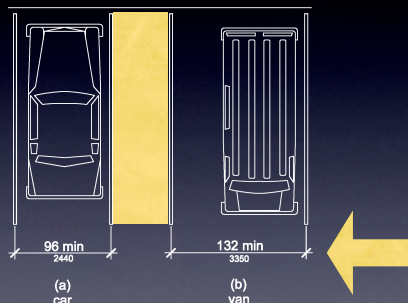
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502 Parking Spaces

- ▶ Measuring width of spaces
- ▶ Vehicle Spaces
- ▶ Access Aisle
- ▶ Location
- ▶ Floor or Ground Surfaces
- ▶ Vertical Clearance
- ▶ Identification
- ▶ Relationship to Accessible Routes

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Five-foot Access Aisle

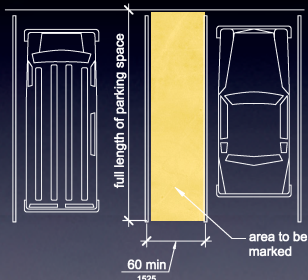


Width of van spaces = 132 inches minimum

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Five-foot Access Aisle

Exception to 502.2 allows van spaces to be min. 96 inches wide with a min. 96 inch wide access aisle

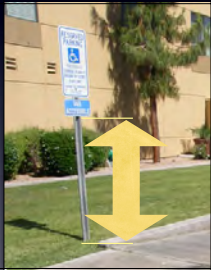


Width of car spaces = 96 inches minimum

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Accessible Parking Signs

Section 502.6 Identification



60 inches min.

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Compliant?



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Compliant?



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503 Passenger Loading Zones

- ▶ Vehicle Pull-Up Space
- ▶ Access Aisle
- ▶ Floor or Ground Surfaces
- ▶ Vertical Clearance

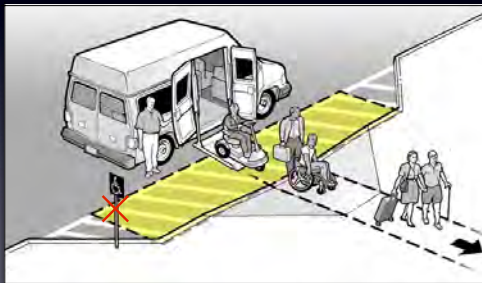
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Passenger Loading Zones



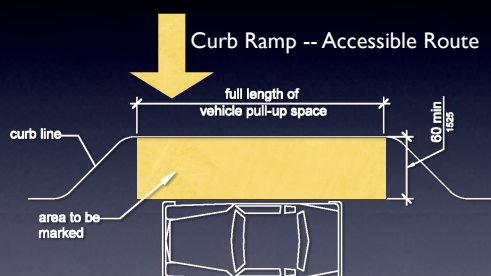
74

Passenger Loading Zones Sections 209 and 503



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Passenger Loading Zones



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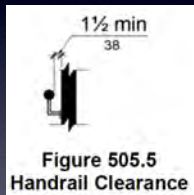
504 Stairways



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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.



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

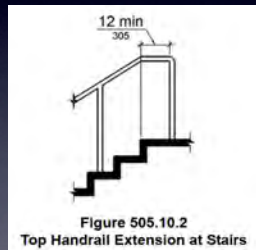
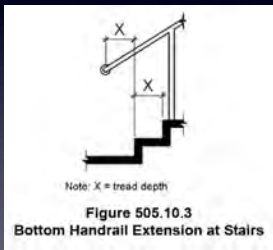


Figure 505.5
Handrail Clearance

Figure 505.6
Horizontal Projections Below Gripping Surface

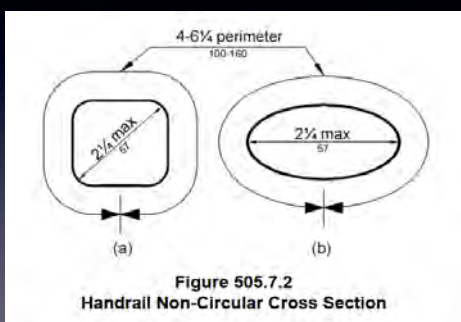
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505 Handrails



79

505 Handrails



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Chapter 6: Plumbing Elements and Facilities

- ▶ Drinking Fountains
- ▶ Toilet and Bathing Rooms
- ▶ Water Closets and Toilet Compartments
- ▶ Urinals
- ▶ Lavatories and Sinks
- ▶ Bathtubs
- ▶ Shower Compartments
- ▶ Grab Bars
- ▶ Seats
- ▶ Washing Machines and Clothes Dryers
- ▶ Saunas and Steam Rooms

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604.8.1 Wheelchair Accessible Compartment



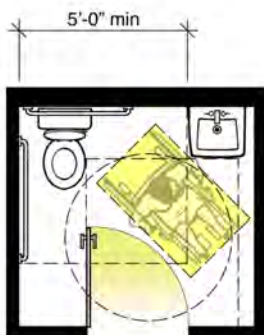
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213.3.3 More than One...



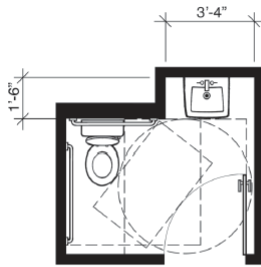
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Single-User Toilet Room



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604.5.2 Recessed Fixture...



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Dispenser Above Grab Bar

604.7 Dispensers

609.3 Spacing



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604.7 Dispenser Outlet Location

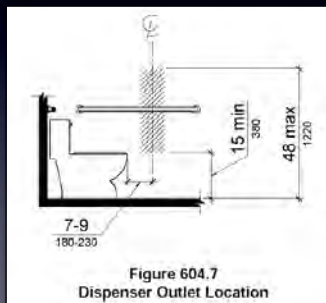


Figure 604.7
Dispenser Outlet Location

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609.3 Spacing

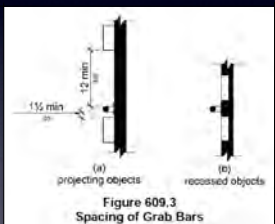


Figure 609.3
Spacing of Grab Bars



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Recessed Hand Dryer...



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Compliant?



90

Compliant?



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Washers & Dryers

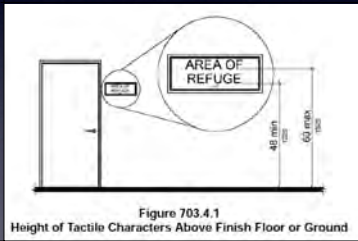
Sections
214 and 611



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Signs and Signage

216 and 703



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Types of Permanent Signs

Permanent Rooms
and Spaces



Tactile Characters

Directional or
Informational

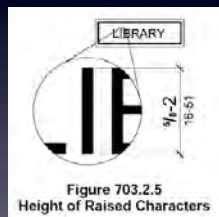


Visual Characters Only

94

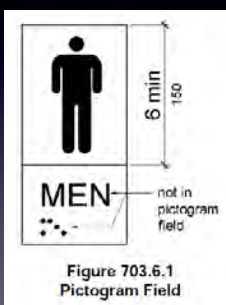
Tactile Signs

Raised Characters and Braille



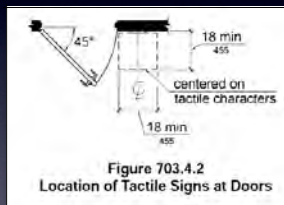
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Pictograms



96

Location of Tactile Signs



Pull Side



97

Tactile Signs -- Push Side

703.4.2 Location

EXCEPTION: Signs with tactile characters shall be permitted on the push side of doors with closers and without hold-open devices.



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Questions

?

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