

Accessibility in State-Owned Buildings and Facilities

Rethinking Accessibility as a Customer-Oriented Culture



**Georgia State Financing and Investment Commission
State ADA Coordinator's Office**

Table of Contents

| | |
|---|-----------|
| Chapter 1: Introduction | 5 |
| I. Federal laws and regulations | 6 |
| II. Best practice in accessible design | 7 |
| III. Application | 7 |
| IV. Results | 8 |
| Chapter 2: Overview of Federal laws | 9 |
| I. The Architectural Barriers Act of 1968 | 10 |
| II. Section 504 of the Rehabilitation Act of 1973 | 11 |
| III. Fair Housing Amendments Act of 1988 | 11 |
| IV. Americans with Disabilities Act of 1990 | 12 |
| V. Putting it all together | 16 |
| Chapter 3: Beyond the Minimums | 18 |
| I. Established federal guidelines | 19 |
| II. Pending federal guidelines | 21 |
| III. 2004 ADAAG | 23 |
| IV. Georgia's reasonable accommodation mandate | 25 |
| V. Universal design | 26 |
| Chapter 4: Procurement Considerations | 28 |
| I. Architectural and engineering services | 29 |
| II. Consulting services | 30 |
| III. Property lease proposals | 30 |
| IV. Building materials | 31 |
| V. Public facility equipment | 31 |
| VI. Audio-visual equipment | 32 |
| VII. Printing and signage services | 32 |
| VIII. IT equipment | 33 |
| Chapter 5: Common Errors and Omissions | 34 |
| I. Design and plan review | 35 |
| II. Construction practices | 38 |
| Chapter 6: Existing Buildings | 41 |
| I. Maintaining accessibility | 42 |
| II. General alteration requirements | 43 |
| III. Increasing accessibility | 44 |
| IV. Egress and life safety concerns | 45 |
| V. Historic facilities | 45 |
| Chapter 7: Resources and Appendices | 48 |
| • Federal resources | 49 |
| • State resources | 50 |
| • Other resources | 50 |
| • Checklist of federal laws and the GAC | 51 |
| • Where the GAC exceeds the ADA requirements | 52 |
| • Checklist of common design errors | 53 |
| • Checklist of common construction errors | 55 |
| • Checklist for maintaining accessible facilities | 56 |
| • Test Your Knowledge: Answers | 57 |

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Foreword

More than 1.4 individuals with disabilities live and work in Georgia. These citizens may come into contact with our state government in many different ways: as students at any State of Georgia university, college or technical college; as visitors to any state-operated career center; as applicants or recipients of any required licensing or certification; as applicants for employment with the State of Georgia, or as visitors to any State park or State facility.

As increasing numbers of people with disabilities participate in civic life, the accessibility of our state government's facilities, and specific project activities, is critically important. The goal is equal access. Everyone who qualifies to use our state government's resources or participate in sponsored activities should be able to do so comfortably and efficiently. To achieve this goal of equal access, our office has developed this manual. Its purpose is two-fold:

(1) Provide design and construction professionals with accurate information about accessibility requirements to ensure consistent interpretation and application of those requirements in State building projects.

Accessibility is a mandate covered in state codes, standards, and regulations. State government agencies are required to design and build facilities in a manner in which people with disabilities can access those programs, services, and activities offered. It is critical that design professionals, state department and agency administrators, construction compliance specialists, procurement officers, and facility operators understand these basic requirements.

Accessibility laws and standards, however, only set minimum standards for accessibility and accommodations. We ask design and construction professionals to:

(2) Proactively consider ways the built environment can be designed or adapted with the widest range of users in mind.

That is, rethink accessibility – not as a legal requirement or unwanted mandate, but as the direct route to creating a customer-oriented culture that includes individuals with disabilities and promotes full participation and equal opportunity for everyone. We challenge designers and builders to move beyond the minimum requirements – and embrace a concept of universal design that serves everyone's needs and ensures designed environments that are functional, safe, and accommodating, while still meeting the highest aesthetic standards.

We hope this manual serves as a helpful tool towards these ends. Our office is ready to work with you as we build Georgia's future for everyone.

Thank you,
State ADA Coordinator's Office, Georgia State Financing and Investment Commission

Chapter I: Introduction

Our goal is to not just meet, but exceed our federal and state obligations to provide a barrier-free environment in state-owned and operated facilities and, in doing so, maintain Georgia's role as a leader in serving the needs of individuals with disabilities and all citizens of our state.

Chapter 1: Introduction

The State of Georgia has a long-standing policy to encourage and enable persons with disabilities to participate fully in the social and economic life of Georgia. Critical to this objective is ensuring the accessibility of our built environment, a goal first established in our 1997 Georgia Accessibility Code.

In 2007, the Georgia State Financing and Investment Commission (GSFIC) and the State ADA Coordinator's Office initiated the *Statewide Facilities Accessibility Project*. Recognizing the leadership role the state has in ensuring barrier-free design throughout Georgia's public and private sectors, a comprehensive accessibility plan was established for state-owned and operated facilities for the purpose of increasing the accessibility and usability of these facilities for persons with disabilities.

This *Technical Assistance Manual* was developed to support and help implement this important project. It is critical that all parties involved in the design, construction, alteration, and maintenance of our state facilities understand not only the minimum guidelines and requirements of our federal and state accessibility mandates, but how those mandates interrelate. Department and agency administrators, construction compliance specialists, procurement officers, and facility operators should also understand where and why these minimums can be exceeded to benefit not only persons with disabilities but all building users—a concept known as “Universal Design.” Finally, the Accessibility Project and this manual are intended to ensure a consistent level and quality of accessible design in all state facilities, from our courthouses to universities, and our office complexes to our state parks.



I. Federal laws and regulations

Facilities constructed, owned, and operated by the State of Georgia are subject to the accessibility requirements of Title II of the ADA. The ADA generally states that covered entities are prohibited from discriminating against persons on the basis of disability, and Title II requires that state and local governments ensure that their programs, activities, and services, when “viewed in their entirety,” be accessible to, and usable by, persons with disabilities.

There are other federal laws, however, that dictate accessible design that are just as important and just as applicable to state buildings. Understanding those laws and how their nondiscrimination mandates overlay the requirements of the ADA and our Georgia Accessibility Code is critical to complying with federal law and—more important—making our state facilities usable by all persons and accessible to those with disabilities.

In addition to the laws passed by Congress, federal agencies have established regulations and guidelines that are applied in a variety of ways to different state projects. This manual explains where and when to use the accessibility criteria established by the federal Departments of Justice, Transportation, Housing and Urban Development, and others.

II. Best practice in accessible design

The “science of accessibility” is a growing and changing field. Since the mid-1990s, the federal Architectural and Transportation Barriers Compliance Board (known as the ‘Access Board’) that establishes the accessibility guidelines that ultimately find their way into enforceable regulations has been adding to our knowledge base on how to make facilities, and the individual components of those facilities, usable by individuals with disabilities. Design criteria for accessible judges’ benches in a state courtroom, special housing units in a correctional facility, playgrounds in a state park, swimming pools on a state university campus — all of these and more have been established and should be considered “best practices” when designing and constructing state facilities, even though they are not yet adopted as enforceable under federal regulations. Other elements and facilities are undergoing review by the Access Board, with draft guidelines for things like detectable warnings and accessible roundabouts in the public right-of-way. These should be reviewed and at least considered when designing state facilities.¹

The private sector model building codes and standards also contain a wealth of accessible design provisions that can prove invaluable to designers of state facilities. For example, the ADA and Georgia Accessibility Code require assembly areas to have wheelchair locations that provide lines of sight “comparable to those for members of the general public,” and the federal government has interpreted this to include sight lines over standing spectators. How to provide this has been specified in the ICC/ANSI A117.1-2003 International Code Council/American National Standards Institute) accessibility standard that is referenced in the 2006 ICC International Building Code. Designers of assembly areas to be owned or operated by the state would benefit from this resource.

This manual also explores how accessibility codes and regulations should be considered minimum specifications, and how exceeding the minimums can benefit not only persons with disabilities but the public as a whole—again, often referred to as, “Universal Design.”

III. Application

The Georgia Statewide Facilities Accessibility Project applies not only to new construction, but to alterations of existing buildings, renovations of historic facilities, improvements to facilities intended to provide better accessibility, maintenance of accessible features, and modifications to bring the state into compliance with the ADA. In addition, this manual reviews state procurement policies as they relate to accessibility, from establishing a quality design team to identifying acceptable products to be used in a building. It also looks at on-site construction practices, from maintaining accessibility during construction and renovation work to identifying common mistakes made in the field that adversely impact accessible design.

¹ Supplemental guidance is also available from the federal Access Board at www.access-board.gov

Note this manual is a supplement to federal accessibility laws and regulations, Georgia accessibility law, and the Georgia Accessibility Code. It is not a comprehensive design manual or legal document, and should not be considered as such. It includes advice and suggestions for effective implementation of the law and offers information about why access features are needed, and how these features benefit everyone. This manual has been developed to provide important information to assist state construction compliance specialists, procurement officials and facility maintenance personnel in making appropriate and cost-effective decisions.

IV. Results

The Georgia State Financing and Investment Commission is dedicated to its mission of *Building Georgia's Future* for all Georgians, including our citizens with disabilities. Our Statewide Facilities Accessibility Project and this *Technical Assistance Manual* are designed to assist and provide the necessary resources to those in our state agencies responsible for building and maintaining Georgia's infrastructure — from university campuses to state courtrooms, from passenger rail systems to state parks and historic sites. Our goal is to not just meet, but exceed our federal and state obligations to provide a barrier-free environment in state-owned and operated facilities and, in doing so, maintain Georgia's role as a leader in serving the needs of individuals with disabilities and all citizens of our state.



Chapter 2: Overview of Federal Laws

Unlike the building code world where a single version of a code or standard applies to a facility, any combination of federal laws may address the accessibility of a project.

Chapter 2: Overview of Federal Laws

Accessibility is one of the few topics in both our Georgia Building Code and the nation's model building codes that has an overlay of federal requirements that must be considered when designing and constructing a building. But unlike other federal mandates related to energy conservation, safety glazing, or designing flood elevations, accessibility is unique in its *civil rights* implications, particularly those reflected by the ADA.

The ADA is only one law to reference when addressing our federal accessibility mandates. In fact, there are a number of federal laws that include barrier-free design provisions, all of which must be considered in the design and construction of state buildings.

I. The Architectural Barriers Act of 1968

The Architectural Barriers Act (ABA) requires that if federal money is spent to design, construct, or alter a building, the building must meet certain minimum accessibility requirements. Additionally, if a federal agency designs, constructs, alters, or leases a building, it must do the same.

When written, the law referenced the original 1961 ANSI A117.1 standard for the technical requirements for accessibility. Later, the federal Access Board developed the guidelines which became the 1984 Uniform Federal Accessibility Standards (UFAS) when adopted by the federal regulatory departments for the ABA:

- Department of Housing and Urban Development (HUD)
- Department of Defense (DOD)
- General Services Administration (GSA)
- United States Postal Service (USPS)

UFAS is being replaced by the federal regulatory departments as they adopt the Architectural Barriers Act Accessibility Guidelines (ABAAG) published in the Federal Register in July 2004. Currently, the United States Department of Transportation, General Services Administration, and the United States Postal Service reference the 2004 ABAAG.

II. Section 504 of the Rehabilitation Act of 1973 and the Uniform Federal Accessibility Standards

Section 504 of the Rehabilitation Act of 1973 states that if *an entity receives federal funds* it cannot discriminate against persons with disabilities.

Unlike the ABA, the federal dollar does not need to be spent on construction activity. If a state agency uses federal funds to provide a service to its citizens, it is covered by Section 504, even though the federal funds are not being directed to building construction.

A Georgia college or university that receives federal funds must ensure that, when viewed in their entirety, its programs and activities are usable by persons with disabilities. This is true even if the federal funds that the college receives are only used for student loans and grant programs. The effect is that the Uniform Federal Accessibility Standards (UFAS) must be applied to all new construction and alterations by the college.

Note that the *programs* provided by a federal recipient must be accessible. This does not necessarily translate to making the recipient's existing facilities fully accessible. For example, if a state agency has offices in an old building with an inaccessible second floor, the agency can arrange to provide the services offered on that floor in an alternate accessible location as needed. An elevator is not automatically required.

III. Fair Housing Amendments Act of 1988

The Fair Housing Act (FHA) was amended in 1988 to add people with disabilities and familial status to the list of individuals that could not be discriminated against in the housing market. For people with disabilities, the HUD regulations establish certain minimum accessibility standards for new construction of "qualified multifamily housing." The FHA applies to all public and private housing providers, irrespective of federal funding.

For these housing units, Congress specified that compliance with the 1986 ANSI A117.1 standard would constitute compliance with the new construction requirements of the FHA, but that something less than 1986 A117.1 accessibility would also be permitted. The resulting HUD Fair Housing unit permits interior unit doors that provide no maneuvering space for someone using a wheelchair and less than the 32-inch clear opening required by the 1986 A117.1. These technical provisions are also less restrictive than the residential access requirements of Title 30 (30-3-4). For example, FHA allows some bath and powder rooms to be inaccessible, as well as inaccessible lofts or sunken living rooms.

Technical requirements aside, the greatest impact of the FHA is how these units are scoped (i.e., where the technical requirements apply). Generally, all dwelling units in buildings with elevators must comply with the Fair Housing Accessibility Guidelines. All ground floor units in buildings without elevators must comply, and a building may have more than one ground unit. HUD also applies the requirements to more than just apartment buildings or condominiums; some transient residential occupancies, many hospitals, most nursing homes and group homes, and all university dormitories are subject to the Act's accessibility requirements.

IV. Americans with Disabilities Act of 1990

The Americans with Disabilities Act of 1990, or ADA, is the most recent major disability law passed by Congress.

Everyone in the design and code enforcement communities knows about the ADA. Many, however, are not aware that the ADA is comprised of five parts, or “Titles”;

- I. Employment
- II. State and Local Government Activities (including Transportation)
- III. Public Accommodations (including Commercial Construction)
- IV. Telecommunication Relay Services
- V. Miscellaneous Provisions



Of these, Titles II and III address building design and construction, and Titles I and II apply to departments in state government.

Before reviewing the specifics of the law, it's important to understand who the law is meant to protect. An individual with a disability is defined as someone who has a physical or mental impairment that substantially limits one or more major life activities. This can include seeing, walking, feeding one's self, living independently, or holding a job. Additionally, a person who has a history, or record of such an impairment, or a person who is perceived by others to have such an impairment, is protected by the ADA.

Title I

Title I prohibits discrimination in employment by entities with 15 or more employees, and requires an employer to provide reasonable accommodations to an otherwise qualified employee or applicant. An accommodation may include installing visible alarm notification appliances for a deaf employee, widening an office doorway for an employee using a wheelchair, or assisting a blind job applicant with filling out an application. The “reasonableness” component of Title I has an “undue burden” test that is case-specific and budget-sensitive. For example, providing a ramp at the employee entrance may be an undue burden for Dave's Computer Repair on Main Street, whereas installing an elevator for an employee using a wheelchair could be reasonable for Google™ or Microsoft®.

The reasonable test sets a high standard for state departments and agencies that may need to alter their buildings or facilities for an employee with a disability (modifications of procedures, policies, job descriptions, etc. is a separate matter not addressed by this manual).

The decision to make structural modifications for an employee with a disability may not be based on judgments regarding the value or importance of an employee's work. For example, the State Attorney General's office could not decide that it will modify a bathroom for a staff attorney who uses a wheelchair, but not for a secretary who uses a wheelchair. Additionally, Title I protects qualified applicants for employment; a state agency may not make employment decisions regarding a prospective employee based on the fact that the applicant's disability may involve accessibility modifications to the place of employment.

Title I is enforced by the United States Equal Employment Opportunity Commission (EEOC).

Title II

Title II applies to services provided by the state and its political subdivisions. The State of Georgia is required to ensure that its programs, activities, and services, when viewed in their entirety, do not discriminate against individuals with disabilities. In existing buildings, this may involve moving programs or activities to an accessible level or area, or may involve making alterations to existing facilities, including modifications to toilet rooms, adding braille signs to rooms and spaces, or installing an elevator or platform lift to an inaccessible level or story.

Title III

Title III contains accessibility requirements that apply to design and construction in the private sector, and thus is not generally applicable to the State of Georgia. While its technical criteria are identical to those applied to Title II facilities, it includes exceptions for religious entities and private clubs, as well as an “elevator exception” for most two story buildings (note that the Georgia Accessibility Code does not exempt religious entities like churches and synagogues).

State officials should be aware of the Title III requirements for two reasons:

- Designers are most familiar with these provisions, and may rely on the Title III elevator exception when developing plans for state facilities. This is not appropriate in Title II construction, and a two-story office building that may not need an elevator when built for a private sector insurance company will need an elevator when built for a state agency.
- State agencies may lease space in their Title II properties to businesses that are regulated by Title III. For example, a student union at a state university may include space leased to a private concessionaire or restaurant chain; the operator of this facility is subject to the Title III accessibility requirements (as well as the Georgia Accessibility Code). In such cases, the responsibility for providing accessible elements and spaces is determined by the lease. The restaurant chain may be responsible for installing accessible countertops and dining surfaces, while the university is responsible for providing an accessible route to the leased space and accessible toilet rooms serving that portion of the building. Regardless, a state (Title II) entity can not obviate its responsibility to comply with the law and regulations.

From the Department Of Justice Title II Technical Assistance Manual:

Relationship to Title III. Public entities are not subject to Title III of the ADA, which covers only private entities. In many situations, however, public entities have a close relationship to private entities that are covered by Title III, with the result that certain activities may be at least indirectly affected by both Title II & III.

ILLUSTRATION: A privately owned restaurant in a State park operates for the convenience of park users under a concession agreement with a State department of parks. As a public accommodation, the restaurant is subject to Title III and must meet those obligations. The State department of parks, a public entity, is subject to Title II. The parks department is obligated to ensure by contract that the restaurant is operated in a manner that enables the parks department to meet its Title II obligations, even though the restaurant is not directly subject to Title II.

Apply the correct ADA Design Guidelines

In writing the Act, Congress specified that the Department of Justice (DOJ) would establish the Standards for Accessible Design that apply to *the vast majority* of public and private sector buildings and facilities designed, constructed, and altered under the act. DOJ did so in 1991 by adopting the ADA Accessibility Guidelines (ADAAG) published by the federal Access Board at that time. The current DOJ Standards are dated 1994, and include a number of small amendments (mostly involving reach ranges for accessible automatic teller machines) to the 1991 ADAAG.

The Georgia Accessibility Code is based on, and generally consistent with, the current DOJ Standards for Accessible Design and the 1994 ADAAG.

In new construction of, and alterations to, buildings owned and operated by the State of Georgia, the DOJ requires compliance with either the 1984 Uniform Federal Accessibility Standards (UFAS) or its 1994 ADAAG, except that the elevator exception that ADAAG provides for Title III public accommodations does not apply to state facilities. (The Georgia Accessibility Code implicitly reflects this in 120-3-20.08, exception 1 by stating the elevator exception does not apply to “...another type of facility as determined by the U.S. Attorney General.” The U.S. Attorney General does not provide an elevator exception for state facilities regulated by Title II.)

DOJ establishes the Standards for Accessible Design that apply to *the vast majority* of ADA-regulated construction. Congress also specified, however, that the U.S. Department of Transportation (DOT) had regulatory authority under the act, including the responsibility to establish accessibility standards for entities under its purview. DOT regulations have technical specifications for things like accessible busses and rail cars, *but the DOT regulations also apply to buildings and facilities. And the DOT accessibility standards are different from those of DOJ and the Georgia Accessibility Code.*

As stated above, the federal Access Board develops and publishes the ADA Accessibility Guidelines that DOJ and DOT reference in their regulations. In 2004, the Access Board published a new ADAAG that is similar to the accessibility requirements of the International Code Council (ICC) model building codes and the ICC/ANSI A117.1-2003 standard for accessible buildings and facilities. In late 2006, DOT adopted this new version of ADAAG.



The result is that state departments and agencies subject to the DOT regulations for the ADA (like the Georgia Department of Transportation) have a newer and different accessibility standard to meet than state agencies regulated by DOJ. More important, the DOT standards are often more restrictive than the requirements of the Georgia Accessibility Code, and reliance on our code will result in violations of the DOT regulations. For example, while DOJ and the state code permit accessible controls and operating mechanisms to be located 54 inches above the floor, the new ADAAG limits the reach to 48 inches maximum. Elevator controls in some buildings will need voice enunciators to indicate floor locations. Fire alarms will have to comply with a recent edition of the National Fire Protection Association's NFPA 72 *National Fire Alarm Code* and not the current ADAAG requirements for placement and intensity of fire alarm visual notification appliances. Accessible means of egress will need to comply with the ICC *International Building Code*, which means that elevators in some buildings will have to serve as part of an accessible means of egress.

The federal Access Board published a comparative analysis of the new ADAAG, current ADAAG, and the 2003 *International Building Code* and its 2004 Supplement on its Web site (www.access-board.gov). Over 500 pages in length, it provides a line-by-line overview of how the DOJ ADA accessibility requirements for Georgia State Parks and Historic Sites (for example) differ from the DOT regulations that apply to the Georgia Rail Passenger Authority.

Regardless of the fact that the 1994 ADAAG provisions remain the legally enforceable accessibility requirements under current DOJ regulations, Georgia departments and agencies subject to those regulations should review the new ADAAG to determine: 1) what more restrictive provisions can be applied to a project, and 2) whether the new ADAAG provides scoping and technical requirements for facilities and elements not covered by current ADAAG or the Georgia Accessibility Code that can, nonetheless, be applied to the design and construction of a building. For example, state office buildings should be constructed with control and operating mechanisms no higher than 48 inches (new ADAAG) even though 54-inch-high controls are still permitted under existing DOJ rules. Access to swimming pools must be provided using the new ADAAG criteria, even though the current ADAAG does not address this issue. This will allow the state to avoid having to retrofit its facilities to provide the program accessibility and reasonable accommodations mandated by the ADA for Title II entities at a later date. ADA's overriding mandate that the state not discriminate against persons with disabilities dictates the need to look at supplemental design guidance like the new ADAAG and other Access Board materials when building new facilities.



V. Putting it all together

Unlike the building code world where one version of a code or standard applies to a facility, any combination of federal laws may address the accessibility of a project. For example, in a jurisdiction that has adopted the 2006 *International Building Code*, the requirements in the 2000 edition of the code do not matter. With federal law, all federal standards and requirements must be considered, and the most restrictive provisions of each must be applied to a particular project.

As an example, a married students' housing project is being constructed at a state university using funds from the U.S. Department of Education (applicable accessibility regulations indicated in parentheses).

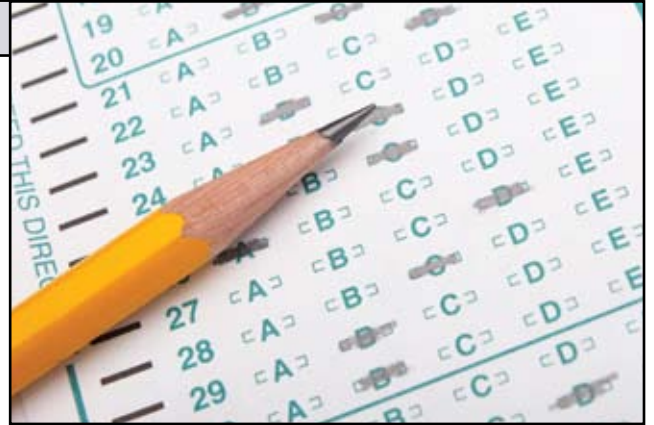
- The Architectural Barriers Act (ABA) applies because federal dollars are being spent on construction of the project (2004 ABAAG);
- The Department of Education's Section 504 regulations will also apply for this reason, and 504 will also apply because there is a common use building in the project that will house a federally-funded day care program (2004 ABAAG);
- The Fair Housing Act (FHA) accessibility requirements will apply to the design and construction of the multifamily dwellings (HUD Fair Housing Accessibility Guidelines);
- Because the project is to be owned and operated by the state, the ADA will impose additional requirements on a percentage of the apartment units — the ADA has residential accessibility requirements for Title II units (UFAS);
- The ADA will cover the day care program as a Title III public accommodation if it is available to parents in the community (current ADAAG).

In this case, four separate federal accessibility standards or guidelines would apply to this project. Additionally, the Georgia Accessibility Code is applicable.



? Test Your Knowledge *

1. A university dormitory project funded solely by the state is not subject to _____.
 - A. The Georgia Accessibility Code
 - B. The Architectural Barriers Act
 - C. The Fair Housing Amendments Act
 - D. The Americans with Disabilities Act
2. The Fair Housing Amendments Act of 1988 applies to multifamily construction _____.
 - A. built with federal funds
 - B. built by recipients of federal funds
 - C. built with private sector funds
 - D. all of the above
3. Title II of the ADA applies to _____.
 - A. private sector employees
 - B. state governments
 - C. public accommodations
 - D. commercial facilities
4. A national fast food chain operating in space leased in a state facility is subject to Title _____ of the Americans with Disabilities Act.
 - A. II
 - B. III
 - C. IV
 - D. V
5. The ADA Accessibility Guidelines are enforced by _____.
 - A. local code officials
 - B. the federal Access Board
 - C. the U.S. Department of Housing and Urban Development
 - D. the U.S. Department of Justice



* Answers can be found on page 57

Chapter 3: Beyond the Minimums

In publishing the 2004 ADAAG, the federal Access Board advanced almost a quarter of a century in the “science of accessibility” and is now substantially harmonized with the access provisions developed by our nation’s model codes and standards.

Chapter 3: Beyond the Minimums

Over 20 years ago, the federal government published a document called the “*Minimum Guidelines and Requirements for Accessible Design*.”² In the subsequent publication of guidelines, rules, regulations and standards that address accessibility, both the word and the concept of **minimum** seemed to get lost, at least on the national level.³ Too often, designers approach our state and federal accessibility requirements with the goal of simply complying with the requirements found on the page — ramps designed with a slope of 1:12 and not 1:14, accessible parking spaces at the exact number specified in a table, or only one accessible lavatory per toilet room, regardless of the number of people the facility is designed to serve.

At best, this approach can lead to buildings and facilities that may technically comply with the applicable accessibility requirements but are unusable⁴ or dysfunctional for persons with disabilities. At worst, it can result in a violation of the ADA or create future problems for building owners like the State of Georgia that are subject to Title II of the ADA and other nondiscrimination laws. For example, a building not equipped with automatic doors may technically comply with the current ADAAG, but if persons with disabilities can’t open the door and enter the building, a Title II violation is the result.

We will look at five general areas where exceeding the minimum requirements of the current ADA Accessibility Guidelines (ADAAG) or Fair Housing Accessibility Guidelines (FHAG) is warranted in the design and construction of state buildings and facilities.

I. Established Federal Guidelines

The federal Access Board establishes the ADA Accessibility Guidelines, and the U.S. Department of Justice (DOJ) and Department of Transportation (DOT) establish enforceable ADA accessibility standards that must be consistent with ADAAG.⁵ Since the first ADAAG was published in 1991, a significant number of new provisions have been added, and a greater number of facilities are addressed by this document. All of these changes were incorporated in a major rewrite of ADAAG in 2004.

² “MGRAD” served as the basis for the Uniform Federal Accessibility Standards (1984) and the Americans with Disabilities Act Accessibility Guidelines (1991)

³ The Georgia Accessibility Code still specifies its purpose is to provide “....the *minimum* standard for Accessibility to buildings and facilities....”

⁴ For example, state and federal requirements permit an accessible ramp with an 8.33% slope and with a maximum rise of 30 inches per ramp run. Research indicates that over 40% of persons in a study using a manual wheelchair could not negotiate the resulting 30 foot incline. Moreover, there is no limit on the total vertical rise that can be served by a ramp system with a series of compliant ramp runs and landings. A ramp serving the second story of a building may comply with the regulations, but would be unusable by virtually all people who use manual wheelchairs.

⁵ The Department of Justice regulations also permit Title II entities to use the 1984 Uniform Federal Accessibility Standards (UFAS).

It is important to remember that Title II entities have an ongoing obligation under the general nondiscrimination provisions of the law to use the latest supplemental guidance available for facilities not yet regulated under the current standards. Conversely, any reductions proposed in 2004 ADAAG (e.g., the number of wheelchair locations required in an assembly area) cannot be applied at this time.

Currently, DOT has adopted the 2004 ADAAG while DOJ enforces an older version that does not include specific requirements for the facilities listed below. Most buildings and facilities owned and operated by the State of Georgia are covered by DOJ, so it may appear that elements like playgrounds in a state park or special housing units in a state correctional facility are not regulated. This is not the case. Georgia facilities are required to be accessible (and programs provided by the State of Georgia may not discriminate against persons with disabilities). The requirements must be applied *“to the greatest extent possible.”*

From the DOJ Title II Technical Assistance Manual:

Q: What if neither ADAAG nor UFAS contain specific standards for a particular type of facility?

A: In such cases the technical requirements of the chosen standard should be applied to the extent possible. If no standard exists for particular features, those features need not comply with a particular design standard. However, the facility must still be designed and operated to meet other Title II requirements, including program accessibility.

What is possible is often clarified in the additions to ADAAG that DOJ has not yet referenced:

Courtrooms

- Raised areas must have wheelchair turning spaces [808.2];
- At least one clear floor space that can accommodate a wheelchair must be provided in jury boxes and witness stands [808.3];
- An assistive listening system must be provided, regardless of whether an audio amplification system is provided [219.2].

Correctional Facilities

Currently, state correctional facilities are subject to the Uniform Federal Accessibility Standards (UFAS) which require all common use spaces to be accessible and 5% of the residential units to be accessible. The new guidelines, however, specify a number of additional requirements that should be applied to the design and construction of new correctional facilities:

- At least 2% of the cells must be accessible for persons with communication impairments (e.g., deaf or hard-of-hearing inmates) [232.2.2];
- Where special housing cells are provided, at least one of each type provided must be accessible [232.3];
- Accessible bedrooms or cells must be provided in prison health care facilities [232.4].



Recreation Facilities

The federal Access Board has established comprehensive accessibility criteria for a wide-range of recreational facilities that are constructed in state buildings and properties. While these provisions were adopted prior to the publication of the 2004 ADAAG, they are covered in this new document in sections 234-243 which scope the number of elements that must be provided and Chapter 10 which establishes the technical requirements for accessible recreation facilities. The following are covered:

- Amusement rides
- Boating facilities
- Fishing piers and platforms
- Exercise machines and equipment
- Golf and miniature golf courses
- Play areas
- Saunas and steam rooms
- Swimming and wading pools
- Recreational shooting facilities



The State of Georgia has provided programs and services in these types of facilities for decades and has been obligated to ensure that it does not discriminate against persons with disabilities in the delivery of these services. The challenge has always been trying to determine how to make a fishing pier in a state park accessible, or what is needed to make a swimming pool on a state university campus accessible. The new ADAAG answers these questions and should be used as “best practice” in the design and alteration of state facilities.

II. Pending Federal Guidelines

In addition to these established guidelines, the Access Board’s initial reports on courthouses and public rights-of-way should be consulted in special projects.

Courthouse Access Advisory Committee Report

In 2006, the Access Board published the findings of its Courthouse Access Advisory Committee. This document will serve as the basis for augmenting the courtroom requirements already in ADAAG (see above), and while there are no proposed ADAAG provisions at this time, the report offers valuable recommendations for best practice on some of the unique accessibility issues in courthouse design and construction. Topics addressed include:

- Automatic exterior doors (this is already a requirement for federal courthouses under the U.S. General Services Administration Public Building Standard)⁶
- Attorney/detainee interview rooms
- Accessible rails (bar)
- Gallery seating
- Jury boxes and witness stands
- Clerk, bailiff, and court reporter stations
- Accessible connections between the jury box and deliberation room, judge’s bench and judge’s chamber, holding area and defendant’s table
- Accessible holding cells

⁶ The federal Access Board may consider requiring automatic doors at entrances for most new Title II buildings.

Accessible Public Rights-of-way

Unlike the Courthouse Access Report (above), proposed guidelines for accessible public rights-of-way have already been drafted by the Access Board and were published in the Federal Register in 2005. While the Access Board is reviewing public comments prior to submitting its final guidelines, the Federal Highway Administration (FHWA) has been strongly encouraging their use, even though some of the proposals remain controversial (e.g., providing pedestrian signals at all crossings in a roundabout).

The Georgia Department of Transportation is the agency in our state most directly affected by the proposed requirements and the FHWA decision to treat them as “best practice.” Some of the elements addressed, however, can also be found at facilities controlled by other state agencies. Most state offices have curb ramps connecting accessible parking with building entrances. Pedestrian signals are located at intersections on university campuses. Consistency in the construction of state buildings and properties should compel designers to review the public right-of-way draft and apply the technical criteria they deem appropriate.

U.S. Department of Transportation Federal Highway Administration

“The present standards to be followed are the ADA Accessibility Guidelines (ADAAG) standards. However, the Draft Guidelines are the currently recommended best practices, and can be considered the state of the practice that could be followed for areas not fully addressed by the present ADAAG standards. Further, the Draft Guidelines are consistent with the ADA’s requirement that all new facilities (and altered facilities to the maximum extent feasible) be designed and constructed to be accessible to and useable by people with disabilities.”

The draft accessible public rights-of-way guidelines include the following:

- Pedestrian accessible routes
- Maintaining access during construction
- Pedestrian crossings
- Signs
- On-street parking
- Curb ramps
- Detectable warnings⁷
- Accessible pedestrian signals
- Roundabouts
- Street furniture



⁷ In its adoption of 2004 ADAAG, the U.S. Department of Transportation included requirements for detectable warnings at curb ramps that permit the use of truncated dome patterns that comply with the draft public right-of-way provisions.

III. 2004 ADAAG—more restrictive provisions

The current U.S. Department of Justice (DOJ) ADA Standards for Accessible Design are based on the 1991 ADAAG, which is based on the 1984 UFAS, which is based on the 1980 ANSI A117.1 accessibility standard. In publishing the 2004 ADAAG, the federal Access Board advanced almost a quarter of a century in the “science of accessibility” and is now substantially harmonized with the access provisions developed by our nation’s model codes and standards.

Buildings and facilities that are owned and operated by the State of Georgia should reflect these advances in barrier-free design. Most important, this will benefit our citizens and visitors with disabilities. Meeting the newer requirements, however, may also have the benefit of protecting the state and its agencies from complaints or challenges in the future once DOJ adopts the 2004 ADAAG.

For example, current ADAAG (and the Georgia Accessibility Code) permits accessible controls and operating mechanisms to be located 54 inches maximum above finished floor. 2004 ADAAG reduces this height to 48 inches maximum. This requirement is identified as a “building block” in the new ADAAG because it is referenced throughout the document and applies to everything from elevator controls to storage facilities, light switches to telephones.

Using this one provision of 2004 ADAAG not only makes a building more usable for persons with disabilities, it may preclude expensive retrofits ten years from now when an employee needs lowered controls as a reasonable accommodation. It will also deflect complaints and criticisms from those who will try to apply the new construction requirements of 2004 to existing state buildings once DOJ adopts the updated guidelines.



It is not possible to review all of the technical changes between the old and new ADAAG requirements in this manual; a complete analysis would be hundreds of pages long.⁸ However, major changes were made to the following:

- Reach ranges
- Doors
- Elevators
- Platform (wheelchair) lifts
- Accessible means of egress
- Parking spaces
- Drinking fountains
- Water closet clearances
- Water closet location
- Shower compartments
- Alarm systems
- Automatic teller machines
- Assembly areas
- Kitchens
- Residential units
- Children's environments⁹



Important note: 2004 ADAAG includes some instances — particularly in its scoping provisions (Chapter 2) — where the accessibility requirements have been revised or lowered. “Reduced” might be another way of looking at it, although the Access Board has a statutory obligation not to do so and determined that its revisions would not have the effect of lowering accessibility in facilities covered by the ADA. For example, the new ADAAG lowers the number of wheelchair locations required in large assembly areas, but only because it would not effect the usability of the space by persons with disabilities. It effectively “tweaked” the requirements that were excessive when established in the old guidelines. Examples include:

- Wheelchair location requirements are reduced in assembly areas with capacities over 3,000, from 1 location for every 100 seats to 1 for every 150; after 5,000 seats, the ratio drops to 1:200;
- The requirement for assistive listening devices at a constant 4% of the capacity of an assembly occupancy was changed to a “sliding scale” approach, similar to the way that wheelchair spaces are regulated;
- Where toilet rooms are clustered in a single location (e.g., in a doctor’s office or a drug testing facility) only 50%, instead of 100%, of the rooms are required to be accessible.

Title II entities (including the State of Georgia) are not permitted to avail themselves of these “reductions” until such time that they are adopted in the DOJ Standards for Accessible Design (and if, and when, they are reflected in the Georgia Accessibility Code).

⁸ A side-by-side comparison of 2004 ADAAG and the DOJ Standards for Accessible Design (old ADAAG) is available at www.access-board.gov or www.iccsafe.org.

⁹ The Georgia Accessibility Code includes requirements for accessible children’s environments that are based on a draft amendment to existing ADAAG. Those provisions underwent numerous revisions before they were included in the 2004 ADAAG.

IV. Georgia's Reasonable Accommodation Mandate

There is a common misconception about the ADA (and Section 504 of the Rehabilitation Act of 1973) among designers and operators of state and local government facilities. Many believe that compliance with the requirements of ADAAG or UFAS at the time of construction means that the property and its owner will remain in compliance with the law as long as the minimum accessibility required by the standards/guidelines is maintained. This is not the case.

Simply stated, the State of Georgia and its agencies are obligated to provide reasonable accommodations to employees and access to persons with disabilities using state programs and services. Additionally, the state is required to accommodate employees and prospective employees with disabilities. Doing so may mean incorporating building features that exceed the minimum requirements of ADAAG or UFAS. Two examples:

- Federal accessibility requirements do not require roll-in showers in dormitories, so a dormitory building can be built at a state university today with no roll-in showers for the accessible sleeping units. But if a student with cerebral palsy who uses a wheelchair will be living in university housing and will need a roll-in shower in the dorm room bathroom, Title II of the ADA and Section 504 would require the university to provide this as a reasonable accommodation.
- An employee of the Georgia Department of Agriculture finds she cannot open the heavy exterior door to her new office building. The building was constructed to comply with the ADAAG that do not require automatic doors. Nonetheless, the Department would be required to install an automatic door on a building entrance to accommodate this employee. Installing automatic doors may also be required where members of the general public with disabilities need to access a program or service provided by the state in a building equipped with heavy entrance doors.

In other words, compliance with the minimum federal accessibility requirements does not constitute a **defense** against subsequent complaints or requests for accessibility modifications. The fact that the current federal standards do not require automatic doors, roll-in showers, larger toilet rooms, lowered work surfaces, or specialized fire alarm systems does not indemnify the state from having to make further access alterations to its facilities.

To the extent that designers improve on the minimum accessibility requirements of federal law by adding automatic doors, increasing the number of accessible building entrances, or providing more space in an employee break or toilet room, future alterations and accessibility modifications may be avoided.

V. Universal Design

Building on the idea of exceeding the minimum requirements of mandated codes and standards, the concept of **Universal Design** (sometimes referred to as “inclusive design”) seeks to incorporate the ideas of barrier-free design in the mainstream of construction practices. For example, accessibility requires that a person in a wheelchair can get into a building even if a separate ramp system is used. Universal design involves making entrances that everyone uses accessible and at grade.

Another example: The State of Maryland recently constructed a new Visitors’ Center and rest stop near its border with Pennsylvania. While the ADA (and state building code) required one lavatory in the men’s and women’s toilet rooms to be accessible, the state and designer opted to make all 8 to 10 lavatories accessible. Installed in a single counter, each had the requisite height, knee space, and accessible controls. The result was not only aesthetically pleasing, but easier to maintain because there were no “special” faucets on an accessible fixture and the entire counter was a single piece at an accessible height instead of having a cutout with the accessible lavatory 2 inches below the “normal” counter top.

Universal Design not only simplifies design and construction by making accessibility the norm, it also benefits building owners and operators once the facility is occupied. Because everyone enters the building the same way there’s no need to worry that the accessible entrance is maintained and remains unlocked. Where all drinking fountains are accessible, there is no problem with the accessible fountain becoming inoperable.

Of course, the immediate benefit of Universal Design is for persons with disabilities, but the concept is that all building occupants benefit. Delivery personnel and office workers carrying boxes of files enter a building through accessible doors with automatic door openers without having to struggle with inaccessible revolving doors. Parents pushing strollers use the grade-level entrances to state buildings and the accessible routes in our state parks. Levered hardware on all doors and not just those required to be accessible are more usable for everyone.

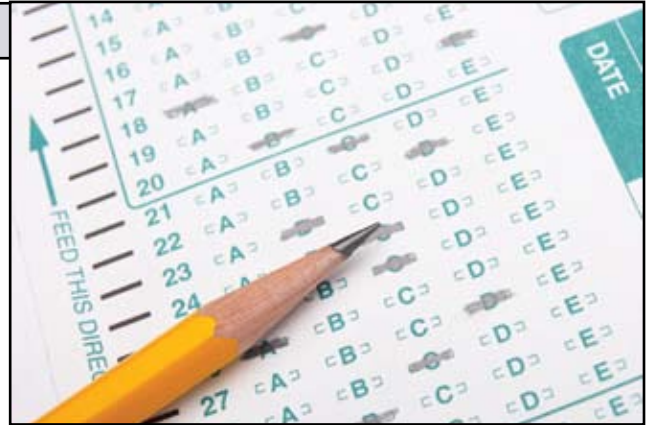
There are no codes, standards, or legal requirements that stipulate what constitutes Universal Design. Rather, it is an approach or philosophy that should be incorporated in the design of state properties.

Conversely, Universal Design is not a substitute for accessibility as prescribed by our state and federal laws. Visible notification appliances on building fire alarm systems serve only that minority of persons who cannot hear the audible alarms, and Grade 2 Braille (contracted braille) on building signs can only be read by a minority of persons who are blind or visually impaired. These features are not “universal” and do not benefit most persons, but they are nonetheless required to ensure that Georgia does not discriminate against persons with disabilities.

Universal Design should be used as an overlay on the design of buildings that already comply with the basic accessibility requirements of the ADA and Georgia Accessibility Code. If 50% of a facility’s entrances are required to be accessible and their features make the building more “user friendly” for everyone, perhaps every entrance should be accessible if it can be accomplished.¹⁰ If a wheelchair accessible water closet compartment in a public toilet room benefits a parent assisting a small child or a traveler with suitcases in an airport, it only makes sense to have more of the larger compartments than the one required by law. Owners and operators of buildings in the State of Georgia, and the professionals who design these facilities, should incorporate this “best practice” concept in our properties.

¹⁰ The Georgia Accessibility Code, Section 120-3-20-.08(8) requires all primary entrances to be accessible.

?Test Your Knowledge *



6. The 2004 ADA Accessibility Guidelines apply to projects undertaken by the Georgia Department of _____.
 - A. Corrections
 - B. Transportation
 - C. Education
 - D. Public Safety
7. Current ADA requirements specify the ____% of correctional facility cells must be accessible.
 - A. 2
 - B. 4
 - C. 5
 - D. 10
8. The Access Board has established accessibility guidelines for all of the following except _____.
 - A. amusement rides
 - B. camping facilities
 - C. miniature golf courses
 - D. swimming pools
9. In a state medical facility, a cluster of 10 patient toilet rooms are provided in addition to the toilet rooms required by the plumbing code. Current ADAAG specifies ____ of these rooms must be accessible.
 - A. 0
 - B. 1
 - C. 5
 - D. 10
10. Universal Design should be applied to _____.
 - A. historic properties
 - B. medical facilities
 - C. state university buildings
 - D. all of the above

* Answers can be found on page 57

Chapter 4: Procurement Considerations

Procurement of equipment and services prior to and during the construction process is a key aspect of ensuring that buildings and facilities owned and operated by the State of Georgia are accessible to persons with disabilities.

Chapter 4: Procurement Considerations

Procurement of equipment and services prior to and during the construction process is a key aspect of ensuring that buildings and facilities owned and operated by the State of Georgia are accessible to persons with disabilities. The Georgia State Financing & Investment Commission and its Procurement Services Department have identified a number of goods and services that need to be procured from vendors and contractors when developing and maintaining state properties, some of which are critical in the field of barrier-free design. The GSFIC Procurement Services Division is available to serve as a resource providing technical assistance and support on matters related to the procurement of goods and services.

I. Architectural and engineering services

Choosing an appropriate design team is essential to the success of a project, and finding a team that has competence in accessible design is just as important as having architects, engineers, and interior designers that can adequately address means of egress, structural integrity, and fire prevention issues.

When considering design professionals, procurement officials should base their selection on the design professionals demonstrated competence and qualifications and should consider the following:

- Has the team demonstrated proficiency in applying the Georgia Accessibility Code?
- Does the team demonstrate an understanding of those federal laws that regulate accessibility and apply to the project?
- Can the designers articulate where federal laws may impose more restrictive requirements than those in the state code?
- Are the designers aware of proposed guidelines or requirements that may apply to the particular aspects of the project (e.g, the ADAAG recreation provisions for a state park or athletic facility or the ADAAG requirements for courtroom elements)?
- Do team members have a basic understanding of the technical changes found in the 2004 ADAAG and how they may affect the design of a state project?
- For Georgia projects subject to the U.S. Department of Transportation ADA regulations, are the designers proficient in the 2004 ADAAG requirements that will apply to the project?
- Have the design professionals demonstrated instances where they have exceeded the minimum state or federal accessibility requirements in a facility design?
- Has any member of the design team been subject to an investigation or lawsuit for violations of the Americans with Disabilities Act, Fair Housing Act or the Architectural Barriers Act?
- If the cost of the project or the costs of professional design services to be provided in conjunction with the project exceed the amounts established by law requiring the services of consultant (i.e., architect, professional engineer, landscape architect, land surveyor, interior designer), a registered consultant shall be engaged to provide design services. Selection of the consultant shall be in accordance with the selection process in Section 50-22 of the Code of Georgia.

II. Consulting services

There are some projects where hiring an accessibility consultant may be warranted. Large assembly areas, performing arts spaces, and recreational facilities are projects that may demand an understanding of “cutting edge” accessible design that the design firm does not bring to the table.

Accessibility consultation includes different types of expertise. One type is use-group based. There are specialists in residential design of apartment complexes or dormitories, experts in assembly spaces that can make sure that a theater or outdoor performing arts center has appropriate locations for persons who use wheelchairs. Conversely, some accessibility consultants are proficient in determining whether a facility complies with applicable state and federal codes and regulations but cannot design buildings, other design specialists are registered architects or engineers who can meet the technical specifications for a fantastic playground complex for children with disabilities but are less conversant in the safety aspects of the code. It is important to determine what type of expertise is needed in a given project before contracting with a consultant who lists accessibility as an area of expertise.

Procuring an accessibility consultant demands just as much diligence as is given to contracting other services. There is no such thing as a “Certified ADA Consultant”. The International Code Council (ICC), however, does have a certification for “Accessibility Inspector/Plans Examiner” that indicates proficiency in the accessibility requirements of the International Building Code (IBC) and the ICC/ANSI A117.1-2003 accessibility standard.

III. Property lease proposals

The State of Georgia and its agencies are obligated under Title II of the ADA and Section 504 of the Rehabilitation Act to ensure that their programs, activities, and services, “when viewed in their entirety,” are accessible to persons with disabilities. Property lease proposals must be weighed with this in mind. Is the property accessible? If not, are the services provided there available at a nearby accessible property? This is especially critical in our state’s rural areas, where an accessible state service may be miles and not blocks away. Traveling thirty miles to the closest accessible state agency office may be inconvenient to some in our rural counties but impossible for some people with disabilities. Because of this, the accessibility of a building being considered for leasing by the state should be a high priority, if not a mandate.



IV. Building materials

Those involved in the procurement process should understand that no federal agency evaluates building products for compliance with the ADA accessibility guidelines, despite manufacturers' claims to the contrary. In the model code world, there is no evaluation service that examines or test products for compliance with the ICC/ANSI A117.1-2003 accessibility standard. Determining whether a product complies is the responsibility of the design professional and the state agency having enforcement authority.

Another fallacy is that the International Symbol of Accessibility indicates a product is accessible when it appears on a brochure or data sheet. Again, no agency regulates the use of this symbol.

V. Public facility equipment

As with building materials, equipment installed in buildings needs to be reviewed for compliance with the applicable accessibility requirements and the standards referenced by the regulations. A label of "accessible" or "complies with the ADA" may be suspect.

For example, a platform (wheelchair) lift that is marketed nationwide as a compliant lift for use as a witness stand and access to a judges' bench may not meet the applicable suspension and safety requirements of the ASME A17.1 Elevator Safety Code referenced by the current applicable ADA regulations (or the new ASME A18.1 Platform Lift Standards referenced by the 2004 ADAAG). Beyond the question of whether this equipment can meet the extremely technical rules of these referenced standards, the State of Georgia should not expose itself by permitting the use of equipment that violates nationally-recognized consensus safety standards and codes.

Evacuation chairs are another product that deserve particular attention. While neither federal nor state regulations require the use of these devices when providing accessible means of egress (in new construction) or establishing evacuation procedures for persons with mobility impairments (in new and existing facilities), many facility owners will include these devices as part of a life safety/evacuation plan.

Unfortunately, there are currently no safety or performance standards for evacuation chairs, and some on the market are little better than folding lawn chairs with wheels. Procurement officials should look for devices with brake systems and rolling tracks or treads that allow the operator to glide the device along contiguous stair nosings. Some have seats in which to strap the person being evacuated, while some will carry a person while he or she remains in the wheelchair.



VI. Audio-visual equipment

The Georgia Accessibility Code, ADA, Section 504 and Architectural Barriers Act require assistive listening systems for hard-of-hearing persons in certain assembly applications. Contracts for the installation of audio-visual equipment should include these systems where warranted, and the contractor should be able to demonstrate an understanding of, and proficiency in, applying these accessibility requirements.

VII. Printing and signage services

State and federal accessibility requirements include provisions for building signs that are accessible to persons who are blind or visually impaired. The requirements include visible signs that meet certain size and font requirements, raised letters that need to meet similar provisions, and “Grade 2 Braille” (now referred to as “contracted braille”).

Grade 2 (contracted) braille is essentially a short-hand version of spelling out each word that appears visually on a sign. Sometimes entire words are represented by a combination of raised dots in a six-dot cell, sometimes groups of letters (‘th’, ‘sh’, ‘st’) are replicated by a single six-dot braille cell.

Few if any state construction officials can determine whether a sign contractor has provided signs that comply with the Grade 2 braille accessibility requirements. Contacting a local disability organization or organization of the blind for assistance may be the best way to ensure that the state has actually purchased what was specified in the contract.

A number of the design and construction errors noted in the next chapter and enumerated in checklists in the Appendix are attributable to procuring non-compliant goods or equipment for a project. Non-compliant signs or prefabricated shower compartments, or drinking fountains with inaccessible controls and improper knee clearances will, once ordered and installed, cause violations when a facility is complete and occupied.



VIII. IT equipment

Accessibility in state-owned and operated facilities has traditionally meant design and construction: door widths, accessible parking, and the like. Society's progression into the virtual world of emails, Web sites, Web casts, and similar technological innovations, however, poses new barriers and challenges for some persons with disabilities. For example, how does someone use an interactive computer screen at a state Visitors' Center if he is blind and cannot see the screen?

Section 508 of the Rehabilitation Act requires federal departments and agencies that develop, procure, maintain, or use electronic and information technology to ensure that federal employees and members of the public with disabilities have access to, and use of, information and data, comparable to that of the employees and members of the public without disabilities—unless complying is an undue burden. The Section 508 standards developed by the Access Board are technical specifications and performance-based requirements which focus on the functional capabilities covered by technologies.

The standards are organized into six sections:

- Software applications and operating systems
- Web-based intranet and internet information and applications
- Telecommunications products
- Video and multimedia products
- Self contained, closed products
- Desktop and portable computers

While these provisions currently apply to federal departments and agencies, and entities that contract with the federal government to provide services, the State of Georgia obviously procures and uses the types of information technologies covered by these standards, which should be used as supplemental guidance when IT services and equipment are procured by the state.



Chapter 5: Common Errors and Omissions

Industry and construction tolerances remain a confusing and contentious issue. In 2007 the Access Board announced a research project with the Construction Specification Institute (CSI) to develop guidance on construction tolerances and measurement protocols for the slope, surface flatness, vibration and rollability of exterior walk and ramp surfaces.

Chapter 5: Common Errors and Omissions

“An eraser is easier to use than a jackhammer.”

While predating the era of Computer Assisted Design (CAD), this “eraser” adage concerning the importance of designing and constructing in accordance with applicable codes, standards, and laws is particularly true when it comes to accessibility for persons with disabilities, given the federal civil rights implications for buildings owned and operated by the State of Georgia. The point is to catch barrier-free design mistakes in the preliminary stages and prevent problems that occur in the construction process to avoid accessibility problems or complaints once a facility is occupied.

I. Design and plan review

Experience suggests that “common mistakes” in facility design and plan review are often a function of the expertise of the professionals involved. Engineers comply with the structural requirements but may miss some means of egress nuances. Code officials proficient in plumbing may catch every violation in toilet and bathing rooms but could miss the sightline provisions for accessible assembly areas. Accordingly, the following problems may never appear in some building designs and one or two may be consistently found in others; generally, these are the types of problems found nationally in the area of accessible design.

Not applying the Fair Housing Amendments Act (FHAA) accessibility requirements.¹¹ While compliance with the ADA has been the focus in the field of accessibility for the past fifteen years, violations of the FHAA are far more common. Perceived as applying only to apartment buildings, FHAA access requirements also apply to a variety of projects constructed by or for the State of Georgia such as group homes and university dormitories. Specifically, the FHAA accessibility guidelines are applicable to all dormitories constructed for state universities and many state-owned institutional facilities.

Missing more restrictive federal requirements. As noted in previous chapters, both the federal Architectural Barriers Act (ABA) and Section 504 of the Rehabilitation Act may apply different or more restrictive requirements to a project owned and operated by the state. For example, the accessibility requirements for these laws include specific technical requirements for accessible residential construction that are not included in the current ADA Accessibility Guidelines.

The biggest mistake is assuming an “either/or,” “one or the other” approach to the federal requirements for state construction. State dormitories are subject to both the ADA and FHAA (as well as Section 504 and UFAS and perhaps the ABA). In all projects, all federal requirements need to be considered and the most restrictive requirements of each must be applied. As discussed in Chapter 2, no single federal document can provide a “safe harbor” for the federal accessibility mandates.

¹¹ It should be noted that while the Georgia Accessibility Code reflects most of the requirements of the ADA Accessibility Guidelines (ADAAG), it does not provide similar protection for compliance with Fair Housing. For example, it applies the ADA accessibility requirements to dormitories, requiring a certain number of rooms to be usable by mobility impaired or hearing impaired students, but does not specify that all other dormitory rooms may be subject to the minimal “adaptable” provisions of the Fair Housing Accessibility Guidelines.

Employee work areas. Under Title II of the ADA, the state of Georgia may use either ADAAG or the Uniform Federal Accessibility Standards (UFAS) in the design and construction of a building. The former provides a general exception for accessibility in employee work areas¹² while the latter does not. Projects designed under UFAS must include work stations, controls, alarm systems, storage facilities, and other elements that are accessible to persons with disabilities.

Note that where another federal agency applies UFAS in its ABA or Section 504 requirements (Department of Housing and Urban Development (HUD) is an example), these more restrictive employee areas requirements will apply, even if ADAAG is used as the federal construction standard.

Facilities for employees. This mistake often occurs in common use toilet or bathing facilities. These rooms are required to be fully accessible, even where ADAAG provides an exception (see above) for employee work areas. Even where facilities are designed for employees whose job descriptions demand they must be able-bodied (e.g., toilet facilities and locker rooms in a state police barracks or fire station), accessibility is required.

Connecting facilities with all site arrival points. Current ADA requirements state that accessible buildings and facilities on a site must be connected with accessible routes from public transportation stops, accessible parking spaces, passenger loading zones, and public streets and sidewalks.¹³ While these routes are typically provided for urban properties, they may be missed for facilities like parks and historic sites where a public sidewalk or bus stop is remote from the building or structure.

Protruding objects. A common error is applying the proscriptions against protruding objects only to accessible routes. For example, a cantilevered drinking fountain may protrude into a corridor because a 36 inch minimum accessible route is provided for persons who use wheelchairs. In fact, the protruding object requirements of the ADA, UFAS and Georgia Accessibility Code apply to all circulation paths (e.g., where anyone may walk) which may include spaces that are not a part of a required accessible route.¹⁴ Objects located between 27 and 80 inches above the finished floor are not permitted to protrude more than 4 inches into a circulation path, even in a 10 foot wide corridor or 10,000 square foot convention space.

Door maneuvering spaces. The door maneuvering clearance requirements of ADAAG and the Georgia Accessibility Code can be very complicated, dependent on door size, approach to the pull or push side of the door, side approach to the hinge or latch side of the door, etc.¹⁵ Each door needs to be assessed individually to determine whether it complies with the accessibility requirements. Common errors include:

- Not providing at least 42-inches-wide corridors or space where someone needs to negotiate a 90-degree turn into a door or doorway. This is often seen at toilet room entrances where maneuvering around a privacy partition is required.
- Not providing a minimum 12-inch clearance at the latch side and push side of a door equipped with both a closer and a latch.
- Not providing at least 18 inches at the latch side of a door that must be pulled open. This is necessary to allow someone in a wheelchair clear of the door swing as it is opened.¹⁶

¹² ADAAG states that employee areas need only to be able to be approached, entered and exited by a person with a disability.

¹³ The Fair Housing Accessibility Guidelines have a similar requirement.

¹⁴ The ICC International Building Code has similar provisions in its Chapter 10 Means of Egress requirements.

¹⁵ There are no maneuvering clearance requirements for interior doors in dwelling units and sleeping units covered only by the Fair Housing Accessibility Guidelines.

¹⁶ Current ADAAG (and the Georgia Accessibility Code) are silent on how and where the 18-inch space is measured where a door is recessed in a wall. The 2004 ADAAG specifies the door may be recessed up to 8 inches from the plane of the wall and still have the 18-inch clearance along that wall.

Curb ramps and parking. Accessible parking spaces and their adjacent access aisles must be level (with a maximum slope of 2% in any direction for water drainage). This requirement is often missed. Since access aisles must be level for their entire width and length, curb ramps may not protrude into the access aisle.

Shower compartments. The dimensions of a standard roll-in shower are minimums: 60 inches minimum long and 30 inches minimum deep. This is not true for transfer showers. The 36-inch by 36-inch required dimensions are absolute.¹⁷ There are many shower units on the market that do not comply with this, either exceeding the 36-inch dimension in length or depth, or providing a 34 by 34 compartment that fits into a 36 by 36 rough-in space.

Another common violation is specifying shower units that have thresholds exceeding the ½ inch maximum specified by state and federal regulations. This is often done because of a concern over water from the shower spilling onto the bathroom floor.¹⁸

Assembly areas. A cursory review of lawsuits filed under the ADA over the past decade indicates that misapplication of the accessibility requirements for assembly areas has been one of the major areas where the law is violated. Common design mistakes have included:

- Placing all of the required wheelchair locations at floor level in tiered theaters¹⁹
- Grouping all of the wheelchair locations in segregated areas in an arena
- Not designing wheelchair location elevations that provide sightlines over standing spectators²⁰
- Not providing the requisite companion seats next to wheelchair locations
- Not providing the required number of receivers for assistive listening systems



¹⁷ Because molded shower compartments do not have squared corners at the floor, the 2004 ADAAG specifies that the dimensions are measured mid-point at the walls and compartment opening.

¹⁸ Some product manufacturers have attempted to solve this issue by designing flexible thresholds that can be rolled over by someone using a wheelchair.

¹⁹ Current ADAAG (and the Georgia Accessibility Code) permits viewing positions to be clustered where sight lines require slopes greater than 5%. The clustered locations are not permitted to provide inferior sight lines.

²⁰ The ICC/ANSI A117.1-2003 accessibility standard provides minimum dimensions and a formula for designing tiers in a seating area that provide this sightline for persons using wheelchairs.

II. Construction practices

Even where construction documents indicate that a facility will meet all of the applicable state and federal accessibility requirements, translating that into compliance once a building is constructed can be frustrated by errors that occur during construction.

Site grading and development. All federal accessibility regulations apply to the entire facility or project site, not just what occurs within the four walls of a building. As sites expand and add additional accessible elements (transportation stops, outdoor telephones and drinking fountains, additional buildings and structures), creating accessible routes to connect all of these elements is essential. Proper grading is essential to ensure that connections like sidewalks maintain proper running and cross slopes.

Parking is also a concern. As previously discussed, accessible parking spaces and their access aisles need to be essentially level (maximum 2% slope). This is sometimes missed during site development, with the result being sloped surfaces that make it extremely difficult to transfer from a car's front seat to a wheelchair.

Change orders. Dozens of changes occur throughout the construction process, from redesign of spaces to changing products installed in a facility due to lack of availability of a specified item. When this occurs, the impact on the accessibility of the facility must be considered.

For example, kitchen cabinetry may be replaced when specified products or cabinet sizes are not available. This can lead to shifting kitchen fixtures and appliances to compensate for the new dimensions. Changing the location of a sink or a refrigerator, however, may mean a loss of the accessible clear floor space that is required to be centered on the element by the Fair Housing Accessibility Guidelines. The resulting shift creates a violation of federal regulations.

Changing specified drinking fountains, accessible signs, shower compartments, even wall tiles can affect the accessibility of a completed facility. These types of changes need to be reviewed and approved to ensure compliance with state and federal requirements.



Misapplying construction tolerances. The current ADA Accessibility Guidelines state, “All dimensions are subject to conventional building industry tolerances for field conditions.”²¹ This ambiguous provision is often misunderstood to permit conditions that result in inaccessible facilities.

For example, a 4% cross slope on a sidewalk serving as an accessible route is beyond industry tolerances. Acceptable horizontal tolerances between an exterior concrete door landing and the door threshold are approximately 1/16th inch, and not differences that result in 3/4 inch level changes at exterior doors.

Further, the federal Access Board has declared that no acceptable tolerances fall beyond dimensions that are specified in ADAAG as a range. For example, accessible water closet seat heights must be 17 inches to 19 inches high; a molded seat with a lip 19 1/8 inches above the floor is not acceptable.

Industry and construction tolerances remain a confusing and contentious issue. In 2007 the Access Board announced a research project with the Construction Specification Institute (CSI) to develop guidance on construction tolerances and measurement protocols for the slope, surface flatness, vibration, and rollability of exterior walk and ramp surfaces.

The location of plumbing supply and waste lines during construction will have an impact on whether a completed facility will comply with applicable accessibility requirements. For example, water closet lines must be placed so that the centerline of the fixture is located 18 inches (absolute) from the finished side wall. Failure to meet this dimension is commonly found in investigations of ADA violations by the U.S. Department of Justice.

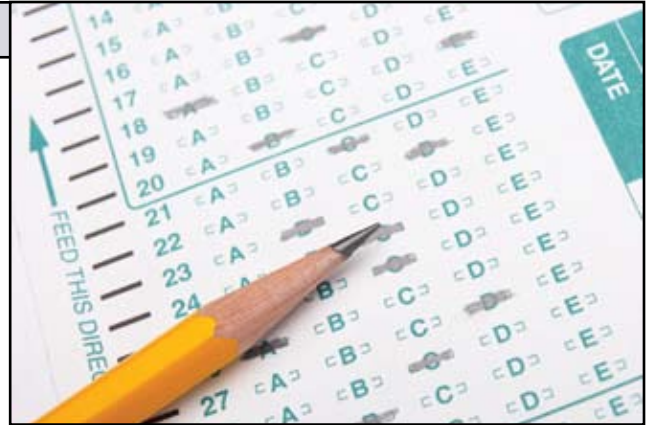
Mounting heights for accessible drinking fountains, correct lateral placement for sink and lavatory plumbing lines, providing insulation on lavatory hot water and drain lines, and maintaining required clear floor spaces at bathing fixtures are other problem areas where inexact work by contractors can lead to problems at the end of construction.



²¹ This provision is replicated in the Georgia Accessibility Code at 120-3-20-.05(b).

Test Your Knowledge *

11. Protruding objects are regulated by ADAAG on
 - A. accessible routes
 - B. circulation paths
 - C. walking surfaces
 - D. stairs
12. Accessible routes are required to
 - A. NBA locker rooms
 - B. attendant booths in surface parking lots
 - C. court room witness stands
 - D. all of the above
13. Grade 2 braille is _____.
 - A. taught in second grade
 - B. taller than Grade 1 braille
 - C. a short-hand version of spelling
 - D. a letter-by-letter translation of print
14. ADAAG requires all of the following employee spaces to be accessible except _____.
 - A. break rooms
 - B. shower facilities
 - C. work stations
 - D. toilet rooms
15. Accessible transfer shower compartments are required to be _____.
 - A. 36 inches by 36 inches
 - B. 36 inches minimum by 36 inches minimum
 - C. 36 inches minimum by 48 inches
 - D. 30 inches minimum by 60 inches minimum
16. On the push side of a door with a closer but no latch, the minimum latch side clearance is ____ inches.
 - A. 0
 - B. 12
 - C. 18
 - D. 24
17. A significant number of ADA lawsuits have been filed against ____ occupancies.
 - A. assembly
 - B. correctional
 - C. residential
 - D. storage



* Answers can be found on page 57

Chapter 6: Existing Buildings

While all states no doubt have interesting historic artifacts and sites, Georgia is unique in its ability to provide experiences from colonial America to the anti-bellum South to the civil rights era (and even the history of Coca Cola!) within our state borders. That history needs to be available to all, including grandparents using walkers and school kids using wheelchairs. Accessibility at historic sites and facilities is important to Georgia and its contribution to America.

Chapter 6: Existing Buildings

At any given time, new construction constitutes a tiny percentage of the state's building stock. Accessibility in our existing facilities is critical to Georgia meeting its social and legal obligations to create an environment that provides equal access to persons with disabilities.

I. Maintaining accessibility

Even in a brand-new, fully accessible building, maintaining accessibility is an important and ongoing responsibility. In the private sector, some store chains are known for filling their aisles with so many displays and overstock items that the building is inaccessible before opening day! Placement of office furniture, display cases, waste receptacles, and other miscellaneous items needs to be planned to not reduce the width of accessible routes, maneuvering spaces at doors, or clear floor spaces at accessible elements like telephones or elevator lobby buttons.

On the outside, accessible routes, entrances, and ramps are a concern. All should be kept clear of dirt and debris. Sidewalks and ramps at beach parks should be swept of drifting sand. Landscape features adjoining walkways need to be trimmed so as not to obstruct an accessible route and to not become protruding objects that are hazardous to visually impaired persons. Walkways must be repaired and replaced when tree roots grow and heave or break the concrete.

Accessible elements, spaces, and equipment need to be maintained in a safe and operable condition. Periodic shutdowns for things like toilet room fixture repairs or elevator maintenance and inspection are permitted, but down-time should be kept to a minimum, and alternative accessible elements or spaces should be provided wherever possible. Particular attention should be given to special accessibility equipment that is infrequently used: assistive listening receivers in assembly areas, TTY telephones, platform (wheelchair) lifts. Establishing a monthly inspection schedule for these items will ensure they are available and operable when they are needed.

Property owners need to establish and enforce policies and procedures that maintain the accessibility of the physical plant. Do not permit vehicles to stand such that they obstruct curb ramps at sidewalks and passenger loading zones. Maintenance and delivery vehicles should not block accessible entrances or circulation paths. And employees or delivery personnel should never be permitted to misuse accessible parking spaces because they are convenient to a building entrance when it's raining and heavy packages are being moved.



Construction projects

Maintaining existing accessibility can be particularly challenging during construction projects. In building renovations, corridors can become blocked or cluttered, toilet rooms unavailable, entrances closed or moved. Every building alteration must be analyzed to determine how accessibility may be affected and how the impact on building usability can be minimized prior to starting the work.

Construction of new buildings and facilities or demolitions of old ones often impact circulation routes on or near a building site. Public sidewalks can be blocked or removed, and entire parking lots can be taken over by construction trailers and equipment. Again, planning must include maintaining accessible features to the maximum extent feasible throughout the project.

The 2005 draft ADA Public Rights-of-Way Guidelines and 2003 Manual on Uniform Traffic Control Devices (MUTCD) include requirements for alternate pedestrian access routes where pedestrian access routes are blocked by construction, alteration, maintenance or other temporary conditions. While clearly useful for Georgia Department of Transportation projects, these documents also provide guidance for maintaining access where work on a state agency building affects a public sidewalk, or where accessible routes within a site are disrupted during construction. Plans should:

- Provide the alternate route in the same general location as the disrupted route (e.g., on the same side of a street)
- Maintain a 48-inch wide circulation path wherever possible
- Protect circulation paths with pedestrian barricades or channelizing devices when adjacent to excavation drop-offs, traffic or other hazards
- Include appropriate signage to indicate where the temporary accessible route is located
- Provide adequate illumination and reflectors
- Ensure that construction materials are not stored on circulation paths

II. General alteration requirements

The Georgia State Minimum Standard Building Code specifies that alterations to existing buildings must comply with the new construction requirements of the code.²² The Georgia Accessibility Code has a similar provision²³ and defines an alteration as “...a change...that affects or could affect the usability of the building of facility, or part thereof.”²⁴

Some changes can be made to a building that do not rise to the level of constituting an alteration under the building code but do constitute alterations as defined by the ADA and Georgia Accessibility Code. Changing room signs in an existing building may not be regulated by the building code but it is an alteration for accessibility purposes because the ADA and Georgia Accessibility Code regulate room signs. Installing a carpet is not typically regulated by the building code, but state and federal accessibility requirements regulate carpets, and installing a thick carpet could adversely impact an accessible route on a floor surface. Building owners and operators and contractors should review planned changes to a property to determine whether the accessibility/usability of a facility will be affected and accordingly ensure compliance with applicable accessibility requirements, irrespective of how the building code may regulate a project.

²² Referenced ICC 2006 *International Building Code*, Section 3403.1.

²³ Georgia Accessibility Code, Section 120-3-20.11.

²⁴ Derived from similar language in ADAAG.

III. Increasing accessibility

Increasing the accessibility of Georgia's buildings is an ongoing and inevitable process as they are renovated, expanded, and maintained throughout their life spans. A broken 1960s drinking fountain is replaced by one that is accessible to persons who use wheelchairs. A multi-story addition to an old office building includes accessible elevators that provide vertical access to the upper floors of the existing structure.

The state also has the federal obligation to ensure that, when viewed in their entirety, Georgia's services and programs are accessible to and usable by persons with disabilities. Our state is committed to this goal. The State ADA Coordinator's Office operates the statewide ADA Facility Improvements Program. Services of the program include:

- Working with state agencies to develop budget requests and undertake ADA-related construction projects. These projects concern accessible entrances, primary function areas, restroom alterations, site modifications, automatic doors, curb cuts, ramps, pathway renovation, door modification, and other accessibility elements and features to meet the letter and spirit of the ADA.
- Determining which specific projects are necessary and fundable under internal developed criteria. In making this determination, the technical assistance team and the State ADA Coordinator determine whether or not "nonstructural" solutions (i.e., relocating programs to another location, bringing the program to the individual, providing adaptive equipment, and providing additional staff) provide the appropriate level of "program access" for individuals with disabilities.
- Receiving assistance from an ADA Screening Committee that provides fiscal oversight to this program. Members include representatives from the Office of Planning and Budget, Legislative Budget Office and Georgia State Financing and Investment Commission. Training for agencies, judges, fire marshals and building code officials on state and federal accessibility requirements; technical assistance for public officials on the ADA; Fair Housing Act and other federal disability laws; and the Georgia Accessibility Code.

Operators and managers of facilities owned or leased by the State of Georgia should not only avail themselves of these services but watch for accessibility problems and possible solutions in the day-to-day operation of their properties and plan for future capitol projects accordingly.

IV. Egress and life safety concerns

The Georgia Accessibility Code, ICC International Building Code, and ADAAG all contain requirements for accessible means of egress in new construction, but all exempt existing buildings from this requirement. Regardless, egress for persons with disabilities may remain an issue in existing facilities under the program accessibility mandates of the ADA.

Establishing life safety and evacuation plans for existing structures is a program provided by Title II entities and, as such, must be done in a manner that does not discriminate against persons with disabilities. If a state office building has an evacuation plan for its occupants, that plan must also include provisions for getting disabled employees out of the building. This is obviously a particular concern for persons with mobility impairments who cannot use stairs and who have accessed the upper stories of a building by elevator or lift.

While the technical requirements for accessible means of egress and areas of rescue assistance (areas of refuge) and egress elevators are not applied to existing construction, the principles and concepts on which these provisions are based can be applied to any evacuation strategy. They include:

- **Protect in place**—On levels above or below a level of exit discharge, establish staging or waiting areas where persons who cannot exit by the stairways can be located by first responders. The areas should provide some protection from smoke and provide a two-way communications system to let first responders know that someone in the area needs assistance. (Note this is common in high-rise construction where zoned evacuation is implemented and everyone on certain floors may be asked to remain in the building.)
- **Elevator evacuation**—Even where elevators are recalled and placed under the control of firefighters first responders can determine whether use of an elevator will be safe and can assist persons with mobility impairments to reach a level of exit discharge in the building.
- **Evacuation by exit stairs**—When the threat from fire or smoke is imminent and using elevators is not an option, evacuation by stairways should be used. This can be accomplished by trained personnel using a three-person carry of someone in a wheelchair or by using evacuation chairs.

V. Historic facilities

Accessibility for persons with disabilities and the preservation of historic buildings and sites are two important areas of **social policy** addressed by building codes and state and federal regulations. At times, these goals appear to be in conflict and balancing the civil rights inherent in barrier-free design while maintaining our centuries of heritage can be a challenge.

Fortunately, the era of historic preservation trumping any accessibility improvements is, in itself, becoming “historic,” and designers and building owners are now considering both issues when altering or maintaining historic facilities. State and federal regulations provide specific guidance in this area.

The Georgia Accessibility Code and ADAAG state that alterations to historic facilities must comply with the alteration requirements that apply to all buildings.²⁵ In this regard, buildings like the Georgia Capitol Building are no more historic than a state office building constructed in 1985. This is appropriate. Many historic structures are retrofitted with sprinkler and fire alarm systems, additional means of egress, modern toilet rooms, and other code-compliant systems so that they can be used as office buildings or museums, and providing accessibility should be an integral part of making these structures functional for modern use.

Conversely, many historic facilities are maintained principally for their historicity, allowing people to see and experience what life in Georgia was like generations or centuries ago. Making the officers quarters of an 18th century British fort fully accessible would not only be unwarranted, but could destroy the historic nature of the property. Again, a balance is needed.

Georgia's Accessibility Code and the ADA guidelines define what constitutes a "qualified historic facility" and where latitude is warranted in applying the applicable accessibility requirements. Both recognize that special consideration is required where providing access could "*threaten or destroy the historic significance of a building or facility*," and encourage consulting with interested parties — including people with disabilities and their organizations — when planning changes to heritage properties. Both the Georgia Accessibility Code and the ADA permit reductions in alteration requirements to ensure sensitivity to historic facility features:

- Steeper ramp slopes may be provided for small rises in elevation
- A single accessible toilet facility may be sufficient
- An accessible route may not be required to levels above or below levels that have an accessible entrance
- Secondary or service entrances may serve as the accessible entrance

It is important to remember that the ADA covers state properties and activities beyond the walls of our historic buildings. Bulwarks at pre-Revolutionary forts and Civil War battlefields at facilities that sponsor battle reenactments should also be available to residents and visitors with disabilities that patronize Georgia's historic sites.

While all states no doubt have interesting historic artifacts and sites, Georgia is unique in its ability to provide experiences — from colonial America to the anti-bellum South to the civil rights era (and even the history of Coca Cola!) — within our state borders. That history needs to be available to all, including grandparents using walkers and school kids using wheelchairs. Accessibility at historic sites and facilities is important to Georgia and its contribution to America.

²⁵ Georgia Accessibility Code, Section 120-3-20.12; ADAAG Section 4.1.7.

Test Your Knowledge *

18. The ADA accessibility requirements do not apply to _____ of buildings.
- A. alterations
 - B. renovations
 - C. changes of occupancy
 - D. additions
19. At a state historic building, all of the following are permitted except _____.
- A. ramps steeper than 1:12
 - B. a 4-inch maximum step at an accessible entrance
 - C. only one accessible toilet room
 - D. no accessible route to a second story
20. When demolishing a building on a university campus, all of the following should be considered except _____.
- A. prohibiting blind students near the demolition site
 - B. protecting circulation paths with channelizing devices
 - C. providing alternate routes close to the disrupted routes
 - D. posting signs indicating locations of accessible routes



* Answers can be found on page 57

Chapter 7:

Resources and Appendices

Chapter 7: Resources and Appendices

I. Federal resources

U.S. Access Board

www.access-board.gov

The Access Board Web site includes all of the existing and new ADA Guidelines, proposed guidelines, and advisory committee reports. Research papers on a variety of accessibility issues can be viewed and downloaded. Additionally, information regarding the Architectural Barriers Act, including enforcement issues, is located here.

U.S. Department of Justice ADA Home Page

www.usdoj.gov/crt/ada/adahom1.htm

The Department of Justice ADA Home Page is a valuable resource for both the Departments ADA requirements, but also for links to other federal departments and agencies that enforce accessibility requirements and disability laws. It contains downloadable publications for businesses, non-profit providers, and state and local governments that must comply with the ADA.

A Guide to Disability Rights Laws

www.usdoj.gov/crt/ada/cguide.htm

This Department of Justice publication provides an overview of all the federal laws that address the rights of persons with disabilities.

U.S. Department of Housing and Urban Development Disability Rights Page

www.hud.gov/offices/fheo/disabilities/index.cfm

The HUD web page includes information on both the Fair Housing Act and the Department's regulations for Section 504 of the Rehabilitation Act of 1973.

U.S. Equal Employment Opportunity Commission ADA Information

www.eeoc.gov/types/ada.html

The EEOC enforces the Title I Employment provisions of the ADA. Its Web site includes the applicable regulations as well as information on reasonable accommodations, mediation and filing complaints.

U.S. Department of Transportation ADA Information

www.fta.dot.gov/civilrights/civil_rights_2360.html

This link to the Federal Transit Administration Web site provides information on accessible transportation facilities, as well as FTA compliance.

II. State resources

Disability Resource Group (formerly Georgia ADA Exchange, Inc.)

www.gaada.info

Provides information, training and referrals on the ADA and disability related issues.

Georgia ADA Coordinator

www.ada.georgia.gov

Georgia Department of Community Affairs

www.dca.state.ga.us

Georgia State Fire Marshal's Office

www.gainsurance.org/FIREMARSHAL/Administration.aspx

III. Other resources

International Code Council Home Page

www.iccsafe.org

ICC Accessibility Page

www.iccsafe.org/safety/accessibility

The ICC maintains a separate web page on accessibility issues. Included is valuable links to other resources, information on the development of the A117.1 accessibility standard, and a side-by-side comparison of the text of the 2006 IBC, 2004 ADAAG, and DOJ requirements for accessibility.

South East Disability & Business Technical Assistance Center

www.sedbtac.org

A federally funded regional center (DBTAC) that serves as a "one-stop" central, comprehensive resource on ADA issues in employment, public services, public accommodations, and communications.

Checklist of federal laws and GAC

The following table indicates where federal laws affect the design and construction of state buildings and facilities. The violet column indicates where the Georgia Accessibility Code applies.

Note that the DOJ ADA Standards for Accessible Design apply to all buildings regulated by the ADA. The table notes where the 1994 Standards and 2004 ADAAG have specific requirements for a particular occupancy.

| | ABA | Section 504 | Fair Housing Act | ADA | State Standard -1997 GAC | 1994 DOJ Standards | 2004 ADAAG |
|---|-----|-------------|------------------|-----|--------------------------|--------------------|------------|
| New construction | | | | | | | |
| Alterations to existing facilities | | | | | | | |
| Federally funded | | | | | | | |
| State funded | | | | | | | |
| Assembly (Group A) ²⁶ | | | | | | | |
| Court rooms (Group A) | | | | | | | |
| Religious facilities (Group A) | | | | | | | |
| Private Clubs (Group A) | | | | | | | |
| Office buildings (Group B) | | | | | | | |
| Schools (Group E) | | | | | | | |
| Group homes (Groups I-1, R-4) | | | | | | | |
| Nursing homes (Group I-2) | | | | | | | |
| Hospitals (Group I-2) | | | | | | | |
| Correctional facilities (Group I-3) | | | | | | | |
| Mercantile (Group M) | | | | | | | |
| Transient residential (Group R-1) | | | | | | | |
| Non transient residential (Groups R-2, R-3) | | | | | | | |

²⁶ Occupancy classifications as established in the ICC International Building Code referenced in the Georgia State Minimum Standard Building Code

Where the Georgia Accessibility Code Exceeds ADA Requirements

The following table is a partial list of requirements of the Georgia Accessibility Code which exceed the ADA accessibility requirements of the Department of Justice regulations and ADAAG. Designers and code officials must always do a comprehensive review of both federal and state requirements to ensure the most restrictive provisions are met for any space or element.

| GAC Section | Space or Element | Requirement |
|-----------------|------------------|--|
| 120-3-20-.03(1) | buildings | The code does not include exemptions for religious facilities like churches or synagogues or for private clubs; DOJ regulations exempt these buildings |
| 120-3-20-.03(3) | work stations | The code requires 5% of individual work stations to be accessible where a series of stations is provided; ADAAG has no similar requirement |
| 120-3-20-.08(8) | entrances | The code specifies that all primary building entrances must be accessible; ADAAG requires 50% of building entrances to be accessible. |
| 120-3-20-.23 | windows | The code requires a 5 lbf. maximum operating force: ADAAG reserves this provision. |
| 120-3-20-.03(1) | doors | The code specifies an 8.5 lbf. maximum opening force for exterior hinged doors; ADAAG reserves this provision. |

Checklist of common design errors ²⁷

Key to frequency codes:

- 1 Always wrong
- 2 Almost always wrong
- 3 Usually wrong
- 4 Often wrong
- 5 Sometimes wrong

| Ref. No. | Freq. | ADAAG Sect. | Common Error |
|----------|-------|----------------|---|
| 1 | 2.4 | 2.2 | Children's facilities which do not comply with the ADA standards or any equivalent standard |
| 2 | 3.1 | 2.2 | "Equivalent facilitation" not accommodating all people with disabilities affected by the ADA std. req'ts. |
| 3 | 2.1 | 35.149 | Heavy exterior door still MUST be accessible |
| 4 | 2.3 | 4.1.3(10) | Failure to provide both high (standard) and low drinking fountains |
| 5 | 3.1 | 4.1.1(3) | Misinterpretations of requirements for "Work Areas" |
| 6 | 1.8 | 4.1.1(4) | Construction sites infringing on accessible routes with no provision for temporary access |
| 7 | 2.3 | 4.1.1(4) | Inaccessible temporary structures and portable toilets |
| 8 | 2.8 | 4.1.2(1) | No accessible route to streets or sidewalks |
| 9 | 3.1 | 4.1.2(1) | Parking access aisle not part of acc. rte. |
| 10 | 2.4 | 4.1.2(2) | No accessible route connecting all buildings on a site |
| 11 | 2.2 | 4.1.2(4) | Driveway entries infringing on level sidewalks |
| 12 | 2.9 | 4.1.2(5) | Incorrect number of accessible parking spaces at medical care facilities and at other multi-entrance sites |
| 13 | 3.2 | 4.1.2(5)(b) | No designated van-accessible parking |
| 14 | 2.4 | 4.1.2(5)(c) | No directional signage at inaccessible entrances |
| 15 | 2.8 | 4.1.2, 4.1.3+ | Signage not used when required (ARA, entrances, toilet rooms, text telephones, vol.cntrl.phones, parking, etc.) |
| 16 | 3.1 | 4.1.3(8) | Insufficient number of accessible entrances/exits |
| 17 | 2.0 | 4.1.3(1) | Employee common use areas must be FULLY accessible |
| 18 | 2.3 | 4.1.3(11) | Staff toilets must be acc. in Medical Care Facilities |
| 19 | 2.6 | 4.1.3(14) | Visual alarms are req'd. WHENEVER audible provided, but in greater numbers |
| 20 | 2.5 | 4.1.3(16)(a) | MIN. locations for tactile signage = rm. #s, toilets, exit. |
| 21 | 3.1 | 4.1.3(17) | No forward reach telephone when required |
| 22 | 1.4 | 4.1.3(17)(c) | Rank confusion re text telephones (TTY) req. (bldg. stds. vs assistive aids) |
| 23 | 2.0 | 4.1.3(17)(d) | Bank of 3 or more interior public pay phones without shelf & outlet for TTY |
| 24 | 2.3 | 4.1.3(19)(a) | No fixed assembly seating on aisles with removable armrests (or no armrests) |
| 25 | 2.0 | 4.1.3(19)(b) | Assistive listening sys. not provided in assembly areas |
| 26 | 2.2 | 4.1.3(2), 4.4 | Protruding object requirements apply to ALL circulation paths |
| 27 | 2.6 | 4.1.3(4) | Scoping limits for stairs not understood (levels not connected by elev...) |
| 28 | 2.8 | 4.1.3(5) Ex. 1 | Elevator exemption NOT exemption from any other accessibility req. |
| 29 | 2.6 | 4.1.3(9) | No Area of Rescue Assistance when required |
| 30 | 3.2 | 4.1.6(1)(j) | Alteration projects which do not make altered areas accessible "to the maximum extent feasible" |
| 31 | 2.4 | 4.1.6(2) | Alteration project ignores path-of-travel modification requirements |
| 32 | 2.9 | 4.1.7 | Improper interpretations of "Historical" exemption and exceptions |
| 33 | 2.3 | 4.3 | Cross slopes over 1:50 at sidewalks |
| 34 | 2.6 | 4.3 | No design detail to disallow vertical rises on accessible route exceeding 1/4" (or 1/2" w/ bevel) |
| 35 | 2.8 | 4.3.9 | Doors to stair landings must be accessible |
| 36 | 3.0 | 4.4 | Fire extinguisher cabinets are protruding objects, outside of reach ranges or with inaccessible hardware |
| 37 | 3.0 | 4.4 | Protruding object hazards under stairs & escalators, at counters, fixed equipment, light fixtures, etc. |
| 38 | 3.2 | 4.4 | Trees along acc.route planted such that limbs are a protruding object hazard |
| 39 | 3.2 | 4.5.2 | Accessible routes exceeding 1:20 without provision for ramp requirements |
| 40 | 1.9 | 4.6 | Parking spaces sloped over 1:50 in any direction |
| 41 | 2.9 | 4.6 | Parking signs too low to be seen over parked vehicles |
| 42 | 2.3 | 4.6.3 | Ramp projects into parking space and/or access aisle |
| 43 | 3.0 | 4.6.4 | Accessible parking signs obscured by parked vehicles |
| 44 | 2.3 | 4.7 | Insufficient design information, dimensions or details to build curb ramps to the ADA standard req'ts |
| 45 | 3.1 | 4.7 | Insufficient landings at tops and bottoms of curb ramps |

²⁷ From Evan Terry Associates, P.C., One Perimeter Park So, Suite 2005, Birmingham, AL 35423 www.evanterry.com

Accessibility in **State-Owned** Buildings and Facilities

| Ref. No. | Freq. | ADAAG Sect. | Common Error |
|----------|-------|----------------------|--|
| 46 | 2.0 | 4.7.2 | Curb ramp inset into sidewalk with slope > 1:12 due to failure to consider sidewalk cross slop |
| 47 | 2.4 | 4.7.5 | Curb ramp side flares too steep |
| 48 | 2.1 | 4.8 | Ramps constructed at 1:12 when 1:12 is not the "least possible slope" |
| 49 | 3.2 | 4.8 | No edge protection at ramps |
| 50 | 2.3 | 4.10.7 | Elevator doors close too quickly |
| 51 | 2.8 | 4.13.10 | Doors close too fast (< 3 seconds) |
| 52 | 2.3 | 4.13.11 | Door opening forces exceed maximum allowable |
| 53 | 3.1 | 4.13.2 | Revolving doors (even "accessible" ones) need acc. swinging door nearby |
| 54 | 3.1 | 4.13.7 | Vestibule dimensions/configuration deficient |
| 55 | 2.0 | 4.13.9 | Inaccessible door hardware at accessible toilet stall (no pull or self-closer, inaccess.latch |
| 56 | 2.4 | 4.15 | Round or oval bowl drinking fountains that do not meet the spout location requirements |
| 57 | 2.7 | 4.16 | Flush mechanisms located to narrow side of toilet (usually not specified on wide side) |
| 58 | 2.9 | 4.17.3 Ex | 36" or 48" min. (NOTHING IN-BETWEEN) stall only if technically infeasible in alteration work |
| 59 | 2.6 | 4.19 | Uninsulated or poorly insulated hot water and drain lines at lavatories |
| 60 | 2.0 | 4.19.5 | Self-closing faucet does not remain open for 10 seconds |
| 61 | 2.4 | 4.20.4 | Two grab bars req. @ tub back |
| 62 | 2.8 | 4.21.2 | Transfer shower must be 36"x36", not bigger |
| 63 | 3.0 | 4.21.2 | Unusable clear floor space @ transfer shower |
| 64 | 2.6 | 4.21.7 | Curb too high at transfer shower |
| 65 | 3.1 | 4.22 | Public and common use toilet facilities without an accessible 5 x 5 stall and/or turning space |
| 66 | 3.2 | 4.22 | Toilet room or stall doors swing into clear floor space at fixtures |
| 67 | 2.8 | 4.22.4, 4.1.3(11) | Inaccessible single and multi-user toilet / bath rooms (ALL public & COMMON USE are req'd to be accessible) |
| 68 | 2.0 | 4.22.4 | Multi-stall rooms with 6 or more water closet's missing 36" stall |
| 69 | 2.8 | 4.23 | Shower rooms without an accessible shower stall |
| 70 | 2.8 | 4.25 | Insufficient accessible storage (coat racks, shelving, etc.) |
| 71 | 2.3 | 4.25.3 | Closet rods too high |
| 72 | 3.0 | 4.26 | Non-compliant handrail designs (rail sections and mounting brackets) |
| 73 | 2.0 | 4.27 | Coat hooks in accessible toilet stalls mounted above accessible reach ranges |
| 74 | 2.3 | 4.27 | Sanitary napkin dispenser accessibility ignored |
| 75 | 2.8 | 4.27 | Controls and operating mechanisms over obstructions & outside of reach ranges |
| 76 | 3.1 | 4.27.3 | Electrical outlets and switches above counters and in other restricted areas out of reach ranges |
| 77 | 2.4 | 4.28 | Alarm signaling devices not placed in all places required |
| 78 | 2.9 | 4.30 | Inaccessible signage where required to be accessible |
| 79 | 3.0 | 4.30.5 | Signage does not have proper contrast & finish |
| 80 | 2.4 | 4.30.6 | Accessible signage in inappropriate locations (eg.doors) |
| 81 | 1.8 | 4.31 | No electrical outlet for text telephone (TTY) at telephone bank w/3 or more phones |
| 82 | 2.1 | 4.31 | Insufficient design guidance provided to owner for compliant pay telephone installation |
| 83 | 2.4 | 4.31.9(2) | Text telephone (TTY) shelves not usable (clearances, distance from receiver) |
| 84 | 2.3 | 4.33 | Accessible seating in assembly areas not properly distributed and without companion seating |
| 85 | 2.4 | 4.33 | Inaccessible stages and performing areas |
| 86 | 1.6 | 4.33.3 | WC user sightlines not comparable to other seating in assembly areas - must have sightlines over standing spectators |
| 87 | 2.4 | 4.33.3 | No FIXED companion seating in assembly areas; not 1:1; not "next" to |
| 88 | 2.9 | 4.33.3 Ex | Clustering OK only when sight lines are steep |
| 89 | 2.1 | 4.35 | Insufficient number and inaccessible dressing and fitting rooms (including inaccessible benches) |
| 90 | 2.4 | 5.1 | Fixed tables (booths) are covered by ADAAG, movable tables are covered by regulations (36.302 & 35.130 |
| 91 | 2.0 | 5.6 | Self service shelves and dispensing devices for food, beverage, condiments, etc. outside of accessible reach ranges |
| 92 | 2.6 | 6.1 | Insufficient accessible patient rooms in medical care facilities |
| 93 | 2.0 | 7.1 | Inaccessible counters for public information and business transactions |
| 94 | 2.0 | 9.1.1 | Transient lodging sleeping rooms with inaccessible controls designed for occupant use |
| 95 | 2.0 | 9.1.2 | Roll-in shower in transient lodging must be COMBO roll-in and fold-down seat as in FIG. 57 |
| 96 | 2.1 | 9.1.2 | Transient lodging lacks roll-in showers |
| 97 | 2.5 | 9.1.2 | Roll-in shower rooms in transient lodging are ADDITIONAL (not incl. in 1st column) |
| 98 | 1.6 | 9.1.3 | All acc. rooms have provisions for hearing accessibility |
| 99 | 1.7 | 9.2.2(7) | Inaccessible kitchens in accessible transient lodging units |
| 100 | 2.1 | 9.4 | All doors to & in ALL guest rooms in transient lodging have 32" clear opening width |

Checklist of common construction errors ²⁸

Key to frequency codes:

- 1 Always wrong
- 2 Almost always wrong
- 3 Usually wrong
- 4 Often wrong
- 5 Sometimes wrong

| Ref. No. | Freq. | ADAAG Sect. | Common Error |
|----------|-------|-------------------|--|
| 1 | 1.9 | 303(A)(1)&(2) | Misunderstanding ADA liabilities of contractors ("...failure to design, construct, alter, ... or maintain...") |
| 2 | 1.7 | 3.2 | Access features designed at maximums or minimums without thought for dimensional tolerances |
| 3 | 2.7 | 4.1.2(1)&(2) | Inaccessible walks between buildings on one site |
| 4 | 2.4 | 4.1.2(7) | Compliant signage not provided at all locations required by the ADA |
| 5 | 2.6 | 4.1.3(10) | Improper mix of standard height and low ("accessible") drinking fountains |
| 6 | 2.2 | 4.1.3(13) | Controls and operating mechanisms such as thermostats mounted outside reach ranges specified |
| 7 | 3.0 | 4.1.3(7) | Round door knobs on employee-only doors |
| 8 | 2.3 | 4.1.3(8)(d) | No directional signs to accessible entrances from inaccessible entrances |
| 9 | 2.4 | 4.1.6(2) | Alterations to primary function areas without work on a path of travel serving the altered area |
| 10 | 2.4 | 4.2.5, 4.2.6 | Toilet room/stall coat hooks and other accessories mounted outside reach ranges |
| 11 | 3.3 | 4.3.11.3 | Exit stairs serving areas of refuge with less than 48 inches clear between handrails |
| 12 | 2.3 | 4.3.7 | Walks or curb ramps with cross slope >2% |
| 13 | 2.8 | 4.3.7 | Plaza, patio and poolside walks with more than 2% cross slope |
| 14 | 2.8 | 4.3.7 | Walks with running slopes > 5% not treated as ramps with proper rails, edge protection, etc. |
| 15 | 2.9 | 4.3.7, 4.3.8 | Parking spaces, ramps and curb ramps constructed with irregular surfaces |
| 16 | 2.9 | 4.3.8, 4.5.2 | Walks or curb ramps with vertical joints more than 1/4 inches vertical rise or 1/2" beveled |
| 17 | 3.4 | 4.4 | Counters & cabinets that protrude into an accessible route or circulation path > 4 inches |
| 18 | 2.8 | 4.4.1 | Wall-hung protruding object hazards along circulation paths (fire extinguishers, boxes, etc.) |
| 19 | 3.3 | 4.4.2 | Stairs and escalators with unprotected undersides |
| 20 | 3.6 | 4.5.1, 4.5.2 | Toilet room floors sloped >2% to floor drains |
| 21 | 2.4 | 4.6.3 | Accessible parking areas not graded to within 2% of level |
| 22 | 3.0 | 4.6.3 | Accessible parking spaces not striped properly |
| 23 | 3.0 | 4.6.3 | Built up curb ramp in accessible parking space or access aisle causing slope to exceed 2% in that area |
| 24 | 3.0 | 4.6.3 Fig 9 | Diagonal accessible parking spaces in one-way lots without access aisles for both passenger and driver |
| 25 | 3.3 | 4.6.4 | Vertical signs not provided at accessible parking spaces |
| 26 | 2.0 | 4.7.2 | Curb ramp inset into sidewalk with slope > 1:12 due to failure to consider sidewalk cross slope |
| 27 | 2.5 | 4.7.2 | Curb ramps with steep running slope >8.33% |
| 28 | 1.9 | 4.7.5 | Curb ramps with steep flared sides >10% |
| 29 | 3.3 | 4.8.4 | Ramps with sloped and/or improperly sized landings |
| 30 | 3.4 | 4.8.5 | No handrails on ramps, or handrails on one side only |
| 31 | 3.6 | 4.9.3 | Stairs with non-compliant nosing profiles |
| 32 | 2.4 | 4.13.10 | Improperly adjusted and/or high-speed door closers |
| 33 | 3.1 | 4.13.6 | Entrance doors without a level approach |
| 34 | 3.3 | 4.13.6 | Doors with limited maneuvering clearances at partitions, stairs, casework, millwork, etc. |
| 35 | 3.8 | 4.13.9 | Door hardware mounted too high |
| 36 | 3.8 | 4.15, 4.27.4 | Standard-height drinking fountains which require >5# of force to operate |
| 37 | 2.9 | 4.16, 4.17.6 | Improper placement of grab bars at toilets |
| 38 | 3.2 | 4.16.5 | Flush controls mounted to the narrow side of the accessible stall |
| 39 | 3.6 | 4.16, Fig 28 & 30 | Toilets not centered 18 inches from adjacent wall |
| 40 | 3.3 | 4.19.2 Fig 31 | Lavatories mounted with insufficient knee clearances underneath |
| 41 | 2.8 | 4.19.4 | Unprotected lavatory pipes in toilet rooms |
| 42 | 2.4 | 4.20, 4.21 | Improper tub and/or shower installations |
| 43 | 2.8 | 4.22.7, 4.23.7 | Accessible toilet rooms with inaccessible accessories (dispensers mounted too high, etc.) |
| 44 | 2.5 | 4.28 | Fire alarm systems without sufficient or proper visual alarm signalling devices |
| 45 | 3.3 | 4.30.6 | Improper placement of signs |
| 46 | 3.8 | 4.31.2 & 3 | Telephones mounted at the wrong heights or with sloping areas underneath |
| 47 | 3.9 | 4.31.4 | Telephone cabinet or shelf units mounted as protruding object hazards |
| 48 | 2.6 | 4.31.5 | Insufficient telephones with volume controls |
| 49 | 2.1 | 7.2 | Sales and/or information counters which do not have an accessible section |
| 50 | 2.4 | 9.4 | Hotel/motel rooms which do not provide 32 inch clear width into & within non-accessible guest rooms |

²⁸ From Evan Terry Associates, P.C., One Perimeter Park So, Suite 2005, Birmingham, AL 35423 www.evanterry.com

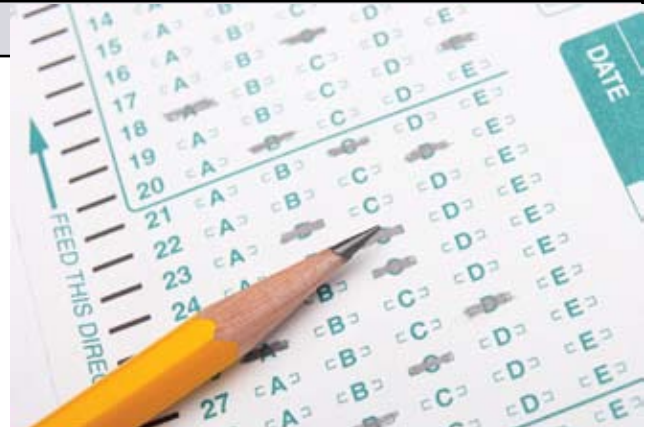
Checklist for Facility Maintenance Responsibilities under the ADA

There are continuing responsibilities for barrier removal in existing buildings. Remember that when an alteration could affect the usability of a primary function area, the path of travel to the altered areas (including toilets, telephones & drinking fountains serving the altered areas) must be made accessible to the maximum extent feasible. No alteration or maintenance project can have the effect of decreasing accessibility or usability below the requirements. Below are several key items to review for On-going ADA Maintenance:

| |
|---|
| Parking, Interior & Exterior Accessible Routes: |
| o Make sure accessible parking spaces are occupied only by eligible users. |
| o Keep accessible parking access aisles clear. |
| o Keep curb ramps from being blocked or muddy. |
| o Keep walks, sidewalks and ramps (especially to public transportation stops) free of debris and abrupt level changes. |
| o Keep landscape elements trimmed (not overhanging or narrowing accessible routes). |
| o Maintain slip resistance of accessible routes at all times. |
| o Check structural strength of handrails & guardrails at stairs & ramps periodically. |
| o Maintain protruding object-free circulation paths. |
| o Maintain clear headroom of at least 80" in all circulation paths. |
| o Maintain clear accessible routes between furniture, boxes and other obstructions. |
| o Maintain accessible routes to stages and performing areas. |
| o Do not block accessible routes with maintenance vehicles, equipment or supplies. |
| o Keep construction and alteration projects from infringing on accessible routes or make provision for alternate routes. |
| o Periodically check door hardware (especially closers) for proper operating forces and closing speed. |
| o Check door thresholds periodically to verify that they have not been damaged to become trip hazards. |
| Elevators and lifts: |
| o Keep areas under call buttons free of obstructions. |
| o Verify consistent voice-free operation of emergency communications devices. |
| o Maintain automatic reopening devices in working order. |
| o Periodically check cab arrival notification systems and door closure timing. |
| Toilet rooms: |
| o Make certain that accessible toilets are available during all times that the facilities are open. |
| o Keep trash cans & other obstructions out of turning spaces & clear floor spaces at accessible elements. |
| o Check hinges on toilet seats for cracks or breakaways. |
| o Keep coat hooks in accessible stalls in accessible locations. |
| o Keep accessible toilet paper dispensers stocked & functional. |
| o Keep accessible paper towel dispensers stocked & functional. |
| o Keep all other accessible dispensers stocked & functional. |
| o Maintain insulation on water supply and drain pipes under accessible lavatories. |
| o Where self-closing faucets are used, maintain timers to keep water flowing for at least 10 seconds after activation. |
| o Check structural strength of grab bars, tub & shower seats periodically. |
| o Check shower heads in accessible showers to assure they stay operable and within maximum reach ranges. |
| Miscellaneous Accessibility Provisions: |
| o Maintain accessible features in operable working order and available for use without assistance. |
| o Keep accessible drinking fountains operational with minimal force for required 4" minimum water stream height. |
| o Periodically verify proper lift operation and tie-downs on accessible transportation vehicles. |
| o Include ADA compliance language in all contracts and purchase orders (non-discrimination, design, installation, operation, etc.). |
| o When replacing existing inaccessible elements, use accessible ones (such as drinking fountains, dispensers & signs). |
| o In cafeterias, keep self-service drink & food choices, tableware, dishes, utensils & condiments within the minimum reach ranges. |
| o Purchase at least some accessible tables, chairs, study carrels & desks and distribute them throughout areas where people can assemble (dining and meeting areas, break rooms, cafeterias, etc) |
| o Make certain that temporary structures & portable toilets are accessible. |
| o Ensure that effective communication features are available for people with hearing disabilities (including assistive listening systems, signage, etc.). |

Test Your Knowledge: Answers

1. B
2. D
3. B
4. B
5. D
6. B
7. C
8. B
9. D
10. D
11. B
12. D
13. C
14. C
15. A
16. A
17. A
18. C
19. B
20. A



Notes

[illegible]

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