

# BUILDING GEORGIA'S FUTURE

## Accessibility as a Customer-Oriented Culture 2011 Update to the Technical Assistance Manual



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



# Table of Contents

Acknowledgements .....	4
Foreword.....	5
A Note on this Updated and Expanded Edition .....	6
<b>Chapter 1: Introduction .....</b>	<b>7</b>
I. Federal laws and regulations .....	8
II. Best practices in accessible design.....	9
III. Application .....	10
<b>Chapter 2: Overview of Federal Laws.....</b>	<b>11</b>
I. The Architectural Barriers Act of 1968.....	12
II. Section 504 of the Rehabilitation Act of 1973 .....	12
III. Fair Housing Amendments Act of 1988 .....	13
IV. Americans with Disabilities Act of 1990 .....	14
V. Apply the correct ADA Design Standards .....	17
VI. Putting it all together.....	19
<b>Chapter 3: The 2010 ADA Standards for Accessible Design - and Beyond .....</b>	<b>23</b>
I. The 2010 DOJ Standards.....	24
II. Program access in existing correctional facilities.....	28
III. Pending federal guidelines and standards .....	28
IV. Georgia’s mandate for nondiscrimination in employment and services.....	30
V. Universal design.....	31
<b>Chapter 4: Procurement Considerations .....</b>	<b>35</b>
I. Architectural and engineering services .....	36
II. Consulting services .....	37
III. Property lease proposals .....	37
IV. Building products .....	38
V. Public facility equipment .....	38
VI. Audio-visual equipment .....	39
VII. Printing and signage services .....	39
VIII. IT equipment .....	39
<b>Chapter 5: Common Errors and Omissions.....</b>	<b>41</b>
I. Design and plan review .....	42
II. 2010 ADA Standards for State and local government.....	44
III. Construction practices .....	46
<b>Chapter 6: Existing Buildings .....</b>	<b>49</b>
I. Maintaining accessibility.....	50
II. General alteration requirements .....	51
III. Increasing accessibility .....	52
IV. Egress and life safety concerns .....	53
V. Historic facilities .....	54
<b>Chapter 7: Resources and Appendices .....</b>	<b>57</b>
I. Federal resources .....	58
II. State resources.....	59
III. Other resources .....	59
Checklist for Maintaining Accessible Facilities.....	60
Test Your Knowledge: Answers.....	62

# Acknowledgements

## Production, Layout and Editing

### **United Spinal Association:**

Dominic Marinelli - Vice President, Accessibility Services  
Kleo J. King - Senior Vice President, Accessibility Services  
Andrea Dimech - Senior Graphic Designer

### **Georgia State Financing and Investment Commission:**

Brian Black, BD Black Codes, Inc. - Principal Author  
Katy Pando - Director of Communications

## Photographs

### **University of Georgia Disability Resource Center:**

Dr. Karen Kalivoda - Director  
David Anderson - Disability Specialist

### **United Spinal Association:**

Andrea Dimech - Senior Graphic Designer

## 2011 Revision and Update

### **ADA One, LLC:**

Irene Bowen, J.D. - President, ADA One, LLC (Silver Spring, MD)  
John H. Catlin, FAIA - Partner, LCM Architects (Chicago, IL)

### **Koncept Design Studio:**

Megan Isom - Senior Account Executive (Production, Layout and Editing)  
Michelle Ashman - Graphic Designer (Production, Layout and Editing)

# Foreword

More than 1.4 million 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 for 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 opportunity, and access in an integrated setting. 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, 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.

*(2) Encourage design and construction professionals to consider ways the built environment can be designed or adapted with the widest range of users in mind.*

Accessibility laws and standards, however, only set minimum standards for accessibility and accommodations.

We ask design and construction professionals to 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

# A Note on this Updated & Expanded Edition

The first edition of this Technical Assistance Manual was published in July 2009. On September 15, 2010, the U.S. Department of Justice published its revised regulation for Title II of the Americans with Disabilities Act of 1990 (“ADA”). This regulation adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design (“2010 Standards” or “Standards”). The 2010 Standards set minimum requirements - both scoping and technical - for newly designed and constructed or altered state government facilities to be readily accessible to and usable by individuals with disabilities. Adoption of the 2010 Standards also establishes a revised reference point for state government agencies that choose to make physical changes to existing facilities to meet their program accessibility requirements.

This updated edition includes information on the new ADA standards, as well as an expanded section on the ADA’s “program access” requirements applicable to state government.

## The State ADA Coordinator’s Office

- Serves as a technical resource to state agencies for the ADA’s Title II general nondiscrimination requirements, program accessibility, communications and employment (including the reasonable accommodation process);
- Operates the statewide ADA facility improvements program;
- Assists state agencies in updating, strengthening and enhancing the scope of self-evaluations and transition plans to ensure compliance with the ADA mandate;
- Conducts general and customized training on ADA topics for state agencies;
- Provides informal technical assistance about the ADA to the general public, collaborates with local ADA support systems; and
- Increases the visibility of the ADA to help more citizens understand the letter and the spirit of the law.



The State ADA Coordinator’s Office is a section of the Georgia State Financing and Investment Commission.

State ADA Coordinator’s Office  
c/o Georgia State Financing and Investment Commission  
270 Washington Street, 2nd Floor, Suite 2140  
Atlanta, GA 30334-9007  
[www.ada.ga.gov](http://www.ada.ga.gov)

Phone: 404-657-7313 (General Information & Technical Assistance)  
Fax: 404-463-5650  
TTY: 404-657-9993

# Chapter 1: Introduction

*Our goal is not just to meet - but to exceed - our federal and state obligations to provide an accessible environment in state-owned and operated facilities and, in doing so, to maintain Georgia's role as a leader in serving the needs of individuals with disabilities and all people living in or visiting 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 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 state's leadership role in ensuring accessible design throughout Georgia's public and private sectors, the state established a comprehensive accessibility plan for state-owned and operated facilities, in order to increase 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. This update reflects the 2010 changes to federal regulations under Title II of the ADA, including the 2010 ADA Accessibility Standards. It also provides an overview of other parts of the ADA, as well as other statutes, that may apply to or intersect with state buildings and facilities or services provided in them. 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 service offices to our historic attractions, and from our universities to our state parks.

Please note that 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.

## I. Federal laws and regulations

Facilities constructed, owned, leased, and/or operated by the State of Georgia are subject to the 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. The ADA regulations require that facilities built or altered after March 15, 2012, meet the DOJ 2010 ADA Standards for Accessible Design, which consist of the 2004 ADAAG and additional provisions. 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 importantly – 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 practices in accessible design**

The “science of accessibility” is a growing and changing field. The federal Architectural and Transportation Barriers Compliance Board (known as the “Access Board”) establishes the “baseline” accessibility guidelines that ultimately find their way into enforceable regulations. For more than three decades, the Access Board 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, 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 must now be followed when designing, constructing, and altering state facilities, depending on the dates of construction or alteration. Other elements and facilities are undergoing review by the Access Board, as it develops guidelines for rights of way (including streets, sidewalks, crosswalks, and parking), outdoor developed areas, shared use paths, and medical equipment. They should be reviewed and at least considered during the design, construction, or alteration of state facilities.<sup>1</sup>

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 a comparable line of sight 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, under the concept of “Universal Design.”

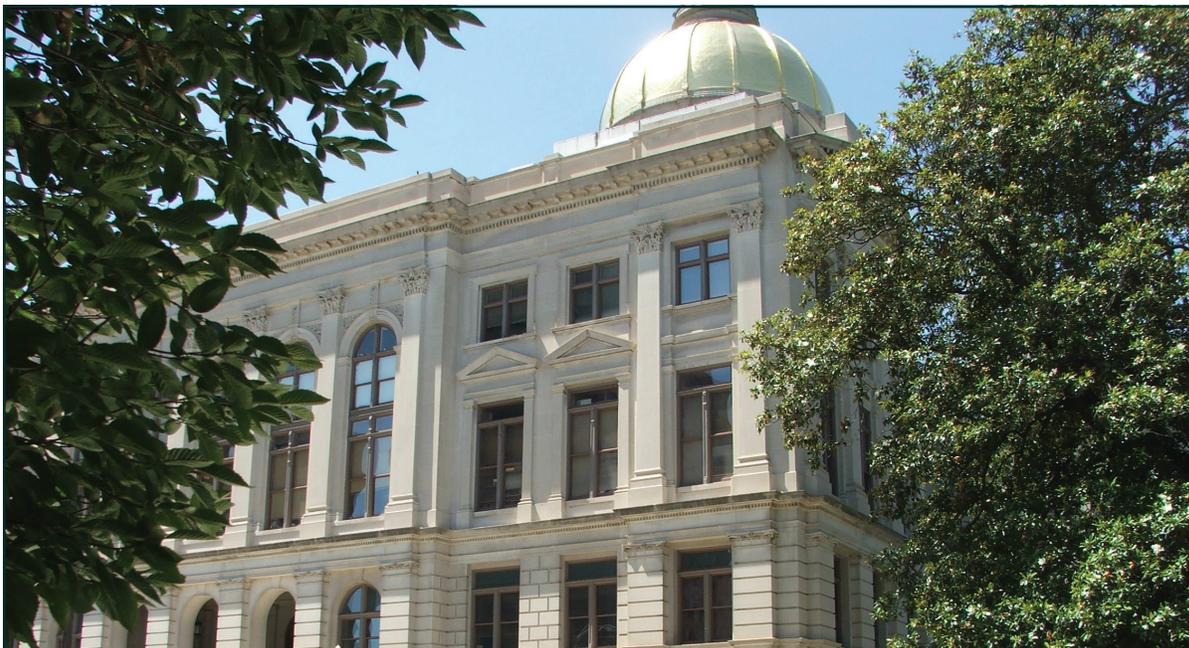
<sup>1</sup>Supplemental guidance is also available from the Access Board at [www.access-board.gov](http://www.access-board.gov).

### III. Application

The Georgia Statewide Facilities Accessibility Project applies not only to new construction and additions, but to alterations of existing buildings, renovations of historic facilities, maintenance of accessible features, and modifications to bring the state into compliance with the “program accessibility” requirements of the ADA or other laws. 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 and operation practices, from maintaining accessibility during construction and renovation work, and after work is completed, to identifying common mistakes made in the field that adversely impact accessible design.

### 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 service offices and from passenger rail systems to state parks and historic sites. Our goal is not just to meet - but to exceed - our federal and state obligations to provide an accessible environment in state-owned and operated facilities and, in doing so, to maintain Georgia’s role as a leader in serving the needs of individuals with disabilities and all people living in or visiting our state.



# Chapter 2:

## Overview of Federal Laws

*In the building code world, a single version of a code or standard generally applies to a facility. But when accessibility is involved, a combination of federal laws and standards may apply to one 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 non-discrimination requirements and standards that must be considered when designing and constructing a building. 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 accessible design provisions, all of which must be considered in the design and construction of state buildings. Some of these also address access to existing facilities, as well as state services and programs.

## I. The Architectural Barriers Act of 1968

The Architectural Barriers Act (ABA) generally 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 meet ADA requirements.

The 1968 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 they were adopted by the federal departments that issue standards for the ABA:

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

While HUD continues to use UFAS as its ABA standards, the other three agencies have adopted the Access Board's 2004 Architectural Barriers Act Accessibility Guidelines (2004 ABAAG).

## II. Section 504 of the Rehabilitation Act of 1973

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, section 504 does not cover just situations where the federal dollar is spent on construction activity. If a state agency receives federal funds, its programs, activities, and services are covered by Section 504, even though the federal funds are not being directed to building construction. For example, 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 used only for student loans and grant programs. Note that the programs provided by a federal recipient must be accessible. In other

words, a recipient must ensure that no one is subjected to discrimination because its facilities are inaccessible to or unusable by people with disabilities. This does not necessarily translate to making all parts of all of 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, and as appropriate to the situation. An elevator to that floor is not automatically required. This concept of "program accessibility" also applies under Title II of the ADA, as further explained in the next section of this chapter.

In addition to these program accessibility requirements, all new construction and alterations by recipients must be accessible. The current regulations, most of which were issued prior to the 1991 ADA Standards and have not yet been modified, say that compliance with UFAS meets those requirements. The Department of Justice (DOJ) has issued guidance to federal agencies with section 504 responsibilities urging them to consider the 2010 Standards as an acceptable alternative to UFAS.

### **III. Fair Housing Amendments Act of 1988**

The Fair Housing Act (FHA) was amended in 1988 to add people with disabilities to the categories of individuals protected by its comprehensive ban on discrimination in the housing market. The HUD regulations establish certain minimum accessibility standards for new construction of "qualified multifamily housing." Qualified multifamily housing is defined as buildings with four or more housing units and includes the common use areas that serve the covered units. The FHA applies to all public and private housing providers, including rental as well as condominium units, 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 the 1986 A117.1 standards would also be permitted. The Fair Housing Accessibility Guidelines, published by HUD on March 6, 1991, are intended to define this minimum level of compliance. As a result, a HUD Fair Housing unit could have 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).

Technical requirements aside, the greatest impact of the FHA is on how these units are scoped (i.e., where the technical requirements apply). Generally, within covered buildings served by elevators, all dwelling units must comply with the Fair Housing Accessibility Guidelines. In covered buildings without elevators, all ground floor units must comply. The guidelines also apply to long-term shelters for people who are homeless, most nursing homes and group homes, and dormitories and residence halls.

## IV. Americans with Disabilities Act of 1990

The Americans with Disabilities Act of 1990, or ADA, is the most comprehensive civil rights law passed by Congress. It is a broad ban on discrimination against people with disabilities in the public and private sectors.

Everyone in the design and code enforcement communities knows about the ADA. However, many may not be aware that the ADA is has several parts, or “Titles.” They are:

- I. Employment
- II. State and Local Government Activities (including transportation)
- III. Public Accommodations (including construction and alterations by private entities)
- IV. Telecommunication Relay Services
- V. Miscellaneous Provisions



President George H.W. Bush signing the Americans with Disabilities Act, July 26, 1990

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

The law protects those who are “individuals with disabilities.” 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. Such an impairment can include seeing, walking, hearing, feeding oneself, living independently, or working. 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. The ADA Amendments Act, which was effective January 1, 2009, makes clear that this definition has a broad sweep.

### Title I

Title I prohibits discrimination in employment by entities with 15 or more employees, and all state and local employers, 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 a small employer with very limited resources, whereas installing an elevator for an employee using a wheelchair could be reasonable for larger employers with greater financial resources. (Modifications of procedures, policies, job descriptions, etc. are separate matters not addressed by this manual.)

The decision to make physical 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.

## **Title II**

Title II applies to the services and facilities of the state and its political subdivisions. All new construction and alterations must meet accessibility standards. 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 II's "program accessibility" requirement is very similar to that requirement under section 504, as mentioned in the preceding section. Each service, program, or activity of the state, when viewed in its entirety, must be readily accessible to and usable by individuals with disabilities unless a fundamental alteration in the nature of the program, or undue financial and administrative burdens, would otherwise result. Because programs and services are evaluated "in their entirety,"

### **From the Department of Justice Title II Technical Assistance Manual and 1994 Supplement:**

**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 and III.**

**ILLUSTRATIONS: 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.**

**The State Highway Authority leases a facility in one of its highway rest areas to a privately owned restaurant. Because the restaurant is part of the state's program of providing services to the motoring public, the state would be responsible for making the space accessible. The private entity operating the restaurant would have an independent obligation to meet the requirements of Title III.**

public entities have flexibility in addressing accessibility issues. For example, it may not be necessary to make each of the offices of the Department of Driver Services or the Department of Family and Children's Services - or every state library - accessible, if the services offered are, as a whole, accessible to people with disabilities. Determining which offices to make accessible and how many should be accessible requires evaluating a number of factors, including the distance between sites, travel time between sites, the types of services available at each site, available amenities such as parking and restrooms, translation and interpreter services, business hours, the characteristics of the community or geographic area served by the office, and public transportation to the sites. In some instances it may be possible to make the services accessible through means other than modifications to a facility, such as home visits, moving the services to accessible locations, or delivery of services elsewhere. The key is providing services, programs, and activities that are "readily accessible," that offer an equal and comparable opportunity for persons with disabilities, and that are carried out in an integrated setting.

Other factors may dictate that all facilities of a certain type are accessible. For example, all facilities that may be used as emergency shelters should be accessible because of the reality of a disaster or emergency: People go to a designated shelter for their area, and the shelter that might be expected to be used may be damaged during the emergency. All state rest areas should also be accessible, so that people with disabilities traveling the state's roads and highways are offered equal access to the restroom, food and drink, and travel information services provided.

The expansion of community health services that began in Georgia in 2011 due to a federal settlement agreement may also require increased accessibility of certain facilities used in providing a variety of services to individuals with developmental disabilities. The state will be transitioning all individuals with developmental disabilities from the state hospitals to community settings and increasing crisis, respite, family and housing support services to serve individuals with developmental disabilities in community settings. Because of the higher frequency of physical disabilities among individuals with developmental disabilities, and because these individuals are more likely to acquire physical disabilities as they age, the state may be required to ensure that an increased number of the types of facilities used to provide these services are accessible, under program accessibility requirements.

If a state agency contracts with a private organization (including a nonprofit) to provide services, the state agency retains the responsibility for ensuring that its program is accessible. For example, a private, nonprofit corporation may operate a number of group homes under contract with a state agency for the benefit of individuals with mental disabilities. The state agency must ensure that its contracts are carried out in accordance with Title II and that the state's program as a whole is accessible. (As suggested in the prior paragraph, this does not mean that all the group homes must be accessible.) Similarly, if a state agency has another type of close business relationship with a private entity such as a restaurant, as described in the illustration on this page, it must ensure that the private entity acts in a way that is consistent with the state's responsibilities.

Keep in mind that these "program accessibility" requirements are separate from the new construction and alterations requirements, which must also be met for those facilities to which they apply.

### 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 generally the same as those applied to Title II facilities, Title III 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:

1. Designers are most familiar with these provisions, and may rely on the Title III elevator exception<sup>2</sup> 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 would most likely require an elevator when built for a State agency. It is the state agency’s responsibility to ensure that the Title II requirements are satisfied.
2. 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 may be allocated in the lease. The lease may say that the restaurant chain is responsible for installing accessible countertops and dining surfaces, and that the university is responsible for providing an accessible route to the leased space and accessible toilet rooms serving that portion of the building. Regardless of the lease provisions, a state (Title II) entity cannot obviate its responsibility to comply with the law and regulations.

## V. Apply the correct ADA Design Standards

The federal Access Board develops and publishes the Americans with Disabilities Act Accessibility Guidelines, and the binding regulations that DOJ and DOT issue must be at least as stringent as the guidelines. 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 1991 ADA Accessibility Guidelines (ADAAG) published by the federal Access Board. DOJ made a number of amendments to the Standards in 1994, based on changes to ADAAG, mostly with respect to reach ranges for accessible automated teller machines.

The Georgia Accessibility Code is based on, and generally consistent with, the 1991/1994 DOJ Standards for Accessible Design.

As stated above, in 2004 the Access Board published a new ADAAG (2004 ADAAG) that is similar to the accessibility requirements of the International Code Council (ICC) model building codes (IBC)

<sup>2</sup> DOJ elevator exceptions are as follows: ADA Title III Regulations 36.401(d), 1991 Standards 4.1.3(5), exception 1, 2010 Standards 206.2.3 Exception 1. For more information, see footnote 3 on page 18.

and the ICC/ANSI A117.1-2003 standard for accessible buildings and facilities.

In 2010, DOJ issued the first major revisions to the 1991/1994 Title II and Title III regulations, with new accessibility standards - the "2010 Standards." As required by law, the 2010 Standards are consistent with the Access Board's guidelines; in fact, the 2010 Standards include the Access Board's 2004 ADAAG in its entirety. Compared to the 2004 ADAAG, some of the 2010 technical provisions are more restrictive and some of the scoping provisions are broader. Some areas (e.g., courthouses, corrections, and recreation facilities) are covered by specific and detailed standards for the first time. DOJ also included additional technical and scoping provisions as part of the 2010 Standards. **As of March 15, 2012, new construction of, and alterations to, buildings owned and operated by the State of Georgia must comply with DOJ's 2010 Standards.**<sup>3</sup>



Congress also specified, however, that the U.S. Department of Transportation (DOT) had regulatory authority under the ADA, including the responsibility to establish accessibility standards for entities under its purview. DOT regulations have technical specifications for rail stations and accessible busses and rail cars, but the DOT regulations also apply to transit stations and other transportation facilities. In late 2006, DOT also adopted 2004 ADAAG as its standards.



In some respects, the DOT accessibility standards are different from those of DOJ and the Georgia Accessibility Code. The result is that state departments and agencies subject to the DOT regulations for the ADA (like the Georgia Department of Transportation) have to meet an accessibility standard that is different in some ways from the standard that applies to State agencies regulated by DOJ.<sup>4</sup> (see page 19 for footnote 4)

Most significantly, the DOT standards and DOJ's 2010 Standards are often more restrictive than the requirements of the Georgia Accessibility Code, and reliance on our code can result in violations of the DOT and DOJ regulations. For example, while DOJ's 1991/1994 Standards and the state code permit accessible controls and operating mechanisms to be located 54 inches above the floor, the 2010 Standards limit the reach to 48 inches maximum. Elevator controls in some buildings will need audible indicators to signal floor locations. Fire alarms will have to comply with the 1999 or 2002 edition of the National Fire Protection Association's NFPA 72, with some exceptions. Accessible means of egress will need to comply with the ICC's International Building Code.

<sup>3</sup>Prior to September 15, 2010, the DOJ required compliance with either the 1984 Uniform Federal Accessibility Standards (UFAS) or its 1991/1994 Standards, except that the elevator exception that the Standards provide 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.) New construction and alterations carried out between September 15, 2010, and March 15, 2012, can be consistent with either of these two standards (with the same exception) or the 2010 Standards.

The federal Access Board published on its website a comparative analysis of the 2004 ADAAG, the 1991/1994 DOJ Standards for Accessible Design, and the 2003 International Building Code and 2004 Supplement ([www.access-board.gov](http://www.access-board.gov)). Additionally, the State ADA Coordinator's Office has completed a comparative analysis of the Georgia Accessibility Code with the 1991 ADA Standards and 2010 ADA Standards, which can be found at [http://web01.spo.ga.gov/ADA/GA%20Accessibility%20Code%Comparison\\_rev%2004-11%20\(2\).htm](http://web01.spo.ga.gov/ADA/GA%20Accessibility%20Code%Comparison_rev%2004-11%20(2).htm).

The state anticipates updating the Georgia State Accessibility Code to encompass DOJ's 2010 ADA Standards prior to March 15, 2012. Until the changes are adopted, Georgia departments and agencies subject to those regulations should review the new DOJ Standards (1) to determine which of the new more restrictive provisions must be applied to a project and (2) to understand the new scoping and technical requirements for facilities and elements not covered by the 1991/1994 Standards or the Georgia Accessibility Code.<sup>5</sup> For example, state office buildings should be constructed with controls and operating mechanisms no higher than 48 inches (2010 Standards) even though 54-inch-high controls were permitted under the 1991/1994 federal standards (and under the Georgia code). Access to swimming pools must be provided using the new 2010 criteria, even though the 1991/1994 Standards do not address this issue. Making these careful decisions will allow the state to avoid having to retrofit its facilities to provide the program accessibility and reasonable accommodations requirements of the ADA for Title II entities at a later date.

## VI. Putting it all together

In the building code world, a single version of a code or standard generally applies to a facility. But when accessibility is involved, a combination of federal laws and standards may apply to one project. For example, in a jurisdiction that has adopted the 2006 International Building Code, the requirements in the 2000 edition of the code are no longer in effect. 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. Fortunately, with adoption of the 2004 ADAAG as part of DOJ's 2010 Standards, and adoption by GSA of 2004 ABAAG, which has closely similar technical and scoping provisions, it is less complicated to apply the correct provisions as of March 15, 2012.

As an example, a married students' housing project with 12 housing units is being constructed at a state university after March 14, 2012, using funds from the U.S. Department of Education. A private entity will provide day care (not limited to children of residents) at the site. (The applicable accessibility provisions are indicated in parentheses).

- The Architectural Barriers Act (ABA) applies because federal dollars are being spent on construction of the project. (For the housing units and common areas provided for residents' use, the HUD ABA Standards, which are currently UFAS. For the areas that are

<sup>4</sup> DOT's ADA standards, unlike the 2010 DOJ Standards and 2004 ADAAG, include (1) a requirement for detectable warnings on curb ramps (406.8), (2) language about minimizing travel distance along accessible routes for people who use wheelchairs and other persons who cannot negotiate steps, compared to the general public, (3) at bus boarding and alighting areas, a requirement to comply with dimensions to the extent construction specifications are within a public entity's control, and (4) as to rail station platforms, reinstatement of language from the original standards concerning platform and vehicle floor coordination.

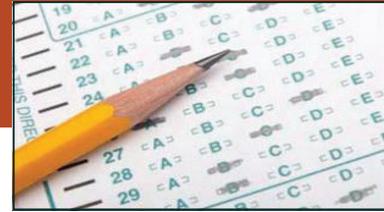
<sup>5</sup> Some of the scoping and technical provisions in the 2010 Standards are less restrictive or less stringent than those in the 1991/1994 Standards and the Georgia Code.

not solely for residents, such as the day care center, the 2006 ABA Accessibility Standards adopted by the General Services Administration, incorporating 2004 ABAAG.)

- The Department of Education's (D.Ed.) Section 504 regulations will also apply because of federal funding. Section 504 will apply to the entire project, including the housing facilities and the common use building used to house a federally-funded day care program, not limited to residents. (UFAS or 1991/1994 ADA Standards, until D.Ed. adopts the 2010 Standards.)
- The Fair Housing Act (FHA) accessibility requirements will apply to the design and construction of the multifamily dwellings, including the common areas, because each building contains more than four units. (Fair Housing Act.)
- Because the project is to be owned and operated by the state, the ADA will impose additional requirements on the common areas and on a percentage of the apartment units. Five percent of the units must comply with the mobility accessibility requirements and two percent must comply with the communication accessibility requirements. (2010 ADA Standards.)
- Title II of the ADA will cover the facility and the private entity that provides the day care program because the center is a place of public accommodation that is available to parents in the community and is operated by a private entity or nonprofit. (2010 ADA Standards.)

In this case, five separate federal accessibility laws 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 Standards 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
  
- 6. Title II requires program access \_\_\_\_\_.**
  - A. to services for all state departments
  - B. to services carried out by contractors on behalf of the state
  - C. that offers equal opportunity in an integrated setting
  - D. all of the above

\* Answers can be found on page 62.



# Chapter 3: The 2010 ADA Standards for Accessible Design – and Beyond

*In publishing the 2004 ADA and ABA Accessibility Guidelines, the federal Access Board advanced almost a quarter of a century in the “science of accessibility.” The federal ABA and ADA Standards, now revised to incorporate the 2004 Guidelines, have been substantially harmonized with the access provisions developed by the International Code Council’s International Building Code (IBC) and ANSI A117.1, 2003.*

# Chapter 3: The ADA Standards for Accessible Design – and Beyond

This chapter offers further details about the changes from the 1991/1994 ADA Standards to the 2010 ADA Standards, in light of the need to comply with both the ADA Standards and the Georgia Code (pending the updates to the current state standards, 120-3-20, to meet and encompass the new federal requirements). It also suggests ways in which it may sometimes be necessary or good practice to “go beyond” what is specified in the Georgia Code or the federal Standards.

## I. The 2010 DOJ Standards

The DOJ 2010 Standards include two types of provisions: those from the Access Board’s 2004 ADAAG, and those that DOJ added to address specific types of facilities and to explain how the specifications in ADAAG otherwise apply to buildings and facilities subject to the ADA. It is important to understand both types of provisions.

### Provisions from 2004 ADAAG

In publishing the 2004 ADAAG, the federal Access Board advanced almost a quarter of a century in the “science of accessibility.” The federal ABA and ADA Standards, now revised to incorporate the 2004 Guidelines, have been substantially harmonized with the access provisions developed by the International Code Council’s International Building Code (IBC) and ANSI A117.1, 2003.



Buildings and facilities that are owned and operated by the State of Georgia should reflect these advances in order to ensure compliance with the ADA Standards, even before they are included in the Georgia Code.

As one of the examples of the significant changes to some technical provisions, the 1991/1994 ADAAG and ADA Standards (and the Georgia Accessibility Code) permit accessible controls and operating mechanisms to be located as high as 54 inches maximum above finished floor in some situations. 2004 ADAAG and the 2010 Standards reduce the maximum height to 48 inches. 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 prevent expensive retrofits ten years from now when an employee needs lowered controls as a reasonable accommodation.

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.<sup>6</sup> However, major changes were made to the following:

<sup>6</sup> A side-by-side comparison of 2004 ADAAG and the 1991/1994 DOJ Standards for Accessible Design (including old ADAAG) is available at [www.access-board.gov](http://www.access-board.gov) or [www.iccsafe.org](http://www.iccsafe.org).

- 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 environments.<sup>7</sup>

Please note an important change between 1991 and 2004 ADAAG: 2004 ADAAG includes some instances — particularly in its scoping provisions (Chapter 2) — where the accessibility requirements have been revised or lowered. For example, the new ADAAG lowers the number of wheelchair locations required in large assembly areas, but only because it would not affect the usability of the space by persons with disabilities. It effectively “tweaked” the requirements in the 1991/1994 guidelines that are now considered to exceed demand. 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 percent 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 percent, instead of 100 percent, of the rooms are required to be accessible.

<sup>7</sup>The Georgia Accessibility Code includes requirements for accessible children’s environments that are based on a draft amendment to 1991/1994 ADAAG. Those provisions underwent numerous revisions before they were included in the 2004 ADAAG.

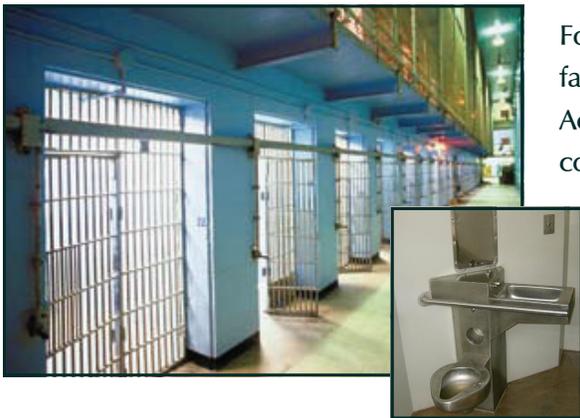
It is anticipated that these “reductions” will be incorporated into the Georgia Code; until that time, those subject to the Code are not permitted to avail themselves of these “reductions” even though they are included in the 2010 Standards.

In addition to changes to some of the 1991/1994 technical provisions, the 2004 ADAAG and/or 2010 DOJ Standards include more specific provisions for courtrooms and detention and correctional facilities, and they cover recreational facilities for the first time. Following are some examples of the types of new provisions.

### Courtrooms

- Each courtroom must be accessible. Jury boxes, witness stands, and jury deliberation areas must be accessible.
- 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



For many years, Georgia’s state correctional facilities have been subject to the Uniform Federal Accessibility Standards (UFAS), which require all common use spaces to be accessible and five percent of the residential units to be accessible. The 2010 Standards, however, specify a number of different or additional requirements for the design, construction, and alteration of correctional facilities:

- In new construction, at least three percent of cells must be accessible for persons with mobility disabilities [DOJ Title II regulation, 28 C.F.R. §35.151(k)] (and two percent must be accessible for those with communication impairments (e.g., deaf or hard-of-hearing inmates) [ADAAG 232.2.2];
- Where special holding cells or 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 following are now covered, with specific scoping and technical provisions [234-243 and Chapter 10]:

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



## DOJ Standards provisions not found in 2004 ADAAG

As mentioned above, the 2010 Standards include more than the provisions in 2004 ADAAG. It is important to read ADAAG with the provisions that DOJ added, to address specific types of facilities and to explain how the specifications in ADAAG otherwise apply to buildings and facilities subject to the ADA. The following are some examples of the provisions in the DOJ sections on new construction and alterations that must be examined in conjunction with 2004 ADAAG.

### Alterations: Path of travel

The “path of travel” provisions that have applied to Title III of the ADA since 1991 now apply to Title II facilities as well. This means that when a public entity alters a primary function area, such as a courtroom, hearing room, or assembly area, it must also ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the area are accessible. DOJ specifies that the costs of providing the additional accessibility on the path of travel need not exceed 20 percent of the cost of the alterations to the primary function area, and adds further detail about how the costs are calculated. 28 C.F.R. § 35.151(b) (4)(i). These provisions do not apply if alterations are undertaken solely for purposes of program accessibility.

### Residential housing offered for sale to individual owners

For the first time, the Title II Standard establishes design requirements for residential dwelling units built by or on behalf of public entities with the intent that the finished units will be sold to individual owners. 28 C.F.R. § 35.151(j).

## Other significant changes by DOJ

The Department of Justice has also for the first time addressed how the standards apply to dormitories and other types of residential housing provided in an educational setting (28 C.F.R. § 35.151(f)). The DOJ regulations also include more details than are included in 2004 ADAAG about wheelchair and companion seating in assembly areas (28 C.F.R. § 35.151(g)), as well as additional provisions about medical care facilities (§ 35.151(h)).

## II. Program access in existing correctional facilities

As explained in Chapter 2, Section IV, (pages 21-23) title II of the ADA applies not only to new construction and alterations but also to existing facilities in which programs or activities are offered. In its 2010 regulations, DOJ for the first time imposes specific requirements for program access in existing correctional facilities. These include community correctional facilities and those that are operated through arrangements with private entities. For example, public entities are to make physical changes to cells according to the 2010 Standards, in order to ensure that each inmate with a disability is housed in a cell with the accessible elements necessary to afford the inmate access to safe, appropriate housing. In addition, inmates or detainees are to be housed in the most integrated setting appropriate to the needs of the individuals, with attention to such factors as security classifications and the opportunity for visitation with family member.

## III. Pending federal guidelines and standards

The Georgia Accessibility Code specifies that its purpose is to provide “...the minimum standard for Accessibility to buildings and facilities...” Too often, this concept of “minimum” may get lost, if 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 and no more, 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 unusable<sup>8</sup> 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 ADA Standards, but if persons with disabilities can't open the door and enter the building, a violation of Title II's program accessibility requirements will result if people need access to the building to benefit from the programs or access the services offered there.

In addition to these established guidelines, the reports and guidelines under development by the Access Board and DOJ should be consulted about various types of facilities. The Board's proposed

<sup>8</sup>For example, state and federal requirements permit an accessible ramp with an 8.33 percent slope and with a maximum rise of 30 inches per ramp run. Research indicates that over 40 percent 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.

guidelines for pedestrian facilities in the public right-of-way, issued in July 2011, are discussed below. The Access Board is also developing guidelines for shared use paths, medical equipment, and federal trails and other outdoor areas such as campsites. The Department of Justice has begun preliminary development of standards for equipment and furniture, ranging from accessible medical exam tables and golf cars to “talking” ATM’s and interactive kiosks.

### Accessible public right-of-way



Proposed accessibility guidelines for pedestrian facilities in the public right-of-way were published by the Access Board in the Federal Register in July 2011. Once issued as final guidelines, they would then become the ABA and/or ADA standards if adopted by a federal standard-setting agency. Pending the Board’s issuance of its final guidelines, the Federal Highway Administration (FHWA) in 2006 recommended use of the Board’s 2005 draft guidelines as best practices, even though some of the proposals remain controversial (e.g., providing pedestrian signals 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 the 2005 draft as “best practices.” 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 draft and proposed guidelines and apply the technical criteria they deem appropriate.

The 2011 proposed public rights-of-way guidelines include the following:

- Pedestrian routes
- Maintaining access during construction
- Pedestrian crossings
- Signs
- On-street parking

#### **From the DOJ Title II Technical Assistance Manual, 1994 Supplement:**

**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 a particular feature, 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.**

- Curb ramps
- Detectable warnings<sup>9</sup>
- Accessible pedestrian signals
- Crossings at roundabouts
- Street furniture (drinking fountains, toilets, tables, benches)



#### IV. Georgia's mandate for nondiscrimination in employment and services

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 appropriate new construction standards 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. (See more about this above, in sections II and IV of Chapter 2.) 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 the standards. Here are two examples:

- 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 ADA Standards, which 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.
- Similarly, a state inmate with a mobility disability may require a trapeze or grab bars in order to transfer between his wheelchair and a bed, which is necessary to accessibility of the prison's housing program. This equipment must be provided under the program accessibility and equal opportunity requirements of Title II, even if there are no specific standards requiring it in new construction or alterations. (This example also highlights the importance of equipment in accessing a program or facility.)

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, for example, does not indemnify the state from having to make further access alterations to its facilities.

<sup>9</sup>When it adopted 2004 ADAAG as part of its ADA Standards, the U.S. Department of Transportation added requirements for detectable warnings at curb ramps that permitted the use of truncated dome patterns that complied with the draft public right-of-way provisions.

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

Universal design (UD) is often defined as the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. It is generally accepted that this concept was developed by Ron Mace, FAIA at North Carolina State University during the 1980's. Universal design is not a code or standard but seeks to incorporate the ideas of barrier-free design into the mainstream of construction practices. For example, minimum accessibility requirements state that a person using a wheelchair must be able to enter a building. That entrance could be served by a set of stairs and a ramp. Universal design seeks to integrate building elements and users so that all people use the same element the same way. A universally designed entrance would be designed in such a way that the steps would not be necessary.



Here is another example: The State of Maryland 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 eight 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.

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. For example, because everyone enters the building the same way, there is no need to worry that the accessible entrance is maintained and remains unlocked.

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 accessible 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 - is more usable for everyone.

There are no codes, standards, or legal requirements that stipulate what constitutes Universal

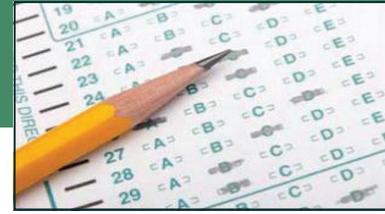
Design. Rather, it is an approach or philosophy that should be incorporated in the design of state properties.

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 alone are not “universal,” 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 percent 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.<sup>10</sup> 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 may make sense to have more of the accessible compartments than just 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.

<sup>10</sup> The Georgia Accessibility Code, Section 120-3-20.08(8) requires all primary entrances to be accessible.

# Test Your Knowledge\*



- 7. The 2010 ADA Standards \_\_\_\_\_.**
- A. include the 2004 ADAAG (ADA Accessibility Guidelines)
  - B. include provisions developed and issued by DOJ
  - C. apply to new construction beginning March 15, 2012, or after
  - D. all the above
- 8. The 2010 ADA Standards specify that \_\_\_\_\_ percent of correctional facility cells must be accessible for people with communication impairments.**
- A. 2
  - B. 4
  - C. 5
  - D. 10
- 9. The Access Board has established final accessibility guidelines for all of the following except \_\_\_\_\_.**
- A. amusement rides
  - B. camping facilities
  - C. miniature golf facilities
  - D. swimming pools
- 10. Prior to March 15, 2012, and pending state updates to the Georgia code, Georgia departments and agencies subject to DOJ's regulations should follow DOJ's 2010 regulations \_\_\_\_\_.**
- A. unless they allow "reductions" in accessibility from Georgia's code
  - B. where they provide new requirements for types of facilities
  - C. along with other applicable requirements
  - D. all of the above.
- 11. 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 62.



# 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 and 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., accessibility provisions for an outdoor developed area such as a camp ground, or curb ramps in public rights of way)?
- Do team members have a basic understanding of the technical changes found in the 2004 ADAAG (now part of the 2010 ADA Standards) 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 DOT's 2006 accessibility 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, section 504, 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 a 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, state residential facilities, state prisons, performing arts spaces, and recreational facilities are projects that may demand a detailed understanding of accessibility requirements that design firms may not bring to the table.

Accessibility consultation includes different types of expertise. One type is use-group based. There are specialists in the design of apartment complexes or dormitories, and experts in assembly spaces who 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, and 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.

Retaining an accessibility consultant demands just as much diligence as is given to contracting for 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, and agencies are encouraged to look for the most accessible space available. Specifically, agencies should attempt to find space that at least complies with the standards the federal government applies to its own leases. The space should have (1) an accessible route from an accessible entrance to the areas where the primary activities for which the building was leased take place; (2) accessible toilet facilities; and (3) accessible parking facilities, if parking is included within the lease.

Keep in mind that access must be provided to programs conducted in leased space. Thus the more accessible the space is when it is leased, the easier and less costly it will be to make those programs available to individuals with disabilities (and to ensure reasonable accommodations for employees who made need them, if the accommodations involve physical access). If the space is

not accessible, the services provided there must be 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 products

Those involved in the procurement process should understand that there are no federal agencies that evaluate building products for compliance with the ADA accessibility standards, despite some 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 that 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, building equipment must 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" does not necessarily mean that the equipment complies with the requirements.<sup>11</sup>

For example, a platform (wheelchair) lift that is marketed nationwide as a compliant lift for use as a witness stand and for access to a judge's bench may not meet the applicable suspension and safety requirements of the ASME A17.1 Elevator Safety Code referenced by the ADA regulations. Beyond the question of whether this equipment can meet the technical requirements of these referenced standards, the State of Georgia should not risk exposure to possible liability by permitting the use of equipment that violates nationally-recognized consensus safety standards and codes.

Evacuation chairs are another product that deserves particular attention. While neither federal nor state regulations require the use of these devices, many facility owners will include them 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

<sup>11</sup> Generally, only "fixed" equipment is covered by the 2010 Standards. The Department of Justice has proposed to issue standards for furniture and other equipment. See its notice at [http://www.ada.gov/anprm2010/equipment\\_anprm\\_2010.htm](http://www.ada.gov/anprm2010/equipment_anprm_2010.htm).

should look for devices with brake systems and rolling tracks or treads that allow the operator to safely guide the device down or up the stairs. 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. For more information on this topic, please contact the State ADA Coordinator's Office.

## 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 audiovisual equipment should include these systems where warranted, and the contractor should be able to demonstrate an understanding of the different types of systems and which type would be appropriate.



## 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, contrast and font requirements. Signs that identify permanent rooms or spaces have an additional requirement of providing tactile characters, e.g., raised letters and Braille.

Contracted Braille (Grade 2) 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 contracted Braille accessibility requirements. Contacting a local disability organization or organization of blind persons with expertise in this area 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 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 procures and uses the types of information technologies covered by these standards, and therefore, Section 508 should be used as supplemental guidance when IT services and equipment are procured by the State.

# Chapter 5: Common Errors and Omissions

*For state and local governmental facilities, the designer must be careful to apply all parts of the 2010 Standards, not just 2004 ADAAG as developed by the Access Board.*

*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.*

# 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 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

It is becoming more and more common for developers, builders, architects and engineers to retain the services of qualified accessibility consultants to assist them in understanding the complex requirements of federal, state and local accessibility codes and standards. Although efforts have been made to harmonize the federal standards with state and local codes it can still be difficult to understand exactly what is required when different regulations address the same building elements.

The following is a list of areas that may require particular attention during plan review.

### **Not applying the Fair Housing Amendments Act (FHAA) accessibility requirements.<sup>12</sup>**

While compliance with the ADA Standards for public accommodations and state and local government has been the focus of accessibility for the past 20 years, violations of the FHAA may be more common. Sometimes 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 some group homes, shelters and university dormitories. Specifically, the FHAA accessibility guidelines are applicable to all dormitories, group homes and shelters that provide a long term stay and that are 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. 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 the ADA Standards, the FHAA, the Uniform Federal Accessibility Standards and perhaps the Architectural Barriers Act. 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 one federal document can provide a single source for all federal accessibility mandates.

### **Employee work areas.**

Title II of the ADA requires buildings housing employees to be designed and constructed so that

<sup>12</sup> It should be noted that while the Georgia Accessibility Code reflects most of the requirements of the 1991/1994 ADA Accessibility Guidelines (ADAAG), it does not provide similar protection for compliance with the Fair Housing Amendments Act. 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 “adaptability” provisions of the Fair Housing Act.

the common areas are accessible to and useable by people with disabilities. Common areas include entrances, corridors, kitchenettes, toilets, etc. Employee work areas must be designed so that a person with a disability can approach, enter and exit the work area. In addition, the 2010 ADA Standards include a requirement for common use circulation paths within employee work areas to be accessible.

### **Connecting facilities with all site arrival points.**

The 2010 ADA Standards require an accessible route to connect site arrival points to an accessible entrance(s). When a pedestrian route is planned to connect the public right of way to the building or facility, at least one of those routes must be accessible. 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.

The 2010 standards differ from the 1991 standards in that they only require an accessible route if a pedestrian route is being provided.

### **Protruding objects.**

A common error is applying the proscriptions against protruding objects only to accessible routes. The 2010 ADA Standards and the Georgia Accessibility Code prohibit protruding objects located on all circulation paths (e.g., where anyone may walk), which may include spaces that are not a part of a required accessible route. 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 the ADA Standards and the Georgia Accessibility Code can be very complicated, as they are dependent on approach to the pull or push side of the door, side approach to the hinge or latch side of the door, etc.<sup>13</sup> Each door needs to be assessed individually to determine whether it complies with the accessibility requirements.

Common errors include:

- Not providing a minimum 12-inch clearance at the latch side/ 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.

### **Curb ramps and parking.**

Accessible parking spaces and their adjacent access aisles must be level (with a maximum slope of 2 percent in any direction for water drainage). Since access aisles must be level for their entire width

<sup>13</sup>There are no maneuvering clearance requirements for interior doors in dwelling units and sleeping units covered only by the Fair Housing Amendments Act.

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 deep. This is not true for transfer showers. The 36-inch by 36-inch required dimensions are absolute.<sup>14</sup> 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 maximum height specified by state and federal regulations. This is often done because of a concern over water from the shower spilling onto the bathroom floor.<sup>15</sup>

### Assembly areas.

Common design mistakes may include:

- Placing all of the required wheelchair locations at floor level in tiered theaters<sup>16</sup>
- Grouping all of the wheelchair locations in segregated areas in an arena
- Not designing wheelchair location elevations that provide sightlines over standing spectators
- Not providing the requisite companion seats next to wheelchair locations
- Not providing the required number of receivers for assistive listening systems



## II. 2010 ADA Standards for State and Local Government.

For state and local governmental facilities, the designer must be careful to apply all parts of the 2010 Standards, not just 2004 ADAAG as developed by the Access Board. The Standards also include the provisions developed by the Department of Justice that address effective dates and compliance dates, definitions, and additional scoping and other details. The Title II regulations are found at 28 CFR 35.151 and include, through incorporation, the 2004 ADAAG (found at 36 CFR part

<sup>14</sup> 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.

<sup>15</sup> Some product manufacturers have attempted to solve this issue by designing flexible thresholds that can be rolled over by someone using a wheelchair.

<sup>16</sup> 1991/1994 ADAAG (and the Georgia Accessibility Code) permits viewing positions to be clustered where sight lines require slopes greater than 5 percent. The clustered locations are not permitted to provide inferior sight lines. The cluster exception is not included in the 2010 Standards.

1191, appendices B and D). In the few places where the requirements of these two documents may be different, the requirements of 28 CFR 35.151 will prevail.

Where the start date for construction is on or after March 15, 2012, the requirements of the 2010 Standards apply. For any Title II facility with a start date before March 15, 2012, the entity has the choice of following the 1991 ADA Standards (without the elevator exemption), the Uniform Accessibility Standards (UFAS), or the 2010 Standards.

Examples of requirements that are part of the 2010 DOJ Standards but are not found in ADAAG include:

- **Alterations and Path of Travel**  
The path of travel requirement that formerly was included only in the Title III Standards now applies to Title II as well. An alteration that affects or could affect the usability of or access to an area that contains a primary function must, to the maximum extent feasible, provide an accessible path of travel to the altered area unless the cost and scope of the path of travel is disproportionate to the cost of the overall alteration.
- **Social Service Center Establishments**  
Group homes, halfway houses, shelters, etc. subject to this section must comply with the residential requirements (Section 233 and 809) of the 2010 Standards.
- **Housing at a Place of Education**  
The 2010 Standards differentiate between (1) dormitories or residence halls and (2) apartments or townhouses that are leased to graduate students or faculty on a year-round basis. Different scoping and technical provisions will apply to the different building types.
- **Assembly Areas**  
The 2010 ADA Standards includes substantial changes to the requirements for assembly areas. For example, in large venues, the requirement for the number of wheelchair spaces has been reduced. In addition, the 2010 Standards provide much more detail regarding the horizontal and vertical dispersion requirements of the accessible seating as well as the requirement for comparable lines of sight. The 1991 requirement for the provision of a companion seat is still in the 2010 Standards but the companion seat is no longer required to be fixed as long as movable seating is provided that is comparable to the fixed seating provided in the section where the accessible seating is located. For example, if the fixed seating provides a cushioned seat and a cup holder, then the movable companion seating must provide the same amenities. There is also a new requirement that was not in the 1991 Standards: each team seating area must be served by an accessible route and provide a least one wheelchair seating space.
- **Facilities with Residential Dwelling Units for Sale to Individual Owners**  
Title II entities that offer residential units for sale must now include accessible units. Section 233 and 809 contain the scoping and technical provisions that would apply to this type of housing.
- **Detention and Correction Facilities**  
In addition to most public and common areas in a jail, prison or other detention and correction facilities, 3 percent of the cells, but no fewer than one, must be accessible for

people with mobility impairments and 2 percent for people with hearing impairments. These cells must be dispersed throughout each classification level.

- **Medical Care Facilities**  
Medical care facilities are required to comply with the 2010 Standards including, but not limited to, sections 223 and 809. In addition, medical care facilities that do not specialize in the treatment of conditions that affect mobility are required to disperse the accessible patient rooms proportionate to the type of medical specialty.

### III. 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 percent slope in all directions). This is sometimes missed during site development, with the result being sloped surfaces that make it extremely difficult to transfer from a car 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 2010 ADA Standards state, “All dimensions are subject to conventional building industry tolerances except where the requirement is stated in a range with specific minimum and maximum end points.”<sup>17</sup> This provision is often misunderstood to permit conditions that result in noncompliant facilities. For example, a 3 percent cross slope on a sidewalk serving as an accessible route may be beyond industry tolerances.

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. The results of that research project, addressing dimensional tolerances for accessible surfaces such as routes and ramps were published on the Access Board website in February 2011.<sup>18</sup>

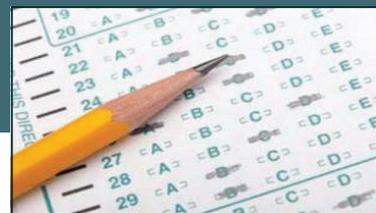
The location of plumbing supply and waste lines during construction will have an impact on whether a completed facility will comply with applicable accessibility requirements. For example, water closet drain lines must be placed so that the centerline of the fixture is located between 16 inches and 18 inches from the finished side wall. According to the 2010 Standards, since the water closet centerline dimension is stated as a range, deviation from the 16 inches to 18 inches dimension will not be allowed.

Mounting heights for accessible drinking fountains, 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.

<sup>17</sup> This provision is replicated in the Georgia Accessibility Code at 120-3-20-.05(b).

<sup>18</sup> <http://www.access-board.gov/news/tolerances-report.htm> (need consistent fonts on all footnotes)

# Test Your Knowledge\*



**12. Protruding objects are prohibited by the ADA Standards on \_\_\_\_\_.**

- A. accessible routes
- B. circulation paths
- C. walking surfaces
- D. all the above

**13. 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

**14. 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

**15. The ADA Standards require all of the following employee spaces to be accessible except \_\_\_\_\_.**

- A. break rooms
- B. shower facilities
- C. work stations
- D. toilet rooms

**16. 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

**17. 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

\* Answers can be found on page 62.

# Chapter 6:

## Existing Buildings

*Georgians recognize the important role that historic places play in their social and economic lives. Georgia's state historic sites, ranging across time from Native American settlements and Colonial America, to the Antebellum South and American Civil War period, and through the Civil Rights era, offer many enriching experiences for their visitors. These opportunities should be available to everyone, including grandparents using walkers and school children using wheelchairs.*

# Chapter 6: Existing Buildings

At any given time, new construction constitutes a small percentage of the state's building stock. As explained in Sections II and IV of chapter 2 with respect to "program accessibility," 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. Placement of office furniture, display cases, waste receptacles, and other miscellaneous items needs to be planned so that these do 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 exterior, 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 not to become protruding objects that are hazardous to people who are blind or have low vision. 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 toilet room fixture repairs or elevator maintenance and inspection are permitted, but downtime should be kept to a minimum, and alternative accessible elements or spaces, with signage indicating their location, should be provided wherever possible. Particular attention should be given to accessibility equipment that may be infrequently used: assistive listening receivers in assembly areas, TTY telephones, platform (wheelchair) lifts. Establishing a regular inspection schedule for these items will ensure that 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 obstruct curb ramps, sidewalks or 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 more conveniently located.

## Maintenance of accessible features during 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 the 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 or relocating accessible features throughout the project.

The 2005 draft proposed 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 if possible)
- Maintain a 48-inch wide accessible 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
- Construction barricades, scaffolding and other temporary fixtures must not contain or create protruding objects.

## 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.<sup>19</sup> A similar provision of the Georgia Accessibility Code defines an alteration as “...a change...that affects or could affect the usability of the building or facility, or part thereof.” The ADA Standards impose similar requirements.

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. Building owners and operators and contractors should review planned

<sup>19</sup> The Georgia Code references the ICC 2006 International Building Code, Section 3403.1.

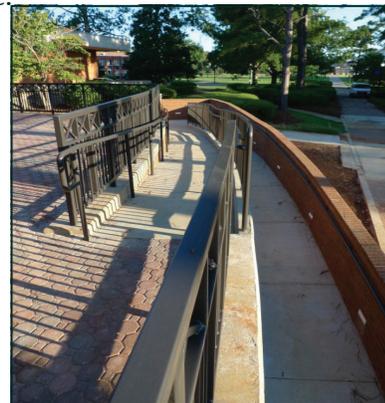
changes to a property to determine whether the accessibility/usability of a facility will be affected and accordingly ensure compliance with applicable accessibility requirements, irrespective of how the building code may regulate a project.

Remember, the 2010 ADA Standards require that in addition to providing accessibility in an alteration of a primary function area, a Title II entity must provide an accessible path of travel to the altered area. See language above in “DOJ Standards provisions not found in ADAAG,” under Section I of Chapter 3.

### 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. For example, a nonfunctioning 1960s drinking fountain is replaced by one that is compliant with the Georgia code as well as the ADA Standards. 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. (See more about program access under the section on Title II of the ADA in Chapter 2, Part IV.) Our state is committed to this goal. As part of its commitment, 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 internally developed criteria. In making this determination, the technical assistance team and the State ADA Coordinator determine whether or not “nonstructural” solutions (e.g., 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. Assistance includes 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 assistance in applying 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 capital projects accordingly.

#### **IV. Egress and life safety concerns**

The Georgia Accessibility Code, ICC International Building Code, and the ADA Standards 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:

- 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 they 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, one option may be evacuation by stairways. This can be accomplished by trained personnel using a three-person carry of someone in a wheelchair or by using evacuation chairs.
- 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: Protect-in-place areas are common in high-rise construction where zoned evacuation is implemented and everyone on certain floors may be asked to remain in the building.)

## 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 as well as State and federal regulations. At times, these goals may 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 the ADA Standards state that alterations to historic facilities must comply with the alteration requirements that apply to all buildings.<sup>20</sup> Many historic structures are retrofitted with sprinkler and fire alarm systems, additional accessible means of egress, accessible toilet rooms, and other code-compliant systems, so that they can be used as offices or museums or for other purposes.

However, both the Georgia Accessibility Code and the ADA regulations allow some latitude in applying accessibility requirements in alterations to a “qualified historic facility.” Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with the requirements for accessible routes, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, the exceptions for alterations to qualified historic buildings or facilities for that element can be applied. Reductions in alteration requirements to ensure sensitivity to historic facility features may include the following:

- Steeper ramp slopes may be provided for very small rises in elevation.
- If public toilets are provided and cannot be made accessible, a single accessible unisex toilet facility may be sufficient.
- An accessible route may not be required to levels above or below levels that have an accessible entrance. If an accessible route is not provided consideration must be given to providing an alternative method of providing access.
- In limited cases, secondary or service entrances may serve as the accessible entrance.

Keep in mind that these “reductions” do not override the program access requirement. If alterations required for program access to a program or service that is not related to historic preservation cannot be undertaken without destroying the historic significance of a property, alternative methods of achieving program access must be used. For example, if an office that provides services to the public is located in an historic building that cannot be made accessible, it will be necessary to relocate the program or service offered by that office or to ensure other means of making the services accessible. On the other hand, if the program has as its purpose the preservation of a historic property - i.e., the primary purpose is for visitors to experience the historic site itself, such as the 19<sup>th</sup> Century home

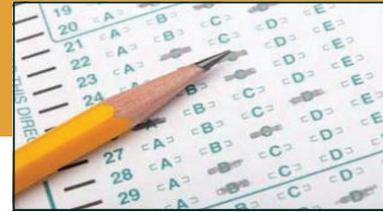
<sup>20</sup> Georgia Accessibility Code, Section 120-3-20.12; 2010 ADA Standards, section 202.5, Alterations to Qualified Historic Buildings and Facilities

of a Georgia Statesman, the program cannot, of course, be relocated. In that case, other means of enhancing appreciation of the property can be used. For example, photographs or a video of an inaccessible second floor would be one means of depicting that portion of the building for people with mobility disabilities.

Georgians recognize the important role that historic places play in their social and economic lives. Georgia's state historic sites, ranging across time from Native American settlements and Colonial America, to the Antebellum South and American Civil War period, and through the Civil Rights era, offer many enriching experiences for their visitors. These opportunities should be available to everyone, including grandparents using walkers and school children using wheelchairs.



# 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 in some circumstances 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 62.

# Chapter 7: Resources and Appendices

# Chapter 7: Resources and Appendices

## I. Federal Resources

### **U.S. Access Board**

[www.access-board.gov](http://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.ada.gov](http://www.ada.gov)

The Department of Justice ADA Home Page is a valuable resource for both the Department's ADA requirements and 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.

### **A Guide to Disability Rights Laws**

[www.ada.gov/cguide.htm](http://www.ada.gov/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](http://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**

<http://www.eeoc.gov/laws/types/disability.cfm>

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](http://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.

**Please note that as of August 2011 many of these web sites, or documents found on them, had not been updated to reflect changes in ADA regulations in 2010 and later.**

## **II. State Resources**

### **State ADA Coordinator's Office**

[www.ada.georgia.gov](http://www.ada.georgia.gov)

### **Georgia State Fire Marshal's Office**

<http://www.gainsurance.org/firemarshal/home.aspx>

### **Georgia Department of Community Affairs**

[www.dca.state.ga.us](http://www.dca.state.ga.us)

## **III. Other Resources**

### **International Code Council Home Page**

[www.iccsafe.org](http://www.iccsafe.org)

### **ICC Accessibility Page**

<http://www.iccsafe.org/Communities/Accessibility/Pages/default.aspx>

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.

### **Southeast Disability & Business Technical Assistance Center**

[www.sedbtac.org](http://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 for Maintaining Accessible Facilities

There are continuing responsibilities for barrier removal in existing buildings. 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 ongoing ADA maintenance:

## **Parking, Interior & Exterior Accessible Routes:**

- Make sure accessible parking spaces are occupied only by eligible users.
- Keep accessible parking access aisles clear.
- Ensure that drop-off areas and loading zones are not blocked by service and short term delivery vehicles and vendors.
- Keep curb ramps clear of obstructions, e.g. snow, pooling water, etc.
- Keep walks, sidewalks and ramps that are part of the required accessible route free of debris and abrupt level changes.
- Keep landscape elements trimmed, e.g., low-hanging tree branches, bushes extending into the required accessible route.
- Maintain slip resistance of accessible routes at all times.
- Check structural strength of handrails and guardrails at stairs & ramps periodically.
- Maintain circulation paths that are free of protruding objects.
- Maintain clear headroom of at least 80 inches in all circulation paths.
- Maintain 36 inches min. wide clear accessible routes between furniture, boxes and other obstructions.
- Maintain accessible routes to stages and performing areas.
- Do not block accessible routes or access aisles with maintenance vehicles, equipment or supplies.
- Keep construction and maintenance projects from blocking accessible routes or make provision for alternate routes.
- Periodically check accessible doors for proper operating forces and closing speed.
- Check door thresholds periodically to verify that they have not been damaged or have not become tripping hazards.

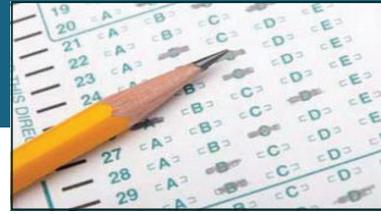
## **Elevators and lifts:**

- Keep areas under call buttons free of obstructions.
- Verify consistent voice-free operation of emergency communications devices.
- Maintain automatic reopening devices in working order.
- Periodically check cab arrival notification systems and door closure timing.
- Ensure that the cab floor and building floor are flush.

## **Toilet rooms:**

- Make certain that the accessible toilets are available during all times that the facility is open.
- Keep trash cans and other obstructions out of turning spaces and clear floor spaces at accessible elements.
- Keep coat hooks in accessible stalls in accessible locations.
- Keep accessible toilet paper dispensers stocked and functional.
- If paper towel or toilet paper is provided by a new vendor, new dispensers may be provided and these must be located in keeping with accessibility standards, e.g., they must be within reach range, must not block grab bars and must not protrude into circulation areas
- Keep accessible paper towel dispensers stocked and functional.
- Keep all other accessible dispensers stocked and functional.
- Maintain insulation on water supply and drain pipes under accessible lavatories.
- Where self-closing faucets are used, maintain timers to keep water flowing for at least 10 seconds after activation.
- Check structural strength of grab bars, tub and shower seats periodically.
- Check shower heads in accessible showers to assure they stay operable and within maximum reach ranges.

# Test Your Knowledge: Answers



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

**For additional copies of this manual, please contact the:**

**State ADA Coordinator's Office**

Georgia State Financing and Investment Commission

2<sup>nd</sup> Floor

270 Washington Street

Atlanta, Georgia 30334

Phone: 404-657-7313

Fax: 404-463-5650

TTY: 404-657-9993

[www.ada.georgia.gov](http://www.ada.georgia.gov)

