



# 2010 ADA Standards for Accessible Design

An Online Continuing Education Course for Engineers

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# 2010 ADA Standards for Accessible Design

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- Triggering Events for Compliance

## **Synopsis of 2010 Standards for Titles II & III Facilities: 2004 ADAAG**

- Americans with Disabilities Act: Scoping
  - Chapter 1: Application and Administration
  - Chapter 2: Scoping Requirements
- Americans with Disabilities Act: Technical
  - Chapter 3: Building Blocks
  - Chapter 4: Accessible Routes
  - Chapter 5: General Site & Building Elements
  - Chapter 6: Plumbing Elements & Facilities
  - Chapter 7: Communication Elements
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## **Top Topics**

- Accessible routes
- Detectable warnings
- Employee work areas
- Toilet rooms
- Dwelling units
- Assembly areas
- Communication access

## **Rulemaking in Development**

## Overview

After a grace period, the U.S. Department of Justice (DOJ) began holding all covered facilities and buildings accountable to the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design as of March 15, 2012, to prohibit discrimination based on disability. The purpose of the DOJ's ADA Standards is to establish design requirements for the construction and alteration of facilities in order to ensure access to the built environment for people with disabilities.

The ADA Standards—which revised the 1991 ADA civil rights statute regulating accessibility standards—guarantees equal opportunity for people with disabilities in public accommodations, employment, transportation, government services, and telecommunications. It outlines *the minimum* accessibility requirements for state and local government agencies (Title II) and commercial facilities and places of public service and accommodation (Title III). However, it's noteworthy to mention that the 2010 ADA Standards are only minimum guidelines, so covered buildings and facilities can always be designed to enhance further accessibility beyond what's required for compliance.

An individual is considered too disabled if he or she has a physical or mental impairment that significantly limits one or more major life activities, has a history of disability, or is assumed to have such impairment. This includes people with symptomatic or asymptomatic HIV disease, or who are discriminated against because it's assumed he or she has HIV or AIDS.

In essence, the 2010 ADA Standards provide both scoping (Chapter 1-2) and technical (Chapter 3-10) minimum requirements to ensure that newly designed, constructed, or altered public and commercial facilities are readily accessible to and usable by people with disabilities. Compared to other civil rights statutes, the ADA is unique in that it

monitors architectural barriers of buildings and facilities that hinder access to the structure, site, or service for people with disabilities. In order to avoid liability issues and the cost of litigation, compliance with the ADA Standards is mandatory for applicable entities.

### **Highlights of the 2010 ADA Standards**

Some highlights of the new 2010 ADA Standards include the “Safe Harbor” exemption as well as elements addressed for the first time. Such additions/elements not included in the 1991 Standards are not subject to the Safe Harbor provision. They include:

- Recreation facilities such as swimming pools, play areas, team and player seating, exercise equipment, saunas, and steam rooms, marinas and fishing piers, amusement rides, golf, and miniature golf facilities, shooting facilities, and recreational boating facilities, among others.
- Public facilities such as judicial facilities, detention, and correctional facilities, and residential dwelling units.

Other significant highlights of the 2010 Standards for Accessible Design are the incremental changes to the 1991 Standards that it contains. A few examples of these changes include updates to the accessibility requirements for the slope of clear floor space (i.e. floor or ground space); knee and toe clearance; reach range; curb ramp level landings; limited use elevators instead of platform lifts; number of van accessible parking spaces and level of passenger loading zones; clustered single user toilet rooms; reduced scoping for urinals; lavatories and sinks; bathtub seat height and width; shower compartment thresholds and controls; Automatic Teller Machines and fare machines; assembly areas; circulation paths in workplaces; location of accessible routes; transient lodging guest rooms; benches, size and side transfer; and assistive listening systems, visual alarms, and TeleTypewriters (TTY’s), to name a few.

Furthermore, compared to the 1991 Standards, the 2010 ADA Standards offer:

- Better overall access and compliance standards
- Improved format and usability (new figures, all dimensions stated in the text, new non-mandatory advisory notes)
- Consistency with ABA guidelines
- Harmonization: model building codes and industry standards

### **How are the ADA Standards developed?**

The ADA puts the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) in charge of developing accessible design guidelines for people with disabilities to serve as the basis for the DOJ's ADA Standards.

The DOJ has adopted modified ADA design standards in order to incorporate its revised rules for Title II and Title III entities into the appropriate chapters of the Access Board's 2004 ADA/ABA Accessibility Guidelines. DOJ additions include requirements for:

- Social Service Center Establishments
- Housing at Places of Education
- Assembly Areas
- Medical Care Facilities
- Residential Dwelling Units
- Detention and Correctional Facilities
- Places of Lodging (including mixed-use facilities)

To remedy compliance challenges for entities subject to more than one regulatory standard, a series of separate rules were included in the 2004 ADA/ABA guidelines to reconcile and coordinate these design standards with the Uniform Federal Accessibility Standards (UFAS) that enforce the 1968 Architectural Barriers Act, as well as with private sector regulations adopted by most U.S. states.

These changes were adopted by DOJ, with some adjustments, as the 2010 ADA Standards for Accessible Design, as well as subsequently by the Department of

Transportation (DOT). Design standards set forth by the DOT are also included in the ADA Standards for Accessible Design.

However, it's important to note that the DOJ's 2010 ADA Standards contain provisions not included in DOT's standards that supplement or modify scoping requirements for: assembly areas, medical care facilities, transient lodging including housing at places of education, detention and correctional facilities, social service establishments, and housing provided by state or local governments for sale to individual owners.

### **Do the ADA Standards overrule state and/or local requirements?**

No, compliance with all applicable state and local requirements must be met. If there is a conflict between the ADA Standards and a state or local requirement for accessibility for people with disabilities must be met.

However, if the number of accessible units is less than the minimum required by a specific regulation in the 2010 Standards, the 1991 Standards apply. The 1991 Standards apply to existing facilities with the 2010 Standards.

### **Entities required to**

Title II is intended to apply to any facility, program, or service provided or operated by State and local government, whether or not the facility, program, or service is owned, operated, leases, or leases to, a person with a disability. Title II also applies to any person who owns, operates, leases, or leases to, a facility, program, or service that provides accommodation.

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