

2010 ADA STANDARDS FOR ACCESSIBLE DESIGN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES

Effective March 15, 2012, the 2010 ADA Standards for Accessible Design replace the 1991 Standards.

The Standards set minimum requirements for 12 categories of public accommodation (businesses that provide goods or services to the public) to be readily accessible to and usable by individuals with disabilities, including but not limited to stores, restaurants, bars, service establishments, theaters, hotels, recreational facilities, private museums and schools, doctors' and dentist's offices, shopping malls, and other businesses. Nearly all types of public accommodations that are included in the 12 categories, and all other commercial facilities, regardless of the size of the business or the age of their buildings are required to comply. "Grandfather provisions" often found in local building codes do not exempt businesses from their obligations under the ADA. Additional details can be found on the ADA website at the following link: www.ada.gov/revised effective dates-2010.htm.

■ NEW CONSTRUCTION

The ADA requires that all new public accommodations and commercial facilities, including small businesses, must be accessible to and usable by people with disabilities in accordance with the requirements of the 2010 ADA Standards. 28 CFR 36.401(a) (1)

ALTERATIONS TO EXISTING FACILITIES

When a business undertakes an alteration to any of its facilities, it must, to the maximum extent feasible, make the alteration accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. 28 CFR 36.402(a) (1)

An alteration is defined as remodeling, renovating, rehabilitating, reconstructing, changing or rearranging structural parts or elements, changing or rearranging the configuration of walls and full-height partitions, or making other changes that affect (or could affect) the usability of the facility.

PATH OF TRAVEL / 20% RULE

"When the cost of alterations necessary to make the **path of travel** to the altered area fully accessible is **disproportionate** to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs." 28 CFR 36.403(g) (1)

<u>Disproportionate</u>: When cost of alterations made to provide an accessible path of travel exceeds 20% of the cost of the alteration to the primary function area. 28 CFR 36.403(f) (1)

<u>Path of Travel</u>: a continuous, unobstructed passage way that allows for approach, entrance, and exit to the altered area, as well as a connection to other parts of the facility. Examples of path of travel include: sidewalks, streets, parking areas and access aisles, interior/exterior ramps, clear floor paths, elevators and lifts, restrooms, telephones, and drinking fountains that serve the altered area. 28 CFR 36.403(e) (1) (2) (3)

<u>Primary Function</u>: is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or private entity using the facility are carried out. 28 CFR 36.403(b)

Additional information regarding the 20% rule is available on the back side of this handout.

This handout is a simplified summary of the ADA Standards. Please contact the City of Salina Building Services Department for assistance with determining how these requirements apply to your project: 785.309.5715.

APPLICATION OF THE 20% RULE

Costs that may be counted as expenditures required to provide an accessible path of travel may include costs associated with providing an accessible entrance and an accessible route to the altered area; making restrooms accessible; providing accessible telephones; and relocating an inaccessible drinking fountain.

28 CFR 36.403(f) (2) (i-iv)

EXCEPTIONS

Normal maintenance, such as reroofing, painting, or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations associated with the 20% rule unless they affect the usability of the building or facility. 28 CFR 36.402(b) (1)

Alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of or access to an area containing a primary function. 28 CFR 36.403(c) (2)

To determine if the 20% Rule applies to your project, select "YES" or "NO" for the following three questions. If you need assistance with these questions, please contact the Building Services Department: 785.309.5715.

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1. Is the building/facility fully compliant with ADA requ	virements? YES NO (If "NO", proceed to worksheet below)
2. Is the building/facility exempt from ADA requiremen	nts? See ADA Chapter 2, Section 203. YES NO (If "NO", proceed to worksheet below)
3. Are primary function areas unaffected or unaltered To be completed by project design professional:	by the proposed work? YES NO (If "NO", proceed to worksheet below)
A. Total approximate cost of proposed alterations: (do not include cost of items listed as "EXCEPTIONS" abo	<i>ve)</i> \$
B. Total amount allocated for ADA improvements (20% of lir	ne A): \$
•	rity should be given to those elements that will provide ms 1-6 below), according to 28 CFR 36.403(g) (2).
C. Itemized deficiencies and estimated cost of correction (en	nter \$ amount or "N/A" if compliant):
Accessible Elements	ADA Compliant? Enter \$ amount or "N/A" if compliant
1. Accessible entrance	YES NO \$
2. Accessible route to altered area	YES NO \$
3. Accessible restroom for each sex or a single unisex restroom	YES NO \$
4. Accessible telephones (If public phones are provided)	YES NO \$
5. Accessible drinking fountains (If provided)	YESNO \$
6. Accessible elements such as parking, storage, and alarms	☐ YES ☐ NO \$
Architect/Designer/Owner's Signature	Date