

CHAPTER X—[RESERVED]

EDITORIAL NOTE: Chapter X, Commission of Fine Arts was vacated at 51 FR 23056, June 25, 1986. The existing regulations formerly codified as parts 1000 and 1002 were redesignated as parts 2105 and 2106, respectively, in title 45, chapter XXI.

CHAPTER XI—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

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PART 1120—PUBLIC AVAILABILITY OF INFORMATION

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Subpart A—General

§1120.1 Purpose and scope of this part.

This part contains the general rules of the Architectural and Transportation Barriers Compliance Board for public access to Board records. These regulations implement 5 U.S.C. 552, the Freedom of Information Act, as amended, and the policy of the Board. It is the Board's policy to disseminate information on matters of interest to the public and to disclose on request all information contained in records in its custody insofar as is compatible with the discharge of its responsibilities and consistent with the law. This part sets forth generally the categories of records accessible to the public, the types of records subject to prohibitions or restrictions on disclosure, and the places and procedures to obtain information from records in the custody of the A&TBCB.

§1120.2 Definitions.

For the purposes of this part:

(a) *A&TBCB* or *Board* means the Architectural and Transportation Barriers Compliance Board.

(b) *A&TBCB record* or *record* means any document, writing, photograph, sound or magnetic recording, drawing or other similar thing by which information has been preserved, from which the information can be retrieved and copied, and which is, was, or is alleged to be under the control of the A&TBCB.

(1) The term includes—

(i) Informal writings such as handwritten notes and drafts;

(ii) Information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans;

(iii) Records which were created or acquired by the A&TBCB, its members, its employees, its members' employees, or persons acting on behalf of its members, by use of A&TBCB funds or in the course of transacting official business for the A&TBCB.

(2) The term does not include—

(i) Materials which are legally owned by an A&TBCB member, employee, or member's employee or representative in his or her purely personal capacity; and

(ii) Materials published by non-Federal organizations which are readily available to the public, such as books, journals, standards, and periodicals available through reference libraries, even if such materials are in the A&TBCB's possession.

(c) The terms *agency*, *person*, *party*, *rule*, *rulemaking*, *order*, and *adjudication* have the meanings given in 5 U.S.C. 551, except where the context demonstrates that a different meaning is intended, and except that for purposes of the Freedom of Information Act the term *agency* as defined in 5 U.S.C. 551 includes any executive department, military department, Government corporation, Government controlled corporation, the United States Postal Service, or other establishment in the executive branch of the Government (including the Executive Office of the President) or any independent regulatory agency.

(d) A government record *under the control of the A&TBCB* means that the record is subject to the free disposition of the A&TBCB. This includes keeping the record available for governmental use as required and protecting, preserving, and exercising such control over it as may be necessary for that purpose. Control of a record is not synonymous with, and does not require, actual physical possession of the record.

(e) *Request* means a request to inspect or obtain a copy of one or more records.

(f) *Requestor* means any person who submits a request to the A&TBCB.

(g) *Public member* means a member appointed by the President from among members of the general public.

(h) *Direct Costs* means those expenditures which an agency actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery. Not

included in direct costs are overhead expenses such as costs of space, and heating or lighting the facility in which the records are stored.

(i) *Search* includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. Agencies should ensure that searching for material is done in the most efficient and least expensive manner so as to minimize costs for both the agency and the requester. For example, agencies should not engage in line-by-line search when merely duplicating an entire document would prove the less expensive and quicker method of complying with a request. *Search* should be distinguished, moreover, from *review* of material in order to determine whether the material is exempt from disclosure (see paragraph (k) of this section). Searches may be done manually or by computer using existing programming.

(j) *Duplication* refers to the process of making a copy of a document necessary to respond to an FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others. The copy provided must be in a form that is reasonably usable by requesters.

(k) *Review* refers to the process of examining documents located in response to a request that is for a commercial use (see paragraph (l) of this section) to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(l) *Commercial Use Request* refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, agencies must determine the use

to which a requester will put the documents requested. Moreover, where an agency has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, agencies should seek additional clarification before assigning the request to a specific category.

(m) *Educational Institution* refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

(n) *Non-Commercial Scientific Institution* refers to an institution that is not operated on a *commercial* basis as that term is referenced in paragraph (l) of this section, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(o) *Representative of the News Media* refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term *news* means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of *news*) who make their products available for purchase or subscription by the general public. These examples are not intended to be all-inclusive.

Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of *freelance* journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but agencies may also look to the past publica-

tion record of a requester in making this determination.

[45 FR 80976, Dec. 8, 1980, as amended at 52 FR 43195, Nov. 10, 1987; 55 FR 2519, Jan. 25, 1990]

§ 1120.3 Existing records.

All existing A&TBCB records are subject to routine destruction according to standard record retention schedules.

Subpart B—Published Information

§ 1120.5 Information published in the FEDERAL REGISTER.

(a) *General.* In accordance with the provisions of 5 U.S.C. 552(a)(1), basic information concerning the organization, operations, functions, substantive and procedural rules and regulations, officials, office locations, and allocation of responsibilities for functions and programs of the A&TBCB is published in the FEDERAL REGISTER for the guidance of the public. This information includes—

(1) Description of the A&TBCB's organization and the established places at which, the employees from whom, and the methods whereby the public may obtain information, make submissions or requests, or obtain decisions;

(2) Statements of the general course and method by which the A&TBCB's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the A&TBCB, and

(5) Each amendment, revision, or repeal of the foregoing. Indexes to the FEDERAL REGISTER are published in each daily issue and compiled currently on a monthly, quarterly, and annual basis. Copies of the FEDERAL REGISTER and its indexes are available in many libraries and may be purchased from the Superintendent of Documents, Government Printing Office,

Washington, DC 20402. No formal request to examine documents in the FEDERAL REGISTER is necessary to inspect them at the place where they are kept. Materials incorporated by reference in the FEDERAL REGISTER are available for inspection in A&TBCB offices.

(b) *Code of Federal Regulations*. Title 36 of the *Code of Federal Regulations*, which is republished and updated annually, contains a compilation of documents published by the A&TBCB in the FEDERAL REGISTER which set forth substantive and procedural rules and regulations of the A&TBCB and statements of general policy or interpretations of general applicability formulated and adopted by the Board. Copies of the *Code of Federal Regulations* are available in many libraries and may be purchased from the Superintendent of Documents. Reference copies maintained in offices of the A&TBCB are available for examination without formal request.

(c) *Effect of nonpublication*. Except to the extent that a person has actual and timely notice of its terms, no person may in any manner be required to resort to, or be adversely affected by, any procedure or matter required to be published in the FEDERAL REGISTER, but not so published. For the purposes of this paragraph, material that is reasonably available to the class of persons affected by it is considered to be published in the FEDERAL REGISTER if it has been incorporated by reference in the FEDERAL REGISTER with the approval of the Director of the Federal Register.

§ 1120.6 Information in A&TBCB publications.

(a) *General*. Copies of information material shall be available upon oral or written request so long as an adequate supply exists. These informational materials include press releases, pamphlets, and other materials ordinarily made available to the public without cost as part of a public information program, and reprints of individual parts of the *Code of Federal Regulations* or FEDERAL REGISTER relating to programs affecting substantial segments of the general public. Copies of informational publications of the A&TBCB

which may be purchased from the Superintendent of Documents may be inspected in those offices of the A&TBCB in which reference copies are available. Compliance with the formal procedures provided in this part for obtaining access to A&TBCB records is not necessary for access to the materials described in this paragraph.

(b) *Published indexes*. The informational publications available from the A&TBCB may include indexes to materials published or contained in its records. They will include the current indexes required by the Freedom of Information Act to be maintained and made available for inspecting and copying, except as otherwise provided by published order, as noted below. These indexes provide identifying information for the public as to—

(1) Final opinions and orders made in the adjudication of cases;

(2) Statements of policy and interpretations adopted but not published in the FEDERAL REGISTER; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public.

As promptly as possible after adoption of this part, these indexes will be made available to members of the public. Thereafter, updated indexes or supplements shall be published at least quarterly. However, the Board may determine by order published in the FEDERAL REGISTER that publication of an index is unnecessary and impracticable. In that case the Board shall provide copies of the index on request at a cost not to exceed the direct cost of duplication.

Subpart C—Records Available for Public Inspection and Copying, Documents Published and Indexed

§ 1120.11 Records available for inspection.

Except for those categories of materials listed in paragraph (a) of this section, paragraphs (a) (1) through (9) of § 1120.41 the following materials are available for public inspection and copying during normal business hours at the Washington office of the A&TBCB:

§ 1120.12

(a) Final opinions and orders made in the adjudication of cases;

(b) Statements of policy and interpretations which have been adopted under the authority of the A&TBCB and are not published in the FEDERAL REGISTER;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) A record of the final votes of each member of the Board in every Board proceeding;

(e) Current indexes providing identifying information for the public as to the materials made available under paragraphs (a) through (d) of this section.

(f) All papers and documents made a part of the official record in administrative proceedings conducted by the A&TBCB in connection with the issuance, amendment, or revocation of rules and regulations or determinations having general applicability or legal effect with respect to members of the public or a class of the public.

(g) After a final order is issued in any adjudicative proceeding conducted by the A&TBCB, all papers and documents made a part of the official record of the proceeding. (The official docket is kept in the office of the administrative law judge hearing the case until a final order is issued.)

§ 1120.12 Indexes to certain records.

Current indexes are normally available to the public in published form as provided in § 1120.11. These indexes, whether or not published, are made available for inspection and copying on request. If published copies of a particular index are at any time not available or if publication of the index has been determined to be unnecessary and impracticable by order published in the FEDERAL REGISTER, copies of the index will be furnished on request. (See § 1120.6(b), *Published indexes*.)

§ 1120.13 Effect of nonavailability.

Any material listed in paragraph (a) of this section that is not indexed as required by § 1120.11(e) and § 1120.12, may not be cited, relied on, or used as precedent by the Board to adversely affect any member of the public unless the person against whom it is cited, re-

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lied on, or used has had actual and timely notice of the material.

Subpart D—Information Available Upon Request

§ 1120.21 Policy on disclosure of records.

(a) It is the policy of the A&TBCB to make information available to the public to the greatest extent possible in keeping with the spirit of the Freedom of Information Act. Therefore, all records of the A&TBCB, except those that the A&TBCB specifically determines must not be disclosed in the national interest, for the protection of private rights, or for the efficient conduct of public business to the extent permitted by the Freedom of Information Act, are declared to be available for public inspection and copying as provided in this part. Each member and employee of the A&TBCB is directed to cooperate to this end and to make records available to the public promptly and to the fullest extent consistent with this policy. A record may not be withheld from the public solely because its release might suggest administrative error or embarrass a member or employee of the A&TBCB.

(b) Subject to § 1120.51, any non-exempt A&TBCB record is available to the public upon request regardless of whether the requestor shows any justification or need for the record.

(c) An A&TBCB office may waive the procedures on this subpart in favor of the requestor, for reasons of the public interest, simplicity, or speed.

(d) If a requested record contains both exempt and nonexempt material, the nonexempt material shall be disclosed, after the exempt material has been deleted in accordance with § 1120.42.

§ 1120.22 Requests to which this subpart applies.

(a) This subpart applies to any written request (other than a request made by another Federal agency) received by the A&TBCB, whether or not the request cites the Freedom of Information Act, 5 U.S.C. 552, except with respect to records for which a less formal disclosure procedure is provided specifically in this part.

(b) Any written request to the A&TBCB for existing records prepared by the A&TBCB for routine public distribution, *e.g.*, pamphlets, copies of speeches, press releases, and educational materials, shall be honored. No individual determination under §1120.32 is necessary in these cases, since preparation of the materials for routine public distribution itself constitutes that a determination that the records are available to the public.

(c) This subpart applies only to records that exist at the time the request for information is made. (See §1120.3, *Existing records.*)

§ 1120.23 Where requests for agency records must be filed.

A written request for records must be filed with the A&TBCB Freedom of Information Officer, Suite 501, 1111 18th Street NW., Washington, DC 20036. Requests may be mailed to that address or filed in person at that address during the A&TBCB's normal business hours.

[45 FR 80976, Dec. 8, 1980, as amended at 55 FR 2520, Jan. 25, 1990]

§ 1120.24 Misdirected written requests; oral requests.

(a) The A&TBCB cannot assure that a timely for satisfactory response under this subpart will be given to written requests that are addressed to A&TBCB offices, members, or employees other than the Freedom of Information Officer listed in §1120.23. Any A&TBCB member or employee who receives a written request for inspection or disclosure of A&TBCB records must promptly forward a copy of the request to the Freedom of Information Officer, by the fastest practicable means, and must, if appropriate, commence action under §1120.32.

(b) While A&TBCB members and employees will attempt in good faith to comply with oral requests for inspection or disclosure of A&TBCB records, by telephone or otherwise, these requests are not required to be processed in accordance with this subpart.

§ 1120.25 Form of requests.

A request must be in writing, must reasonably describe the records sought in a way that will permit their identi-

fication and location, and must be addressed to the address set forth in §1120.23, but otherwise need not be in any particular form. Each request under the Freedom of Information Act should be clearly and prominently identified by a legend on the first page, such as "Freedom of Information Act Request." The envelope in which the request is sent should be prominently marked with the letters "FOIA." It is helpful, but not necessary, for the requestor to include his or her phone number and the reason for the request. A request may state the maximum amount of fees which the requester is willing to pay. Under §1120.33(d), the failure to state willingness to pay fees as high as are anticipated by the A&TBCB will delay running of the time limit and delay processing of the request, if the responsible official anticipates that the fees chargeable may exceed \$250.00.

[45 FR 80976, Dec. 8, 1980, as amended at 52 FR 43195, Nov. 10, 1987]

§ 1120.26 Deficient descriptions.

(a) If the description of the records sought in the request is not sufficient to allow the A&TBCB to identify and locate the requested records, the office taking action under §1120.32 must notify the requestor (by telephone when practicable) that the request cannot be further processed until additional information is furnished.

(b) The A&TBCB must make every reasonable effort to assist the requestor in formulating his or her request. If a request is described in general terms (*e.g.*, all records having to do with a certain area), the A&TBCB office taking action under §1120.32 may communicate with the requestor (by telephone when practicable) with a view toward reducing the administrative burden of processing a broad request and minimizing the fee payable by the requestor. Such attempts must not be used as a means to discourage requests, but rather as a means to help identify with more specificity the records actually sought.

§ 1120.31 A&TBCB receipt of requests; responsibilities of Freedom of Information Officer.

(a) Upon receipt of a written request, the Freedom of Information Officer must mark the request with the date of receipt and must attach to the request a control slip indicating the Request Identification Number and other pertinent administrative information. The Freedom of Information Officer must immediately forward the request and control slip to the A&TBCB office which the FOIA Officer believes to be responsible for maintaining the records requested. The Freedom of Information Officer must retain a full copy of the request and control slip and must monitor the handling of the request to ensure a timely response.

(b) The Freedom of Information Officer must maintain a file concerning each request received. The file must contain a copy of the request, initial and appeal determinations, and other pertinent correspondence and records.

(c) The Freedom of Information Officer must collect and maintain the information necessary to compile the reports required by 5 U.S.C. 552(d).

§ 1120.32 A&TBCB action on requests.

(a) The FOIA Officer is delegated the authority to issue initial determinations concerning records which he or she believes are in the custody of a Board member, an employee of a member's agency, or an employee of a public member. When the FOIA Officer receives such a request, he or she shall forward it to the member, employee of a member agency, or employee of a public member whom the FOIA Officer believes to have custody of the records, requesting the records. The person to whom the request is forwarded shall, within three days of receipt of the FOIA Officer's request, either furnish the records requested to the FOIA Officer or inform the FOIA Officer of the time when they will be furnished. The FOIA Officer shall then determine whether or not to disclose the documents. For purposes of such requests and their processing under this subpart, the FOIA Officer is considered the office handling the requests.

(b) Heads of staff offices are delegated the authority to issue initial de-

terminations, other records which are in their respective custody.

(c) Whenever an A&TBCB office receives a request forwarded by the FOIA Officer, the office should:

(1) Take action under § 1120.26, if required, to obtain a better description of the records requested;

(2) Locate the records as promptly as possible, or determine that:

(i) The records are not known to exist; or

(ii) They are located at another A&TBCB office; or

(iii) They are located at another Federal agency and not possessed by the A&TBCB.

(3) When appropriate, take action under § 1120.53(b) to obtain payment or assurance of payment;

(4) Determine which of the requested records legally must be withheld, and why (see § 1120.42(b), *Release of exempt documents*);

(5) Of the requested records which are exempt from mandatory disclosure but which legally may be disclosed (see § 1120.42(a)), determine which records will be withheld, and why;

(6) Issue an initial determination within the allowed period (see § 1120.31), specifying (individually or by category) which records will be disclosed and which will be withheld, and signed by a person authorized to issue the determination under paragraph (a) of this section (see § 1120.33, *Initial denials of requests*);

(7) Furnish the Freedom of Information Officer a copy of the determination; and

(8) If the determination denies a request, furnish the Freedom of Information Officer the name of the A&TBCB member(s) or employee(s) having custody of the records and maintain the records in a manner permitting their prompt forwarding to the General Counsel upon request if an appeal from the initial denial is filed. (See also § 1120.34.)

(d) If it appears that some or all of the requested records are not in the possession of the A&TBCB office which has been assigned responsibility for responding to the request but may be in the possession of some A&TBCB office, the responding office must so inform

the Freedom of Information officer immediately.

(e) An initial determination to disclose documents must provide the requested documents or provide the opportunity to inspect and/or obtain copies of the documents.

§ 1120.33 Time allowed for initial action on requests.

(a) Except as otherwise provided in this section, as soon as possible and not later than the tenth working day after the day on which the Freedom of Information Officer receives a request for records, the A&TBCB office responsible for responding to the request must issue a written determination to the requestor stating which of the requested records, will, and which will not, be released and the reason for any denial of a request.

(b) The period of 10 working days is measured from the date the request is first received and logged in by the Freedom of Information Officer.

(c) There is excluded from the period of 10 working days (or any extension) any time which elapses between the date that a requestor is notified by the A&TBCB under § 1120.26 that his or her request does not reasonably identify the records sought, and the date that the requestor furnishes a reasonable identification.

(d) There is excluded from the period of 10 working days (or any extension) any time which elapses between the date that a requestor is notified by an A&TBCB office under § 1120.53(b) that prepayment of fees is required, and the date that the requestor pays (or makes suitable arrangements to pay) the charges.

(e) The A&TBCB office taking action under § 1120.31 may extend the basic 10-day period established under paragraph (a) of this section by a period not to exceed 10 additional working days if—

(1) The office notifies the Freedom of Information Officer;

(2) The office notifies the requestor in writing within the basic 10-day period stating the reasons for the extension and the date by which the office expects to be able to issue a determination;

(3) The extension is reasonably necessary to properly process the particular request; and

(4) One or more of the following unusual circumstances require the extension:

(i) There is a need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) There is a need to search for, collect, and/or appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) There is need for consultation with another agency having a substantial interest in the determination of the request or among two or more components of the A&TBCB. The office must conduct the consultation with all practicable speed.

(f) Should the A&TBCB fail to issue a determination within the 10-day period or any authorized extension as to an initial request, or during the period for consideration of an appeal, the requestor shall be deemed to have exhausted his or her administrative remedies with respect to such.

In the latter situation, the requestor may commence an action in an appropriate Federal district court to obtain the records.

§ 1120.34 Initial denials of requests.

(a) An initial denial of a request may be issued only for the following reasons:

(1) The record is not under the A&TBCB's control;

(2) The record has been published in the FEDERAL REGISTER or is otherwise published and available for sale;

(3) A statutory provision, provision of this part, or court order requires that the information not be disclosed;

(4) The record is exempt from mandatory disclosure under 5 U.S.C. 552(b) and the responding office has decided not to disclose it under §§ 1120.41 and 1120.42;

(5) The record is believed to be in the A&TBCB's custody but has not yet been located. (See paragraph (f) of this section.)

(b) Each initial denial of a request shall—

(1) Be written, signed, and dated;
 (2) Contain a reference to the Request Identification Number;

(3) Identify the records that are being withheld (individually or, if the denial covers a large number of similar records, by described category); and

(4) State the basis for denial of each record of category of records or any reasonably segregable portion(s) thereof being withheld.

(c) If the issuance of the determination to deny a request was directed by some A&TBCB officer or employee other than the person signing the determination letter, that other person's identity and position must be stated in the determination letter.

(d) Each initial determination which denies, in whole or in part, a request for one or more existing, located A&TBCB records must state that the requestor may appeal the initial denial by sending a written appeal to the address shown in §1120.23 within 30 days of receipt of the determination. (See §1120.36.)

(e) A determination is deemed issued on the date the determination letter is placed in A&TBCB mailing channels for first class mailing to the requestor, delivered to the U.S. Postal Service for mailing, or personally delivered to the requestor, whichever date first occurs.

(f) When a request must be denied because the record has not yet been located (although it is believed to be in the A&TBCB's possession), the A&TBCB office responsible for maintaining the record must continue to search diligently until it is located or it appears that the record does not exist or is not in the A&TBCB's possession, and must periodically inform the requestor of the office's progress.

§ 1120.36 Appeals from initial denials.

(a) Any person whose request has been denied in whole or in part by an initial determination may appeal that denial by addressing a written appeal to the address shown in §1120.23.

(b) Any appeal must be mailed or filed in person at the address shown in §1120.23—

(1) In the case of a denial of an entire request, generally not later than 30 calendar days after the date the requestor

received the initial determination on the request; or

(2) In the case of a partial denial, generally not later than 30 calendar days after the requestor receives all records being made available pursuant to the initial determination.

An appeal which does not meet the requirements of this paragraph may be treated either as a timely appeal or as a new request, at the option of the Freedom of Information Officer.

(c) The appeal letter must contain—

(1) A reference to the Request Identification Number (RIN);

(2) The date of the initial determination;

(3) The name and address of the person who issued the initial denial;

(4) A statement of which of the records to which access was denied are the subjects of the appeal; and

(5) If the applicant wishes, such facts and legal or other authorities as he or she considers appropriate.

§ 1120.37 A&TBCB action on appeals.

(a) The General Counsel must make one of the following legal determinations in connection with every appeal from the initial denial of a request for an existing, located record:

(1) The record must be disclosed;

(2) The record must not be disclosed because a statute or a provision of this part so requires; or

(3) The record is exempt from mandatory disclosure but legally may be disclosed as a matter of agency discretion.

(b) Whenever the General Counsel has determined under paragraph (a)(3) of this section that a record is exempt from mandatory disclosure but legally may be disclosed, the matter must be referred to the Executive Director. If the Executive Director determines that an important purpose would be served by withholding the record, the General Counsel shall issue a determination denying the appeal. If the Executive Director determines that no important purpose would be served by withholding the record, the General Counsel must disclose the record.

(c) The General Counsel may delegate his or her authority under this section to any other attorney employed by the A&TBCB in connection

with any category of appeals or any individual appeals.

(d) A determination denying an appeal from an initial denial must—

- (1) Be in writing;
- (2) State which of the exemptions in 5 U.S.C. 552(b) apply to each requested existing record;
- (3) State the reason(s) for denial of the appeal;
- (4) State the name and position of each A&TBCB officer or employee who directed that the appeal be denied; and
- (5) State that the person whose request was denied may obtain de novo judicial review of the denial by complaint filed with the district court of the United States in the district in which the complainant resides, or in which the agency records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4).

§ 1120.38 Time allowed for action on appeals.

(a) Except as otherwise provided in this section, as soon as possible and not later than the twentieth working day after the day on which the Freedom of Information Officer receives an appeal from an initial denial of a request for records, the General Counsel shall issue a written determination stating which of the requested records (as to which appeal was made) will and which will not be disclosed.

(b) The period of 20 working days shall be measured from the date an appeal is first received by the Freedom of Information Officer.

(c) The General Counsel may extend the basic 20-day period established under paragraph (a) of this section by a period not to exceed 10 additional working days if—

- (1) He or she notifies the Freedom of Information Officer;
- (2) He or she notifies the requestor in writing within the basic 20-day period stating the reasons for the extension and the date by which he or she expects to be able to issue a determination;
- (3) The extension is reasonably necessary to properly process the particular request; and
- (4) One or more of the following unusual circumstances require the extension:

(i) There is a need to search for and collect the records from field facilities or other establishments that are separated from the office processing the appeal;

(ii) There is a need to search for, collect, and/or appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) There is a need for consultation with another agency or among two or more components of the A&TBCB. The General Counsel must conduct the consultation with all practicable speed.

(d) No extension of the 20-day period may be issued under paragraph (c) of this section which would cause the total of all such extensions and of any extensions issued under § 1120.33(c) to exceed 10 working days.

§ 1120.41 Exempt documents.

(a) Generally, 5 U.S.C. 552(b) establishes nine exclusive categories of matters which are exempt from the mandatory disclosure requirements of 5 U.S.C. 552(a). No request under 5 U.S.C. 552 for an existing, located, unpublished record in the A&TBCB's control may be denied by any A&TBCB office or employee unless the record contains (or its disclosure would reveal) matters that are—

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and which are in fact properly classified pursuant to the Executive order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to

the extent that the production of such records would—

- (i) Interfere with enforcement proceedings;
- (ii) Deprive a person of a right to a fair trial or an impartial adjudication;
- (iii) Constitute an unwarranted invasion of personal privacy;
- (iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;
- (v) Disclose investigative techniques and procedures; or
- (vi) Endanger the life or physical safety of law enforcement personnel;
- (8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (9) Geological and geophysical information and data, including maps, concerning wells.

(b) The fact that the applicability of an exemption permits the withholding of a requested record (or portion of a record) does not necessarily mean that the record must or should be withheld. (See § 1120.42 *Release of exempt documents.*)

§ 1120.42 Release of exempt documents.

(a) An A&TBCB office may, in its discretion, release requested records despite the applicability of one or more of the exemptions listed in § 1120.41 (a)(2), (5), or (7). Disclosure of such records is encouraged if no important purpose would be served by withholding the records.

(b) Though the policy of the A&TBCB is to honor all requests, as indicated in § 1120.21(a), there are circumstances when the A&TBCB will not disclose a record if one or more of the FOIA exemptions applies to the record. The exemptions usually in such circumstances are exemptions (2), (3), (4), (6), (8) and (9). In these cases, where the A&TBCB has withheld a requested record, or portions thereof, the

A&TBCB will disclose the exempted record when ordered to do so by a Federal court or in exceptional circumstances under appropriate restrictions with the approval of the Office of General Counsel.

Subpart E—Copies of Records and Fees for Services

§ 1120.51 Charges for services, generally.

(a) It shall be the policy of the ATBCB to comply with requests for documents made under the FOIA using the most efficient and least costly methods available. Requesters will be charged fees, in accordance with the administrative provisions and fee schedule set forth below, for searching for, reviewing (in the case of commercial use requesters only), and duplicating requested records.

(b) *Categories of requesters.* For the purpose of standard FOIA fee assessment, the four categories of requesters are: Commercial use requesters; educational and non-commercial scientific institution requesters; requesters who are representatives of the news media; and, all other requesters (see § 1120.2 (l) through (o), Definitions).

(c) *Levels of fees.* Levels of fees prescribed for each category of requester are as follows:

(1) Commercial Use Requesters—When the ATBCB receives a request for documents which appears to be a request for commercial use, the Board may assess charges in accordance with the fee schedule set forth below, which recover the full direct costs of searching for, reviewing for release, and duplicating the records sought. Costs for time spent reviewing records to determine whether they are exempt from mandatory disclosure applies to the initial review only. No fees will be assessed for reviewing records, at the administrative appeal level, of the exemptions already applied.

(2) Educational and Non-Commercial Scientific Institution Requesters—The ATBCB shall provide documents to requesters in this category for the cost of reproduction alone, in accordance with the fee schedule set forth below, excluding charges for the first 100 pages of reproduced documents.

(i) To be eligible for inclusion in this category, requesters must demonstrate the request is being made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research.

(ii) Requesters eligible for free search must reasonably describe the records sought.

(3) Requesters Who Are Representatives of the News Media—The ATBCB shall provide documents to requesters in this category for the cost of reproduction alone, in accordance with the fee schedule set forth below, excluding charges for the first 100 pages of reproduced documents.

(4) All Other Requestors—The ATBCB shall charge requestors who do not fit into any of the categories described above, fees which recover the full direct cost of searching for and reproducing records that are responsive to the request, except that the first two hours of search time and the first 100 pages of reproduction shall be furnished without charge.

(d) Schedule of FOIA fees.

(1) Record search (ATBCB employees)—\$14.00 per hour

(2) Document review (ATBCB employees)—\$20.00 per hour

(3) Duplication of documents (paper copy of paper original)—\$.20 per page

(e) No charge shall be made:

(1) If the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee;

(2) For any request made by an individual or group of individuals falling into the categories listed at paragraph (b) of this section, and described in paragraph (c) of this section, (excepting commercial use requests) the first two hours of search time and first 100 pages of duplication;

(3) For the cost of preparing or reviewing letters of response to a request or appeal;

(4) For responding to a request for one copy of the official personnel record of the requestor;

(5) For furnishing records requested by either House of Congress, or by duly

authorized committee or subcommittee or Congress, unless the records are requested for the benefit of an individual Member of Congress or for a constituent;

(6) For furnishing records requested by and for the official use of other Federal agencies; or

(7) For furnishing records needed by an A&TBCB contractor or grantee to perform the work required by the A&TBCB contract or grant.

(f) Requestors may be charged for unsuccessful or unproductive searches or for searches when records located are determined to be exempt from disclosure.

(g) Where the ATBCB reasonably believes that a requestor or group of requestors is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the ATBCB shall aggregate any such requests and charge accordingly.

[55 FR 2520, Jan. 25, 1990]

§ 1120.52 Computerized records.

(a) Information available in whole or in part in computerized form which is disclosable under the Freedom of Information Act is available to the public as follows:

(1) When there is an existing printout from the computer which permits copying the printout, the material will be made available at the per page rate stated in §1120.51(a) for each 8½ by 11 inch page.

(2) When there is not an existing printout of information disclosable under the Freedom of Information Act, a printout shall be made if the applicant pays the cost to the A&TBCB as stated in paragraph (a)(3) of this section.

(3) Obtaining information from computerized records frequently involves a minimum computer time cost of approximately \$100 per request. Multiple requests involving the same subject may cost less per request. Services of personnel in the nature of a search shall be charged for at rates prescribed in §1120.51(a). A charge shall be made for the computer time involved based upon the prevailing level of costs to Government organizations and upon the particular types of computer and associated equipment and the amounts

of time on such equipment that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present, or make available the output of computers based upon the prevailing levels of costs to Government organizations and upon the type and amount of the supplies and materials that are used.

(b) Information in the Board's computerized records which could be produced only by additional programming of the computer, thus producing information not previously in being, is not required to be furnished under the Freedom of Information Act. In view of the usually heavy workloads of the computers used by the Board, such a service cannot ordinarily be offered to the public.

§ 1120.53 Payment of fees.

(a) *Method of payment.* All fee payments shall be in the form of a check or money order payable to the order of the "U.S. Architectural and Transportation Barriers Compliance Board" and shall be sent (accompanied by a reference to the pertinent Request Identification Number(s)) to the address in § 1120.23.

(b) *Charging interest.* The ATBCB may charge interest to those requestors failing to pay fees assessed in accordance with the procedures described in § 1120.51. Interest charges, computed at the rate prescribed in section 3717 of title 31 U.S.C.A., will be assessed on the full amount billed starting on the 31st day following the day on which the bill was sent.

(c) Advance payment or assurance of payment.

(1) When an ATBCB office determines or estimates that the allowable charges a requestor may be required to pay are likely to exceed \$250.00, the ATBCB may require the requestor to make an advance payment or arrangements to pay the entire fee before continuing to process the request. The ATBCB shall promptly inform the requestor (by telephone, if practicable) of the need to make an advance payment or arrangements to pay the fee. That office need not search for, review, duplicate, or disclose records in response to any request by that requestor until he or she

pays, or makes acceptable arrangements to pay, the total amount of fees due (or estimated to become due) under this subpart.

(2) Where a requestor has previously failed to pay a fee charged in a timely fashion, the ATBCB may require the requestor to pay the full amount owed, plus any applicable interest, as provided in paragraph (b) of this section, and to make an advance payment of the full amount of the estimated fee before any new or pending requests will be processed from that requestor.

(3) In those instances described in paragraphs (c)(1) and (2) of this section, the administrative time limits prescribed in § 1120.33(d) will begin only after the ATBCB has received all fee payments due or acceptable arrangements have been made to pay all fee payments due.

(d) Effect of the Debt Collection Act of 1982 (Pub. L. 97-365). Requestors are advised that the ATBCB shall use the authorities of the Debt Collection Act of 1982, including disclosure to consumer reporting agencies and use of collection agencies, where appropriate, to encourage repayment of debts arising from freedom of information act requests.

(e) Waiver or reduction of fees.

(1) Records responsive to a request under 5 U.S.C. 552 shall be furnished without charge or at a charge reduced below that established under paragraph (d) of § 1120.51 where the Freedom of Information Officer determines, based upon information provided by a requestor in support of a fee waiver request or otherwise made known to the Freedom of Information Officer, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor. Requests for a waiver or reduction of fees shall be considered on a case-by-case basis.

(2) In order to determine whether the first fee waiver requirement is met—i.e., that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the

operations or activities of the government—Freedom of Information Officer shall consider the following four factors in sequence:

(i) The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government.” The subject matter of the requested records, in the context of the request, must specifically concern identifiable operations or activities of the federal government—with a connection that is direct and clear, not remote or attenuated. Furthermore, the records must be sought for their informative value with respect to those government operations or activities; a request for access to records for their intrinsic informational content alone will not satisfy this threshold consideration.

(ii) The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities. The disclosable portions of the requested records must be meaningfully informative on specific government operations or activities in order to hold potential for contributing to increase public understanding of those operations and activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be likely to contribute to such understanding, as nothing new would be added to the public record.

(iii) The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested information will contribute to “public understanding.” The disclosure must contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons. A requestor’s identity and qualifications—e.g., expertise in the subject area and ability and intention to effectively convey information to the general public—should be considered. It reasonably may be presumed that a representative of the news media (as defined in §1120.2(o)) who has access to the means of public dissemination readily will be able to satisfy this con-

sideration. Requests from libraries or other record repositories (or requestors who intend merely to disseminate information to such institutions) shall be analyzed, like those of other requestors to identify a particular person who represents that he actually will use the requested information in scholarly or other analytic work and then disseminate it to the general public.

(iv) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities. The public’s understanding of the subject matter in question, as compared to the level of public understanding existing prior to the disclosure, must be likely to be enhanced by the disclosure to a significant extent. Freedom of Information Officer shall not make separate value judgments as to whether information, even though it in fact would contribute significantly to public understanding of the operations or activities of the government, is “important” enough to be made public.

(3) In order to determine whether the second fee waiver requirement is met—i.e., that disclosure of the requested information is not primarily in the commercial interest of the requestor—the Freedom of Information Officer shall consider the following two factors in sequence:

(i) The existence and magnitude of a commercial interest: Whether the requestor has a commercial interest that would be furthered by the requested disclosure. The Freedom of Information Officer shall consider all commercial interests of the requester (with reference to the definition of “commercial use” in §1120.2(l)) or any person on whose behalf the requestor may be acting, but shall consider only those interests which would be furthered by the requested disclosure. In assessing the magnitude of identified commercial interests, consideration shall be given to the role that such FOIA-disclosed information plays with respect to those commercial interests, as well as to the extent to which FOIA disclosures serve those interests overall. Requestors shall be given a reasonable opportunity

§ 1121.1

in the administrative process to provide information bearing upon this consideration.

(ii) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requestor is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requestor." A fee waiver or reduction is warranted only where, once the "public interest" standard set out in paragraph (e)(2) of this section is satisfied, that public interest can fairly be regarded as greater in magnitude than that of the requestor's commercial interest in disclosure. The Freedom of Information Officer shall ordinarily presume that where a news media requestor has satisfied the "public interest" standard, that will be the interest primarily served by disclosure to that requestor. Disclosure to data brokers or others who compile and market government information for direct economic return shall not be presumed to primarily serve "public interest."

(4) Where only a portion of the requested records satisfies both of the requirements for a waiver or reduction of fees under this paragraph, a waiver or reduction shall be granted only as to that portion.

(5) Requests for the waiver or reduction of fees shall address each of the factors listed in paragraphs (e) (2) and (3) of this section, as they apply to each record request. One hundred pages of reproduction shall be furnished without charge.

(6) A request for reduction or waiver of fees shall be addressed to the Freedom of Information Officer at the address shown in §1120.23. The ATBCB office which is responding to the request for records shall initially determine whether the fee shall be reduced or waived and shall so inform the requestor. The initial determination may be appealed by letter addressed to the address shown in §1120.23. The General Counsel or his or her designee shall decide such appeals.

[45 FR 80976, Dec. 8, 1980, as amended at 52 FR 43196, Nov. 10, 1987; 55 FR 2521, Jan. 25, 1990]

36 CFR Ch. XI (7-1-97 Edition)

PART 1121—PRIVACY ACT IMPLEMENTATION

Sec.

- 1121.1 Purpose and scope.
- 1121.2 Definitions.
- 1121.3 Procedures for requests pertaining to individuals' records in a records system.
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- 1121.6 Request for correction or amendment to the record.
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- 1121.9 Notification of dispute.
- 1121.10 Disclosure of record to a person other than the individual to whom the record pertains.
- 1121.11 Accounting of disclosures.
- 1121.12 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93-579.

SOURCE: 50 FR 3905, Jan. 29, 1985, unless otherwise noted.

§ 1121.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Architectural and Transportation Barriers Compliance Board, hereafter known as the Board or ATBCB, maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1121.2 Definitions.

For the purpose of these regulations—

(a) The term *individual* means a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) The term *maintain* includes maintain, collect, use or disseminate.

(c) The term *record* means any item, collection or grouping of information about an individual that is maintained by the Board, including, but not limited to, his or her employment history, payroll information, and financial

transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number.

(d) The term *system of records* means a group of any records under control of the Board from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(e) The term *routine use* means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(f) The term *authorized representative* means a person who acts on an *individual's* behalf for purposes of these regulations, pursuant to written, signed instructions from the individual.

§ 1121.3 Procedures for requests pertaining to individuals' records in a records system.

An individual or authorized representative shall submit a written request to the Administrative Officer to determine if a system of records named by the individual contains a record pertaining to the individual. The individual or authorized representative shall submit a written request to the Executive Director of the ATBCB which states the individual's desire to review his or her record.

§ 1121.4 Times, places, and requirements for the identification of the individual making a request.

An individual or authorized representative making a request to the Administrative Officer of the ATBCB pursuant to § 1121.3 shall present the request at the ATBCB offices, 330 C Street, SW., Room 1010, Washington, DC 20202, on any business day between the hours of 9 a.m. and 5:30 p.m. The individual or authorized representative submitting the request should present himself or herself at the ATBCB's offices with a form of identification which will permit the ATBCB to verify that the individual is the same individual as contained in the record requested. An authorized representative shall present a written document au-

thorizing access. The document must be signed by the individual.

§ 1121.5 Access to requested information to the individual.

Upon verification of identity the Board shall disclose to the individual or authorized representative the information contained in the record which pertains to that individual. Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 1121.6 Request for correction or amendment to the record.

The individual or authorized representative should submit a request to the Administrative Officer which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with provisions of § 1121.4.

§ 1121.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Administrative Officer will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual or authorized representative of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal and the procedures established by the Board for the individual to request a review of that refusal.

§ 1121.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Administrative Officer to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Director, ATBCB, 330 C Street, SW., Room 1010, Washington, DC 20202. The Executive Director will, not later than thirty (30) working days from the date on which the individual requests such review, complete such review and make final

determination, unless, for good cause shown, the Executive Director extends such thirty-day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the Board shall permit the individual or authorized representative to file with the Executive Director a concise statement setting forth the reasons for his or her disagreement with the refusal of the Executive Director and shall notify the individual or authorized representative that he or she may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A).

§ 1121.9 Notification of dispute.

In any disclosure pursuant to § 1121.10 containing information about which the individual has previously filed a statement of disagreement under § 1121.8, the Board shall clearly note any portion of the record which is disputed and provide copies of the statement and, if the Executive Director deems it appropriate, copies of a concise statement of the reasons of the Executive Director for not making the amendments requested.

§ 1121.10 Disclosure of record to a person other than the individual to whom the record pertains.

The Board will not disclose a record to any individual or agency other than the individual to whom the record pertains, except to an authorized representative, unless the disclosure has been listed as a "routine use" in the Board's notices of its systems of records, or falls within one of the special disclosure situations listed in the Privacy Act of 1974 (5 U.S.C. 552a(b)).

§ 1121.11 Accounting of disclosures.

(a) The Board shall, except for disclosure made under sections (b)(1) and (b)(2) of the Privacy Act of 1974 (5 U.S.C. 552a) keep an accurate accounting of—

(1) The date, nature and purpose of each disclosure of a record to any person or another agency made pursuant to § 1121.10; and

(2) The name and address of the person or agency to whom the disclosure is made.

(b) This accounting shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(c) The Board shall make this accounting available to the individual named in the record at his or her request, except for disclosures made under section (b)(7) of the Privacy Act of 1974 (5 U.S.C. 552a).

(d) The Board shall inform any person or other agency to whom disclosure has been made pursuant to § 1121.10 about any correction or notation of dispute made by the Board.

§ 1121.12 Fees.

If an individual or authorized representative requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record, in advance of receipt of the pages.

PART 1150—PRACTICE AND PROCEDURES FOR COMPLIANCE HEARINGS

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AUTHORITY: 29 U.S.C. 792, as amended.

SOURCE: 45 FR 78474, Nov. 25, 1980, unless otherwise noted.

Subpart A—General Information**§ 1150.1 Purpose.**

Purpose. The purpose of the regulations in this part is to implement section 502(b)(1) of the Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. 792, as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95-602, section 118, 92 Stat. 2979, by establishing rules of procedure for public hearings which ensure compliance with standards issued under the Architectural Barriers Act of 1968, Pub. L. 90-480, as amended, 42 U.S.C. 4151 *et seq.* (including standards of the U.S. Postal Service).

§ 1150.2 Applicability: Buildings and facilities subject to guidelines and standards.

(a) *Definitions.* As used in this section, the term:

Constructed or altered on behalf of the United States means acquired by the United States through lease-purchase arrangement, constructed or altered for purchase by the United States, or constructed or altered for the use of the United States.

Primarily for use by able-bodied military personnel means expected to be occupied, used, or visited principally by military service personnel. Examples of buildings so intended are barracks, officers' quarters, and closed messes.

Privately owned residential structure means a single or multi-family dwelling not owned by a unit or subunit of Federal, state, or local government.

(b) *Buildings and facilities covered.* Except as provided in paragraph (c) of this section, the standards issued under the Architectural Barriers Act of 1968, Pub. L. 90-480, as amended, 42 U.S.C. 4151 *et seq.* (including standards of the United States Postal Service) apply to any building or facility—

(1) The intended use for which either—

(i) Will require that such building or facility be accessible to the public, or

(ii) May result in employment or residence therein of physically handicapped persons; and

(2) Which is—

(i) To be constructed or altered by or on behalf of the United States;

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(ii) To be leased in whole or in part by the United States—

(A) After August 12, 1968, and before January 1, 1977, after construction or alteration in accordance with plans and specifications of the United States; or

(B) On or after January 1, 1977, including any renewal of a lease entered into before January 1, 1977, which renewal is on or after such date;

(iii) To be financed in whole or in part by a grant or loan made by the United States after August 12, 1968, if the building or facility may be subject to standards for design, construction, or alteration issued under the law authorizing the grant or loan; or

(iv) To be constructed under the authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact.

(c) *Buildings and facilities not covered.* The standards do not apply to—

(1) Any privately owned residential structure, unless it is leased by the Federal government on or after January 1, 1977, for subsidized housing programs; or

(2) Any building or facility on a military installation designed and constructed primarily for use by military personnel.

(d) Any covered building or facility, as provided in this section, which is designed, constructed, or altered after the effective date of a standard issued which is applicable to the building or facility, shall be designed, constructed, altered, or leased in accordance with the standard. For purposes of this section, any design, construction, alteration or lease for which bids or offers are received before the effective date of an applicable standard, in response to an invitation for bids or request for proposals, is not subject to that standard.

§ 1150.3 Policy of amicable resolution.

The policy of the Architectural and Transportation Barriers Compliance Board is to maximize the accessibility and usability of buildings, and facilities through amicable means. To this end, the Architectural and Transportation Barriers Compliance Board en-

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courages voluntary and informal resolution of all complaints.

§ 1150.4 Definitions.

A&TBCB means the Architectural and Transportation Barriers Compliance Board.

Agency means Federal department, agency, or instrumentality as defined in sections 551(1) and 701(b)(1) of title 5 U.S.C., or an agency official authorized to represent the agency. It includes any executive department or independent establishment in the Executive Branch of the government, including wholly owned government corporations, and any establishment in the legislative or judicial branch of the government, except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction.

Alteration means any change in a building or facility or its permanent fixtures or equipment. It includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, changes or rearrangement in structural parts, and extraordinary repairs. It does not include normal maintenance, reroofing, interior decoration, or changes to mechanical systems.

Architectural Barriers Act means the Architectural Barriers Act of 1968, Pub. L. 90-480, as amended, 42 U.S.C. 4151 *et seq.*

Building or facility means all or any portion of buildings, structures, equipment, roads, walks, parking lots, parks, sites, or other real property or interest in such property.

Chair means the Chair of the A&TBCB.

Complaint means any written notice of an alleged violation, whether from an individual or organization, or other written information reasonably indicating to the Executive Director a violation of the standard.

Construction means any section of a new building or an addition to an existing building.

Day means calendar day.

Executive Director means the A&TBCB Executive Director.

Extraordinary repair means the replacement or renewal of any element of an existing building or facility for purposes other than normal maintenance.

Judge means an Administrative Law Judge appointed by the A&TBCB and assigned to the case in accordance with either section 3105 or 3314 of title 5 U.S.C.

PER means Provisional Expedited Relief.

Respondent means a party answering the citation, including PER Citation.

Section 502 of the Rehabilitation Act means section 502 of the Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. 792, as amended.

Standard means any standard for accessibility and usability prescribed under the Architectural Barriers Act.

[53 FR 39473, Oct. 7, 1988]

§ 1150.5 Scope and interpretation of rules.

(a) These rules shall govern all compliance proceedings held before a judge and all alleged violations coming to the Executive Director as a complaint.

(b) In the absence of a specific provision in these rules, procedure shall be in accordance with the Administrative Procedure Act, subchapter II of chapter 5 and chapter 7, of title 5 U.S.C., and the Federal Rules of Civil Procedure, in that order.

(c) These rules and regulations shall be liberally construed to effectuate the purposes and provisions of the Architectural Barriers Act and section 502 of the Rehabilitation Act.

(d) The rules shall be applied to secure fairness in administration and elimination of unjustifiable expense and delay and to ascertain the truth.

(e) Words importing the singular number may extend and be applied to a plural and vice versa.

§ 1150.6 Suspension of rules.

Upon notice to all parties, the judge, with respect to matters pending before him/her, may modify or waive any rule in these regulations upon determination that no party will be unduly prejudiced and that the end of justice will be served.

Subpart B—Parties, Complainants, Participants

§ 1150.11 Parties.

(a) The term parties includes (1) any agency, state or local body, or other person named as a respondent in a notice of hearing or opportunity for hearing, (2) the Executive Director and (3) any person named as a party by order of the judge.

(b) The Executive Director has the sole authority to initiate proceedings by issuing a citation under § 1150.42, on the basis of (1) a complaint from any person or (2) alleged violations coming to his/her attention through any means.

§ 1150.12 Complainants.

(a) Any person may submit a complaint to the A&TBCB alleging that a building or facility does not comply with applicable standards issued under the Architectural Barriers Act. Complaints must be in writing and should be sent to: Executive Director, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, Suite 501, Washington, DC 20036-3894.

A complaint form is available at the above address. Complaints may, but need not, contain (1) the complainant's name and where he/she may be reached, (2) the facility or building and, if known, the funding agency, and (3) a brief description of the barriers. A complaint form is available at the above address.

(b) The A&TBCB shall hold in confidence the identity of all persons submitting complaints unless the person submits a written authorization otherwise.

(c) The A&TBCB shall give or mail to the complainant a copy of these regulations.

(d) A complainant is not a party to the proceedings as a matter of course, but may petition the judge to participate under § 1150.13.

(e) The A&TBCB shall send the complainant a copy of the final order issued by the judge. The complainant has

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standing to obtain judicial review of that order.

[53 FR 39473, Oct. 7, 1988]

§ 1150.13 Participation on petition.

(a) By petitioning the judge, any person may be permitted to participate in the proceedings when he/she claims an interest in the proceedings and may contribute materially to their proper disposition. A complainant shall be permitted to participate in the proceeding when he/she petitions the judge.

(b) The judge may, in his/her discretion, determine the extent of participation of petitioners, including as an intervening party or participant. The judge may, in his/her discretion, limit participation to submitting documents and briefs, or permit the introduction of evidence and questioning of witnesses.

§ 1150.14 Appearance.

(a) A party may appear in person or by counsel or other representative and participate fully in any proceedings. An agency, state or local body, corporation or other association, may appear by any of its officers or by any employee it authorizes to appear on its behalf.

(b) A representative of a party or participant shall be deemed to control all matters respecting the interest of such party or participant in the proceedings.

(c) This section shall not be construed to require any representative to be an attorney-at-law.

(d) Withdrawal of appearance of any representative is effective when a written notice of withdrawal is filed and served on all parties and participants.

Subpart C—Form, Execution, Service and Filing of Documents for Proceedings on Citations

§ 1150.21 Form of documents to be filed.

Documents to be filed under the rules in this part shall be dated, the original signed in ink, shall show the docket number and title of the proceeding and shall show the title, if any, and address of the signatory. Copies need not be signed; however, the name of the per-

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son signing the original, but not necessarily his/her signature, shall be reproduced. Documents shall be legible and shall not be more than 8½ inches wide.

§ 1150.22 Signature of documents.

The signature of a party, authorized officer, employee or attorney constitutes a certification that he/she has read the document, that to the best of his/her knowledge, information, and belief there is a good ground to support it, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may proceed as though the document had not been filed.

§ 1150.23 Filing and service.

(a) *General.* All notices, written motions, requests, petitions, memoranda, pleadings, briefs, decisions, and correspondence to the judge, from a party or a participant or vice versa, relating to a proceeding after its commencement shall be filed and served on all parties and participants.

(b) *Filing.* Parties shall submit for filing the original and two copies of documents, exhibits, and transcripts of testimony. Filings shall be made in person or by mail, with the hearing clerk at the address stated in the notice of hearing or notice of opportunity for hearing, during regular business hours. Regular business hours are every Monday through Friday (Federal legal holidays excepted) from 9 a.m. to 5:30 p.m. Standard or Daylight Savings Time, whichever is effective in the city where the office of the judge is located at the time.

(c) *Service.* Service of one copy shall be made on each party and participant by personal delivery or by certified mail, return receipt requested, properly addressed with postage prepaid. When a party or participant has appeared by attorney or other representative, service upon the attorney or representative is deemed service upon the party or participant.

§ 1150.24 [Reserved]**§ 1150.25 Date of service.**

The date of service shall be the day when the matter is deposited in United States mail or is delivered in person, except that the date of service of the initial notice of hearing or opportunity for hearing shall be the date of its delivery, or the date that its attempted delivery is refused.

§ 1150.26 Certificate of service.

The original of every document filed and required to be served upon parties to a proceeding shall be endorsed with a certificate of service signed by the party making service or by his/her attorney or representative, stating that such service has been made, the date of service, and the manner of service, whether by mail or personal delivery.

Subpart D—Time**§ 1150.31 Computation.**

In computing any period of time under these rules or in any order issued under them, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or Federal legal holiday, in which event it includes the next following business day. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computation.

§ 1150.32 Extension of time or postponement.

(a) Requests for extension of time shall be addressed to the judge and served on all parties and participants. Requests should set forth the reasons for the application.

(b) If made promptly, answers to requests for extension of time are permitted.

(c) The judge may grant the extension upon a showing of good cause by the applicant.

Subpart E—Proceedings Prior to Hearings; Pleadings and Motions**§ 1150.41 Informal resolution.**

(a) The A&TBCB immediately shall send copies of complaints to all interested agencies and persons. In addition, the A&TBCB shall apprise any person who might become a party to compliance proceedings of the alleged instances of noncompliance and afford him/her a reasonable opportunity to respond or submit pertinent documents.

(b) The Executive Director or his/her designee shall seek the cooperation of persons and agencies in obtaining compliance and shall provide assistance and guidance to help them comply voluntarily.

(c) Upon request of the Executive Director, interested agencies or persons, including, but not limited to, occupant agencies, recipients of assistance, and lessors, shall submit to the Executive Director or his/her designee timely, complete, and accurate reports concerning the particular complaint. Reports shall be completed at such times, and in such form containing all information as the Executive Director or his/her designee may prescribe.

(d) The Executive Director, or his/her designee, shall have access during normal business hours to books, records, accounts and other sources of information and facilities as may be pertinent to ascertain compliance. Considerations of privacy or confidentiality asserted by an agency or person may not bar the Executive Director from evaluating such materials or seeking to enforce compliance. The Executive Director may seek a protective order authorizing the use of allegedly confidential materials on terms and conditions specified by the judge.

(e) Complaints should be resolved informally and expeditiously, by the interested persons or agencies. If compliance with the applicable standards is not achieved informally or an impasse concerning the allegations of compliance or noncompliance is reached, the Executive Director will review the matter, including previous attempts by agencies to resolve the complaint, and

take actions including, but not limited to, surveying and investigating buildings, monitoring compliance programs of agencies, furnishing technical assistance, such as standard interpretation, to agencies, and obtaining assurances, certifications, and plans of action as may be necessary to ensure compliance.

(f) All actions to informally resolve complaints under paragraphs (a) through (e) of this section shall be completed within one hundred eighty (180) days after receipt of the complaint by all affected agencies and persons. A complaint shall be deemed informally resolved if the person or agencies responsible for the alleged violation either:

(1) Demonstrates to the Executive Director that no violation has occurred, or

(2) Corrects the violation, or

(3) Agrees in writing to implement specific compliance action within a definite time agreed to by the Executive Director, or

(4) Are timely implementing a plan for compliance agreed to by the Executive Director.

No later than ten (10) days after the determination of the one hundred eighty (180) day period, the Executive Director shall either issue a citation under § 1150.42, or determine in writing that a citation will not be issued at that time and the reasons that it is considered unnecessary.

(g) A determination not to issue a citation shall be served in accordance with § 1150.23 on all interested agencies and persons upon whom a citation would have been served if it had been issued. Except as otherwise provided in paragraph (i) of this section, the failure of the Executive Director to take action within the ten (10) day period after termination of the one hundred eighty (180) day informal resolution period shall not preclude the Executive Director from taking action thereafter.

(h) Nothing in paragraphs (a) through (g) of this section shall be construed as precluding the Executive Director before the termination of the one hundred eighty (180) day informal resolution period from:

(1) Issuing a citation if it is reasonably clear that informal resolution

cannot be achieved within that time, or

(2) Determining not to issue a citation if it is reasonably clear that compliance can be achieved or that issuance of a citation is not otherwise warranted.

(i) At any time after the expiration of one hundred ninety (190) days after receipt of the complaint by all affected agencies and persons, any person or agency receiving a copy of the complaint, or the complainant, may serve a written request on the Executive Director to issue a citation or determination not to proceed within thirty (30) days. If the Executive Director fails to serve a written response within thirty (30) days of receipt of such a request, the complaint shall be deemed closed.

[53 FR 39474, Oct. 7, 1988]

§ 1150.42 Citations.

(a) If there appears to be a failure or threatened failure to comply with a relevant standard, and the noncompliance or threatened noncompliance cannot be corrected or resolved by informal means under § 1150.41, the Executive Director on behalf of the A&TBCB may issue a written citation, requesting the ordering of relief necessary to ensure compliance with the standards or guidelines and requirements. The relief may include the suspension or withholding of funds and/or specific corrective action.

(b) The citation shall be served upon all interested parties, as appropriate, including but not limited to the complainant, the agency having custody, control, or use of the building or facility, and the agency funding by contract, grant, or loan, the allegedly non-complying building or facility.

(c) The citation shall contain:

(1) A concise jurisdictional statement reciting the provisions of section 502 of the Rehabilitation Act and Architectural Barriers Act under which the requested action may be taken, (2) a short and plain basis for requesting the imposition of the sanctions, (3) a statement either that within fifteen (15) days a hearing date will be set or that the agency or affected parties may request a hearing within fifteen (15) days from service of the citation, and (4) a

list of all pertinent documents necessary for the judge to make a decision on the alleged noncompliance, including but not limited to, contracts, invitations for bids, specifications, contract or grant drawings, and correspondence.

(d) The Executive Director shall file copies of all pertinent documents listed in the citation simultaneously with filing the citation.

§ 1150.43 Answers.

(a) Answers shall be filed by respondents within fifteen (15) days after receipt of a citation.

(b) The answer shall admit or deny specifically and in detail, matters set forth in each allegation of the citation. If the respondent is without knowledge, the answer shall so state and such statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Failure to file a timely answer shall constitute an admission of all facts recited in the citation.

(c) Answers shall contain a list of additional pertinent documents not listed in the citation when respondent reasonably believes these documents are necessary for the judge to make a decision. Copies of the listed documents shall be filed with the answer.

(d) Answers may also contain a request for a hearing under § 1150.45.

§ 1150.44 Amendments.

(a) The Executive Director may amend the citation as a matter of course before an answer is filed. A respondent may amend its answer once as a matter of course, but not later than five (5) days after the filing of the original answer. Other amendments of the citation or the answer shall be made only by leave of judge.

(b) An amended citation shall be answered within five (5) days of its service, or within the time for filing an answer to the original citation, whichever is longer.

§ 1150.45 Request for hearing.

When a citation does not state that a hearing will be scheduled, the respondent, either in a separate paragraph of the answer, or in a separate document, may request a hearing. Failure of a re-

spondent to request a hearing within fifteen (15) days from service of the citation shall be deemed a waiver of the right to a hearing and shall constitute consent to the making of a decision on the basis of available information.

§ 1150.46 Motions.

(a) Motions and petitions shall state the relief sought, the authority relied upon, and the facts alleged.

(b) If made before or after the hearing, these matters shall be in writing. If made at the hearing, they may be stated orally or the judge may require that they be reduced to writing and filed and served on all parties.

(c) Except as otherwise ordered by judge, responses to a written motion or petition shall be filed within ten (10) days after the motion or petition is served. An immediate oral response may be made to an oral motion. All oral arguments on motions will be at the discretion of the judge.

(d) A reply to a response may be filed within within five (5) days after the response is served. The reply shall address only the contents of the response.

§ 1150.47 Disposition of motions and petitions.

The judge may not sustain or grant a written motion or petition prior to expiration of the time for filing responses, but may overrule or deny such motion or petition without awaiting response, *Providing however*, That pre-hearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. All motions and petitions may be ruled upon immediately after reply. Motions and petitions not disposed of in separate rulings or in decisions will be deemed denied.

§ 1150.48 PER: Citation, answer, amendment.

(a) Unless otherwise specified, other relevant sections shall apply to PER proceedings.

(b) In addition to all other forms of relief requested, the citation shall request PER when it appears to the Executive Director that immediate and irreparable harm from noncompliance with the standard is occurring or is about to occur. Citations requesting

§ 1150.51

PER shall recite specific facts and include the affidavit or the notarized complaint upon which the PER request is based. Citations requesting PER shall recite that a hearing regarding PER has been scheduled to take place eight (8) days after receipt of the citation. Citations requesting PER may be filed without prejudice to proceedings in which PER is not requested and without prejudice to further proceedings if PER is denied. The time and place of hearing fixed in the citation shall be reasonable and shall be subject to change for cause.

(c) Answers to citations requesting PER shall be in the form of all answers, as set forth in §1150.43, and must be filed within four (4) days after receipt of the citation. Answers shall recite in detail, by affidavit or by notarized answer, why the PER requested should not be granted.

(d) When a citation contains both a request for relief to ensure compliance with a standard and a request for PER, an answer to the PER request shall be filed in accordance with paragraph (c) of this section and an answer to a request for other relief shall be filed in accordance with §1150.43.

(e) Citations and answers in PER proceedings may not be amended prior to hearing. Citations and answers in PER proceedings may be amended at the hearing with the permission of the judge.

Subpart F—Responsibilities and Duties of Judge

§ 1150.51 Who presides.

(a) A judge assigned to the case under section 3105 or 3344 of title 5 U.S.C. (formerly section 11 of the Administrative Procedure Act), shall preside over the taking of evidence in any hearing to which these rules of procedure apply.

(b) The A&TBCB shall, in writing, promptly notify all parties and participants of the assignment of the judge. This notice may fix the time and place of hearing.

(c) Pending his/her assignment, the responsibilities, duties, and authorities of the judge under these regulations shall be executed by the A&TBCB, through the Chair or another member

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of the A&TBCB designated by the Chair. A Board member shall not serve in this capacity in any proceeding relating to the member, his/her Federal agency, or organization of which he/she is otherwise interested.

[53 FR 39474, Oct. 7, 1988]

§ 1150.52 Authority of judge.

The judge shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and maintain order. He/she shall have all powers necessary to effect these ends, including (but not limited to) the power to:

(a) Arrange and issue notice of the date, time, and place of hearings previously set.

(b) Hold conferences to settle, simplify, or fix the issues in proceedings, or to consider other matters that may aid in the expeditious disposition of the proceedings.

(c) Require parties and participants to state their position with respect to the various issues in the proceedings.

(d) Administer oaths and affirmations.

(e) Rule on motions, and other procedural items on matters pending before him/her.

(f) Regulate the course of the hearing and conduct of counsel.

(g) Examine witnesses and direct witnesses to testify.

(h) Receive, rule on, exclude or limit evidence.

(i) Fix time for filing motions, petitions, briefs, or other items in matters pending before him/her.

(j) Issue decisions.

(k) Take any action authorized by the rules in this part or the provisions of sections 551 through 559 of title 5 U.S.C. (the Administrative Procedure Act).

[45 FR 78474, Nov. 25, 1980. Redesignated at 53 FR 39474, Oct. 7, 1988]

§ 1150.53 Disqualification of judge.

(a) A judge shall disqualify himself/herself whenever in his/her opinion it is improper for him/her to preside at the proceedings.

(b) At any time following appointment of the judge and before the filing of the decision, any party may request the judge to withdraw on grounds of

personal bias or prejudice either against it or in favor of any adverse party, by promptly filing with him/her an affidavit setting forth in detail the alleged grounds for disqualification.

(c) If, in the opinion of the judge, the affidavit referred to in paragraph (b) of this section is filed with due diligence and is sufficient on its face, the judge shall promptly disqualify himself/herself.

(d) If the judge does not disqualify himself/herself, he/she shall so rule upon the record, stating the grounds for his/her ruling. Then, he/she shall proceed with the hearing, or, if the hearing has closed, he/she shall proceed with the issuance of the decision.

[45 FR 78474, Nov. 25, 1980. Redesignated at 53 FR 39474, Oct. 7, 1988]

Subpart G—Prehearing Conferences and Discovery

§ 1150.61 Prehearing conference.

(a) At any time before a hearing, the judge on his/her own motion or on motion of a party, may direct the parties or their representative to exchange information or to participate in a prehearing conference for the purpose of considering matters which tend to simplify the issues or expedite the proceedings.

(b) The judge may issue a prehearing order which includes the agreements reached by the parties. Such order shall be served upon all parties and participants and shall be a part of the record.

§ 1150.62 Exhibits.

(a) Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing if the judge so requires. Proposed exhibits not so exchanged may be denied admission as evidence.

(b) The authenticity of all proposed exhibits will be deemed admitted unless written objection to them is filed prior to the hearing or unless good cause is shown at the hearing for failure to file such written objection.

§ 1150.63 Discovery.

(a) Parties are encouraged to engage in voluntary discovery procedures. For

good cause shown under appropriate circumstances, but not as a matter of course, the judge may entertain motions for permission for discovery and issue orders including orders—(1) to submit testimony upon oral examination or written interrogatories before an officer authorized to administer oaths, (2) to permit service of written interrogatories upon the opposing party, (3) to produce and permit inspection of designated documents, and (4) to permit service upon the opposing parties of a request for the admission of specified facts.

(b) Motions for discovery shall be granted only to the extent and upon such terms as the judge in his/her discretion considers to be consistent with and essential to the objective of securing a just and inexpensive determination of the merits of the citation without unnecessary delay.

(c) In connection with any discovery procedure, the judge may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense, including limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents. If any party fails to comply with a discovery order of the judge, without an excuse or explanation satisfactory to the judge, the judge may decide the fact or issue relating to the material requested to be produced, or the subject matter of the probable testimony, in accordance with claims of the other party in interest or in accordance with the other evidence available to the judge, or make such other ruling as he/she determines just and proper.

Subpart H—Hearing Procedures

§ 1150.71 Briefs.

The judge may require parties and participants to file written statements of position before the hearing begins. The judge may also require the parties to submit trial briefs.

§ 1150.72 Purpose of hearing.

Hearings for the receipt of evidence will be held only in cases where issues

of fact must be resolved. Where it appears from the citation, the answer, stipulations, or other documents in the record, that there are no matters of material fact in dispute, the judge may enter an order so finding, vacating the hearing date, if one has been set, and fixing the time for filing briefs.

§ 1150.73 Testimony.

(a) Formal rules of evidence shall not apply, but rules or principles designed to assure production of the most probative evidence available do apply. Testimony shall be given orally under oath or affirmation; but the judge, in his/her discretion, may require or permit the direct testimony of any witness to be prepared in writing and served on all parties in advance of the hearing. Such testimony may be adopted by the witness at the hearing and filed as part of the record.

(b) All witnesses shall be available for cross-examination and, at the discretion of the judge, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding.

(c) When testimony is taken by deposition, an opportunity shall be given, with appropriate notice, for all parties to cross-examine the witness. Objections to any testimony or evidence presented shall be deemed waived unless raised at the time of the deposition.

(d) Witnesses appearing before the judge shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Witnesses whose depositions are taken and the persons taking the same shall be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party requesting the witness to appear, and the person taking a deposition shall be paid by the party requesting the taking of the deposition.

§ 1150.74 Exclusion of evidence.

The judge may exclude evidence which is immaterial, irrelevant, unreliable, or unduly repetitious.

§ 1150.75 Objections.

Objections to evidence or testimony shall be timely and may briefly state the grounds.

§ 1150.76 Exceptions.

Exceptions to rulings of the judge are unnecessary. It is sufficient that a party at the time the ruling of the judge is sought, makes known the action which he/she desires the judge to take, or his/her objection to an action taken, and his/her grounds for it.

§ 1150.77 Official notice.

Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party on timely request, shall be afforded an opportunity to question the propriety of taking notice or to rebut the fact noticed.

§ 1150.78 Public documents.

When a party or participant offers, in whole or in part, a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments, or their subdivisions, legislative agencies or committees or administrative agencies of the Federal government (including government-owned corporations), or a similar document issued by a State or local government or their agencies, and such document (or part thereof) has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice, as a public document by specifying the document or its relevant part.

§ 1150.79 Offer of proof.

An offer of proof made in connection with an objection taken to a ruling of the judge rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony. If the excluded evidence consists of evidence in documentary or written form or refers to documents or records, a copy of the

evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 1150.80 Affidavits.

An affidavit is not inadmissible as such. Unless the judge fixes other time periods, affidavits shall be filed and served on the parties not later than fifteen (15) days prior to the hearing. Not less than seven (7) days prior to hearing, a party may file and serve written objections to any affidavit on the ground that he/she believes it necessary to test the truth of its assertions at hearing. In such event the assertions objected to will not be received in evidence unless the affiant is made available for cross-examination, or the judge determines that cross-examination is not necessary for the full and true disclosure of facts referred to in such assertions. Notwithstanding any objection, however, affidavits may be considered in the case of any respondent who waives a hearing.

§ 1150.81 Consolidated or joint hearing.

In cases in which the same or related facts are asserted to constitute non-compliance with standards or guidelines and requirements, the judge may order all related cases consolidated and may make other orders concerning the proceedings as will be consistent with the objective of securing a just and inexpensive determination of the case without unnecessary delay.

§ 1150.82 PER proceedings.

(a) In proceedings in which a citation, or part of one, seeking PER has been filed, the judge shall make necessary rulings with respect to time for filing of pleadings, the conduct of the hearing, and to all other matters. He/she shall do all other things necessary to complete the proceeding in the minimum time consistent with the objective of securing an expeditious, just and inexpensive determination of the case. The times for actions set forth in these rules shall be followed unless otherwise ordered by the judge.

(b) The judge shall determine the terms and conditions for orders of PER. These orders must be consistent

with preserving the rights of all parties so as to permit the timely processing of the citation, or part of it, not requesting PER, as well as consistent with the provisions and objectives of the Architectural Barriers Act and section 502 of the Rehabilitation Act. In issuing an order for PER, the judge shall make the following specific findings of fact and conclusions of law—

(1) The Executive Director is likely to succeed on the merits of the proceedings;

(2) The threatened injury or violation outweighs the threatened harm to the respondent if PER is granted; and

(3) Granting PER is in the public interest.

(c) The judge may dismiss any citation or part of a citation seeking PER when the judge finds that the timely processing of a citation not requesting PER will adequately ensure the objectives of section 502 of the Rehabilitation Act and that immediate and irreparable harm caused by noncompliance with the standards or guidelines and requirements is not occurring or about to occur.

Subpart I—The Record

§ 1150.91 Record for decision.

The transcript of testimony, exhibits and all papers, documents and requests filed in the proceeding, including briefs and proposed findings and conclusions, shall constitute the record for decision.

§ 1150.92 Official transcript.

The official transcripts of testimony, and any exhibits, briefs, or memoranda of law filed with them, shall be filed with the judge. Transcripts of testimony in hearings may be obtained from the official reporter by the parties and the public at rates not to exceed the maximum rates fixed by the contract between the A&TBCB and the reporter. Upon notice to all parties, the judge may authorize corrections to the transcript as are necessary to reflect accurately the testimony.

Subpart J—Posthearing Procedures; Decisions

§ 1150.101 Posthearing briefs; proposed findings.

The judge shall fix the terms, including time, for filing post-hearing statements of position or briefs, which may contain proposed findings of fact and conclusions of law. The judge may fix a reasonable time for such filing, but this period shall not exceed thirty (30) days from the receipt by the parties of the transcript of the hearing.

§ 1150.102 Decision.

(a) The judge shall issue a decision within thirty (30) days after the hearing ends or, when the parties submit posthearing briefs, within thirty (30) days after the filing of the briefs.

(b) The decision shall contain (1) all findings of fact and conclusions of law regarding all material issues of fact and law presented in the record, (2) the reasons for each finding of fact and conclusion of law, and (3) other provisions which effectuate the purposes of the Architectural Barriers Act and section 502 of the Rehabilitation Act. The decision may direct the parties to take specific action or may order the suspension or withholding of Federal funds.

(c) The decision shall be served on all parties and participants to the proceedings.

§ 1150.103 PER: Posthearing briefs, decision.

(a) No briefs or posthearing statements of position shall be required in proceedings seeking PER unless specifically ordered by the judge.

(b) In proceedings seeking PER the decision may be given orally at the close of the hearing and shall be made in writing within three (3) days after the hearing.

§ 1150.104 Judicial review.

Any complainant or participant in a proceeding may obtain judicial review of a final order issued in a compliance proceeding.

§ 1150.105 Court enforcement.

The Executive Director, at the direction of the Board, shall bring a civil ac-

tion in any appropriate United States district court to enforce, in whole or in part, any final compliance order. No member of the A&TBCB shall participate in any decision of the A&TBCB concerning a proceeding relating to the member, his/her Federal agency, or organization to which he/she is a member or in which he/she is otherwise interested.

Subpart K—Miscellaneous Provisions

§ 1150.111 Ex parte communications.

(a) No party, participant or other person having an interest in the case shall make or cause to be made an ex parte communication to the judge with respect to the case.

(b) A request for information directed to the judge which merely inquires about the status of a proceeding without discussing issues or expressing points of view is not deemed an ex parte communication. Communications with respect to minor procedural matters or inquires or emergency requests for extensions of time are not deemed ex parte communications prohibited by paragraph (a) of this section. Where feasible, however, such communications should be by letter, with copies delivered to all parties. Ex parte communications between a party or participant and the Executive Director with respect to securing compliance are not prohibited.

(c) In the event an ex parte communication occurs, the judge shall issue orders and take action as fairness requires. A prohibited communication in writing received by the judge shall be made public by placing it in the correspondence file of the docket in the case and will not be considered as part of the record for decision. If the prohibited communication is received orally, a memorandum setting forth its substance shall be made and filed in the correspondence section of the docket in the case. A person referred to in this memorandum may file a comment for inclusion in the docket if he/she considers the memorandum to be incorrect.

§ 1150.112 Post-order proceedings.

(a) Any party adversely affected by the compliance order issued by a judge

may make a motion to the judge to have such order vacated upon a showing that the building or facility complies with the order.

(b) Notice of motions and copies of all pleadings shall be served on all parties and participants to the original proceeding. Responses to the motion to vacate shall be filed within ten (10) days after receipt of the motion unless the judge for good cause shown grants additional time to respond.

(c) Oral arguments on the motion may be ordered by the judge. The judge shall fix the terms of the argument so that they are consistent with the objective of securing a prompt, just, and inexpensive determination of the motion.

(d) Within ten (10) days after receipt of all answers to the motion, the judge shall issue his/her decision in accordance with § 1150.102 (b) and (c).

§ 1150.113 Amicable resolution.

(a) Amicable resolution is encouraged at any stage of proceedings where such resolution is consistent with the provisions and objectives of the Architectural Barriers Act and section 502 of the Rehabilitation Act.

(b) Agreements to amicably resolve pending proceedings shall be submitted by the parties and shall be accompanied by an appropriate proposed order.

(c) The Executive Director is authorized to resolve any proceeding on behalf of the A&TBCB unless otherwise specifically directed by the A&TBCB and afterwards may file appropriate stipulations or notice that the proceeding is discontinued.

§ 1150.114 Effect of partial invalidity.

If any section, subsection, paragraph, sentence, clause or phrase of these regulations is declared invalid for any reason, the remaining portions of these regulations that are severable from the invalid part shall remain in full force and effect. If a part of these regulations is invalid in one or more of its applications, the part shall remain in effect in all valid applications that are severable from the invalid applications.

PART 1151—GENERAL STATEMENT OF POLICY

Sec.

1151.1 Federal parking space policies.

1151.2 Amicus curiae policies.

1151.3 Public transportation accessibility policy.

1151.4 Federal procurement policies.

1151.5 Voting accessibility policy.

AUTHORITY: Pub. L. 93-112, as amended by Pub. L. 95-602 (29 U.S.C. 792).

§ 1151.1 Federal parking space policies.

Those standards for design, construction, and alteration issued under the Architectural Barriers Act of 1968, as amended, should be revised to require in all federally owned, occupied, or leased buildings and facilities that—

(a) Accessible parking spaces be located closest to an accessible entrance, and

(b) At least 2 percent of any visitor parking (a minimum of one space in any such visitor parking lot) be provided for handicapped visitors.

[44 FR 18022, Mar. 26, 1979]

§ 1151.2 Amicus curiae policies.

(a) *Applicability.* This section sets forth policies and procedures for the A&TBCB to participate as amicus curiae in litigation.

(b) *Definition.* As used in this section, the term amicus curiae means to intervene, appear and participate, or to appear as amicus curiae, in any court of the United States or in any court of a State in civil actions.

(c) The Executive Committee of the ATBCB has the duty and responsibility to review requests to the Board to enter litigation as *amicus curiae*. In carrying out these responsibilities, the Executive Committee is delegated the authority to disapprove such requests and make recommendations to the ATBCB to approve such requests. ATBCB approval shall be required prior to any *amicus* filing. The Executive Committee may request the Chairperson of the ATBCB to call a special meeting of the ATBCB to expedite

ATBCB action on the Executive Committee's recommendations.

[45 FR 44926, July 2, 1980, as amended at 48 FR 52911, Nov. 23, 1983; 48 FR 54223, Dec. 1, 1983]

§ 1151.3 Public transportation accessibility policy.

Just as disabled persons are entitled to equal access to public buildings, they are entitled to equal mobility; this means that they have the right to public transportation that is comparable to that available to the general public in terms of geographic range and hours of operation, trip decision time, fares, and the lack of restrictions on trip purpose and eligibility.

[45 FR 43718, June 30, 1980]

§ 1151.4 Federal procurement policies.

(a) Except as otherwise provided in this § 1151.4, for purposes of the Federal Property and Administrative Services Act and implementing regulations and circulars the Chairperson shall act as the "Head of the Agency" or "Agency Head" for administrative determinations.

(b) Except as otherwise provided in this § 1151.4, for purposes of the Federal Property and Administrative Services Act and implementing regulations and circulars, the Executive Director is delegated authority to act as "Head of the Procuring Activity" and to designate appropriate subordinate officials. The Executive Director may—

(1) Enter all contracts on behalf of the ATBCB in accordance with the provisions of this § 1151.4 or may delegate that responsibility,

(2) To the extent authorized by law, direct suspension or termination of contracts under his or her procuring authority, and of contracts under the delegated authority of designated subordinate officials, and

(3) Process unsolicited proposals.

(c) The ATBCB will approve the specific objective of each procurement—

(1) In excess of \$10,000, or

(2) Which has a major policy implication before any such procurement is awarded and reserves the right, as warranted, to impose limitations applicable to particular procurements.

(d) The ATBCB will enter into a sole source procurement only after approval

to do so has been given by a majority vote of the members of the Planning and Budget Committee of the ATBCB and the Chairperson.

(e) To the extent authorized by law, the ATBCB may:

(1) Ratify unauthorized procurements, and

(2) Direct suspension or termination of contracts under its procuring authority.

(f) Paragraphs (c)(1) and (d) of this section do not apply to basic Administrative procurements, regardless of amount of said procurements, except as otherwise provided in paragraph (f)(2), of this section. The term basic Administrative procurement shall mean procurements for:

(1) Purchase or rental of equipment, including data processing equipment, and related services.

(2) Printing. (However, each printing procurement in excess of \$10,000 shall be approved in advance by the ATBCB.)

(3) Stenographic services.

(4) Office supplies.

(5) Furniture and furnishings.

(6) Services of administrative law judges and expert witnesses in connection with compliance proceedings.

(7) Administrative support services of another Federal agency.

(8) Consultants and related expenses to perform staff functions when appropriate staff has not been hired.

(9) Space acquisition.

(10) Accommodating the known physical handicaps of employees.

(11) Appropriate training of employees.

(12) Meeting other administrative needs of the office.

(g) The Executive Director will report semi-annually in writing to the ATBCB on each procurement, regardless of amount, entered into to date in the fiscal year, listing each procurement separately with its amount and date. In addition, the report shall list all procurements then in progress that have not been awarded and any procurements being considered for any future time.

[46 FR 37045, July 17, 1981, as amended at 48 FR 52911, Nov. 23, 1983]

§ 1151.5 Voting accessibility policy.

Disabled people are entitled to effective access to voter registration and polling places. The Board encourages States to provide registration and polling facilities that are accessible to physically handicapped persons, including, where appropriate, providing effective supplemental aids and devices for persons with sensory and mobility impairments.

[48 FR 15676, Apr. 12, 1983]

PART 1152—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

Sec.

- 1152.735-101 Purpose.
- 1152.735-102 Definitions.
- 1152.735-103 Designated Agency Ethics Official.
- 1152.735-104 Disciplinary and other remedial action.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

- 1152.735-201 Proscribed actions.
- 1152.735-202 Gifts, entertainment, and favors.
- 1152.735-203 Outside employment and other activity.
- 1152.735-204 Financial interests.
- 1152.735-205 Use of Government property.
- 1152.735-206 Misuse of information.
- 1152.735-207 Indebtedness.
- 1152.735-208 Gambling, betting, and lotteries.
- 1152.735-209 General conduct prejudicial to the Government.
- 1152.735-210 Miscellaneous statutory provisions.

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

- 1152.735-301 Use of Government employment.
- 1152.735-302 Use of inside information.
- 1152.735-303 Coercion.
- 1152.735-304 Gifts, entertainment, and favors.
- 1152.735-305 Miscellaneous statutory provisions.

Subpart D—Statements of Employment and Financial Interests

- 1152.735-401 Reviewing statements and reporting conflicts of interest.

- 1152.735-402 Employees required to submit statements.
- 1152.735-403 Employee's complaint on filing requirement.
- 1152.735-404 Employees not required to submit statements.
- 1152.735-405 Content of statements.
- 1152.735-406 Time and place for submission of employees' statement.
- 1152.735-407 Supplementary statement.
- 1152.735-408 Interests of employees' relatives.
- 1152.735-409 Information not known by employees.
- 1152.735-410 Information not required.
- 1152.735-411 Confidentiality of employees' statements.
- 1152.735-412 Effect of employees' statements on other requirements.
- 1152.735-413 Specific provisions for Public members and special Government employees.

AUTHORITY: E.O. 12674; 5 CFR part 735.

SOURCE: 44 FR 52200, Sept. 7, 1979, unless otherwise noted.

Subpart A—General Provisions

§ 1152.735-101 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this part sets forth the Board's regulations prescribing standards of conduct and responsibilities, and governing statements reporting employment and financial interests for employees and special Government employees.

§ 1152.735-102 Definitions.

(a) *Board* means the Architectural and Transportation Barriers Compliance Board.

(b) *Chair* means the Chair of the Architectural and Transportation Barriers Compliance Board.

(c) *Employee* means an officer or employee of the Board but does not include a special Government employee.

(d) *Federal member* means a member of the Board who is the head of a federal agency or a designee as specified in 29 U.S.C. 792(a)(1)(B).

(e) *Person* means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(f) *Public member* means a member of the Board appointed by the President from among members of the general public.

(g) *Special Government employee* means a "special Government employee," as defined in section 202 of title 18 U.S.C., that is, one appointed or employed to serve, with or without compensation, for not more than 130 days during any period of 365 days on a full-time or intermittent basis.

[44 FR 52200, Sept. 7, 1979, as amended at 56 FR 958, Jan. 10, 1991]

§ 1152.735-103 Designated Agency Ethics Official.

(a) The Chair shall designate in writing an agency ethics official and an alternate agency ethics official to serve in an acting capacity in the absence of the primary Designated Agency Ethics Official.

(b) The Designated Agency Ethics Official shall coordinate and manage the agency's ethics program, including:

- (1) Serving as liaison with the Office of Government Ethics;
- (2) Reviewing financial disclosure reports;
- (3) Conducting ethics education and training programs;
- (4) Monitoring administrative actions and sanctions; and
- (5) Providing counsel and guidance on matters relating to ethical conduct to employees seeking advice on questions of conflicts of interest and other matters covered by this part.

(c) The Designated Agency Ethics Official may delegate any of the duties in paragraph (b) of this section to a deputy agency ethics official.

[56 FR 958, Jan. 10, 1991]

§ 1152.735-104 Disciplinary and other remedial action.

Violations of the regulations in this part by an employee may be cause for appropriate disciplinary action which

may be in addition to any penalty prescribed by law.

[44 FR 52200, Sept. 7, 1979. Redesignated and amended at 56 FR 958, Jan. 10, 1991]

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 1152.735-201 Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

- (a) Using public office for private gain;
- (b) Giving preferential treatment to any person;
- (c) Impeding Government efficiency or economy;
- (d) Losing complete independence or impartiality;
- (e) Making a Government decision outside official channels; or
- (f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 1152.735-202 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (f) of this section, an employee shall not solicit or accept, directly or indirectly any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

- (1) Has, or is seeking to obtain, contractual or other business or financial relations with his/her agency;
- (2) Conducts operations or activities that are regulated by his/her agency; or
- (3) Has interests that may be substantially affected by the performance or nonperformance of his/her official duty.

(b) The prohibitions of paragraph (a) of this section do not apply in the following cases:

- (1) Obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;
- (2) Acceptance of food and refreshments of nominal value on infrequent

occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans; and

(4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) [Reserved]

(d) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself/herself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in section 7342 of title 5 U.S.C.

(f) Neither this section nor § 1152.735-203 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his/her behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967 (46 Comp. Gen. 689).

§ 1152.735-203 Outside employment and other activity.

(a) An employee shall not engage in outside employment or other outside

activity not compatible with the full and proper discharge of the duties and responsibilities of his/her Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(2) Outside employment which tends to impair his/her mental or physical capacity to perform his/her Government duties and responsibilities in an acceptable manner.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his/her services to the Government (18 U.S.C. 209).

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, Office of Personnel Management or Office of Government Ethics regulations, or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing or writing for the purpose of the special preparation of a person or class of persons for an examination of the Office of Personnel Management or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his/her Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chair or his/her designee gives written authorization for use of non-public information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his/her agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) [Reserved]

(e) This section does not preclude an employee from:

(1) [Reserved]

(2) Participation in the activities of national or State political parties not proscribed by law.

(3) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

[44 FR 52200, Sept. 7, 1979, as amended at 56 FR 958, Jan. 10, 1991]

§ 1152.735-204 Financial interests.

(a) An employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his/her Government duties and responsibilities.

(b) An employee shall not engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his/her Government employment.

(c) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, Executive Order, Office of Personnel Management or Office of Government Ethics regulations, or this part.

(d) The following financial or economic interests described below are hereby exempted from the prohibition of 18 U.S.C. 208(a) as being too remote or too inconsequential to affect the integrity of an employee's services in a matter: The stock, bond or policy holdings of an employee in a mutual fund, investment company, bank or insurance company which owns an interest in an entity involved in the matter, provided that in the case of a mutual fund, investment company or bank the fair value of such stock or bond holding does not exceed 1 percent of the value of the reported assets of the mutual fund, investment company, or bank.

[56 FR 958, Jan. 10, 1991]

§ 1152.735-205 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him/her.

§ 1152.735-206 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in §1152.735-203(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with his/her Government employment which has not been made available to the general public.

§ 1152.735-207 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State or local taxes. For the purpose of this section, a *just financial obligation* means one acknowledged by the employee or reduced to judgment by a court or one imposed by law such as Federal, State or local taxes, and *in a proper and timely manner* means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his/her employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

§ 1152.735-208 Gambling, betting, and lotteries.

An employee shall not participate while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927, namely solicitations conducted by organizations composed of employees among their own members for organizational support or for benefit or welfare funds for their members, or similar Board-approved activities.

§ 1152.735-209 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

[56 FR 959, Jan. 10, 1991]

§ 1152.735-210 Miscellaneous statutory provisions.

Each employee shall acquaint himself/herself with each statute that relates to his/her ethical and other conduct as an employee of the Board and of the Government. The attention of each employee is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service".

(b) Chapter II of title 18 U.S.C., relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The provision relating to honoraria for speeches (2 U.S.C. 441 (i)).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination of personnel

action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of government, money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his/her employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibitions against political activities in subchapter III of chapter 73 of title 5 U.S.C. and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

[44 FR 52200, Sept. 7, 1979, as amended at 56 FR 959 Jan. 10, 1991]

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 1152.735-301 Use of Government employment.

A special Government employee shall not use his/her Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself/herself or another person, particularly one with whom he/she has family business, or financial ties.

§ 1152.735-302 Use of inside information.

(a) A special Government employee shall not use inside information obtained as a result of his/her Government employment for private gain for

himself or another person either by direct action on his/her part or by counsel, recommendation, or suggestion to another person, particularly one with whom he/she has family, business, or financial ties. For the purpose of this section, *inside information* means information obtained under Government authority which has not become part of the body of public information.

(b) Special Government employees may teach, lecture, or write in a manner consistent with the provisions of § 1152.735-203(c).

§ 1152.735-303 Coercion

A special Government employee shall not use his/her Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself/herself or another person, particularly one with whom he/she has family, business, or financial ties.

§ 1152.735-304 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with such employment, shall not receive or solicit from a person having business with the agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself/herself or another person, particularly one with whom he/she has family, business, or financial ties.

(b) The exceptions of § 1152.735-202(b) which are applicable to employees, are also applicable to special Government employees.

§ 1152.735-305 Miscellaneous statutory provisions.

Each special Government employee shall acquaint himself/herself with each statute that relates to his/her ethical and other conduct as a special Government employee of his/her agency and of the Government. The attention of each special Government employee is directed to those statutory provisions listed in § 1152.735-210 that are applicable to special Government employees.

Subpart D—Statements of Employment and Financial Interests

§ 1152.735-401 Reviewing statements and reporting conflicts of interest.

(a) Financial statements of all employees shall be filed with the Designated Agency Ethics Official. The Designated Agency Ethics Official shall review statements of employment and financial interests submitted under this part.

(b) When a statement submitted under this part or information from other sources indicates a conflict between the interests of an employee or special Government employee and the performance of his/her service for the Government, the employee, or special Government employee concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

(c) When after explanation by the employee or special Government employee involved, the conflict or appearance of conflict is not resolved by the Designated Agency Ethics Official, the information concerning the conflict or appearance of conflict shall be reported to the Chair for appropriate administrative action.

(d) When after consideration of the explanation of the employee or special Government employee, the Chair decides that remedial action is required, he/she shall take immediate action to end the conflicts or appearance of conflicts of interest.

(e) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders and regulations and may include, but is not limited to:

- (1) Changes in assigned duties;
- (2) Divestment by the employee or special Government employee of his/her conflicting interest;
- (3) Disciplinary action; or
- (4) Disqualification for a particular assignment.

[56 FR 959, Jan. 10, 1991]

§ 1152.735-402 Employees required to submit statements.

Except as provided in § 1152.735-404, the following categories of employees shall submit statements of employment and financial interest:

(a) Employees classified at GS-13 or above who are in positions identified by the Chair as positions the incumbents of which are responsible for making a Government decision or taking a Government action in regard to:

- (1) Contracting or procurement;
- (2) Administering or monitoring grants or subsidies;
- (3) Regulating or auditing private or other non-Federal enterprise; or
- (4) Other activities where the decision or action has an economic impact on the interest of any non-Federal enterprise.

(b) Employees classified at GS-13 or above who are in positions which the Chair has determined have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interests situation and carry out the purpose of law, Executive order, Office of Personnel Management and Office of Government Ethics regulations and this part.

(c) Employees classified below GS-13 who are in positions which otherwise meet the criteria in paragraph (b) or (c) of this section. These positions have been approved by the Chair and the Office of Government Ethics as exceptions that are essential to protect the integrity of the Government and avoid employees involvement in a possible conflict-of-interest situation.

[56 FR 959, Jan. 10, 1991]

§ 1152.735-403 Employee's complaint on filing requirement.

Employees have the opportunity for review through the Board's grievance procedures of a complaint by an employee that his/her position has been improperly included under these regulations as one requiring the submission of a statement of employment and financial interests.

[44 FR 52200, Sept. 7, 1979. Redesignated at 56 FR 959, Jan. 10, 1991]

§ 1152.735-404 Employees not required to submit statements.

(a) Employees in positions that meet the criteria in § 1152.735-402(b) may be excluded from the reporting requirement when the Chair determines that:

(1) The duties of a position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote;

(2) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government;

(3) The use of an alternative procedure approved by the Board is adequate to prevent possible conflicts of interest.

(b) Federal members and the Designated Agency Ethics Official are subject to separate reporting requirements under the Ethics in Government Act of 1978, Pub. L. 95-521. The Designated Agency Ethics Official shall obtain and review a copy of the financial statement filed by Federal members with their respective agency. The Office of Government Ethics will review the financial statement filed by the Designated Agency Ethics Official.

[56 FR 959, Jan. 10, 1991]

§ 1152.735-405 Content of statements.

A statement of employment and financial interest required pursuant to this subpart shall contain, at a minimum, the information required by the formats prescribed by the Office of Personnel Management in the Federal Personnel Manual.

[56 FR 960, Jan. 10, 1991]

§ 1152.735-406 Time and place for submission of employees' statement.

An employee required to submit a statement of employment and financial interest pursuant to § 1152.735-402 shall submit that statement to the Designated Agency Ethics Official not later than:

(a) Ninety days after the effective date of this part if employed on or before that effective date; or

(b) Thirty days after his/her entrance on duty, but not earlier than 90 days after the effective date, if appointed after that effective date.

[56 FR 960, Jan. 10, 1991]

§ 1152.735-407 Supplementary statement.

(a) Changes in, or additions to, the information contained in an employee's statement shall be reported to the Designated Agency Ethics Official in a supplementary statement as of May 15 each year. If no changes or additions occur, a negative report is required.

(b) Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest or engaging in outside employment or other activity that could result, or taking an action that would result, in a violation of the conflict-of-interest provisions of section 208 of title 18 U.S.C., or subpart B of this part.

[44 FR 52200, Sept. 7, 1979. Redesignated and amended at 56 FR 959-960, Jan. 10, 1991]

§ 1152.735-408 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, *member of an employee's immediate household* means those blood relations who are residents of the employees household.

[56 FR 960, Jan. 10, 1991]

§ 1152.735-409 Information not known by employees.

If any information required to be included on a statement or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his/her behalf.

[44 FR 52200, Sept. 7, 1979. Redesignated at 56 FR 959, Jan. 10, 1991]

§ 1152.735-410 Information not required.

This subpart does not require an employee to report information relating to his/her connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this sec-

tion, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement.

[44 FR 52200, Sept. 7, 1979. Redesignated at 56 FR 959, Jan. 10, 1991]

§ 1152.735-411 Confidentiality of employees' statements.

(a) Each statement of employment and financial interest, and each supplementary statement, shall be kept confidential.

(b) The Designated Agency Ethics Official is responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part.

(c) Information from a statement may not be disclosed except as the Office of Government Ethics or the Chair may determine for good cause shown.

[56 FR 960, Jan. 10, 1991]

§ 1152.735-412 Effect of employee's statements on other requirements.

The statements and supplementary statements required of employees pursuant to this part are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him/her or any other person to participate in a matter in which his/her or the other person's participation is prohibited by law, order, or regulation.

[44 FR 52200, Sept. 7, 1979. Redesignated at 56 FR 959, Jan. 10, 1991]

§ 1152.735-413 Specific provisions for Public members and special Government employees.

(a) Except as provided in paragraph (c) of this section, each Public member and special Government employee shall submit to the Designated Agency Ethics Official for review and custody a statement of employment and financial interest which shall contain a listing of all—

(1) Other employment; and
 (2) Financial interests in a partnership, organization or entity which have an interest in obtaining, or has obtained, a grant or contract from the Board or which is a party to a complaint pending before the Board.

(b) The provisions of §§1152.735–409 through 1152.735–412 are applicable to a Public member and special Government employee who is required to file a statement.

(c) The Chair or his/her designee may waive the provisions of this section for the submission of a statement in the case of a special Government employee who is not a consultant or an expert when the Board finds that the duties of the position held by that special Government employee are of a nature and at such level or responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, *consultant* and *expert* have the meanings given those terms by chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(3) A specialist appointed for intermittent confidential intelligence consultation of brief duration.

(d) A statement of employment and financial interest required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee. Each Public member and special Government employee shall keep his/her statement current throughout his/her employment with the Board by the submission of supplementary statements to be filed no later than May 15th of each year. If no changes or additions occur, a negative report is required.

[56 FR 960, Jan. 10, 1991]

PART 1153—AUTHORITIES AND DELEGATIONS

Sec.

- 1153.1 The Board.
- 1153.2 Chair.
- 1153.3 Vice Chair.
- 1153.4 Executive Director.
- 1153.5 General Counsel.
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- 1153.9 Freedom of Information Officer.
- 1153.10 Delegations records.

AUTHORITY: 29 U.S.C. 792, as amended.

SOURCE: 53 FR 19777, May 31, 1988, unless otherwise noted.

§ 1153.1 The Board.

The Board is the governing body of the agency. The composition of the Board and its functions are established by section 502 of the Rehabilitation Act of 1973. The Board has the following duties and responsibilities, including:

(a) To carry out its responsibilities under section 502 of the Rehabilitation Act of 1973, as amended. In carrying out these responsibilities, the Board may hold public hearings throughout the country.

(b) To establish policies and issue regulations in accordance with its statutory mandate.

(c) To resolve issues that are within its jurisdiction.

(d) To determine and adopt a contracting and procurement policy for the agency. In carrying out this responsibility, the Board will enter into contracts only in accordance with its contracting and procurement policy, published in the FEDERAL REGISTER.

(e)(1) To effect the prompt and efficient disposition of all matters within its jurisdiction. In carrying out this responsibility, the Board may in accordance with Article VI of its Statement of Organization and Procedures:

(i) By majority vote delegate to the Executive Committee authority to implement its decisions.

(ii) By two-thirds vote delegate to the Executive Committee any other of its authorities, to the extent permitted by law.

(iii) To the extent permitted by law, delegate other duties to its officers,

committees, or staff by a vote of two-thirds of the membership of the Board at the time the vote is taken.

(2) A separate delegation is necessary for each action the Board desires the Executive Committee to implement. Unless so permitted in the original delegation, an officer, committee, or staff person shall not redelegate authority.

(f) To make to Congress, at the end of each fiscal year, an annual report of the Board's activities during that fiscal year. The annual report shall include such material as it is required by law to include and such other material as the Board may decide.

(g) To make to the President and Congress such other reports as it is required by law to make, and such recommendations as it considers necessary or desirable to eliminate environmental barriers confronting handicapped individuals.

(h) To allocate funds appropriated by the Congress for such activities as conducting investigations and surveys, initiating public hearings, collecting data on past and current studies, and providing stenographic or other services, as necessary, appropriate, and in accordance with law.

(i) To determine the jurisdiction of each standing committee of the Board.

§ 1153.2 Chair.

The Chair represents the Board as the head of the agency, whenever an applicable Federal statute or regulation imposes a duty or grants a right or authority to the head of the agency. The Chair or his or her designee has the following duties and responsibilities:

(a) To coordinate and organize the work of the Board in such a manner as to promote the prompt and efficient disposition of all matters within the jurisdiction of the Board. In carrying out these responsibilities, the Chair is delegated the authority to:

(1) Supervise the Executive Director.

(2) Direct the Executive Director concerning appropriate action to implement decisions of the Board.

(3) Evaluate the Executive Director's performance, and approve performance evaluations of employees who report directly to the Executive Director. A

delegation of this authority may only be made to the Vice-Chair of the Board.

(4) Authorize domestic travel for the Executive Director, which authority may be delegated, and authorize foreign travel for staff, Board members and the Executive Director, which authority may not be delegated.

(5) Make necessary administrative decisions for the agency and direct the Executive Director concerning implementation of such decisions during periods when the Board is not in session.

(6) Review and approve publication of the Board newsletter and press releases which contain expressions of Board policy.

(7) Appoint members to the Board's subject matter committees.

(8) Nominate one or more Board members to serve, with their consent, at each public hearing which may be held by the Board.

(9) Request from departments or agencies represented on the Board such technical, administrative, or other assistance as may be required to carry out the Board's activities.

(10) Nominate the General Counsel and Executive Director, who are to be confirmed by the Board.

(b) To preside at all meetings and sessions of the Board.

(c) To establish the Board meeting agenda subject to the approval of the Executive Committee.

(d) To represent the Board in all matters relating to congressional testimony and legislative reports. However, any other Board member may present his or her own or minority views on supplemental reports.

(e) To represent the Board in all matters involving submissions of comments on agencies' proposed regulations and responses to published directives of the Office of Management and Budget. The Board shall be given advance written notice of any action taken under this authority. The Chair may file comments on agencies' draft notices of proposed rulemaking (NPRMs), published NPRMs, final rules, other notices published in the FEDERAL REGISTER, only with advance approval of the Executive Committee.

(f) To call a special meeting of the Board at the request of the Executive Committee, to take action on a request

to the Board to enter litigation as *amicus curiae*.

(g) To maintain ongoing liaisons with constituency groups and other organizations and with staff of interested congressional committees to keep them informed of general Board policies and activities and to obtain information for use by the Board in formulating policy, developing budget requests, and drafting recommended legislative changes.

(h) To carry out other duties and responsibilities as may be delegated by the Board.

[53 FR 19777, May 31, 1988, as amended at 54 FR 32338, Aug. 7, 1989]

§ 1153.3 Vice Chair.

The Vice Chair shall, in the absence of the Chair from a Board meeting, or in the event of his or her death or disqualification, perform the duties and exercise the powers of the Chair, and shall generally assist the Chair and perform such other duties as may be directed by the Chairperson or the Board. The Vice-Chair shall serve as Chair of the Executive Committee.

§ 1153.4 Executive Director.

The Executive Director is nominated by the Chair and confirmed by the Board and is responsible to the Board under the supervision of the Chair. He or she has the following duties and responsibilities:

(a) To assist the Chair in carrying out the administrative and executive responsibilities of the Chair in a manner that may be directed by the Chair. These duties may include acting as the administrative head of the agency and in connection therewith assisting in the planning, directing, coordinating, and managing of the administrative affairs of the Board. In carrying out these responsibilities, the Executive Director may exercise authority delegated to him or her in accordance with the Board's contracting and procurement policy published in the FEDERAL REGISTER. In addition, the Executive Director is delegated the authority to:

(1) Authorize travel expenses for consultants, specialists, experts, witnesses, and other persons whose presence is deemed essential for attendance at Board meetings, hearings, advisory

committee meetings or other functions of the Board.

(2) Reimburse members of the board who are not regular fulltime employees of the United States for travel, subsistence, and other necessary expenses incurred in carrying out their duties.

(b) To recommend to the Chair of the Board, matters that should be considered by the Board or any of its designated committees.

(c) To review with the Board and with heads of the several units and offices, the program and procedures of the Board and to make recommendations thereon as may be necessary to administer section 502 of the Rehabilitation Act of 1973 most effectively in the public interest.

(d)(1) To provide administrative leadership, and supervision and management of staff activities in carrying out the policies and decisions of the Board under the direction and supervision of the Chair. Supervision of staff includes:

(i) Authority to detail, reassign and train all staff, hire, fire and promote staff except as prescribed in § 1153.2(a)(10) of this part.

(ii) Evaluating the performance of all staff who report directly to the Executive Director and approving the performance evaluations of all other staff.

(iii) Advance approval of work activities which are outside the normal scope of the employee's job duties.

(iv) The utilization and assignment of staff in support of any Board member of Board committee.

(v) All other utilization and assignment of staff.

(2) In carrying out these responsibilities, the Executive Director is delegated the authority to authorize domestic travel for all staff, within the Board designated levels in the budget. Approval by the Chair of the Board is required for any travel expenditures above those designated levels.

(e) To direct compliance and enforcement activities in accordance with the procedures set forth in 36 CFR part 1150 including:

(1) Issuing citations and determinations not to proceed.

(2) Conducting negotiations for compliance, and entering into agreements for voluntary compliance.

(3) All other actions authorized by law pertaining to compliance and enforcement not otherwise reserved to the Board by 29 U.S.C. 792.

(4) Issuing staff manuals which have been approved by the Board, to provide guidance to staff in interpreting the Architectural Barriers Act of 1968 and section 502 of the Rehabilitation Act of 1973, as amended, and standards and guidelines issued pursuant to those Acts. Positions taken in any such manuals will not be inconsistent with established Board policy, and administrative and court rulings, to the maximum extent possible. The manuals will be for staff guidance and will be available to the public upon request.

(f) To direct and supervise the development and execution of routine technical assistance and public information programs, as authorized by law. These activities may be carried out in cooperation with state and local government units, other Federal agencies, and interested consumer groups. Public information program initiatives other than routine program activities shall be approved by the Board in advance.

(g) To provide special administrative assistance to the Board at the request of the Chair.

(h) To direct investigation and research of initiatives submitted by staff or Board members regarding technical assistance or other Board functions.

(i) To propose and implement changes in the functional organization of the Board staff offices, following a written notification to the Board of the nature and reasons for the proposed changes. Personnel actions necessary to implement such changes shall not be approved until there has been a meeting of the Board, following the Board's written notification of the changes.

(j) To submit biweekly reports to the Chair.

(k) To incorporate proposed revisions in the minutes if corrections or additions have been submitted, and present both the original and the corrected minutes to the Board for final approval. The Executive Director shall distribute the approved minutes within the (10) days after approval to: (1) Board members; (2) the House Education and Labor Committee, the House Public Works and Transpor-

tation Committee, the Senate Labor and Human Resources Committee, and the Senate Environment and Public Works, Committee; and make minutes available to others upon request.

(l) To refer correspondence by the Board which involves a specific department or agency, to that department or agency for reply.

(m) To account to the Board for the administration of program expenditures and keep records which disclose disposition of any funds and the nature and extent of the Board's activities.

(n) To report semi-annually, in writing, to the Board on each procurement regardless of amount entered into the date in the fiscal year, listing each procurement separately with its amount and date. In addition, the report shall list all procurements then in progress that have not been awarded and any procurements being considered for any future time.

(o) To maintain and keep current a separate file containing all delegations of authority, which shall be in writing, and provide copies of all delegations to the Board as they occur.

[53 FR 19777, May 31, 1988, as amended at 54 FR 32338, Aug. 7, 1989]

§ 1153.5 General Counsel.

The General Counsel is nominated by the Chair and confirmed by the Board. He or she is responsible to the Board under the supervision of the Executive Director. The General Counsel has the following duties and responsibilities:

(a) To coordinate and organize the work of the legal staff in order to provide prompt and comprehensive legal advice to the Board.

(b) To provide legal interpretation of statutes, regulations, and rules of procedure for the Board's consideration.

§ 1153.6 Committees of the Board.

(a) *Committee chairs.* The Vice-Chair of the Board shall be the chair of the Executive Committee. The subject matter committee chairs are elected annually by the Board. They have the following duties and responsibilities:

(1) To preside at all meetings of their respective committees.

(2) The chair of the Planning and Budget committee will ensure that work on each Board budget is begun no

later than 21 months prior to the date on which the budget is to become operative.

(b) *Executive Committee.* The Executive Committee has the following duties and responsibilities:

(1) To report directly to the Board on matters submitted to the Executive Committee by members and subject matter committees, and all other matters that are within its jurisdiction:

(2) To review and consider recommendations and proposals from the various subject matter committees, and take appropriate action thereon. This may result in recommending to the Chair of the Board that a proposal be placed on the Board agenda for Board action, or referring it back to the subject matter committee for further refinement of its proposals or revision of its reports, or referring it to another committee for appropriate actions.

(3) To issue recommendations to the Chair of the Board concerning proposals on the agenda.

(4) To review the Board's agenda as established by the Chair of the Board.

(5) To assist the Chair in other circumstances at his or her request.

(6) To arrange joint meetings among the appropriate subject matter committees whenever two or more committees have concurrent jurisdiction over a matter, or other related responsibilities.

(7)(i) To review requests to the Board to enter litigation as *amicus curiae*.

(ii) In carrying out these responsibilities, the Executive Committee is delegated the authority to disapprove such requests and make recommendations to the Board to approve such requests. Board approval shall be required prior to any *amicus* filing. The Committee may request the Chair of the Board to call a special meeting of the Board to expedite Board action on the Committee's recommendations.

(8) To review and make recommendations to the Board to amend or approve the Board's statement of organization and procedures, formal policy statements, and authorities and delegations.

(9) To carry out other duties and responsibilities as may be duly delegated by the Board.

(c) *Subject matter committees.* Each subject matter committee studies and reports to the Board on matters that are within the subject matter committee's province, and has the following duties and responsibilities:

(1) To review and consider recommendations or proposals submitted by Board members, committees, and other individuals and entities.

(2)(i) To identify issues and develop policy recommendations for review by the Executive Committee. This includes further refinement of matters that are referred from the Executive Committee, and submission of reports containing recommendations or proposals on which action is to be taken by the Board.

(ii) In carrying out these responsibilities, each subject matter committee is delegated the authority to arrange briefings, and research by designated staff, experts, or Federal member agency staff through requests to the Chair or the Executive Director, whichever is appropriate.

(3) To formulate and present projections of matters to be undertaken by the committee to the Planning and Budget Committee.

(4) To project and formulate the need for staff assistance in performing the committee's functions.

(5) To report, at the direction of the Chair of the Board or the committee, the status of matters that are within the committee's particular jurisdiction.

(6) To advise the Board to forward materials originating within the subject matter committee to another committee with jurisdiction over the matter involved.

(d) *Special Committees.* A Special Committee has the duties and responsibilities specified by its creator, who shall report the names of its members and chair to the Chair of the Board.

[53 FR 19777, May 31, 1988, as amended at 54 FR 32338, Aug. 7, 1989]

§ 1153.7 Chief Procurement Officer.

The Chief Procurement Officer is designated by the Head of the Procuring Activity in accordance with the Board's contracting and procurement

§ 1153.8

policy published in the FEDERAL REGISTER. He or she has the following duties and responsibilities:

(a) To ensure that staff is provided with equipment and other basic supplies and services that are necessary to perform their duties.

(b) To report to the Head of the Procuring Activity in all other matters pertaining to the agency's needs for supplies and services.

§ 1153.8 Equal employment opportunity.

(a) The Director of Equal Employment Opportunity (EEO Director) is designated by the Chair. The EEO Director has the responsibility on a collateral duty basis, to carry out the functions of the EEO Director, Federal Women's Program Coordinator, Hispanic Employment Program Manager, and Handicap Program Coordinator, in accordance with regulations of the Equal Employment Opportunity Commission.

(b) For the purposes of 29 CFR 1613.221, the Chair of the Board shall make the final decision of the Board on a complaint based on information in the complaint file. The Chair may designate another Board member to discharge this responsibility. A person designated to make the decision for the head of the agency shall be one who is fair, impartial and objective.

§ 1153.9 Freedom of Information Officer.

(a) The Board has the responsibility to disseminate information on matters of interest to the public and to disclose on request all information contained in records in its custody insofar as it is compatible with the discharge of its responsibilities and consistent with the Freedom of Information Act, as amended, 5 U.S.C. 552 and the Board regulations "Public Availability of Information" (36 CFR part 1120).

(b) The Board designates the Executive Director as the Freedom of Information (FOI) Officer. The FOI Officer has the responsibility for implementing the policies and procedures to ensure compliance with the requirements of the Freedom of Information Act and the Board regulations. The Executive

Director may delegate that responsibility.

§ 1153.10 Delegations records.

All delegations authorized by these Authorities and Delegations shall be made in writing. Records of all such delegations will be maintained by the Executive Director in a separate file.

PART 1154—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Sec.

- 1154.101 Purpose.
- 1154.102 Application.
- 1154.103 Definitions.
- 1154.104—1154.109 [Reserved]
- 1154.110 Self-evaluation.
- 1154.111 Notice.
- 1154.112—1154.129 [Reserved]
- 1154.130 General prohibitions against discrimination.
- 1154.131—1154.139 [Reserved]
- 1154.140 Employment.
- 1154.141—1154.148 [Reserved]
- 1154.149 Program accessibility: Discrimination prohibited.
- 1154.150 Program accessibility: Existing facilities.
- 1154.151 Program accessibility: New construction and alterations.
- 1154.152—1154.159 [Reserved]
- 1154.160 Communications.
- 1154.161—1154.169 [Reserved]
- 1154.170 Compliance procedures.

AUTHORITY: 29 U.S.C. 794.

SOURCE: 52 FR 16380, May 5, 1987, unless otherwise noted.

§ 1154.101 Purpose.

The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Service, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 1154.102 Application.

This part applies to all programs or activities conducted by the agency.

§ 1154.103 Definitions.

For purposes of this part, the term—
Agency means the Architectural and Transportation Barriers Compliance Board.

Assistant Attorney General means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

Auxiliary aids means service or devices that enable persons with impaired sensory, manual, and/or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, telecommunications devices and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephones handset amplifiers, telephone compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, notetakers, written materials, and other similar services and devices.

Complete complaint means a written statement that contains the complainant's name and address and describes the agency's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discriminations.

Facility means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

Handicapped person means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

As used in this definition, the phrase:

(1) *Physical or mental impairment* includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neuro-

logical; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term *physical or mental impairment* includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(2) *Major life activities* includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking breathing, learning, and working.

(3) *Has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) *Is regarded as having an impairment* means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the agency as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in subparagraph (1) of this definition but is treated by the agency as having such an impairment.

Qualified handicapped person means—

(1) With respect to any agency program or activity under which a person is required to perform services or to achieve a level of accomplishment, a handicapped person who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the agency can demonstrate would result in a fundamental alteration in its nature; and

(2) With respect to any other program or activity, a handicapped person who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.

(3) Qualified Handicapped Person is defined for purposes of employment in 29 CFR 1613.702(f) which is made applicable to this part by § 1154.140.

Section 504 means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794)), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516, 88 Stat. 1617), and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95-602, 92 Stat. 2955). As used in this part, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

§§ 1154.104—1154.109 [Reserved]

§ 1154.110 Self-evaluation.

(a) By July 6, 1988, the agency shall evaluate its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this part, and, to the extent modification of any such policies and practices is required, the agency shall proceed to make the necessary modifications.

(b) The agency shall provide an opportunity to interested persons, including handicapped persons or organizations representing handicapped persons, to participate in the self-evaluation process by submitting comments (both oral and written).

(c) The agency shall, for all least three years following completion of the evaluation required under paragraph (a) of this section, maintain on file and make available for public inspection—

(1) A description of areas examined and any problems identified; and

(2) A description of any modifications made.

§ 1154.111 Notice.

The agency shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applica-

bility to the programs or activities conducted by the agency, and made such information available to them in such manner as the agency head finds necessary to apprise effectively such persons of the protections against discrimination assured them by section 504 and this regulation.

§§ 1154.112—1154.129 [Reserved]

§ 1154.130 General prohibitions against discrimination.

(a) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

(b)(1) The agency, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vi) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The agency may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate of different programs or activities.

(3) The agency may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would—

(i) Subject qualified handicapped persons to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to handicapped persons.

(4) The agency may not, in determining the site or location of a facility, make selections the purpose or effect of which would—

(i) Exclude handicapped persons from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the agency; or

(ii) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to handicapped persons.

(5) The agency, in the selection of procurement contractors, may not use criteria that subject qualified handicapped persons to discrimination on the basis of handicap.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive order to a different class of handicapped persons is not prohibited by this part.

(d) The agency shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

§§ 1154.131—1154.139 [Reserved]

§ 1154.140 Employment.

No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity

conducted by the agency. The definitions, requirements, and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally-conducted programs or activities.

§§ 1154.141—1154.148 [Reserved]

§ 1154.149 Program accessibility: Discrimination prohibited.

Except as otherwise provided in § 1154.150, no qualified handicapped person shall, because the agency's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

§ 1154.150 Program accessibility: Existing facilities.

(a) *General.* The agency shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not—

(1) Necessarily require the agency to make each of its existing facilities accessible to and usable by handicapped persons; or

(2) Require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with § 1154.150(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his/her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or

such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that handicapped persons receive the benefits and services of the program or activity.

(b) *Methods.* The agency may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by handicapped persons. The agency is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The agency, in making alterations to existing buildings, shall meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the agency shall give priority to those methods that offer programs and activities to qualified handicapped persons in the most integrated setting appropriate.

(c) *Time period for compliance.* The agency shall comply with the obligations established under this section by September 4, 1987 except that where structural changes in facilities are undertaken, such changes shall be made by July 6, 1990, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities will be undertaken to achieve program accessibility, the agency shall develop by January 6, 1988, a transition plan setting forth the steps necessary to complete such changes. The agency shall provide an opportunity to interested persons, including handicapped persons or organizations representing handicapped persons, to participate in the development of the transition plan by submitting comments (both oral and written). A copy of the transition plan

shall be made available for public inspection. The plan shall, at a minimum—

(1) Identify physical obstacles in the agency's facilities that limit the accessibility of its programs or activities to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the official responsible for implementation of the plan.

§ 1154.151 Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the agency shall be designed, constructed, or altered so as to be readily accessible to and usable by handicapped persons. The definitions, requirements and standards of the Architectural Barriers Act (42 U.S.C. 4151–4157), as established in 41 CFR 101–19.600 to 101–19.607, apply to buildings covered by this section.

§§ 1154.152–1154.159 [Reserved]

§ 1154.160 Communications.

(a) The agency shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The agency shall furnish appropriate auxiliary aids where necessary to afford a handicapped person an equal opportunity to participate in, and enjoy the benefits of, the program or activity conducted by the agency.

(i) In determining what type of auxiliary aid is necessary, the agency shall give primary consideration to the requests of the handicapped person.

(ii) The agency need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature.

(2) Where the agency communicates with applicants, beneficiaries, and members of the public by telephone,

telecommunications devices for deaf persons (TDD's) or equally effective telecommunication systems shall be used.

(b) The agency shall ensure that interested person, including persons with impaired vision, speech or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The agency shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) This section does not require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens.

In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with §1154.160 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his/her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, handicapped persons receive the benefits and services of the program or activity.

[52 FR 16380, May 5, 1987, as amended at 53 FR 24265, June 28, 1988]

§§ 1154.161—1154.169 [Reserved]

§ 1154.170 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies

to all allegations of discrimination on the basis of handicap in programs or activities conducted by the agency.

(b) The agency shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) Responsibility for implementation and operation of this section shall be vested in the Equal Employment Opportunity Director.

(d) Complaints may be delivered or mailed to the Equal Employment Opportunity Director, ATBCB, 330 C Street, SW., Rm. 1010, Washington, DC 20202.

(e) The agency shall accept and investigate all complete complaints over which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The agency may extend this time period for good cause.

(f) If the Equal Employment Opportunity Director receives a complaint that is not complete, he or she shall notify the complainant, within 30 days of receipt of the incomplete complaint, that additional information is needed. If the complainant fails to complete the complaint within 30 days of receipt of this notice, the Equal Employment Opportunity Director shall dismiss the complaint without prejudice, and shall notify the complainant of such dismissal.

(g) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(h) The agency shall notify the Director of the Compliance and Enforcement Division of any complaint alleging that a building or facility is not readily accessible to and usable by handicapped persons. The Director of the Compliance and Enforcement Division shall determine whether or not the building or facility is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151-4157), or section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792).

(i) Within 180 days of the receipt of a complete complaint over which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(j) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by § 1154.170(g). The agency may extend this time for good cause.

(k) Timely appeals shall be accepted and processed by the head of the agency.

(l) The head of the agency shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the head of the agency determines that additional information is needed from the complainant, he/she shall have 60 days from the date of receipt of the additional information to make his/her determination on the appeal.

(m) The time limits cited in paragraphs (i) and (l) of this section may be extended with the permission of the Assistant Attorney General.

(n) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.

PART 1155—STATEMENT OF ORGANIZATION AND PROCEDURES

Sec.
 1155.1 Organization and membership.
 1155.2 Board meetings.
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 1155.4 General Counsel.
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 1155.7 Amendments to the Statement of Organization and Procedures.
 1155.8 Amendments to the authorities and delegations.

AUTHORITY: 29 U.S.C. 792, as amended.

SOURCE: 53 FR 19780, May 31, 1988, unless otherwise noted.

§ 1155.1 Organization and membership.

(a) *Name and organization.* The name of this organization is the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the *Board*) as provided in section 502 of the Rehabilitation Act of 1973.

(b) *Authorization for the Board.* The statutory authorization for the Board is section 502 of the Rehabilitation Act of 1973, as amended.

(c) *Officers of the Board.* The presiding officers of the Board shall be a Chair and in his or her absence or disqualification a Vice-Chair. The Chair and Vice-Chair shall be elected by a majority of the fixed membership of the Board and shall serve for terms of one year. When the Chair is a member of the general public, the Vice-Chair shall be a Federal official; and when the Chair is a Federal official, the Vice-Chair shall be a member of the general public. Upon the expiration of the term as Chair of a member who is a Federal official, the subsequent Chair shall be a member of the general public; and vice versa. If no new Chair or Vice-Chair has been elected at the end of the one-year term, the incumbents shall continue to serve in that capacity until a successor Chair or Vice-Chair has been elected. The election of officers shall be held at the regularly scheduled Board meeting in September of each year.

(d) *Membership.* The Board shall be composed of Presidentially appointed public members and the heads of each of the following departments or agencies (or their designees whose positions (or acting positions) are Executive Level IV or higher):

- (1) Department of Education;
- (2) Department of Health and Human Services;
- (3) Department of Transportation;
- (4) Department of Housing and Urban Development;
- (5) Department of Labor;
- (6) Department of Interior;
- (7) Department of Defense;
- (8) Department of Justice;
- (9) General Services Administration;
- (10) United States Postal Service; and
- (11) Department of Veterans Affairs.

(e) *Board vacancies.* (1) If any public member becomes a Federal employee,

such member may continue as a member of the Board for not longer than the sixty-day period beginning on the day he or she becomes such an employee.

(2) If any public member is unable to fulfill his or her obligation as a member, the member shall notify the Chair and the President.

(3) A public member appointed to fill a vacancy shall serve for the remainder of the term to which that member's predecessor was appointed.

(4) A public member whose term has expired may continue to serve until a successor has been appointed.

[53 FR 19780, May 31, 1988, as amended at 54 FR 32338, Aug. 7, 1989; 56 FR 2851, Jan. 25, 1991]

§ 1155.2 Board meetings.

Regular meetings of the Board shall ordinarily be held on the Wednesday following the second Tuesday of every other month, except as otherwise provided in paragraphs (a)(2) and (4) of this section. Whenever possible, all business shall be transacted at the regular meeting. The Board may elect to convene in executive sessions.

(a) *Prior notification.* (1) The Chair shall provide a written notice of scheduled Board meetings, and an agenda for the meeting, including supporting materials, to each Board member, ten (10) work days prior to the meeting.

(2) The Chair may cancel a regular meeting of the Board by giving written notice of the cancellation in place of the written notice of the scheduled Board meeting at least ten (10) work days prior to the meeting.

(3) Special meetings of the Board shall be called by the Chair to deal with important matters arising between regular meetings which require urgent action by the Board prior to the next regular meeting. Voting and discussion shall be limited to the subject matter which necessitated the call of the special meeting. All Board members shall be notified of the time, place, and exact purpose of the special meeting a reasonable time in advance.

(4) The Chair may reschedule a regular meeting of the Board to another date, no more than one month earlier or later than the regularly scheduled date.

(b) *Attendance.* (1) If a Board member is unable to attend a regularly scheduled meeting, he or she shall notify the Executive Director at his or her earliest convenience.

(2) A list of Board members present and those Board members absent shall become a part of the permanent record through its inclusion in the minutes.

(3) In order to maintain an orderly meeting, discussion shall be among Board members and the Executive Director. Board staff and Federal member staff may participate in the discussion of a specific issue only at the request of a Board member present at the meeting or the Executive Director, and upon recognition by the Chair.

(c) *Rules for Board meetings.* (1) Meetings of the Board shall be held in accordance with Robert's Rules of Order, except as otherwise prescribed herein.

(2) The Board shall not suspend the rules in taking an action concerning adoption, amendment or rescission of this Statement of Organization and Procedures nor the Board's Authorities and Delegations.

(d) *Quorum.* (1) A quorum shall be the majority (12) of the fixed membership. At least six of the members required for a quorum shall be public members.

(2) Proxies shall not be counted for purposes of establishing a quorum.

(3) The presiding officer shall not call a meeting to order unless a quorum is present. If at anytime during the meeting the Chair or a member notices the absence of a quorum, it shall be his or her duty to declare the fact. However, debate on a question pending may continue after a quorum is not longer present.

(4) In the absence of a quorum the Board members present may move to recess in order to contact absent members and solicit their attendance.

(e) *Voting procedure.* (1) Only Board members or Federal member designees, Executive Level IV or higher, may vote.

(2) Except as otherwise prescribed herein, at a meeting at which there is a quorum a majority vote of the members present in person or by proxy is necessary for action by the Board.

(3) The presiding officer shall have the same right to vote as any other member.

(4) *Proxy voting.* (i) Except as provided in § 1155.2 (d)(2) and (e)(4)(iv) of this section, proxy voting shall be permitted.

(ii) Any member may give his or her directed or undirected proxy to any other Board member or any Federal member designee, Executive Level IV or higher, present at the meeting.

(iii) Proxies are to be given in writing and submitted to the Chair prior to or at the meeting.

(iv) A directed proxy shall be voided as to a specific issue if the question on which the vote is eventually taken differs from the question to which the proxy is directed.

(5) A requirement of a $\frac{2}{3}$ vote shall mean $\frac{2}{3}$ of the members present in person or by proxy, at a meeting at which there is a quorum, except as provided in §§ 1155.6(b), 1155.7 and 1155.8 of this part.

(f) *The order of business.* Except as otherwise prescribed herein, a proposal for Board action cannot be considered by the Board unless it is placed on the agenda by the Chair of the Board, with the approval of the Executive Committee.

(g) *The basic procedures.* (1) Any member wishing to submit a proposal for Board action will submit it directly to the Chair of the Board, by delivering copies of the proposal to the Board office, addressed to the Chair of the Board. Upon receiving a proposal from a Board member, the Chair may direct the Executive Director to forward copies of the proposal to appropriate subject matter committee(s) and/or the Executive Committee.

(2) Upon receipt of a proposal from a Board member, or a proposal originating from within a committee, subject matter committees will review the proposal, including determining whether the proposal is within their jurisdiction, and, if so, identifying the issues involved, and refining the proposal. Committees may request a report from staff or the member submitting the proposal. Each committee taking any action on the proposal will submit it with an accompanying report and recommendations to the Chair of the Board.

(3) The Chair may take action on a member's proposal without receiving a

report from a subject matter committee when, after reviewing the proposal, he or she determines that the proposal does not need further development for Board consideration. The Chair's review may include requesting a report from staff or the member submitting the proposal, or calling a meeting of the Executive Committee.

(4) When the Chair of the Board receives a recommendation from the subject matter committee, the Chair will review the recommendation and take appropriate action thereon. This may result in placing the recommendation on the next Board agenda or sending it back to the subject matter committee or to another committee, for appropriate action.

(h) *Agenda.* The Chair places items of business on the Board agenda. A written notice of ten (10) work days to the full Board is required for an item to become part of the Board's agenda. The ten (10) days notice requirement may be waived upon a two-thirds vote by the Board to suspend the rules of order.

(i) *Discharge procedure.* Seventy-five (75) days after a proposal is first received by the Chair of the Board, any member has a right to discharge the proposal. For purposes of this paragraph, a proposal is received by the Chair the day it is delivered to the Chair at the Board office. In order to exercise a discharge, the discharging member must provide written notice to the Chair of the Board, the Executive Committee, appropriate subject matter committee(s) and the Executive Director thirty (30) days prior to the next Board meeting. Upon the Chair's receipt of a timely discharge notice, the proposal must be placed on the next regular Board agenda.

(j) *Corrections, additions, or approval of Board minutes.* (1) The Executive Director shall send draft minutes of the previous meeting to each Board member within fifty (50) days following the meeting. Any corrections shall be submitted orally or in writing at or before the next Board meeting.

(2) The Board will approve the final minutes after all corrections and additions have been incorporated.

(k) *Notational voting.* The Board may act on items of business by notational voting. At the request of the Chair, the

Executive Director shall send a written ballot to each Board member describing each matter submitted for notational voting. If any Board member requests discussion on an item, the ballots shall not be counted and the Chair shall place the item on the next Board meeting agenda for discussion and voting.

[53 FR 19780, May 31, 1988, as amended at 54 FR 32338, Aug. 7, 1989; 55 FR 12639, Apr. 5, 1990]

§ 1155.3 Committees.

The Board may, by a two-thirds vote, establish or dissolve standing committees, and change the number, size and jurisdiction of standing committees. Meetings of the committees shall be held in accordance with Robert's Rules of Order, except as otherwise prescribed herein. The use of proxies shall be prohibited at Executive and subject matter committee meetings except as otherwise prescribed herein. A Committee may establish its own additional procedures provided that they do not conflict with the provisions of this Statement, and the Committee informs the Chair of the Board in writing of any additional procedures.

(a) *Executive Committee*—(1) *Composition*. The Executive Committee shall be composed of six members, three Federal and three public members, which shall include the Chair and the Vice-Chair of the Board and the chairs of each of the two subject matter committees and two at large members. The two at large members shall balance the number of Federal and public members and shall be elected annually by the Board after the election of the Chair and Vice-Chair of the Board and the chairs of the two subject matter committees. Its chair shall be the Vice-Chair of the Board.

(2) *Quorum*. A quorum in the Executive Committee shall be four members, present in person. In the absence of a quorum, a meeting can be held only for the purpose of discussion and no vote may be taken.

(3) *Voting*. Only members of the committee may vote in the committee meetings. Any other Board member may attend and participate in the meeting, but may not vote.

(4) *Request for legal opinion from the Department of Justice*. The Executive Committee may, by a majority vote, seek legal advice on any matter from the Office of Legal Counsel, United States Department of Justice. The Board shall not be bound by the opinion of the Office of Legal Counsel.

(b) *Subject matter committees*—(1) *Composition*. Each subject matter committee shall be comprised of seven members. The Chair of each committee shall be elected annually by the Board. The Chair of the Board will appoint six additional members to each subject matter committee for a total of seven members in each. Each chair of each committee, may appoint an acting chair when the chair is absent.

(2) *Terms*. The members of each committee will serve a term of one year corresponding to that of the chair, and continue their duties until their successors have been appointed.

(3) *Quorum*. A quorum in a subject matter committee shall be four members, present in person or, in the case of Federal members, the liaison may represent the Federal member in subject matter committees for the limited purpose of establishing a quorum. In the absence of a quorum, a meeting may be held only for the purpose of discussion.

(4) *Voting*. Only committee members may vote in the committee meetings. Any other Board member, agency staff and the Board staff may attend and participate in meetings but may not vote.

(c) *Special committees*. The Chair, the Board, or a standing committee may appoint a special committee to carry out a specific task. A special committee shall dissolve upon completion of its task or when dissolved by its creator. A special committee shall be governed by the same rules and procedures applicable to subject matter committees unless otherwise prescribed.

(d) *Minutes*. Each Committee will keep a written record of the proceedings.

[53 FR 19780, May 31, 1988, as amended at 54 FR 32338, Aug. 7, 1989]

§ 1155.4 General Counsel.

(a) The General Counsel is nominated by the Chair and confirmed by the

§ 1155.5

Board. He or she is responsible to the Board under the supervision of the Executive Director.

(b) The General Counsel shall attend Board meetings and provide legal counsel when requested or when he or she deems it advisable and upon recognition by the Chair.

§ 1155.5 Fiscal accountability.

Board funds shall not substitute for resources an agency should spend for activities under its own research and development or other programmatic or administrative authority. However, the Board may augment current studies by additional funding to insure a focus for particular information on barriers confronting handicapped individuals.

§ 1155.6 Delegations.

(a) The Board may—

(1) By majority vote delegate to the Executive Committee authority to implement its decisions, and

(2) By two-thirds vote delegate to the Executive Committee any other of its authorities, to the extent permitted by law. A separate delegation is necessary for each action the Board desires the Executive Committee to implement.

(b) The Board may, to the extent permitted by law, delegate other duties to its officers, committees, or staff by a vote of two-thirds of the membership of the Board at the time the vote is taken.

(c) Unless so permitted in the original delegation, an officer, committee, or staff person shall not redelegate authority.

§ 1155.7 Amendments to the Statement of Organization and Procedures.

In order to adopt and amend the Statement of Organization and Procedures, a vote of two-thirds of the membership of the Board at the time the vote is taken shall be required.

§ 1155.8 Amendments to the authorities and delegations.

In order to adopt and amend the Authorities and Delegations, a vote of two-thirds membership of the Board at the time the vote is taken shall be required.

PART 1190—MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

Subpart A—General

Sec.

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1190.3 Definitions.

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Subpart B—Scope

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1190.31 Accessible buildings and facilities: New construction.

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Subpart C—Technical Provisions

1190.40 Technical specifications.

1190.50 Exceptions.

Subpart D—Special Building or Facility Types or Elements

1190.60 Special building or facility types.

AUTHORITY: Sec. 502(b), Rehabilitation Act of 1973 (29 U.S.C. 792(b)(7)), as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (sec. 119, Pub. L. 602, 92 Stat. 2982, and the Rehabilitation Act Amendments of 1986 (Pub. L. 99-506, 100 Stat. 1801).

SOURCE: 47 FR 33864, Aug. 4, 1982, unless otherwise noted.

Subpart A—General

§ 1190.1 Purpose.

The purpose of this part is to implement section 502(b)(7) of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(7)), as amended, which requires the Architectural and Transportation Barriers Compliance Board to establish minimum guidelines and requirements for standards issued under the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.), as amended. This part and the

standards to be based on it are intended to ensure that certain buildings and facilities financed with Federal funds are designed, constructed, or altered so as to be readily accessible to, and usable by, physically handicapped persons.

§ 1190.2 Applicability: Building and facilities subject to guidelines and standards

(a) *Definitions.* As used in this section, the term:

(1) *Constructed or altered on behalf of the United States* means constructed or altered for purchase by the United States, or constructed or altered for the use of the United States.

(2) *Primarily for use by able-bodied military personnel* means expected to be occupied, used, or visited principally by military service personnel. Examples of buildings so intended are barracks, officers' quarters, and closed messes.

(3) *Privately owned residential structures* means a single or multifamily dwelling not owned by a unit or subunit of Federal, state, or local government.

(b) *Buildings and facilities covered.* Except as provided in paragraph (c) of this section, the standards to be issued by the standard-setting agencies in conformance with these minimum guidelines and requirements apply as provided in paragraph (d) of this section to any building or facility—

(1) The intended use for which either—

(i) Will require that such building or facility be accessible to the public, or

(ii) May result in employment or residence therein of physically handicapped persons; and

(2) Which is—

(i) To be constructed or altered by or on behalf of the United States;

(ii) To be leased in whole or in part by the United States after August 12, 1968, and before January 1, 1977, after construction or alteration in accordance with plans and specifications of the United States;

(iii) To be leased in whole or in part by the United States on or after January 1, 1977;

(iv) To be financed in whole or in part by a grant or loan made by the United States after August 12, 1968, if

the building or facility may be subject to standards for design, construction, or alteration issued under the law authorizing the grant or loan; or

(v) To be constructed under the authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or Title III of the Washington Metropolitan Area Transit Regulation Compact.

(c) *Buildings and facilities not covered.* The guidelines and requirements and the standards do not apply to—

(1) Any privately owned residential structure, unless it is leased by the Federal government on or after January 1, 1977, for subsidized housing programs; or

(2) Any building or facility on a military installation designed and constructed primarily for use by able-bodied military personnel.

(d) *Application and effective date of standards.* Any covered building or facility, as provided in this section, which is designed, constructed, or altered after the effective date of a standard issued in conformance with this guideline which is applicable to the building or facility, shall be designed, constructed, or altered in accordance with the standard. Any other building or facility covered by the Architectural Barriers Act, if and when required by law, shall comply with such standards issued in conformance with this part as are appropriate.

[47 FR 33864, Aug. 4, 1982, as amended at 54 FR 5444, Feb. 3, 1989]

§ 1190.3 Definitions.

As used in this part, the term:

ATBCB means the Architectural and Transportation Barriers Compliance Board.

Access aisle means a pedestrian space between elements such as parking spaces, seating, and desks.

Accessible means in compliance with the specifications and requirements of any applicable standard issued by a standard-setting agency in conformance with this part. *Accessible* describes a site, building, facility, or portion thereof that complies with these requirements, and that can be approached, entered, and used by physically handicapped persons. Accessible

elements and spaces of a building or facility including doors provided adjacent to a turnstile or a revolving door, shall be subject to the same use patterns as other elements and spaces of the building or facility.

Accessible route means a continuous unobstructed path connecting accessible elements and spaces in a building or facility and complying with the space and reach requirements of any standard issued by a standard-setting agency in conformance with this part. (Interior accessible routes may include but are not limited to corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include but are not limited to parking access aisles, curb ramps, walks, ramps, and lifts.)

Accessible space means a space that complies with any standard issued by a standard-setting agency in conformance with this part.

Adaptability means the capability of certain building spaces and elements, such as kitchen counters, sinks and grab bars, to be altered or added to so as to accommodate the needs of persons with or without disabilities, or to accommodate the needs of persons with different types or degrees of disability.

Addition means an expansion, extension, or increase in the gross floor area of a building or facility.

Agency means a Federal department, agency or instrumentality, as defined in sections 551(1) and 701(b)(1) of title 5, United States Code, or an official authorized to represent an agency.

Alteration means any change in a building or facility or its permanent fixtures or equipment. It includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, changes or rearrangement in structural parts, and extraordinary repairs. It does not include normal maintenance, reroofing, interior decoration, or changes to mechanical systems.

Architectural Barriers Act means the Architectural Barriers Act of 1968, Pub. L. 90–480, as amended, 42 U.S.C. 4151 *et seq.*

Assembly area means a room or space accommodating fifty or more individuals for religious, recreational, educational, political, social, or amusement purposes, or for the consumption

of food and drink, and including all connected rooms or spaces with a common means of egress and ingress. Such areas as conference and meeting rooms accommodating fewer than fifty individuals are not considered assembly areas.

Automatic door means a door—

(1) Used for human passage and

(2) Equipped with a power-operated mechanism and controls that open and close the door upon receipt of a momentary actuating signal.

Building or facility means all or any portion of buildings, structures, equipment, roads, walks, parking lots, parks, sites, or other real property or interest in such property.

Circulation path means an exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

Clear means unobstructed.

Common use areas means those interior and exterior rooms, spaces or elements that are made available for the use of a restricted group of people (for example, residents of an apartment building, the occupants of an office building, or the guests of such residents or occupants).

Construction means any erection of a new building or of an addition to an existing building or facility.

Cross slope means the slope that is perpendicular to the direction of travel (see *running slope*).

Curb ramp means a short ramp cutting through a curb or built up to it.

Detectable means perceptible by one or more of the senses.

Detectable warning means a standardized surface texture applied to or built into walking surfaces or other elements to warn visually impaired people of hazards in the path of travel.

Dwelling unit means a single unit of residence that provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing, sleeping, and the like.

A single family home is a dwelling unit, and dwelling units are to be found in such housing types as townhouses and apartment buildings.

Egress or means of egress means a continuous and unobstructed way of exit

travel from any point in a building or facility to an exterior walk or out of a fire zone. It includes all intervening rooms, spaces, or elements.

Element means an architectural or mechanical component of a building, facility, space, or site, e.g., telephone, curb ramp, door, drinking fountain, seating, water closet.

Entrance means any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, the entry door(s) or gate(s), and the hardware of the entry door(s) or gate(s). The principal entrance of a building or facility is the main door through which most people enter.

Essential features means those elements and spaces that make a building or facility usable by, or serve the needs of, its occupants or users. Essential features include but are not limited to entrances, toilet rooms, and accessible routes. Essential features do not include those spaces that house the major activities for which the building or facility is intended, such as classrooms and offices.

Exception means a special provision in this part or in a standard which indicates an acceptable alternative, under specified circumstances, to a requirement stated directly above the exception.

Extraordinary repair means the replacement or renewal of any element of an existing building or facility for purposes other than normal maintenance.

Full and fair cash value is calculated for the estimated date on which work will commence on a project and means—

(1) The assessed valuation of a building or facility as recorded in the assessor's office of the municipality and as equalized at one hundred percent (100%) valuation—

(NOTE: The one hundred percent (100%) equalized assessed value shall be based upon the state's most recent determination of the particular city's or town's assessment ratio.

Example: Town X has an assessment ratio of forty percent (40%), and the particular building in question is assessed at \$200,000.00. To determine the equalized assessed value of

this building, divide \$200,000.00 by .40, and the equalized assessed value equals \$500,000.00.);

- (2) The replacement cost; or
- (3) The fair market value.

Guidelines and requirements means this part.

Housing means a building, facility, or portion thereof, excluding inpatient health care facilities, that contains one or more dwelling units or sleeping accommodations. Housing may include, but is not limited to, one-family and two-family dwellings, multifamily dwellings, group homes, hotels, motels, dormitories, and mobile homes.

Marked crossing means a crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

Multifamily housing means a project containing five or more dwelling units.

Operable part means a part of equipment or an appliance used to insert or withdraw objects, to activate or deactivate equipment, or to adjust the equipment (e.g., coin slot, push button, handle).

Physically handicapped person means an individual who has a physical impairment, including impaired sensory, manual, or speaking abilities, which results in a functional limitation in access to and use of a building or facility.

Power-assisted door means a door—

- (1) Used for human passage; and
- (2) With a mechanism that helps to open the door, or relieve the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself.

Public use means any interior and exterior rooms or spaces made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

Ramp means a walking surface that has a running slope greater than 1:20.

Reconstruction means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

Restoration means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later

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works or by replacement of missing earlier work.

Running slope means the slope that is parallel to the direction of travel (see *cross slope*).

Section 502 of the Rehabilitation Act or section 502 means section 502 of the Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. 792, as amended.

Service entrance means an entrance intended primarily for delivery or service.

Shall denotes a mandatory requirement.

Signage means the display of written, symbolic, tactile, or pictorial information.

Site means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

Site improvements means landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and similar site additions.

Sleeping accommodations means rooms in which people sleep (for example, dormitory and hotel or motel guest rooms).

Space means a definable area, e.g., toilet room, hall, assembly area, parking area, entrance, storage room, alcove, courtyard, or lobby.

Standard means any standard for accessibility issued under the Architectural Barriers Act.

Standard-setting agency means one of the four agencies required to issue standards under the Architectural Barriers Act, i.e., the General Services Administration, the Department of Housing and Urban Development, the Department of Defense, and the United States Postal Service.

Structural impracticability means having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50 percent or more of the value of the element of the building or facility involved.

Tactile means perceptible through the sense of touch.

Temporary means elements are not permanent (i.e., installed for less than six months) and are not required for safety reasons.

Walk means an exterior pathway or space with a prepared surface intended

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for pedestrian use and having a slope of 1:20 or less. It includes general pedestrian areas such as plazas and courts.

[47 FR 33864, Aug. 4, 1982, as amended at 54 FR 5444, Feb. 3, 1989]

§ 1190.4 Issuance of Architectural Barriers Act standards by standard-setting agencies.

(a) These guidelines and requirements are the minimum guidelines and requirements for standards issued under the Architectural Barriers Act by the Administrator of General Services, Secretary of Housing and Urban Development, Secretary of Defense, and Postmaster General.

(b) Standards which conform to or exceed the provisions of the guidelines shall be deemed in compliance with the guidelines and requirements.

(c) Each standard-setting agency is encouraged to issue standards which follow the format of these guidelines and requirements. However, standards which differ in format from these guidelines and requirements but are otherwise consistent with the guidelines and requirements shall be deemed in compliance with these guidelines and requirements.

§ 1190.5 Guidelines: Other uses.

These minimum guidelines and requirements and those standards published by the four standard-setting agencies under the Architectural Barriers Act of 1968, as amended, may be used by other governmental and non-governmental entities, along with other sources, to develop their own standards.

§ 1190.6 Interpretation of guidelines.

(a) These guidelines and requirements shall be liberally construed to carry out the purposes and provisions of the Architectural Barriers Act and section 502 of the Rehabilitation Act.

(b) Words importing the singular number may extend and be applied to the plural and vice versa. However, unless otherwise specified in the guidelines and requirements, each element or space of a particular building or facility shall comply with the guidelines and requirements.

(c) Use of the imperative mood, *e.g.*, “provide,” means the provision is mandatory. This form is being used to avoid wordiness and monotony but means the same as if the word “shall” had been included.

(d) The provisions in the minimum guidelines and requirements are based upon adult dimensions and anthropometrics.

(e) Dimensions that are not marked “minimum” or “maximum” are absolute, unless otherwise indicated in the text or captions. All dimensions are subject to conventional building tolerances for field conditions.

§ 1190.7 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of these guidelines and requirements is declared invalid for any reason, the remaining portions of these guidelines and requirements that are severable from the invalid part shall remain in full force and effect. If a part of these guidelines and requirements is invalid in one or more of its applications, the part shall remain in effect in all valid applications that are severable from the invalid applications.

[47 FR 33864, Aug. 4, 1982. Redesignated at 54 FR 5444, Feb. 3, 1989]

Subpart B—Scope

§ 1190.30 Scope. [Reserved]

§ 1190.31 Accessible buildings and facilities: New construction.

Except as otherwise provided in this part, all new construction of buildings and facilities shall comply with the minimum requirements set forth below. The citations beginning with “ANSI” in the provisions which follow refer to the sections of the American National Standard, ANSI A117.1-1986, “Providing Accessibility and Usability for Physically Handicapped People” by the American National Standards Institute, Inc. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. Copies may be inspected at the office of

the U.S. Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(a) Accessible route. At least one accessible route shall comply with ANSI A117.1-1986, section 4.3, Accessible Routes (Incorporated by reference, see this paragraph (a).)

(1) Required accessible route(s) shall connect an accessible building entrance with:

(i) Transportation facilities located within the property line of a given site, including passenger loading zones, public transportation facilities, taxi stands, and parking;

(ii) Public streets and sidewalks;

(iii) Other accessible buildings, facilities, elements, and spaces that are on the same site; and

(iv) All accessible spaces, rooms, and elements within the building or facility.

(2) Where fire code provisions require more than one means of egress from any space or room, then more than one accessible means of egress complying with ANSI A117.1-1986, section 4.3.10 shall be provided for handicapped people and shall be arranged so as to be readily accessible from all accessible rooms and spaces (Incorporated by reference, see § 1190.31(a).)

(b) *Parking and passenger loading zones.*

(1) If any parking is provided, for employees or visitors, or both, each such parking area shall comply with ANSI A117.1-1986 section 4.6 Parking Spaces and Passenger Loading Zones (Incorporated by reference, see paragraph (a) of this section), and the following table:

Total parking in lot	Required minimum number of accessible spaces
1 to 25	1.
26 to 50	2.
51 to 75	3.
76 to 100	4.
101 to 150	5.
151 to 200	6.
201 to 300	7.
301 to 400	8.
401 to 500	9.
501 to 1,000	2 pct of total.
Over 1,000	20 plus 1 for each 100 over 1,000.

Passenger loading zones shall provide an access aisle at least 60 in (1525 mm) wide and 20 ft (60 mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with ANSI A117.1-1986, section 4.7 shall be provided. A minimum vertical clearance of 114 in (3.45 m) shall be provided at accessible passenger loading zones and along vehicle access routes to such areas from site entrances.

(i) *Exception:* The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved.

(ii) *Exception:* This paragraph does not apply to parking provided for official government vehicles owned or leased by the government and used exclusively for government purposes.

Parking spaces for side lift vans are accessible parking spaces and may be used to meet the requirements of this paragraph.

(2) If passenger loading zones are provided, at least one passenger loading zone shall comply with ANSI A117.1-1986 section 4.6 Parking Spaces and Passenger Loading Zones (Incorporated by reference, see paragraph (a) of this section).

(c) *Ramps and curb ramps.* If there is an abrupt level or grade change, if the slope is greater than 1:20, and if no other means of accessible vertical access is provided, a ramp or curb ramp shall be provided. If a ramp or curb ramp is provided, it shall comply with ANSI A117.1-1986, section 4.7 Curb Ramps or 4.8 Ramps, as appropriate (Incorporated by reference, see paragraph (a) of this section.).

(d) *Stairs.* Except as provided in paragraph (f)(1) of this section, stairs connecting levels that are not connected by an elevator shall comply with ANSI A117.1-1986, section 4.9, Stairs. (Incorporated by reference, see paragraph (a) of this section.)

(e) *Handrails.* Handrails shall be provided at each ramp and staircase as required in ANSI A117.1-1986, sections 4.8 Ramps and 4.9 Stairs, respectively. (Incorporated by reference, see paragraph (a) of this section.)

(f) *Elevators.* One passenger elevator complying with ANSI A117.1-1986, sec-

tion 4.10, Elevators (incorporated by reference, see paragraph (a) of this section) shall serve each level in all multi-story buildings and facilities. If more than one elevator is provided, each elevator shall comply with ANSI A117.1-1986, section 4.10, Elevators (incorporated by reference, see paragraph (a) of this section). All elevator control buttons shall be at least ¾ in (19mm) in their smallest dimension. They shall be raised or flush.

(1) *Exception.* Elevator pits, elevator penthouses, mechanical rooms, piping, or equipment catwalks are excepted from this requirement.

(2) *Exception.* Ramps or platform lifts complying with ANSI A117.1-1986, section 4.8 Ramps and ANSI A117.1-1986, section 4.11 Platform Lifts (incorporated by reference, see paragraph (a) of this section), respectively, may be used in lieu of an elevator.

(g) *Platform lifts.* If the slope is greater than 1:20, and if no other means of accessible vertical access is provided, a platform lift may be provided if there is an abrupt level or grade change. If a platform lift is provided, it shall comply with ANSI A117.1-1986, section 4.11 Platform Lifts (incorporation by reference, see paragraph (a) of this section), and should facilitate unassisted entry and exit from the lift.

(h) *Entrances.* At least one principal entrance at each grade floor level to a building or facility shall comply with ANSI A117.1-1986, section 4.14, Entrances (incorporated by reference, see paragraph (a) of this section). When a building or facility has entrances which normally serve any of the following functions: transportation facilities, passenger loading zones, accessible parking facilities, taxi stands, public streets and sidewalks, accessible interior vertical access, then at least one of the entrances serving each such function shall comply with ANSI A117.1-1986, section 4.14, Entrances (incorporated by reference, see paragraph (a) of this section). Because entrances also serve as exits, particularly in cases of emergency, the proximity of such accessible entrances and exits to all parts of the building is essential. It is preferable that all or most entrances and exits be accessible. One entrance may serve more than one function.

(i) *Doors.* (1) At each accessible entrance to a building or facility, at least one door shall comply with ANSI A117.1-1986, section 4.13, Doors (incorporated by reference, see paragraph (a) of this section).

(2) Within a building or facility, at least one door at each accessible entrance to the accessible space shall comply with ANSI A117.1-1986, section 4.13, Doors (incorporated by reference, see paragraph (a) of this section).

(3) Each door required by ANSI A117.1-1986, section 4.3.10, Egress (incorporated by reference, see paragraph (a) of this section), shall comply with ANSI A117.1-1986, section 4.13, Doors (incorporated by reference, see paragraph (a) of this section).

(4) Each door that is an element of an accessible route shall comply with ANSI A117.1-1986, section 4.13, Doors (incorporated by reference, see paragraph (a) of this section).

(j) *Windows.* If operable windows are provided, they shall comply with ANSI A117.1-1986, section 4.12 Windows. (Incorporated by reference, see paragraph (a) of this section.)”

(k) *Toilet and bathing facilities.* If toilet and bathing facilities are provided, then each public and common use toilet room shall comply with ANSI A117.1-1986, section 4.22, Toilet Rooms, Bathrooms, Bathing Facilities and Shower Rooms (incorporated by reference, see paragraph (a) of this section. Other toilet rooms shall be adaptable. If bathing facilities are provided, then each public and common use bathing facility shall comply with ANSI A117.1-1986, section 4.22. In each such facility where any of the fixtures and accessories specified in ANSI A117.1-1986, section 4.16, Water Closets; ANSI A117.1-1986, section 4.17, Toilet Stalls; ANSI A117.1-1986, section 4.18, Urinals; ANSI A117.1-1986, section 4.19, Lavatories, Sinks and Mirrors; ANSI A117.1-1986, section 4.20, Bathtubs; and ANSI A117.1-1986, section 4.21, Shower Stalls, are provided, at least one accessible fixture and accessory of each type provided shall comply with the provisions in the subsection applicable to that fixture or accessory. The size and arrangement of toilet stalls shall comply with ANSI Fig. 30(a). Toilet stalls with a minimum depth of 56 in (1420 mm)

(see ANSI Fig. 30(a)) shall have wall-mounted closets. If the depth of toilet stalls is increased at least 3 in (75 mm), then a floor mounted water closet may be used. Arrangements shown for toilet stalls may be reversed to allow either a left-hand or right-hand approach. Installation of a fixed shower head may be permitted in lieu of an adjustable height or hand-held shower head in unmonitored facilities where vandalism is a concern. Curbs in shower stalls that are 36 in by 36 in (915 mm by 915 mm) shall have a maximum height of ½ in (13 mm). Bathrooms in dwelling units required to be accessible shall comply with ANSI A117.1-1986, section 4.32.4, Bathrooms. For special use situations, refer to Subpart E, Special Building or Facility Types or Elements.

(l) *Drinking fountains and water coolers.* If drinking fountains or water coolers are provided, approximately 50% of those provided on each floor shall comply with ANSI A117.1-1986, section 4.15, Drinking Fountains and Water Coolers, (incorporated by reference, see paragraph (a) of this section), and shall be dispersed throughout the floor. If only one drinking fountain or water cooler is provided on any floor, it shall comply with ANSI A117.1-1986, section 4.15. It is preferred that if only one drinking fountain or water cooler is provided on any floor, then it should have two levels with the lower level complying with ANSI A117.1-1986, section 4.15.

(m) *Controls and operating mechanisms.* If controls and operating mechanisms are provided in accessible spaces, along accessible routes or as parts of accessible elements, each shall comply with ANSI A117.1-1986, section 4.25, Controls and Operating Mechanisms. (Incorporated by reference, see paragraph (a) of this section.)

(n) *Alarms.* If alarm systems are provided, each shall comply with ANSI A117.1-1986, section 4.26, Alarms (incorporated by reference, see paragraph (a) of this section). In facilities with sleeping accommodations, the sleeping accommodations required to be accessible shall have an alarm system complying with ANSI A117.1-1986, section 4.26.4, Auxiliary Alarms. Emergency

warning systems in health care facilities may be modified to suit standard health care alarm design practice.

(o) *Detectable warnings.* Detectable warnings complying with ANSI A117.1-1986, section 4.27.3, Tactile Warnings on Doors to Hazardous Areas (incorporated by reference, see paragraph (a) of this section), shall be provided on the hardware of all doors leading to hazardous areas. Such warnings shall not be used at emergency exit doors. Detectable warnings are not required at locations other than doors to hazardous areas by this part. If detectable warnings are provided, the specifications at ANSI A117.1-1986, section 4.27 may be used as guidance.

NOTE: The ATBCB has funded research in the area of detectable tactile surface treatments. The research findings were inconclusive and, therefore, recommended no mandatory requirements at this time. Further information is being developed through additional research on detectable materials and fact-finding on current applications, particularly on transit platforms. Technical assistance materials including information about additional detectable cues (sound and resiliency) not discussed in ANSI are available from the ATBCB, 1111 18th Street, NW, Suite 501, Washington, DC 20036, (202) 653-7834 (voice or TDD).

(p) *Signage.* Signage shall comply with ANSI A117.1-1986, section 4.28, Signage (incorporated by reference, see paragraph (a) of this section). Permanent signage that identifies rooms and spaces shall also comply with ANSI A117.1-1986, section 4.28.4. Exception: The provisions of ANSI A117.1-1986, section 4.28.4 are not mandatory for temporary information on room and space signage, such as current occupant's name, provided the permanent room or space identification complies with ANSI A117.1-1986, section 4.28.4.

(q) *Telephones.* (1) If public telephones are provided, then accessible public telephones shall comply with ANSI A117.1-1986, section 4.29, Telephones (incorporated by reference, see paragraph (a) of this section), and the following table:

Number of public telephones provided on each floor	Number of telephones required to be accessible ¹
One or more single unit installations.	One per floor.
One bank ²	One per floor.

Number of public telephones provided on each floor	Number of telephones required to be accessible ¹
Two or more banks ²	One per bank. Accessible unit may be installed as a single unit in proximity (either visible or with signage) to bank. At least one public telephone per floor shall meet the requirements for a forward reach telephone. ³

¹Additional public telephones may be installed at any height; however, the installation of accessible telephones is strongly recommended. Unless otherwise specified, accessible telephones may be either forward reach or side reach telephones.

²A bank consists of two or more adjacent public telephones usually installed as a unit.

³Exception for exterior installations only: If dial-tone-first service is not available, then a side reach telephone may be installed instead of the required forward reach telephone (i.e., one telephone in proximity to each bank shall meet the requirements of ANSI A117.1-1986, section 4.29, Telephones (incorporated by reference, see paragraph (a) of this section)).

(2) At least one of the public telephones complying with ANSI A117.1-1986, section 4.29, Telephones (incorporated by reference, see paragraph (a) of this section), shall be equipped with a volume control. The installation of additional volume controls is encouraged and these may be installed on any public telephone provided.

(3) Signage. [Reserved]

(r) *Seating, tables, and work surfaces.* If fixed seating, tables, and work surfaces are provided, at least 5 percent but always at least one of each element shall comply with ANSI A117.1-1986, section 4.30, Seating, Tables and Work Surfaces. (Incorporated by reference, see paragraph (a) of this section.)

(s) *Assembly areas, conference, or meeting rooms.* (1) If assembly areas are provided, accessible viewing positions shall comply with ANSI A117.1-1986, section 4.31, Auditorium and Assembly Areas (incorporated by reference, see paragraph (a) of this section), and the following table:

Capacity of assembly area	Number of viewing positions
50 to 75	3.
76 to 100	4.
101 to 150	5.
151 to 200	6.
201 to 300	7.
301 to 400	8.
401 to 500	9.
501 to 1,000	2 pct of total.
Over 1,000	20 plus 1 for each 100 over 1,000.

Accessible viewing positions may be clustered in bleachers, balconies, and other areas that have sight lines requiring slopes greater than 5 percent or

to permit equivalent accessible viewing positions to be located on levels having accessible egress.

(2) Assembly areas with audio-amplification systems shall have a listening system complying with ANSI A117.1-1986, section 4.31, to assist a reasonable number of people but no fewer than two, with severe hearing loss. For assembly areas without amplification systems and for spaces used primarily as meeting and conference rooms, a permanently installed or portable listening system shall be provided. This requirement may be satisfied by use of a portable system that requires little or no installation. If portable systems are used for conference and meeting rooms, the system may serve more than one room.

(3) If performing areas are provided, accessible routes shall comply with ANSI A117.1-1986, section 4.3, Accessible Routes, to performing areas, including but not limited to stages, arena floors, dressing rooms, locker rooms, and other rooms and spaces required for use of the assembly area. (ANSI 4.33.5)

(i) *Exception.* In alteration work where it is structurally impracticable to alter all performing areas to be on an accessible route, at least one of each type shall be made accessible. (ANSI 4.33.6* and 4.33.7*)

(ii) [Reserved]

(t) *Storage.* If storage facilities such as cabinets, shelves, closets and drawers are provided in accessible spaces for occupant use, at least one storage facility of each type provided shall comply with ANSI A117.1-1986, section 4.23, Storage. (Incorporated by reference, see paragraph (a) of this section.) Additional storage may be provided outside of the dimensions provided in ANSI A117.1-1986, section 4.23, Storage. (Incorporated by reference, see paragraph (a) of this section.)

(u) *Housing.* Accessible housing shall:

(1) Comply with the requirements of this section as it applies to public use and common use areas and areas where handicapped persons may be employed, except as follows:

(i) Elevators: Where provided, elevators shall comply with ANSI A117.1-1986, section 4.10 (incorporated by reference, see paragraph (a) of this sec-

tion). All elevator control buttons shall be at least 3/4 in (19 mm) in their smallest dimension. They shall be raised or flush. Elevators or other accessible means of vertical movement are not required in residential facilities when:

(A) No accessible dwelling units are located above or below the accessible grade level; and

(B) At least one of each type of common area and amenity provided for use of residents and visitors is available at the accessible grade level.

(ii) Entrances: Entrances complying with ANSI 4.14 shall be provided as necessary to achieve access to and egress from buildings and facilities. EXCEPTION: In projects consisting of one-to-four family dwellings where accessible entrances would be extraordinarily costly due to site conditions or local code restrictions, accessible entrances are required only to those buildings containing accessible dwelling units.

(iii) Common Areas: At least one of each type of common area and amenity in each project shall be accessible and shall be located on an accessible route to any accessible dwelling unit.

(2) Provide dwelling units or sleeping accommodations complying with ANSI 4.32, Dwelling Units, in accordance with the following table:

Facilities	Application
Hotels, motels, boarding houses.	5 percent of the total units, or at least one, whichever is greater.
Multifamily housing (including apartment houses) Federally assisted.	5 percent of the total, or at least one unit, whichever is greater in multifamily housing projects.
Federally owned	5 percent of the total, or at least one unit, whichever is greater in multifamily housing projects.
Dormitories	5 percent of the total, or at least one unit whichever is greater.
One and two family dwelling Federally assisted, rental.	5 percent of the total, or at least one unit, whichever is greater, in multifamily housing projects.
Federally assisted homeownership.	To be determined by home buyer.
Federally owned	5 percent of the total, or at least one unit, whichever is greater in multifamily housing projects.

(v) *Health care facilities.* Accessible health care facilities shall:

(1) Comply with the requirements of this section, as it applies to public use and common use areas and areas where handicapped persons may be employed; and

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(2) Provide patient rooms and patient toilet rooms complying with Part 6 of UFAS in accordance with the following table:

Facilities	Application
Long term care facilities (including skilled nursing facilities, intermediate care facilities, bed and care, and nursing homes).	At least 50 percent of patient toilets and bedrooms.
Outpatient facilities	All patient toilets and bedrooms.
Hospital:	
General purpose hospital	At least 10 percent of patient toilets and bedrooms.
Special purpose hospital (hospitals that treat conditions that affect mobility).	All patient toilets and bedrooms.

[47 FR 33864, Aug. 4, 1982. Redesignated and amended at 54 FR 5444, Feb. 3, 1989; 54 FR 34977, Aug. 23, 1989]

§ 1190.32 Accessible buildings and facilities: Additions.

Each addition to an existing building or facility shall comply with § 1190.31, New construction, except as follows:

(a) *Entrances.* If a new addition to a building or facility does not have an entrance, then at least one entrance in the existing building or facility shall comply with ANSI A117.1-1986, section 4.14, Entrances. (The citations beginning with "ANSI" in this section refer to the sections of the American National Standard, ANSI A117.1-1986, "Providing Accessibility and Usability for Physically Handicapped People" by the American National Standards Institute, Inc. which has been approved for incorporation by reference as set forth in § 1190.31(a).

(b) *Accessible route.* If the only accessible entrance to the addition is located in the existing building or facility, then at least one accessible route shall comply with ANSI A117.1-1986, section 4.3, Accessible Route (incorporated by reference, see § 1190.31(a)), and shall provide access through the existing building or facility to all rooms, elements, and spaces in the new addition.

(c) *Toilet and bathing facilities.* If there are no toilet rooms and bathing facilities in the addition and these facilities are provided in the existing building, then at least one toilet and bathing facility in the existing building shall comply with ANSI A117.1-1986,

section 4.22, Toilet Rooms, Bathrooms, Bathing Facilities and Shower Rooms. (Incorporated by reference, see § 1190.31(a).)

(d) *Elements, spaces, and common areas.* If elements, spaces, or common areas are located in the existing building and they are not provided in the addition, consideration should be given to making those elements, spaces, and common areas accessible in the existing building.

(e) *Exception.* Mechanical rooms, storage areas, and other such minor additions which normally are not frequented by the public or employees of the facility are excepted from paragraphs (a), (b), (c) and (d) of this section.

[47 FR 33864, Aug. 4, 1982. Redesignated and amended at 54 FR 5444, 5446, Feb. 3, 1989]

§ 1190.33 Accessible buildings and facilities: Alterations.

(a) *General.* Alterations to existing buildings or facilities shall comply with the following:

(1) If existing elements, spaces, essential features, or common areas are altered, then each such altered element, space, feature, or area shall comply with the applicable provisions of § 1190.31, Accessible buildings and facilities: New construction, except as noted in paragraph (a)(2) of this section.

(2) Exceptions to the requirements for (a)(1) of this section for existing buildings or facilities are:

(i) *Stairs.* Full extension of stair handrails shall not be required in alterations where such extensions would be hazardous or impossible due to plan configuration.

(ii) *Elevators.* (A) If a safety door edge is provided in existing automatic elevators, then the automatic door reopening devices may be omitted (see ANSI A117.1-1986 section 4.10.6). (The citations beginning with "ANSI" in this section refer to the sections of the American National Standard, ANSI A117.1-1986, "Providing Accessibility and Usability for Physically Handicapped People" by the American National Standards Institute, Inc. which has been approved for incorporation by reference as set forth in § 1190.31(a).

(B) Where existing shaft or structural elements prohibit strict compliance with ANSI A117.1-1986, section 4.10.9 (incorporated by reference, see § 1190.31(a)), then the minimum floor area dimensions may be reduced by the minimum amount necessary, but in no case shall they be less than 48 in by 48 in (1220 mm by 1220 mm).

(iii) *Doors.* (A) Where existing elements prohibit strict compliance with the clearance requirements of ANSI 4.13.5, a projection of 5/8 in (16 mm) maximum will be permitted for the latch side door stop. (The citations beginning with "ANSI" in this section refer to the sections of the American National Standard, ANSI A117.1-1986, "Providing Accessibility and Usability for Physically Handicapped People" by the American National Standards Institute, Inc. which has been approved for incorporation by reference as set forth in § 1190.31(a).)

(B) If existing thresholds measure 3/4 in (19 mm) high or less, and are beveled or modified to provide a beveled edge on each side, then they may be retained.

(iv) *Toilet rooms.* Where alterations to existing facilities make strict compliance with ANSI A117.1-1986, sections 4.22 and 4.23 (incorporated by reference, see § 1190.31(a)) structurally impracticable, the addition of one "unisex" toilet per floor containing one water closet complying with ANSI A117.1-1986, section 4.16 and one lavatory complying with ANSI A117.1-1986, section 4.19, located adjacent to existing toilet facilities, will be acceptable in lieu of making existing toilet facilities for each sex accessible.

(v) *Assembly areas.* (A) In alterations where it is structurally impracticable to disperse seating throughout the assembly area, seating may be located in collected areas as structurally feasible. Seating shall adjoin an accessible route that also serves as a means of emergency egress.

(B) In alterations where it is structurally impracticable to alter all performing areas to be on an accessible route, then at least one of each type shall be made accessible.

(3) If power-driven vertical access equipment (e.g., escalator) is planned or installed where none existed pre-

viously, or if new stairs (other than stairs installed to meet emergency exit requirements) requiring major structural changes are planned or installed where none existed previously, then a means of accessible vertical access shall be provided that complies with ANSI A117.1-1986, section 4.8, Ramps; ANSI A117.1-1986, section 4.10, Elevators; or ANSI A117.1-1986, section 4.11, Platform Lifts (incorporated by reference, see § 1190.31(a)) except to the extent where it is structurally impracticable in transit facilities. All elevator control buttons shall be at least 3/4 in (19 mm) in their smallest dimension. They shall be raised or flush.

(4) If alterations of single elements, when considered together, amount to an alteration of a space of a building or facility, the entire space shall be made accessible.

(b) Where a building or facility is vacated and it is totally altered, then it shall comply with § 1190.31 Accessible buildings and facilities: New construction, except to the extent where it is structurally impracticable.

(c) Where substantial alteration occurs to a building or facility, then each element or space that is altered or added shall comply with the applicable provisions of § 1190.31, Accessible buildings and facilities: New construction, except to the extent where it is structurally impracticable and the altered building or facility shall contain:

(1) At least one accessible route complying with ANSI A117.1-1986, section 4.3, Accessible Routes (incorporated by reference, see § 1190.31(a)), and paragraph (a) of this section;

(2) At least one accessible entrance complying with ANSI A117.1-1986, section 4.14, Entrances (incorporated by reference, see § 1190.31(a)). If additional accessible entrances are altered, then they shall comply with paragraph (a)(1) of this section; and

(3) The following toilet facilities, whichever number is greater:

(i) At least one toilet facility for each sex in the altered building complying with ANSI A117.1-1986, section 4.22, Toilet Rooms, Bathrooms, Bathing Facilities, and Shower Rooms (incorporated by reference, see § 1190.31(a));

(ii) At least one toilet facility for each sex on each substantially altered floor, where such facilities are provided, complying with ANSI A117.1–1986, section 4.22, Toilet Rooms, Bathrooms, Bathing Facilities, and Shower Rooms (incorporated by reference, see § 1190.31(a));

In making the determination as to what constitutes “substantial alteration,” the agency issuing standards for the facility shall consider the total cost of all alterations (including but not limited to electrical, mechanical, plumbing, and structural changes) for a building or facility within any twelve (12) month period. For guidance in implementing this provision, an alteration to any building or facility is to be considered substantial if the total cost for this twelve month period amounts to 50% or more of the full and fair cash value of the building as defined at § 1190.3.

(4) *Exception.* If the cost of the elements and spaces required by paragraphs (c) (1), (2), and (3) of this section, exceeds 15% of the total cost of all other alterations, then a schedule may be established by the standard-setting and/or funding agency to provide the required improvements within a 5 year period.

(5) *Exception.* If the alteration is limited solely to the electrical, mechanical, or plumbing system and does not involve the alteration of any elements and spaces required to be accessible under part 1190, then paragraph (c) of this section, does not apply.

(6) *Exception.* Consideration shall be given to providing accessible elements and spaces in each altered building or facility complying with:

(i) ANSI A117.1–1986, sections 4.6, Parking Spaces and Passenger Loading Zones, as modified by § 1190.31(s)(1);

(ii) ANSI A117.1–1986, section 4.15, Drinking Fountains and Water Coolers;

(iii) ANSI A117.1–1986, section 4.23, Storage;

(iv) ANSI A117.1–1986, section 4.26, Alarms;

(v) ANSI A117.1–1986, section 4.29, Telephones;

(vi) ANSI A117.1–1986, section 4.30, Seating, Tables and Work Surfaces;

(vii) ANSI 4.31, Auditorium and Assembly Areas, as modified by

§ 1190.31(s)(1). (Incorporated by reference, see § 1190.31(a).)

(7) *Exception:* Mechanical rooms and other spaces which normally are not frequented by the public or employees of the facility or which by nature of their use are not required by the Architectural Barriers Act to be accessible are excepted from paragraphs (c) (1), (2), and (3) of this section.

[47 FR 33864, Aug. 4, 1982. Redesignated and amended at 54 FR 5444, 5446, Feb. 3, 1989]

§ 1190.34 Accessible buildings and facilities: Leased.

(a) Buildings or facilities or portions thereof leased by the Federal Government shall comply with § 1190.31, New construction, or shall incorporate the features listed in § 1190.33(c), Alterations. Where both types of buildings are available for leasing, reasonable preference must be given to buildings or facilities complying with § 1190.31, New construction.

(b) If space complying with paragraph (a) of this section is not available, space may be leased only if the space meets, or is altered to meet, the following conditions:

(1) At least one accessible route is provided from an accessible entrance complying with § 1190.120, Entrances, to those areas in which the principal activities for which the building or facility was leased are conducted. Separate accessible routes may be provided to areas serving different groups of users (e.g., the public, employees).

(2) The accessible route shall comply with the requirements of § 1190.50, Walks, floors, and accessible routes, and provide access to whatever accessible facilities are either required or provided, such as accessible toilets.

(i) Toilet facilities, to the extent required for the ready intended use of the building or facility, shall be provided as follows—

(A) Where more than one toilet for each sex is provided in a building or facility, at least one toilet facility which complies with § 1190.150, Toilet and bathing facilities, shall be provided for each sex on each floor having toilets; or

(B) In a building or facility providing only one toilet for each sex, either one unisex toilet or one toilet for each sex

complying with §1190.150 shall be provided; or

(C) In a building or facility where only one toilet is provided, one unisex toilet complying with §1190.150 shall be provided.

(ii) Parking facilities, if a parking area is included within the lease, shall be provided complying with §1190.60, Parking and passenger loading zones, to the extent feasible.

(3) Where an agency determines that an area does not require the provision of toilets or parking facilities for the users or occupants of that area, nothing in this section shall be construed to require the provision of any such facilities.

(4) Consideration shall be given to providing accessible elements and spaces in each altered building or facility complying with:

- (i) Section 1190.160 Drinking fountains and water coolers;
- (ii) Section 1190.180 Alarms;
- (iii) Section 1190.210 Telephones;
- (iv) Section 1190.220 Seating, tables, and work surfaces;
- (v) Section 1190.230 Assembly areas; and
- (vi) Section 1190.240 Storage.

(c) If space leased in accordance with the requirements of paragraph (a) or (b) of this section is subsequently altered, then the alterations shall comply with the requirements of §1190.33, Alterations.

(d) If space leased in accordance with the requirements of paragraph (a) or (b) of this section is increased by construction of an addition, the addition shall comply with §1190.32, Additions, to the extent it is leased by the Federal Government.

(e) If leased space at the time of leasing meets past or present state or local codes or the recommended standards of the American National Standards Institute (ANSI) A117.1 for accessibility to physically handicapped people, and provides the features required by this section, the space may be used as is or altered to comply with the technical requirements of paragraph (a) or (b) of this section.

(f) Once leased space in an existing building is accessible or is made accessible hereunder, no new accessibility alterations shall be required under this

subpart except where alterations or additions are made to the building which are covered by paragraphs (c) and (d) of this section.

(g) *Exceptions.* (1) If no space complying with paragraph (a) or (b) of this section is available for leasing, space as available may be leased without alterations:

(i) If the lease is necessary for officials servicing natural or human-made disasters on an emergency basis;

(ii) If the space is used on an intermittent basis; or

(iii) If the occupancy of the space is for no more than twelve months. If delays occur during the twelve months, the short-term lease may be extended for no more than an additional 12 months.

(2) Mechanical rooms and other spaces which normally are not frequented by the public or employees with handicaps of the occupant agency or which by nature of their use are not required to be accessible are excepted from this section.

[53 FR 35510, Sept. 14, 1988. Redesignated at 54 FR 5444, Feb. 3, 1989]

Subpart C—Technical Provisions

§ 1190.40 Technical specifications.

Features, elements and spaces required to be accessible by §1190.31, §1190.32, or §1190.33 shall meet the technical requirements specified in the provisions of sections 4.2 through 4.32 of ANSI A117.1-1986, "American National Standard for Buildings and Facilities—Providing Accessibility and Usability for Physically Handicapped People," which is incorporated herein by reference, except as noted herein. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. Copies may be inspected at the office of the U.S. Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC or at the Office of the Federal Register, 800

§ 1190.50

North Capitol Street, NW., suite 700, Washington, DC.

[54 FR 5447, Feb. 3, 1989]

§ 1190.50 Exceptions.

(a) In addition to ANSI A117.1-1986, section 4.10 (incorporated by reference, see § 1190.31(a)), Elevators, the following requirement is added: Hall call buttons provided under ANSI A117.1-1986, section 4.10.3 shall be raised or flush.

(b) Under ANSI A117.1-1986, section 4.7 (incorporated by reference, see § 1190.31(a)), Curb Ramps, and ANSI 117.1-1986, section 4.7.7, Warning Textures, and ANSI 117.1-1986, section 4.7.12, Uncurbed Intersections, shall not apply.

(c) In addition to ANSI A117.1-1986, section 4.28, Signage (incorporated by reference, see § 1190.31(a)), there is added the requirement that interior tactile signage identifying rooms and spaces be located alongside the door on the latch side and be mounted at a height between 54 in and 66 in (1370 mm and 1675 mm) above the finished floor.

[54 FR 5447, Feb. 3, 1989]

Subpart D—Special Building or Facility Types or Elements

§ 1190.60 Special building or facility types.

The requirements specified in the Uniform Federal Accessibility Standards (UFAS) in sections 5, Restaurants and Cafeterias; 6, Health Care; 7, Mercantile; 8, Libraries; and 9, Postal Facilities, are deemed to satisfy minimum guidelines and requirements of

36 CFR Ch. XI (7-1-97 Edition)

the ATBCB for accessibility standards for those building and facility types.

[54 FR 5448, Feb. 3, 1989]

PART 1191—AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES

1191.1 Accessibility guidelines.

1191.2 Temporary suspension of certain detectable warning requirements.

APPENDIX A TO PART 1191—AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES

AUTHORITY: 42 U.S.C. 12204.

SOURCE: 56 FR 35453, July 26, 1991, unless otherwise noted.

§ 1191.1 Accessibility guidelines.

The accessibility guidelines for buildings and facilities for purposes of the Americans with Disabilities Act are found in the appendix to this part. The guidelines are issued to assist the Department of Justice and Department of Transportation to establish accessibility standards to implement the legislation.

[56 FR 45518, Sept. 6, 1991]

§ 1191.2 Temporary suspension of certain detectable warning requirements.

The detectable warning requirements contained in §§ 4.7.7, 4.29.5, and 4.29.6 of Appendix A to this part are suspended temporarily until July 26, 1998.

[61 FR 39324, July 29, 1996]

Architectural and Transp. Barriers Compliance Board

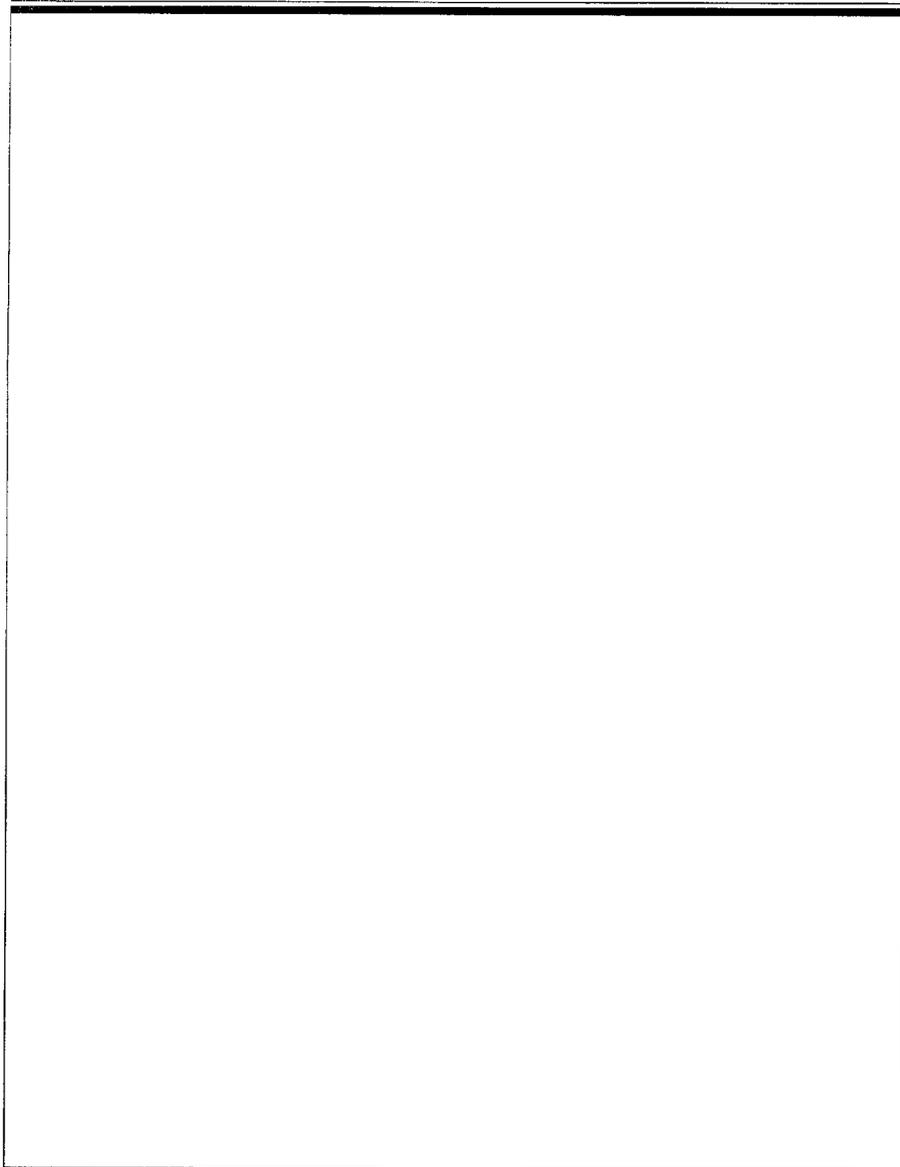
§ 1191.2

APPENDIX A TO PART 1191—AMERICANS WITH DISABILITIES ACT (ADA)
ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES

Americans with Disabilities Act (ADA)

Accessibility Guidelines for Buildings and Facilities

**U.S. Architectural & Transportation Barriers
Compliance Board
1331 F Street, N.W., Suite 1000
Washington, D.C. 20004-1111
(202) 272-5434 v/TTY
(202) 272-5449 TTY
(202) 272-5447 FAX**



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1. PURPOSE.

This document sets guidelines for accessibility to buildings and facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990. These guidelines are to be applied during the design, construction, and alteration of buildings and facilities covered by titles II and III of the ADA to the extent required by regulations issued by Federal agencies, including the Department of Justice and the Department of Transportation, under the ADA.

The technical specifications 4.2 through 4.35, of these guidelines are the same as those of the American National Standard Institute's document A117.1-1980, except as noted in this text by italics. However, sections 4.1.1 through 4.1.7 and the special application sections are different from ANSI A117.1-1980 in their entirety and are printed in standard type.

The illustrations and text of ANSI A117.1-1980 are reproduced with permission from the American National Standards Institute. Copies of the standard may be purchased from the American National Standards Institute at 1430 Broadway, New York, New York 10018.

Paragraphs marked with an asterisk have related, nonmandatory material in the Appendix. In the Appendix, the corresponding paragraph numbers are preceded by an A.

2. GENERAL.

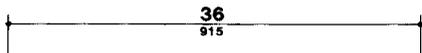
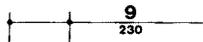
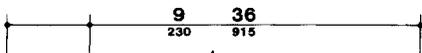
2.1 Provisions for Adults. The specifications in these guidelines are based upon adult dimensions and anthropometrics.

2.2* Equivalent Facilitation. Departures from particular technical and scoping requirements of this guideline by the use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability of the facility.

3. MISCELLANEOUS INSTRUCTIONS AND DEFINITIONS.

3.1 Graphic Conventions. Graphic conventions are shown in Table 1. Dimensions that are not marked minimum or maximum are absolute, unless otherwise indicated in the text or captions.

**TABLE 1
Graphic Conventions**

Convention	Description
	Typical dimension line showing U.S. customary units (in inches) above the line and SI units (in millimeters) below
	Dimensions for short distances indicated on extended line
	Dimension line showing alternate dimensions required
	Direction of approach
max	Maximum
min	Minimum
	Boundary of clear floor area
	Centerline

3.2 Dimensional Tolerances

<p>3.2 Dimensional Tolerances. All dimensions are subject to conventional building industry tolerances for field conditions.</p> <p>3.3 Notes. The text of these guidelines does not contain notes or footnotes. Additional information, explanations, and advisory materials are located in the Appendix.</p> <p>3.4 General Terminology.</p> <p><u>comply with.</u> Meet one or more specifications of these guidelines.</p> <p><u>if, if ... then.</u> Denotes a specification that applies only when the conditions described are present.</p> <p><u>may.</u> Denotes an option or alternative.</p> <p><u>shall.</u> Denotes a mandatory specification or requirement.</p> <p><u>should.</u> Denotes an advisory specification or recommendation.</p> <p>3.5 Definitions.</p> <p>Access Aisle. An accessible pedestrian space between elements, such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.</p> <p>Accessible. Describes a site, building, facility, or portion thereof that complies with these guidelines.</p> <p>Accessible Element. An element specified by these guidelines (for example, telephone, controls, and the like).</p> <p>Accessible Route. A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.</p> <p>Accessible Space. Space that complies with these guidelines.</p>	<p>Adaptability. The ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of individuals with or without disabilities or to accommodate the needs of persons with different types or degrees of disability.</p> <p>Addition. An expansion, extension, or increase in the gross floor area of a building or facility.</p> <p>Administrative Authority. A governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities.</p> <p>Alteration. An alteration is a change to a building or facility, including pedestrian facilities in the public right-of-way, that affects or could affect the usability of the building or facility or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions or pedestrian elements or surfaces in a developed right-of-way. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.</p> <p>Area of Rescue Assistance. An area, which has direct access to an exit, where people who are unable to use stairs may remain temporarily in safety to await further instructions or assistance during emergency evacuation.</p> <p>Assembly Area. A room or space accommodating a group of individuals for recreational, educational, political, social, or amusement purposes, or for the consumption of food and drink.</p> <p>Automatic Door. A door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch (see power-assisted door).</p> <p>Building. Any structure used and intended for supporting or sheltering any use or occupancy.</p>
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3.5 Definitions

<p>Circulation Path. An exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.</p> <p>Clear. Unobstructed.</p> <p>Clear Floor Space. The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.</p> <p>Closed Circuit Telephone. A telephone with dedicated line(s) such as a house phone, courtesy phone or phone that must be used to gain entrance to a facility.</p> <p>Common Use. Refers to those interior and exterior rooms, spaces, or elements that are made available for the use of a restricted group of people (for example, occupants of a homeless shelter, the occupants of an office building, or the guests of such occupants).</p> <p>Continuous Passage. See 14.1.1 (Definitions).</p> <p>Cross Slope. The slope that is perpendicular to the direction of travel (see running slope).</p> <p>Curb Ramp. A short ramp cutting through a curb or built up to it. See also 14.1.1 (Public Sidewalk Curb Ramps).</p> <p>Detectable Warning. A standardized surface feature built in or applied to walking surfaces or other elements to warn visually impaired people of hazards on a circulation path.</p> <p>Dwelling Unit. See 13.1 (General).</p> <p>Egress, Means of. A continuous and unobstructed way of exit travel from any point in a building or facility to a public way. A means of egress comprises vertical and horizontal travel and may include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, horizontal exits, courts and yards. An accessible means of egress is one that complies with these guidelines and does not include stairs, steps, or escalators. Areas of rescue assistance or evacuation elevators may be included as part of accessible means of egress.</p>	<p>Element. An architectural or mechanical component of a building, facility, space, or site, e.g., telephone, curb ramp, door, drinking fountain, seating, or water closet.</p> <p>Entrance. Any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, the entry door(s) or gate(s), and the hardware of the entry door(s) or gate(s).</p> <p>Facility. All or any portion of buildings, structures, site improvements, complexes, equipment, roads, walks, passageways, parking lots, or other real or personal property located on a site.</p> <p>Ground Floor. Any occupiable floor less than one story above or below grade with direct access to grade. A building or facility always has at least one ground floor and may have more than one ground floor as where a split level entrance has been provided or where a building is built into a hillside.</p> <p>Mezzanine or Mezzanine Floor. That portion of a story which is an intermediate floor level placed within the story and having occupiable space above and below its floor.</p> <p>Marked Crossing. A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.</p> <p>Multifamily Dwelling. Any building containing more than two dwelling units.</p> <p>Occupiable. A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, or in which occupants are engaged at labor, and which is equipped with means of egress, light, and ventilation.</p> <p>Operable Part. A part of a piece of equipment or appliance used to insert or withdraw objects, or to activate, deactivate, or adjust the equipment or appliance (for example, coin slot, pushbutton, handle).</p> <p>Path of Travel. (Reserved).</p>
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3.5 Definitions

<p>Power-assisted Door. A door used for human passage with a mechanism that helps to open the door, or relieves the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself.</p> <p>Principal Public Entrance(s). One or more public entrance(s) to a building or facility which are designed and constructed to accommodate a substantial flow of pedestrian traffic to a major function in a facility. Principal public entrances do not include: service entrances, employee only entrances, or exits that do not serve as entrances. In determining principal public entrance(s), the following factors should be considered:</p> <ul style="list-style-type: none"> (a) Travel distance from the entrance to: <ul style="list-style-type: none"> (i) Exterior facilities such as parking, public transportation, public sidewalks and plazas; and (ii) Interior amenities and services such as the main lobby, elevators and information desk. (b) The embellishment of the entryway or any other design strategy which would make one entrance stand out prominently from other entrances. <p>Public Right-of-Way. See 14.1.1 (Definitions).</p> <p>Public Sidewalk. See 14.1.1 (Definitions).</p> <p>Public Sidewalk Curb Ramp. See 14.1.1 (Definitions).</p> <p>Public Use. Describes interior or exterior rooms or spaces that are made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.</p> <p>Ramp. A walking surface which has a running slope greater than 1:20.</p> <p>Running Slope. The slope that is parallel to the direction of travel (see cross slope).</p> <p>Service Entrance. An entrance intended primarily for delivery of goods or services.</p> <p>Signage. Displayed verbal, symbolic, tactile, and pictorial information.</p>	<p>Site. A parcel of land bounded by a property line or a designated portion of a public right-of-way.</p> <p>Site Improvement. Landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and the like, added to a site.</p> <p>Site Infeasibility. See 14.1.1 (Definitions).</p> <p>Sleeping Accommodations. Rooms in which people sleep; for example, dormitory and hotel or motel guest rooms or suites.</p> <p>Space. A definable area, e.g., room, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.</p> <p>Story. That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above. If such portion of a building does not include occupiable space, it is not considered a story for purposes of these guidelines. There may be more than one floor level within a story as in the case of a mezzanine or mezzanines.</p> <p>Structural Frame. The structural frame shall be considered to be the columns and the girders, beams, trusses and spandrels having direct connections to the columns and all other members which are essential to the stability of the building as a whole.</p> <p>TTY. Machinery or equipment that employs interactive graphic (i.e., typed) communications through the transmission of coded signals across the standard telephone network. TTYS can include, for example, devices known as TTYS (telecommunication display devices or telecommunication devices for deaf persons) or computers.</p> <p>Tactile. Describes an object that can be perceived using the sense of touch.</p> <p>Technically Infeasible. See 4.1.6(1)(j) EXCEPTION.</p> <p>Transient Lodging.* A building, facility, or portion thereof, excluding inpatient medical care facilities and residential facilities, that contains sleeping accommodations. Transient lodging may include, but is not limited to, resorts, group homes, hotels, motels, and dormitories.</p>
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4.0 Accessible Elements and Spaces: Scope and Technical Requirements

Vehicular Way. A route intended for vehicular traffic, such as a street, driveway, or parking lot.

Walk. An exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

NOTE: Sections 4.1.1 through 4.1.7 are different from ANSI A117.1 in their entirety and are printed in standard type (ANSI A117.1 does not include scoping provisions).

4. ACCESSIBLE ELEMENTS AND SPACES: SCOPE AND TECHNICAL REQUIREMENTS.

4.1 Minimum Requirements.

4.1.1* Application.

(1) General. All areas of newly designed or newly constructed buildings and facilities and altered portions of existing buildings and facilities shall comply with 4.1 through 4.35, unless otherwise provided in this section or as modified in a special application section.

(2) Application Based on Building Use. Special application sections provide additional requirements based on building use. When a building or facility contains more than one use covered by a special application section, each portion shall comply with the requirements for that use.

(3)* Areas Used Only by Employees as Work Areas. Areas that are used only as work areas shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the areas. These guidelines do not require that any areas used only as work areas be constructed to permit maneuvering within the work area or be constructed or equipped (i.e., with racks or shelves) to be accessible.

(4) Temporary Structures. These guidelines cover temporary buildings or facilities as well as permanent facilities. Temporary buildings and facilities are not of permanent construction but are extensively used or are essential for public use for a period of time. Examples

of temporary buildings or facilities covered by these guidelines include, but are not limited to: reviewing stands, temporary classrooms, bleacher areas, exhibit areas, temporary banking facilities, temporary health screening services, or temporary safe pedestrian passageways around a construction site. Structures, sites and equipment directly associated with the actual processes of construction, such as scaffolding, bridging, materials hoists, or construction trailers are not included.

(5) General Exceptions.

(a) In new construction, a person or entity is not required to meet fully the requirements of these guidelines where that person or entity can demonstrate that it is structurally impracticable to do so. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features. If full compliance with the requirements of these guidelines is structurally impracticable, a person or entity shall comply with the requirements to the extent it is not structurally impracticable. Any portion of the building or facility which can be made accessible shall comply to the extent that it is not structurally impracticable.

(b) Accessibility is not required to or in:

(i) raised areas used primarily for purposes of security or life or fire safety, including, but not limited to, observation galleries, prison guard towers, fire towers, or fixed life guard stands;

(ii) non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, tunnels, or freight (non-passenger) elevators, and frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment; such spaces may include, but are not limited to, elevator pits, elevator penthouses, piping or equipment catwalks, water or sewage treatment pump rooms and stations, electric substations and transformer vaults, and highway and tunnel utility facilities; or

(iii) single occupant structures accessed only by passageways below grade or elevated above grade, including, but not limited to, toll booths that are required to be accessed from underground tunnels.

4.1.2 Accessible Sites and Exterior Facilities: New Construction. An accessible site shall meet the following minimum requirements:

(1) At least one accessible route complying with 4.3 shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading zones if provided, and public streets or sidewalks, to an accessible building entrance.

(2) At least one accessible route complying with 4.3 shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.

(3) All objects that protrude from surfaces or posts into circulation paths shall comply with 4.4.

(4) Ground surfaces along accessible routes and in accessible spaces shall comply with 4.5.

(5) (a) If parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces complying with 4.6 shall be provided in each such parking area in conformance with the table below. Spaces required by the table need not be provided in the particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience is ensured.

TOTAL PARKING IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100 over 1000

Except as provided in (b), access aisles adjacent to accessible spaces shall be 60 in (1525 mm) wide minimum.

(b) One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 in (2440 mm) wide minimum and shall be designated "van accessible" as required by 4.6.4. The vertical clearance at such spaces shall comply with 4.6.5. All such spaces may be grouped on one level of a parking structure.

EXCEPTION: Provision of all required parking spaces in conformance with "Universal Parking Design" (see Appendix A4.6.3) is permitted.

(c) If passenger loading zones are provided, then at least one passenger loading zone shall comply with 4.6.

(d) At facilities providing medical care or other services for persons with mobility impairments, parking spaces complying with 4.6 shall be provided in accordance with 4.1.2(5)(a) and (b) except as follows:

(i) Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;

(ii) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

(c)* Valet Parking. Valet parking facilities shall provide a passenger loading zone complying with 4.6 located on an accessible route to the entrance of the facility. Paragraphs 5(a), 5(b), and 5(d) of this section do not apply to valet parking facilities.

(6) If toilet facilities are provided on a site, then each such public or common use toilet facility shall comply with 4.22. If bathing facilities are provided on a site, then each such public or common use bathing facility shall comply with 4.23.

For single user portable toilet or bathing units clustered at a single location, at least five percent but no less than one toilet unit or bathing unit complying with 4.22 or 4.23 shall be installed at each cluster whenever typical inaccessible units are provided. Accessible units shall be identified by the International Symbol of Accessibility.

4.1.3 Accessible Buildings: New Construction

<p>EXCEPTION: Portable toilet units at construction sites used exclusively by construction personnel are not required to comply with 4.1.2(6).</p> <p>(7) Building Signage. Signs which designate permanent rooms and spaces shall comply with 4.30.1, 4.30.4, 4.30.5 and 4.30.6. Other signs which provide direction to, or information about, functional spaces of the building shall comply with 4.30.1, 4.30.2, 4.30.3, and 4.30.5. Elements and spaces of accessible facilities which shall be identified by the International Symbol of Accessibility and which shall comply with 4.30.7 are:</p> <p>(a) Parking spaces designated as reserved for individuals with disabilities;</p> <p>(b) Accessible passenger loading zones;</p> <p>(c) Accessible entrances when not all are accessible (inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance);</p> <p>(d) Accessible toilet and bathing facilities when not all are accessible.</p> <p>4.1.3 Accessible Buildings: New Construction. Accessible buildings and facilities shall meet the following minimum requirements:</p> <p>(1) At least one accessible route complying with 4.3 shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility.</p> <p>(2) All objects that overhang or protrude into circulation paths shall comply with 4.4.</p> <p>(3) Ground and floor surfaces along accessible routes and in accessible rooms and spaces shall comply with 4.5.</p> <p>(4) Interior and exterior stairs connecting levels that are not connected by an elevator, ramp, or other accessible means of vertical access shall comply with 4.9.</p> <p>(5)* One passenger elevator complying with 4.10 shall serve each level, including mezzanines, in all multi-story buildings and facilities unless exempted below. If more than one elevator is provided, each passenger elevator shall comply with 4.10.</p>	<p>EXCEPTION 1: Elevators are not required:</p> <p>(a) in places of public accommodation and commercial facilities that are less than three stories or that have less than 3000 square feet per story unless the building is a shopping center, a shopping mall, or the professional office of a health care provider, or another type of facility as determined by the Attorney General; or</p> <p>(b) to the upper level of drawbridge towers and boat traffic towers, lock and dam control stations, train dispatching towers, and similar structures that are less than three stories and that are not open to the general public if the floor above the accessible ground floor houses no more than five persons and is less than 500 square feet.</p> <p>The elevator exemptions set forth in paragraphs (a) and (b) do not obviate or limit in any way the obligation to comply with the other accessibility requirements established in section 4.1.3. For example, floors above or below the accessible ground floor must meet the requirements of this section except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then toilet or bathing facilities must be provided on the accessible ground floor. In new construction if a building or facility is eligible for exemption but a passenger elevator is nonetheless planned, that elevator shall meet the requirements of 4.10 and shall serve each level in the building. A passenger elevator that provides service from a garage to only one level of a building or facility is not required to serve other levels.</p> <p>EXCEPTION 2: Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks are exempted from this requirement.</p> <p>EXCEPTION 3: Accessible ramps complying with 4.8 may be used in lieu of an elevator.</p> <p>EXCEPTION 4: Platform lifts (wheelchair lifts) complying with 4.11 of this guideline and applicable State or local codes may be used in lieu of an elevator only under the following conditions:</p> <p>(a) To provide an accessible route to a performing area in an assembly occupancy.</p>
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4.1.3 Accessible Buildings: New Construction

<p>(b) To comply with the wheelchair viewing position line-of-sight and dispersion requirements of 4.33.3.</p> <p>(c) To provide access to incidental occupiable spaces and rooms which are not open to the general public and which house no more than five persons, including but not limited to equipment control rooms and projection booths.</p> <p>(d) To provide access where existing site constraints or other constraints make use of a ramp or an elevator infeasible.</p> <p>(e) To provide access to raised judges' benches, clerks' stations, speakers' rostrums, and raised daises, jury boxes and witness stands.</p> <p>(f) To connect levels within an individual dwelling unit.</p> <p>EXCEPTION 5: Elevators located in air traffic control towers are not required to serve the cab and the floor immediately below the cab.</p> <p>(6) Windows. (Reserved).</p> <p>(7) Doors.</p> <p>(a) At each accessible entrance to a building or facility, at least one door shall comply with 4.13.</p> <p>(b) Within a building or facility, at least one door at each accessible space shall comply with 4.13.</p> <p>(c) Each door that is an element of an accessible route shall comply with 4.13.</p> <p>(d) Each door required by 4.3.10. Egress, shall comply with 4.13.</p> <p>(8)* In new construction, at a minimum, the requirements in (a) and (b) below shall be satisfied independently:</p> <p>(a)(i) At least 50 percent of all public entrances (excluding those in (b) below) must be accessible. At least one must be a ground floor entrance. Public entrances are any entrances that are not loading or service entrances. In facilities subject to title II of the</p>	<p>ADA, all planned principal public entrances shall be included within the 50 percent of public entrances required to be accessible. This provision does not require the number of principal public entrances to exceed 50 percent of all public entrances planned for a facility.</p> <p>(ii) Accessible entrances must be provided in a number at least equivalent to the number of exits required by the applicable building/fire codes. (This paragraph does not require an increase in the total number of entrances or principal public entrances planned for a facility.)</p> <p>(iii) An accessible entrance must be provided to each tenancy in a facility (for example, individual stores in a strip shopping center).</p> <p>One entrance may be considered as meeting more than one of the requirements in (a). Where feasible, accessible entrances shall be the entrances used by the majority of people visiting or working in the building.</p> <p>(b)(i) In addition, if direct access is provided for pedestrians from an enclosed parking garage to the building, at least one direct entrance from the garage to the building must be accessible.</p> <p>(ii) If access is provided for pedestrians from a pedestrian tunnel or elevated walkway, one entrance to the building from each tunnel or walkway must be accessible.</p> <p>One entrance may be considered as meeting more than one of the requirements in (b).</p> <p>Because entrances also serve as emergency exits whose proximity to all parts of buildings and facilities is essential, it is preferable that all entrances be accessible.</p> <p>(c) If the only entrance to a building, or tenancy in a facility, is a service entrance, that entrance shall be accessible.</p> <p>(d) Entrances which are not accessible shall have directional signage complying with 4.30.1, 4.30.2, 4.30.3, and 4.30.5, which indicates the location of the nearest accessible entrance.</p>
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4.1.3 Accessible Buildings: New Construction

<p>(9)* In buildings or facilities, or portions of buildings or facilities, required to be accessible, accessible means of egress shall be provided in the same number as required for exits by local building/life safety regulations. Where a required exit from an occupiable level above or below a level of accessible exit discharge is not accessible, an area of rescue assistance shall be provided on each such level (in a number equal to that of inaccessible required exits). Areas of rescue assistance shall comply with 4.3.11. A horizontal exit, meeting the requirements of local building/life safety regulations, shall satisfy the requirement for an area of rescue assistance.</p> <p>EXCEPTION: Areas of rescue assistance are not required in buildings or facilities having a supervised automatic sprinkler system.</p> <p>(10)* Drinking Fountains.</p> <p>(a) Where only one drinking fountain is provided on a floor there shall be a drinking fountain which is accessible to individuals who use wheelchairs in accordance with 4.15 and one accessible to those who have difficulty bending or stooping. (This can be accommodated by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending; by providing a fountain accessible under 4.15 and a water cooler; or by such other means as would achieve the required accessibility for each group on each floor.)</p> <p>(b) Where more than one drinking fountain or water cooler is provided on a floor, 50 percent of those provided shall comply with 4.15 and shall be on an accessible route.</p> <p>(11) Toilet Facilities. If toilet rooms are provided, then each public and common use toilet room shall comply with 4.22. Other toilet rooms provided for the use of occupants of specific spaces (i.e., a private toilet room for the occupant of a private office) shall be adaptable. If bathing rooms are provided, then each public and common use bathroom shall comply with 4.23. Accessible toilet rooms and bathing facilities shall be on an accessible route.</p>	<p>(12) Storage, Shelving and Display Units.</p> <p>(a) If fixed or built-in storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, at least one of each type provided shall contain storage space complying with 4.25. Additional storage may be provided outside of the dimensions required by 4.25.</p> <p>(b) Shelves or display units allowing self-service by customers in mercantile occupancies shall be located on an accessible route complying with 4.3. Requirements for accessible reach range do not apply.</p> <p>(13) Controls and operating mechanisms in accessible spaces, along accessible routes, or as parts of accessible elements (for example, light switches and dispenser controls) shall comply with 4.27.</p> <p>(14) If emergency warning systems are provided, then they shall include both audible alarms and visible alarms complying with 4.28. Sleeping accommodations required to comply with 9.3 shall have an alarm system complying with 4.28. Emergency warning systems in medical care facilities may be modified to suit standard health care alarm design practice.</p> <p>(15) Detectable warnings shall be provided at locations as specified in 4.29.</p> <p>(16) Building Signage.</p> <p>(a) Signs which designate permanent rooms and spaces shall comply with 4.30.1, 4.30.4, 4.30.5 and 4.30.6.</p> <p>(b) Other signs which provide direction to or information about functional spaces of the building shall comply with 4.30.1, 4.30.2, 4.30.3, and 4.30.5.</p> <p>EXCEPTION: Building directories, menus, and all other signs which are temporary are not required to comply.</p>
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4.1.3 Accessible Buildings: New Construction

<p>(17) Public telephones.</p> <p>(a) If public pay telephones, public closed circuit telephones, or other public telephones are provided, then they shall comply with 4.31.2 through 4.31.8 to the extent required by the following table:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Number of each type of telephone provided on each floor</th> <th style="text-align: left;">Number of telephones required to comply with 4.31.2 through 4.31.8¹</th> </tr> </thead> <tbody> <tr> <td>1 or more single unit</td> <td>1 per floor</td> </tr> <tr> <td>1 bank²</td> <td>1 per floor</td> </tr> <tr> <td>2 or more banks²</td> <td>1 per bank. Accessible unit may be installed as a single unit in proximity (either visible or with signage) to the bank. At least one public telephone per floor shall meet the requirements for a forward reach telephone.³</td> </tr> </tbody> </table> <p>¹ Additional public telephones may be installed at any height. Unless otherwise specified, accessible telephones may be either forward or side reach telephones.</p> <p>² A bank consists of two or more adjacent public telephones, often installed as a unit.</p> <p>³ EXCEPTION: For exterior installations only, if dial tone first service is available, then a side reach telephone may be installed instead of the required forward reach telephone.</p> <p>(b)* All telephones required to be accessible and complying with 4.31.2 through 4.31.8 shall be equipped with a volume control. In addition, 25 percent, but never less than one, of all other public telephones provided shall be equipped with a volume control and shall be dispersed among all types of public telephones, including closed circuit telephones, throughout the building or facility. Signage complying with applicable provisions of 4.30.7 shall be provided.</p> <p>(c) The following shall be provided in accordance with 4.31.9:</p> <p>(i) If a total number of four or more public pay telephones (including both interior and exterior phones) is provided at a site, and</p>	Number of each type of telephone provided on each floor	Number of telephones required to comply with 4.31.2 through 4.31.8 ¹	1 or more single unit	1 per floor	1 bank ²	1 per floor	2 or more banks ²	1 per bank. Accessible unit may be installed as a single unit in proximity (either visible or with signage) to the bank. At least one public telephone per floor shall meet the requirements for a forward reach telephone. ³	<p>at least one is in an interior location, then at least one interior public TTY shall be provided.</p> <p>(ii) If an interior public pay telephone is provided in a stadium or arena, a convention center, a hotel with a convention center, or a covered mall subject to title III of the ADA, at least one interior public TTY shall be provided in the facility. In stadiums, arenas and convention centers which are subject to title II of the ADA, at least one public TTY shall be provided on each floor level having a public pay telephone.</p> <p>(iii) If a public pay telephone is located in or adjacent to a hospital emergency room, hospital recovery room, or hospital waiting room, one public TTY shall be provided at each such location.</p> <p>(iv) If an interior public pay telephone is provided in a public use area of a facility covered by title II of the ADA, at least one interior public TTY shall be provided in at least one public use area.</p> <p>(v) If an interior public pay telephone is provided in the secured area of a detention or correctional facility subject to section 12, then at least one public TTY shall also be provided in at least one secured area. Secured areas are those areas used only by detainees or inmates and security personnel.</p> <p>(d) Where a bank of telephones in the interior of a building consists of three or more public pay telephones, at least one public pay telephone in each such bank shall be equipped with a shelf and outlet in compliance with 4.31.9(2).</p> <p>EXCEPTION: This requirement does not apply to the secured areas of detention or correctional facilities where shelves and outlets are prohibited for purposes of security or safety.</p> <p>(18) If fixed or built-in seating or tables (including, but not limited to, study carrels and student laboratory stations), are provided in accessible public or common use areas, at least five percent, but not less than one, of the fixed or built-in seating areas or tables shall comply with 4.32. An accessible route shall lead to and through such fixed or built-in seating areas, or tables.</p>
Number of each type of telephone provided on each floor	Number of telephones required to comply with 4.31.2 through 4.31.8 ¹								
1 or more single unit	1 per floor								
1 bank ²	1 per floor								
2 or more banks ²	1 per bank. Accessible unit may be installed as a single unit in proximity (either visible or with signage) to the bank. At least one public telephone per floor shall meet the requirements for a forward reach telephone. ³								

4.1.5 Accessible Buildings: Additions

<p>(19)* Assembly Areas.</p> <p>(a) In places of assembly with fixed seating, accessible wheelchair locations shall comply with 4.33.2, 4.33.3, and 4.33.4 and shall be provided consistent with the following table:</p> <table border="1" style="margin-left: 20px; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Capacity of Seating in Assembly Areas</th> <th style="text-align: left;">Number of Required Wheelchair Locations</th> </tr> </thead> <tbody> <tr> <td>4 to 25</td> <td>1</td> </tr> <tr> <td>26 to 50</td> <td>2</td> </tr> <tr> <td>51 to 300</td> <td>4</td> </tr> <tr> <td>301 to 500</td> <td>6</td> </tr> <tr> <td>over 500</td> <td>6, plus 1 additional space for each total seating capacity increase of 100</td> </tr> </tbody> </table> <p>In addition, one percent, but not less than one, of all fixed seats shall be aisle seats with no armrests on the aisle side, or removable or folding armrests on the aisle side. Each such seat shall be identified by a sign or marker. Signage notifying patrons of the availability of such seats shall be posted at the ticket office. Aisle seats are not required to comply with 4.33.4.</p> <p>(b) This paragraph applies to assembly areas where audible communications are integral to the use of the space (e.g., concert and lecture halls, playhouses and movie theaters, meeting rooms, etc.). Such assembly areas, if (1) they accommodate at least 50 persons, or if they have audio-amplification systems, and (2) they have fixed seating, shall have a permanently installed assistive listening system complying with 4.33. For other assembly areas, a permanently installed assistive listening system, or an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system shall be provided. The minimum number of receivers to be provided shall be equal to four percent of the total number of seats, but in no case less than two. Signage complying with applicable provisions of 4.30 shall be installed to notify patrons of the availability of a listening system.</p> <p>(20) Where automated teller machines are provided, each machine shall comply with the requirements of 4.34 except where two or more machines are provided at a location, then only one must comply.</p>	Capacity of Seating in Assembly Areas	Number of Required Wheelchair Locations	4 to 25	1	26 to 50	2	51 to 300	4	301 to 500	6	over 500	6, plus 1 additional space for each total seating capacity increase of 100	<p>EXCEPTION: Drive-up-only automated teller machines are not required to comply with 4.34.2 and 4.34.3.</p> <p>(21) Where dressing and fitting rooms are provided for use by the general public, patients, customers or employees, five percent of dressing rooms, but never less than one, for each type of use in each cluster of dressing rooms shall be accessible and shall comply with 4.35.</p> <p>Examples of types of dressing rooms are those serving different genders or distinct and different functions as in different treatment or examination facilities.</p> <p>(22) Permanently-installed (indoor or outdoor) swimming pools subject to title II of the ADA shall be designed so as to provide at least one means of access into the water, if such swimming pools are intended for recreational purposes and not intended solely for diving or wading.</p> <p>4.1.4 (Reserved).</p> <p>4.1.5 Accessible Buildings: Additions. Each addition to an existing building or facility shall be regarded as an alteration. Each space or element added to the existing building or facility shall comply with the applicable provisions of 4.1.1 to 4.1.3, Minimum Requirements (for New Construction) and the applicable technical specifications of 4.2 through 4.35 and the special application sections. Each addition that affects or could affect the usability of an area containing a primary function shall comply with 4.1.6(2).</p> <p>4.1.6 Accessible Buildings: Alterations.</p> <p>(1) General. Alterations to existing buildings and facilities shall comply with the following:</p> <p>(a) No alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration.</p> <p>(b) If existing elements, spaces, or common areas are altered, then each such altered element, space, feature, or area shall comply with the applicable provisions of 4.1.1 to 4.1.3 Minimum Requirements (for New Construction).</p>
Capacity of Seating in Assembly Areas	Number of Required Wheelchair Locations												
4 to 25	1												
26 to 50	2												
51 to 300	4												
301 to 500	6												
over 500	6, plus 1 additional space for each total seating capacity increase of 100												

4.1.6 Accessible Buildings: Alterations

<p>tion). If the applicable provision for new construction requires that an element, space, or common area be on an accessible route, the altered element, space, or common area is not required to be on an accessible route except as provided in 4.1.6(2) (Alterations to an Area Containing a Primary Function).</p> <p>(c) If alterations of single elements, when considered together, amount to an alteration of a room or space in a building or facility, the entire space shall be made accessible.</p> <p>(d) No alteration of an existing element, space, or area of a building or facility shall impose a requirement for greater accessibility than that which would be required for new construction. For example, if the elevators and stairs in a building are being altered and the elevators are, in turn, being made accessible, then no accessibility modifications are required to the stairs connecting levels connected by the elevator. If stair modifications to correct unsafe conditions are required by other codes, the modifications shall be done in compliance with these guidelines unless technically infeasible.</p> <p>(e) At least one interior public TTY complying with 4.31.9 shall be provided if:</p> <p>(i) alterations to existing buildings or facilities with less than four exterior or interior public pay telephones would increase the total number to four or more telephones with at least one in an interior location; or</p> <p>(ii) alterations to one or more exterior or interior public pay telephones occur in an existing building or facility with four or more public telephones with at least one in an interior location.</p> <p>(f) If an escalator or stair is planned or installed where none existed previously and major structural modifications are necessary for such installation, then a means of accessible vertical access shall be provided that complies with the applicable provisions of 4.7, 4.8, 4.10, or 4.11.</p> <p>(g) In alterations, the requirements of 4.1.3(9), 4.3.10 and 4.3.11 do not apply.</p> <p>(h)* Entrances. If a planned alteration entails alterations to an entrance, and the building has an accessible entrance, the entrance being altered is not required to</p>	<p>comply with 4.1.3(8), except to the extent required by 4.1.6(2). If a particular entrance is not made accessible, appropriate accessible signage indicating the location of the nearest accessible entrance(s) shall be installed at or near the inaccessible entrance, such that a person with disabilities will not be required to retrace the approach route from the inaccessible entrance.</p> <p>(i) If the alteration work is limited solely to the electrical, mechanical, or plumbing system, or to hazardous material abatement, or automatic sprinkler retrofitting, and does not involve the alteration of any elements or spaces required to be accessible under these guidelines, then 4.1.6(2) does not apply.</p> <p>(j) EXCEPTION: In alteration work, if compliance with 4.1.6 is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible. Any elements or features of the building or facility that are being altered and can be made accessible shall be made accessible within the scope of the alteration.</p> <p>Technically Infeasible. Means, with respect to an alteration of a building or a facility, that it has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.</p> <p>(k) EXCEPTION:</p> <p>(i) These guidelines do not require the installation of an elevator in an altered facility that is exempt from the requirement for an elevator under 4.1.3(5).</p> <p>(ii) The exemption provided in paragraph (i) does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in these guidelines. For example, alterations to floors above or below the ground floor must be accessible regardless of whether the altered facility has an elevator. If a facility subject to the elevator exemption set forth in paragraph (i) nonetheless has a passenger elevator, that elevator</p>
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4.1.6 Accessible Buildings: Alterations

<p>shall meet, to the maximum extent feasible, the accessibility requirements of these guidelines.</p> <p>(2) Alterations to an Area Containing a Primary Function. In addition to the requirements of 4.1.6(1), an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).</p> <p>(3) Special Technical Provisions for Alterations to Existing Buildings and Facilities.</p> <p>(a) Ramps. Curb ramps and interior or exterior ramps to be constructed on sites or in existing buildings or facilities where space limitations prohibit the use of a 1:12 slope or less may have slopes and rises as follows:</p> <p>(i) A slope between 1:10 and 1:12 is allowed for a maximum rise of 6 in (152 mm).</p> <p>(ii) A slope between 1:8 and 1:10 is allowed for a maximum rise of 3 in (76 mm). A slope steeper than 1:8 is not allowed.</p> <p>(b) Stairs. Full extension of handrails at stairs shall not be required in alterations where such extensions would be hazardous or impossible due to plan configuration.</p> <p>(c) Elevators.</p> <p>(i) If safety door edges are provided in existing automatic elevators, automatic door reopening devices may be omitted (see 4.10.6).</p> <p>(ii) Where existing shaft configuration or technical infeasibility prohibits strict compliance with 4.10.9, the minimum car plan dimensions may be reduced by the minimum amount necessary, but in no case shall the inside car area be smaller than 48 in by 48 in (1220 mm by 1220 mm).</p> <p>(iii) Equivalent facilitation may be provided with an elevator car of different dimensions when usability can be demonstrated and when all other elements required</p>	<p>to be accessible comply with the applicable provisions of 4.10. For example, an elevator of 47 in by 69 in (1195 mm by 1755 mm) with a door opening on the narrow dimension, could accommodate the standard wheelchair clearances shown in Fig. 4.</p> <p>(d) Doors.</p> <p>(i) Where it is technically infeasible to comply with clear opening width requirements of 4.13.5, a projection of 5/8 in (16 mm) maximum will be permitted for the latch side stop.</p> <p>(ii) If existing thresholds are 3/4 in (20 mm) high or less, and have (or are modified to have) a beveled edge on each side, they may remain.</p> <p>(e) Toilet Rooms.</p> <p>(i) Where it is technically infeasible to comply with 4.22 or 4.23, the installation of at least one unisex toilet/bathroom per floor, located in the same area as existing toilet facilities, will be permitted in lieu of modifying existing toilet facilities to be accessible. Each unisex toilet room shall contain one water closet complying with 4.16 and one lavatory complying with 4.19, and the door shall have a privacy latch.</p> <p>(ii) Where it is technically infeasible to install a required standard stall (Fig. 30(a)), or where other codes prohibit reduction of the fixture count (i.e., removal of a water closet in order to create a double-wide stall), either alternate stall (Fig. 30(b)) may be provided in lieu of the standard stall.</p> <p>(iii) When existing toilet or bathing facilities are being altered and are not made accessible, signage complying with 4.30.1, 4.30.2, 4.30.3, 4.30.5, and 4.30.7 shall be provided indicating the location of the nearest accessible toilet or bathing facility within the facility.</p> <p>(f) Assembly Areas.</p> <p>(i) Where it is technically infeasible to disperse accessible seating throughout an altered assembly area, accessible seating areas may be clustered. Each accessible seating area shall have provisions for companion seating and shall be located on an accessible route that also serves as a means of emergency egress.</p>
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4.1.7 Accessible Buildings: Historic Preservation

<p>(ii) Where it is technically infeasible to alter all performing areas to be on an accessible route, at least one of each type of performing area shall be made accessible.</p> <p>(g) Platform Lifts (Wheelchair Lifts). In alterations, platform lifts (wheelchair lifts) complying with 4.11 and applicable state or local codes may be used as part of an accessible route. The use of lifts is not limited to the four conditions in Exception 4 of 4.1.3(5).</p> <p>(h) Dressing Rooms. In alterations where technical infeasibility can be demonstrated, one dressing room for each sex on each level shall be made accessible. Where only unisex dressing rooms are provided, accessible unisex dressing rooms may be used to fulfill this requirement.</p> <p>4.1.7 Accessible Buildings: Historic Preservation.</p> <p>(1) Applicability.</p> <p>(a) General Rule. Alterations to a qualified historic building or facility shall comply with 4.1.6 (Accessible Buildings: Alterations), the applicable technical specifications of 4.2 through 4.35 and the applicable special application sections unless it is determined in accordance with the procedures in 4.1.7(2) that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility in which case the alternative requirements in 4.1.7(3) may be used for the feature.</p> <p>EXCEPTION: If it is determined in accordance with the procedures in 4.1.7(2) that it is not feasible to provide physical access to a qualified historic building or facility in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided as required by 28 CFR 35.151(d)(2) for entities covered by title II of the ADA and 28 CFR 36.405(b) for entities covered by title III of the ADA.</p> <p>(b) Definition. A qualified historic building or facility is a building or facility that is:</p> <p>(i) Listed in or eligible for listing in the National Register of Historic Places; or</p>	<p>(ii) Designated as historic under an appropriate State or local law.</p> <p>(2) Procedures.</p> <p>(a) Alterations to Qualified Historic Buildings and Facilities Subject to Section 106 of the National Historic Preservation Act.</p> <p>(i) Section 106 Process. Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) requires that a Federal agency with jurisdiction over a Federal, federally assisted, or federally licensed undertaking consider the effects of the agency's undertaking on buildings and facilities listed in or eligible for listing in the National Register of Historic Places and give the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking prior to approval of the undertaking.</p> <p>(ii) ADA Application. Where alterations are undertaken to a qualified historic building or facility that is subject to section 106 of the National Historic Preservation Act, the Federal agency with jurisdiction over the undertaking shall follow the section 106 process. If the State Historic Preservation Officer or Advisory Council on Historic Preservation agrees that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility, the alternative requirements in 4.1.7(3) may be used for the feature.</p> <p>(b) Alterations to Qualified Historic Buildings and Facilities Not Subject to Section 106 of the National Historic Preservation Act. Where alterations are undertaken to a qualified historic building or facility that is not subject to section 106 of the National Historic Preservation Act, if the entity undertaking the alterations believes that compliance with the requirements for accessible routes (exterior and interior), ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility and that the alternative requirements in 4.1.7(3) should be used for the feature, the entity should consult with the State Historic Preservation Officer. If the State Historic Preservation Officer agrees that compliance with the accessibility requirements for accessible routes (exterior and interior), ramps, entrances or toilets would</p>
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4.2 Space Allowance and Reach Ranges

<p>threaten or destroy the historical significance of the building or facility, the alternative requirements in 4.1.7(3) may be used.</p> <p>(c) Consultation With Interested Persons. Interested persons should be invited to participate in the consultation process, including State or local accessibility officials, individuals with disabilities, and organizations representing individuals with disabilities.</p> <p>(d) Certified Local Government Historic Preservation Programs. Where the State Historic Preservation Officer has delegated the consultation responsibility for purposes of this section to a local government historic preservation program that has been certified in accordance with section 101(c) of the National Historic Preservation Act of 1966 (16 U.S.C. 470a (c)) and implementing regulations (36 CFR 61.5), the responsibility may be carried out by the appropriate local government body or official.</p> <p>(3) Historic Preservation: Minimum Requirements.</p> <p>(a) At least one accessible route complying with 4.3 from a site access point to an accessible entrance shall be provided.</p> <p>EXCEPTION: A ramp with a slope no greater than 1:6 for a run not to exceed 2 ft (610 mm) may be used as part of an accessible route to an entrance.</p> <p>(b) At least one accessible entrance complying with 4.14 which is used by the public shall be provided.</p> <p>EXCEPTION: If it is determined that no entrance used by the public can comply with 4.14, then access at any entrance not used by the general public but open (unlocked) with directional signage at the primary entrance may be used. The accessible entrance shall also have a notification system. Where security is a problem, remote monitoring may be used.</p> <p>(c) If toilets are provided, then at least one toilet facility complying with 4.22 and 4.1.6 shall be provided along an accessible route that complies with 4.3. Such toilet facility may be unisex in design.</p>	<p>(d) Accessible routes from an accessible entrance to all publicly used spaces on at least the level of the accessible entrance shall be provided. Access shall be provided to all levels of a building or facility in compliance with 4.1 whenever practical.</p> <p>(e) Displays and written information, documents, etc., should be located where they can be seen by a seated person. Exhibits and signage displayed horizontally (e.g., open books), should be no higher than 44 in (1120 mm) above the floor surface.</p> <p>NOTE: The technical provisions of sections 4.2 through 4.35 are the same as those of the American National Standard Institute's document A117.1-1980, except as noted in the text.</p> <p>4.2 Space Allowance and Reach Ranges.</p> <p>4.2.1* Wheelchair Passage Width. The minimum clear width for single wheelchair passage shall be 32 in (815 mm) at a point and 36 in (915 mm) continuously (see Fig. 1 and 24(e)).</p> <p>4.2.2 Width for Wheelchair Passing. The minimum width for two wheelchairs to pass is 60 in (1525 mm) (see Fig. 2).</p> <p>4.2.3* Wheelchair Turning Space. The space required for a wheelchair to make a 180-degree turn is a clear space of 60 in (1525 mm) diameter (see Fig. 3(a)) or a T-shaped space (see Fig. 3(b)).</p>
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4.2.4* Clear Floor or Ground Space for Wheelchairs

4.2.4* Clear Floor or Ground Space for Wheelchairs.

4.2.4.1 Size and Approach. The minimum clear floor or ground space required to accommodate a single, stationary wheelchair and occupant is 30 in by 48 in (760 mm by 1220 mm) (see Fig. 4(a)). The minimum clear floor or ground space for wheelchairs may be positioned for forward or parallel approach to an object (see Fig. 4(b) and (c)). Clear floor or ground space for wheelchairs may be part of the knee space required under some objects.

4.2.4.2 Relationship of Maneuvering Clearance to Wheelchair Spaces. One full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair clear floor space. If a clear floor space is located in an alcove or otherwise confined on all or part of three sides, additional maneuvering clearances shall be provided as shown in Fig. 4(d) and (e).

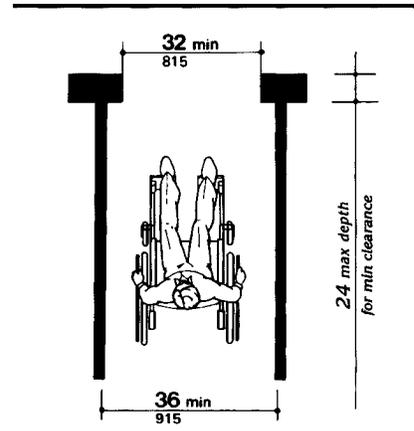
4.2.4.3 Surfaces for Wheelchair Spaces. Clear floor or ground spaces for wheelchairs shall comply with 4.5.

4.2.5* Forward Reach. If the clear floor space only allows forward approach to an object, the maximum high forward reach allowed shall be 48 in (1220 mm) (see Fig. 5(a)). *The minimum low forward reach is 15 in (380 mm).* If the high forward reach is over an obstruction, reach and clearances shall be as shown in Fig. 5(b).

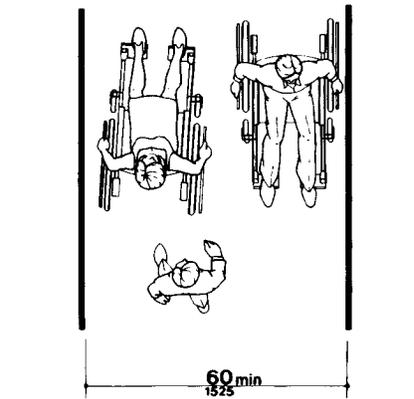
4.2.6* Side Reach. If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be 54 in (1370 mm) and the low side reach shall be no less than 9 in (230 mm) above the floor (Fig. 6(a) and (b)). If the side reach is over an obstruction, the reach and clearances shall be as shown in Fig. 6(c).

4.3 Accessible Route.

4.3.1* General. All walks, halls, corridors, aisles, skywalks, tunnels, and other spaces



**Fig. 1
Minimum Clear Width
for Single Wheelchair**



**Fig. 2
Minimum Clear Width
for Two Wheelchairs**

4.3 Accessible Route

that are part of an accessible route shall comply with 4.3.

4.3.2 Location.

(1) At least one accessible route *within the boundary of the site* shall be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. *The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.*

(2) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(3) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

(4) An accessible route shall connect at least one accessible entrance of each accessible

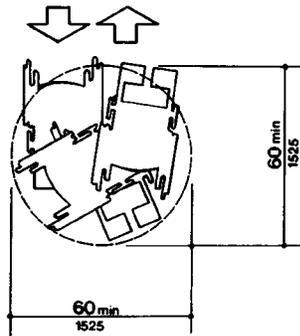
dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

4.3.3 Width. The minimum clear width of an accessible route shall be 36 in (915 mm) except at doors (see 4.13.5 and 4.13.6). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Fig. 7(a) and (b).

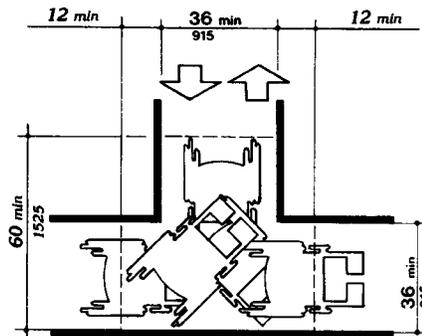
4.3.4 Passing Space. If an accessible route has less than 60 in (1525 mm) clear width, then passing spaces at least 60 in by 60 in (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 ft (61 m). A T-intersection of two corridors or walks is an acceptable passing place.

4.3.5 Head Room. Accessible routes shall comply with 4.4.2.

4.3.6 Surface Textures. The surface of an accessible route shall comply with 4.5.



(a)
60-in (1525-mm)-Diameter Space



(b)
T-Shaped Space for 180° Turns

Fig. 3
Wheelchair Turning Space

4.3 Accessible Route

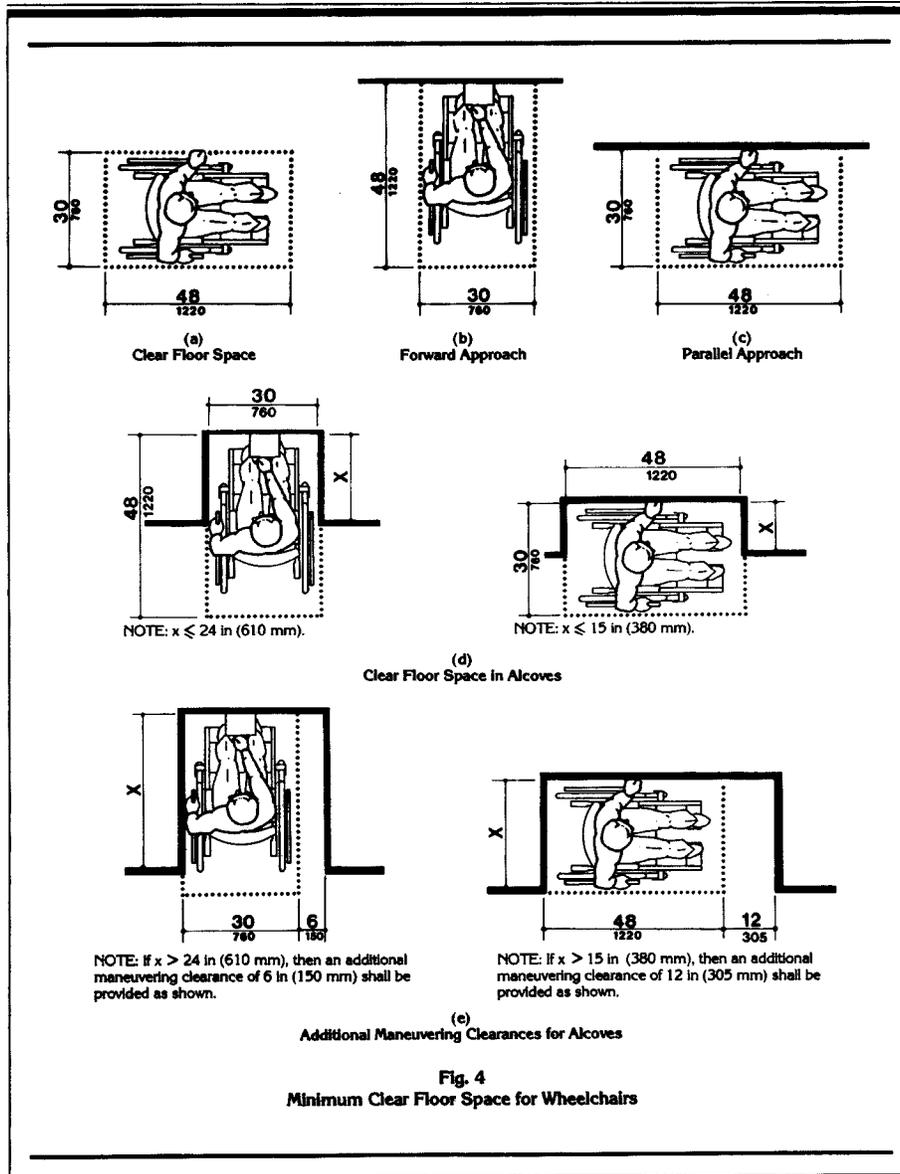
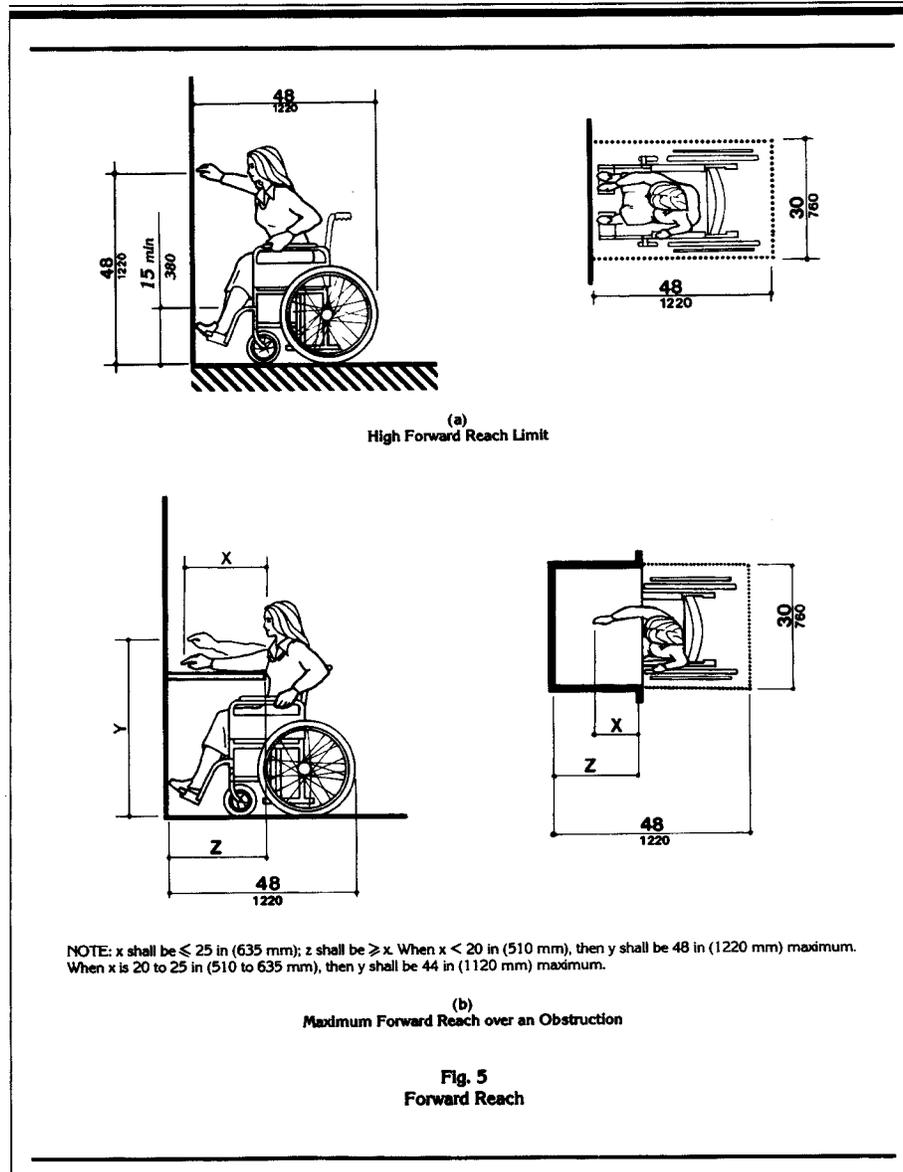
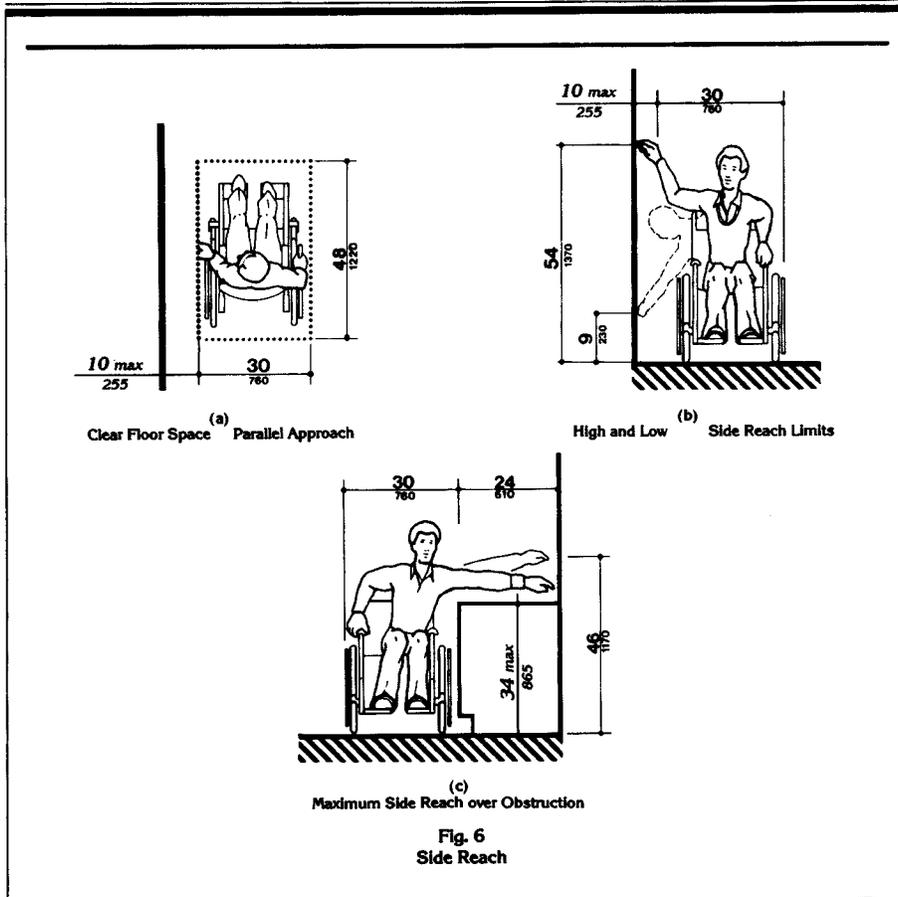


Fig. 4
Minimum Clear Floor Space for Wheelchairs

4.3 Accessible Route



4.3.7 Slope



4.3.7 Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with 4.8. Nowhere shall the cross slope of an accessible route exceed 1:50.

4.3.8 Changes in Levels. Changes in levels along an accessible route shall comply with 4.5.2. If an accessible route has changes in level greater than 1/2 in (13 mm), then a curb

ramp, ramp, elevator, or platform lift (as permitted in 4.1.3 and 4.1.6) shall be provided that complies with 4.7, 4.8, 4.10, or 4.11, respectively. An accessible route does not include stairs, steps, or escalators. See definition of "egress, means of" in 3.5.

4.3.9 Doors. Doors along an accessible route shall comply with 4.13.

4.3.10* Egress

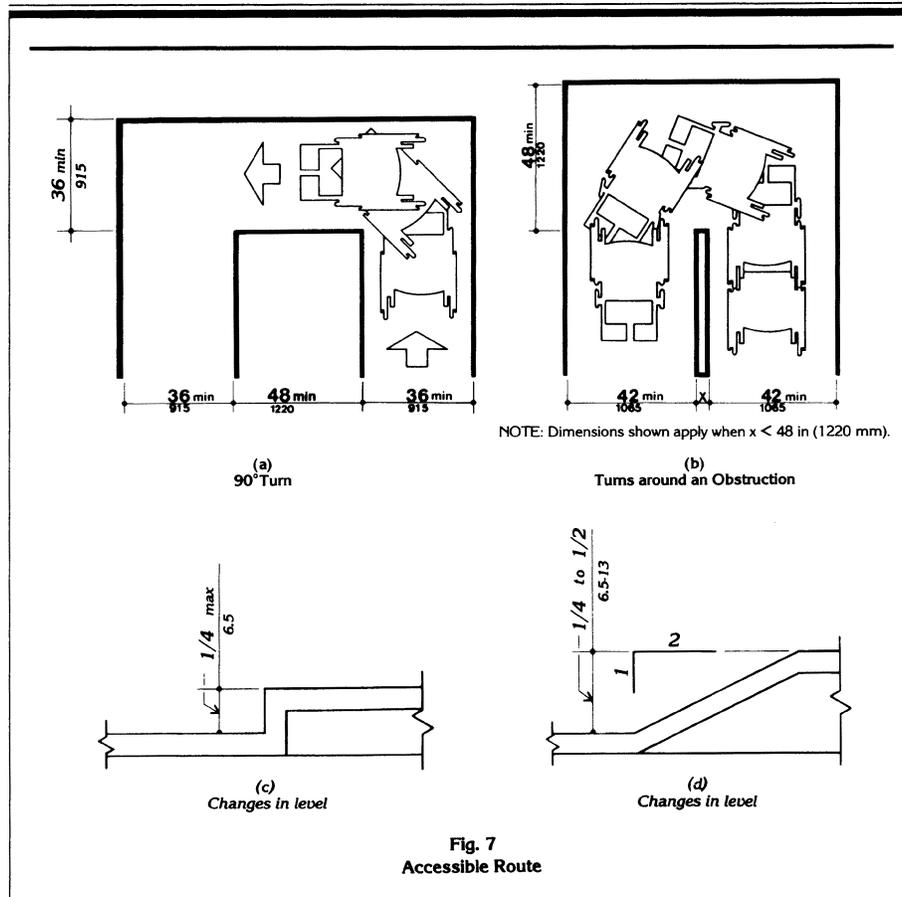


Fig. 7
Accessible Route

4.3.10* Egress. Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible area of rescue assistance.

4.3.11 Areas of Rescue Assistance.

4.3.11.1 Location and Construction. An area of rescue assistance shall be one of the following:

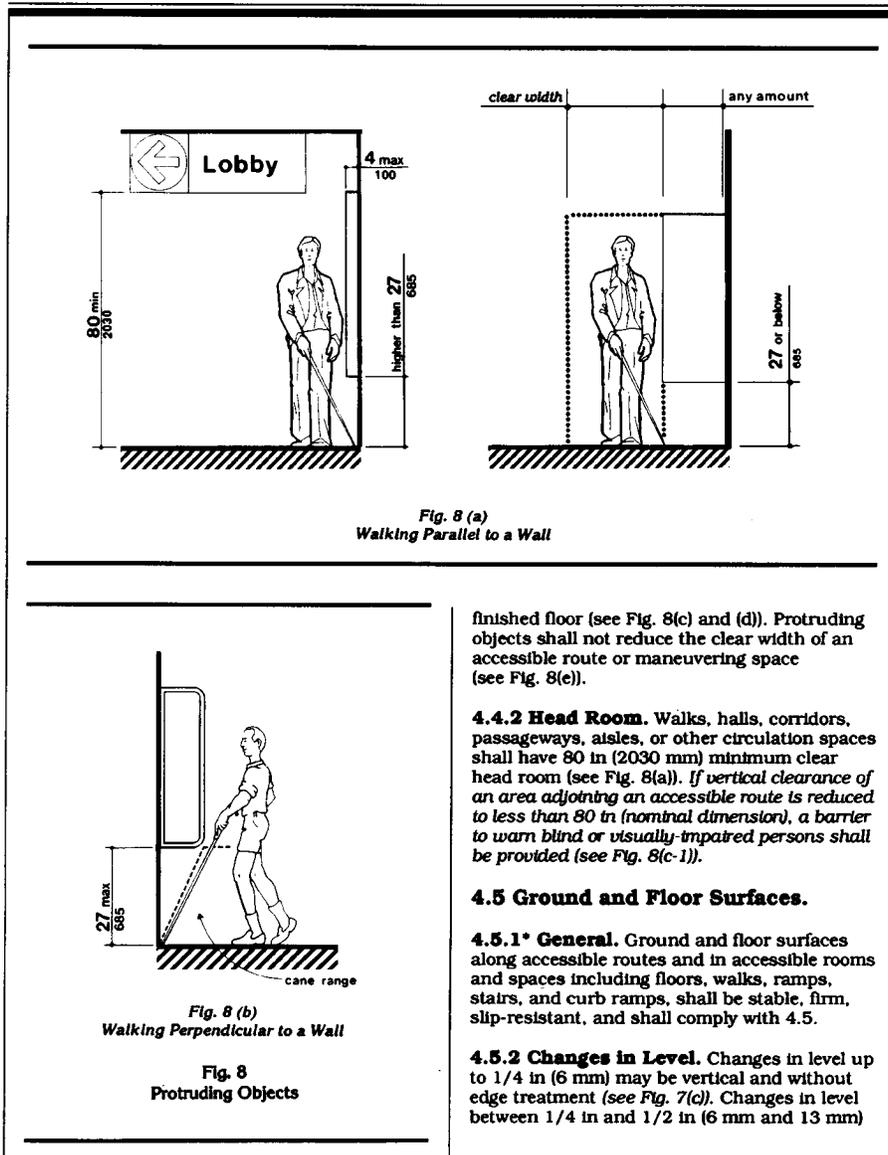
(1) A portion of a stairway landing within a smokeproof enclosure (complying with local requirements).

(2) A portion of an exterior exit balcony located immediately adjacent to an exit stairway when the balcony complies with local requirements for exterior exit balconies. Openings to the interior of the building located within 20 feet (6 m) of the

4.4 Protruding Objects

<p>area of rescue assistance shall be protected with fire assemblies having a three-fourths hour fire protection rating.</p> <p>(3) A portion of a one-hour fire-resistive corridor (complying with local requirements for fire-resistive construction and for openings) located immediately adjacent to an exit enclosure.</p> <p>(4) A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required for corridors and openings.</p> <p>(5) A portion of a stairway landing within an exit enclosure which is vented to the exterior and is separated from the interior of the building with not less than one-hour fire-resistive doors.</p> <p>(6) When approved by the appropriate local authority, an area or a room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one hour and shall completely enclose the area or room. Doors in the smoke barrier shall be tight-fitting smoke- and draft-control assemblies having a fire-protection rating of not less than 20 minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. Where the room or area exits into an exit enclosure which is required to be of more than one-hour fire-resistive construction, the room or area shall have the same fire-resistive construction, including the same opening protection, as required for the adjacent exit enclosure.</p> <p>(7) An elevator lobby when elevator shafts and adjacent lobbies are pressurized as required for smokeproof enclosures by local regulations and when complying with requirements herein for size, communication, and signage. Such pressurization system shall be actuated by smoke detectors on each floor located in a manner approved by the appropriate local authority. Pressurization equipment and its duct work within the building shall be separated from other portions of the building by a minimum two-hour fire-resistive construction.</p> <p>4.3.11.2 Size. Each area of rescue assistance shall provide at least two accessible areas each being not less than 30 inches by 48 inches (760 mm by 1220 mm). The area of rescue</p>	<p>assistance shall not encroach on any required exit width. The total number of such 30-inch by 48-inch (760 mm by 1220 mm) areas per story shall be not less than one for every 200 persons of calculated occupant load served by the area of rescue assistance.</p> <p>EXCEPTION: The appropriate local authority may reduce the minimum number of 30-inch by 48-inch (760 mm by 1220 mm) areas to one for each area of rescue assistance on floors where the occupant load is less than 200.</p> <p>4.3.11.3* Stairway Width. Each stairway adjacent to an area of rescue assistance shall have a minimum clear width of 48 inches between handrails.</p> <p>4.3.11.4* Two-way Communication. A method of two-way communication, with both visible and audible signals, shall be provided between each area of rescue assistance and the primary entry. The fire department or appropriate local authority may approve a location other than the primary entry.</p> <p>4.3.11.5 Identification. Each area of rescue assistance shall be identified by a sign which states "AREA OF RESCUE ASSISTANCE" and displays the international symbol of accessibility. The sign shall be illuminated when exit sign illumination is required. Signage shall also be installed at all inaccessible exits and where otherwise necessary to clearly indicate the direction to areas of rescue assistance. In each area of rescue assistance, instructions on the use of the area under emergency conditions shall be posted adjoining the two-way communication system.</p> <p>4.4 Protruding Objects.</p> <p>4.4.1* General. Objects projecting from walls (for example, telephones) with their leading edges between 27 in and 80 in (685 mm and 2030 mm) above the finished floor shall protrude no more than 4 in (100 mm) into walks, halls, corridors, passageways, or aisles (see Fig. 8(a)). Objects mounted with their leading edges at or below 27 in (685 mm) above the finished floor may protrude any amount (see Fig. 8(a) and (b)). Free-standing objects mounted on posts or pylons may overhang 12 in (305 mm) maximum from 27 in to 80 in (685 mm to 2030 mm) above the ground or</p>
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4.4 Protruding Objects



finished floor (see Fig. 8(c) and (d)). Protruding objects shall not reduce the clear width of an accessible route or maneuvering space (see Fig. 8(e)).

4.4.2 Head Room. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have 80 in (2030 mm) minimum clear head room (see Fig. 8(a)). If vertical clearance of an area adjoining an accessible route is reduced to less than 80 in (nominal dimension), a barrier to warn blind or visually-impaired persons shall be provided (see Fig. 8(c-1)).

4.5 Ground and Floor Surfaces.

4.5.1* General. Ground and floor surfaces along accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, slip-resistant, and shall comply with 4.5.

4.5.2 Changes in Level. Changes in level up to 1/4 in (6 mm) may be vertical and without edge treatment (see Fig. 7(c)). Changes in level between 1/4 in and 1/2 in (6 mm and 13 mm)

4.4 Protruding Objects

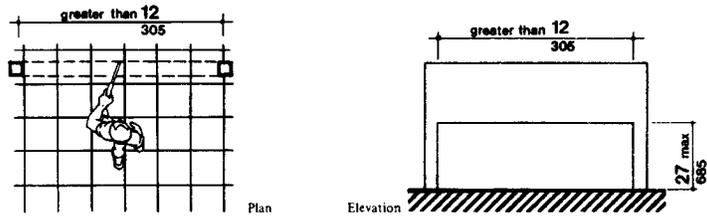


Fig. 8 (c) Free-Standing Overhanging Objects

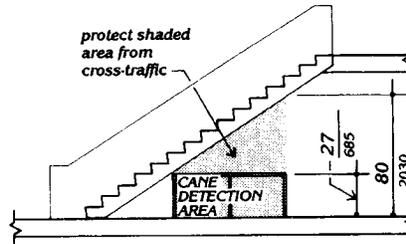


Fig. 8 (c-1) Overhead Hazards

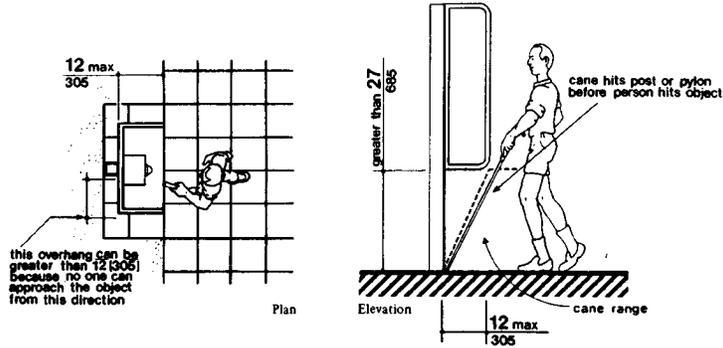
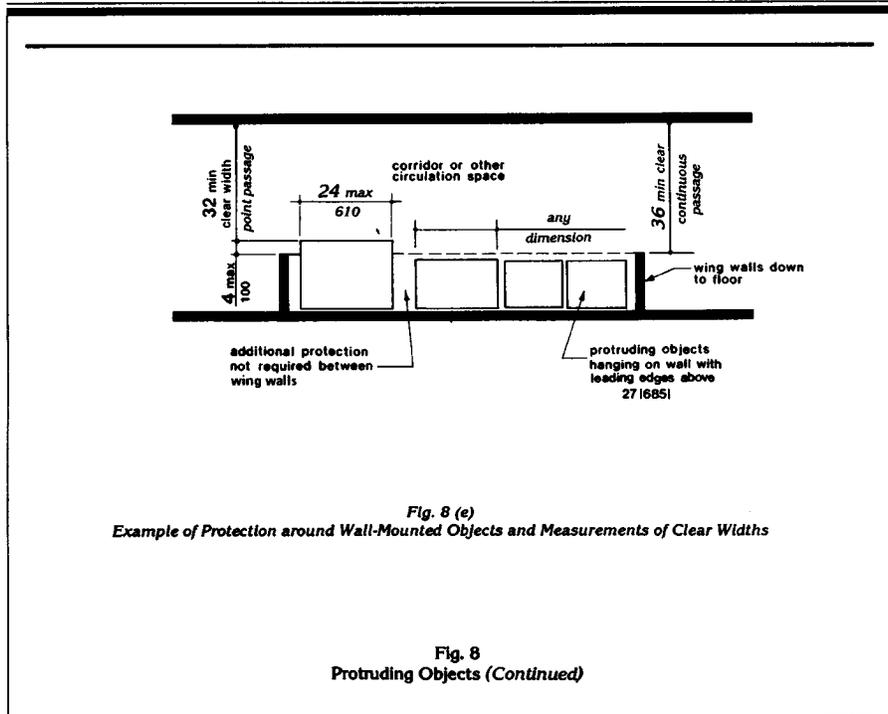


Fig. 8 (d)
Objects Mounted on Posts or Pylons

Fig. 8
Protruding Objects (Continued)

4.5 Ground and Floor Surfaces



shall be beveled with a slope no greater than 1:2 (see Fig. 7(d)). Changes in level greater than 1/2 in (13 mm) shall be accomplished by means of a ramp that complies with 4.7 or 4.8.

4.5.3* Carpet. If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing, or no cushion or pad; and have a level loop, textured loop, level cut pile, or level cut/uncut pile texture. The maximum pile thickness shall be 1/2 in (13 mm) (see Fig. 8(f)). Exposed edges of carpet shall be fastened to floor surfaces and have trim along the entire length of the exposed edge. Carpet edge trim shall comply with 4.5.2.

4.5.4 Gratings. If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 in (13 mm) wide in one direction (see Fig. 8(g)). If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel (see Fig. 8(h)).

4.6 Parking and Passenger Loading Zones.

4.6.1 Minimum Number. Parking spaces required to be accessible by 4.1 shall comply with 4.6.2 through 4.6.5. Passenger loading zones required to be accessible by 4.1 shall comply with 4.6.5 and 4.6.6.

4.6 Parking and Passenger Loading Zones

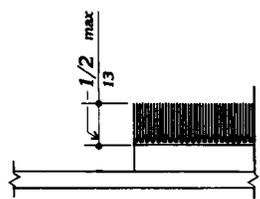


Fig. 8 (f)
Carpet Pile Thickness

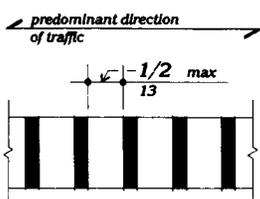


Fig. 8 (g)
Gratings

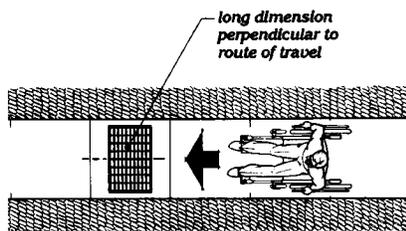


Fig. 8 (h)
Grating Orientation

4.6.2 Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

4.6.3* Parking Spaces. Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with 4.3. Two accessible parking spaces may share a common access aisle (see Fig. 9). Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

4.6.4* Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility (see 4.30.7). Spaces complying with 4.1.2(5)(b) shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

4.6.5* Vertical Clearance. Provide minimum vertical clearance of 114 in (2895 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 4.1.2(5)(b), provide minimum vertical clearance of 98 in (2490 mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

4.6.6 Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least 60 in (1525 mm) wide and 20 ft (240 in) (6100 mm) long adjacent and parallel to the vehicle pull-up space (see Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with 4.7 shall be provided. Vehicle standing spaces and access aisles shall be level with

4.7 Curb Ramps

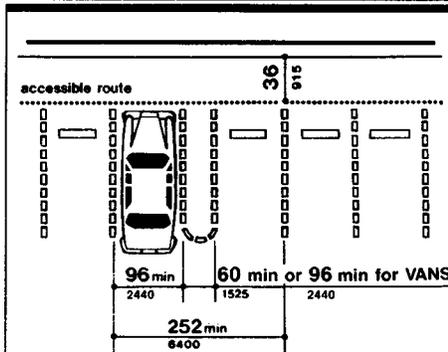


Fig. 9
Dimensions of Parking Spaces

surface slopes not exceeding 1:50 (2%) in all directions.

4.7 Curb Ramps.

4.7.1 Location. Curb ramps complying with 4.7 shall be provided wherever an accessible route crosses a curb.

4.7.2 Slope. Slopes of curb ramps shall comply with 4.8.2. The slope shall be measured as shown in Fig. 11. *Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes. Maximum slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1:20.*

4.7.3 Width. The minimum width of a curb ramp shall be 36 in (915 mm), exclusive of flared sides.

4.7.4 Surface. Surfaces of curb ramps shall comply with 4.5.

4.7.5 Sides of Curb Ramps. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides; the maximum slope of the flare shall be 1:10 (see Fig. 12(a)). Curb ramps with returned curbs

may be used where pedestrians would not normally walk across the ramp (see Fig. 12(b)).

4.7.6 Built-up Curb Ramps. Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes (see Fig. 13).

4.7.7 Detectable Warnings. A curb ramp shall have a detectable warning complying with 4.29.2. The detectable warning shall extend the full width and depth of the curb ramp.

4.7.8 Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

4.7.9 Location at Marked Crossings. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides (see Fig. 15).

4.7.10 Diagonal Curb Ramps. If diagonal (or corner type) curb ramps have returned curbs or other well-defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have 48 in (1220 mm) minimum clear space as shown in Fig. 15(c) and (d). If diagonal curb ramps are provided at marked crossings, the 48 in (1220 mm) clear space shall be within the markings (see Fig. 15(c) and (d)). If diagonal curb ramps have flared sides, they shall also have at least a 24 in (610 mm) long segment of straight curb located on each side of the curb ramp and within the marked crossing (see Fig. 15(c)).

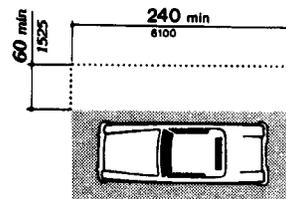


Fig. 10
Access Aisle at Passenger Loading Zones

4.8 Ramps

Fig. 11
Measurement of Curb Ramp Slopes

(a)
Flared Sides

(b)
Returned Curb

If X is less than 48 in, then the slope of the flared side shall not exceed 1:12.

Fig. 12
Sides of Curb Ramps

4.7.11 Islands. Any raised islands in crossings shall be cut through level with the street or have curb ramps at both sides and a level area at least 48 in (1220 mm) long between the curb ramps in the part of the island intersected by the crossings (see Fig. 15(a) and (b)).

4.8 Ramps.

4.8.1* General. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with 4.8.

4.8.2* Slope and Rise. The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. The maximum rise for any run shall be 30 in (760 mm) (see Fig. 16). Curb ramps

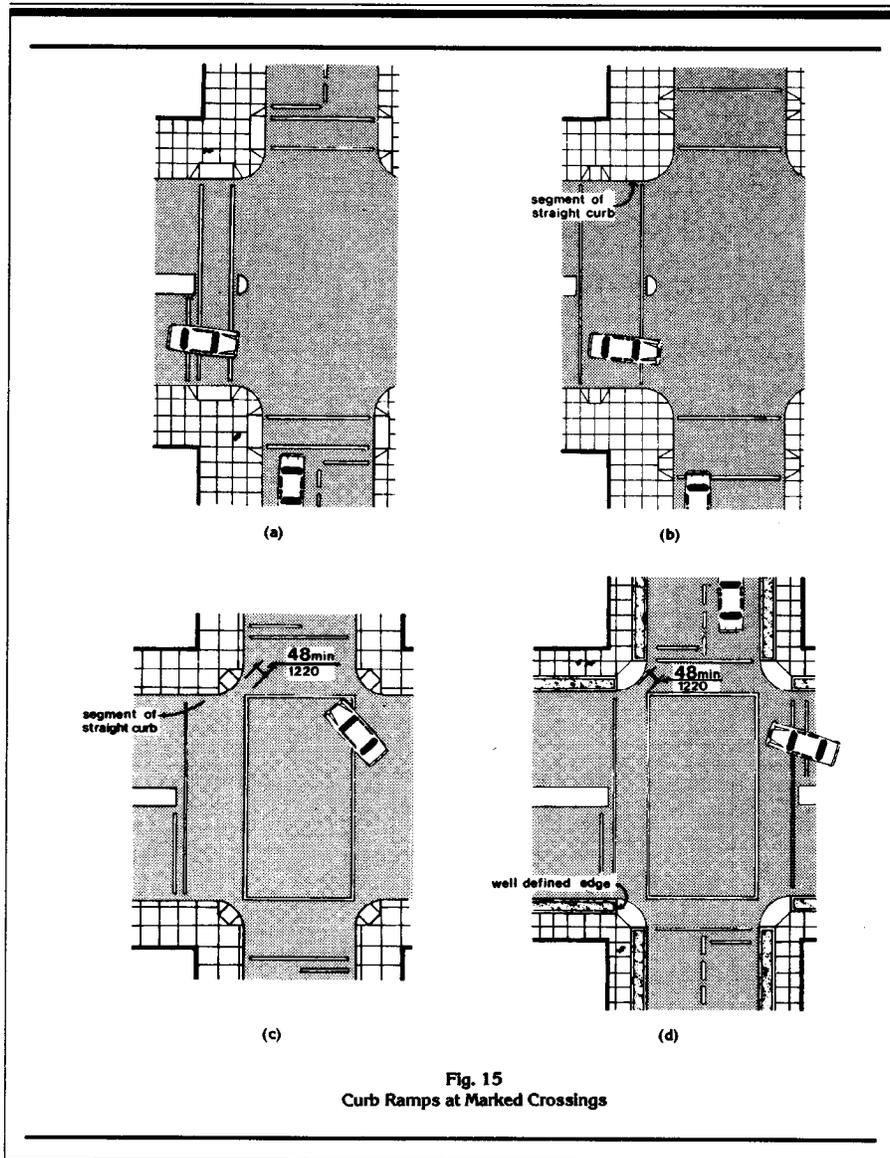
Fig. 13
Built-Up Curb Ramp

and ramps to be constructed on existing sites or in existing buildings or facilities may have slopes and rises as allowed in 4.1.6(3)(a) if space limitations prohibit the use of a 1:12 slope or less.

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4.8 Ramps



4.8 Ramps

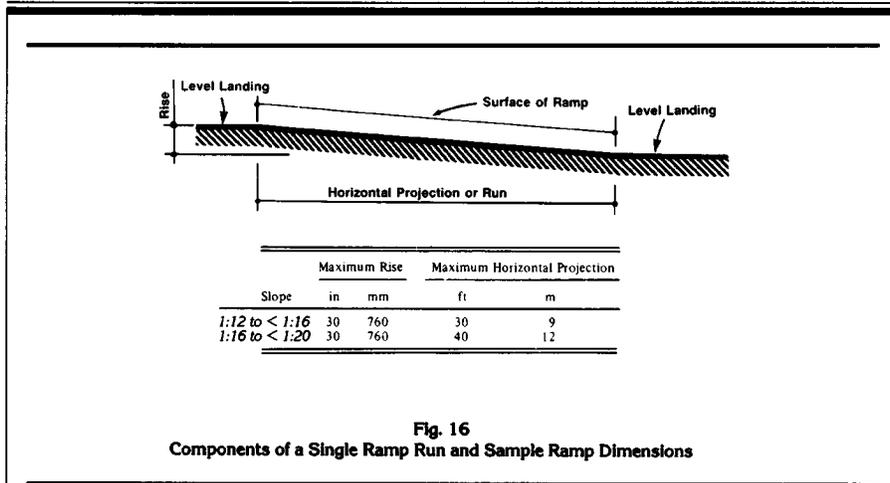


Fig. 16
Components of a Single Ramp Run and Sample Ramp Dimensions

4.8.3 Clear Width. The minimum clear width of a ramp shall be 36 in (915 mm).

4.8.4* Landings. Ramps shall have level landings at bottom and top of each ramp and each ramp run. Landings shall have the following features:

- (1) The landing shall be at least as wide as the ramp run leading to it.
- (2) The landing length shall be a minimum of 60 in (1525 mm) clear.
- (3) If ramps change direction at landings, the minimum landing size shall be 60 in by 60 in (1525 mm by 1525 mm).
- (4) If a doorway is located at a landing, then the area in front of the doorway shall comply with 4.13.6.

4.8.5* Handrails. If a ramp run has a rise greater than 6 in (150 mm) or a horizontal projection greater than 72 in (1830 mm), then it shall have handrails on both sides. Handrails are not required on curb ramps or adjacent to seating in assembly areas. Handrails shall comply with 4.26 and shall have the following features:

(1) Handrails shall be provided along both sides of ramp segments. The inside handrail on switchback or dogleg ramps shall always be continuous.

(2) If handrails are not continuous, they shall extend at least 12 in (305 mm) beyond the top and bottom of the ramp segment and shall be parallel with the floor or ground surface (see Fig. 17).

(3) The clear space between the handrail and the wall shall be 1 - 1/2 in (38 mm).

(4) Gripping surfaces shall be continuous.

(5) Top of handrail gripping surfaces shall be mounted between 34 in and 38 in (865 mm and 965 mm) above ramp surfaces.

(6) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.

(7) Handrails shall not rotate within their fittings.

4.8.6 Cross Slope and Surfaces. The cross slope of ramp surfaces shall be no greater than 1:50. Ramp surfaces shall comply with 4.5.

4.9 Stairs

4.8.7 Edge Protection. Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp. Curbs shall be a minimum of 2 in (50 mm) high (see Fig. 17).

4.8.8 Outdoor Conditions. Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces.

4.9 Stairs.

4.9.1* Minimum Number. *Stairs required to be accessible by 4.1 shall comply with 4.9.*

4.9.2 Treads and Risers. On any given flight of stairs, all steps shall have uniform riser heights and uniform tread widths. Stair treads shall be no less than 11 in (280 mm) wide, measured from riser to riser (see Fig. 18(a)). *Open risers are not permitted.*

4.9.3 Nosings. The undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than 1/2 in (13 mm). Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal. Nosings shall project no more than 1-1/2 in (38 mm) (see Fig. 18).

4.9.4 Handrails. Stairways shall have handrails at both sides of all stairs. Handrails shall comply with 4.26 and shall have the following features:

(1) Handrails shall be continuous along both sides of stairs. The inside handrail on switchback or dogleg stairs shall always be continuous (see Fig. 19(a) and (b)).

(2) If handrails are not continuous, they shall extend at least 12 in (305 mm) beyond the top riser and at least 12 in (305 mm) plus the width of one tread beyond the bottom riser. At the top, the extension shall be parallel with the floor or ground surface. At the bottom, the handrail shall continue to slope for a distance of the width of one tread from the bottom riser; the remainder of the extension shall be horizontal (see Fig. 19(c) and (d)). Handrail extensions shall comply with 4.4.

(3) The clear space between handrails and wall shall be 1-1/2 in (38 mm).

(4) Gripping surfaces shall be uninterrupted by newel posts, other construction elements, or obstructions.

(5) *Top of handrail gripping surface shall be mounted between 34 in and 38 in (865 mm and 965 mm) above stair nosings.*

(6) *Ends of handrails shall be either rounded or returned smoothly to floor, wall or post.*

(7) *Handrails shall not rotate within their fittings.*

4.9.5 Detectable Warnings at Stairs. *(Reserved).*

4.9.6 Outdoor Conditions. Outdoor stairs and their approaches shall be designed so that water will not accumulate on walking surfaces.

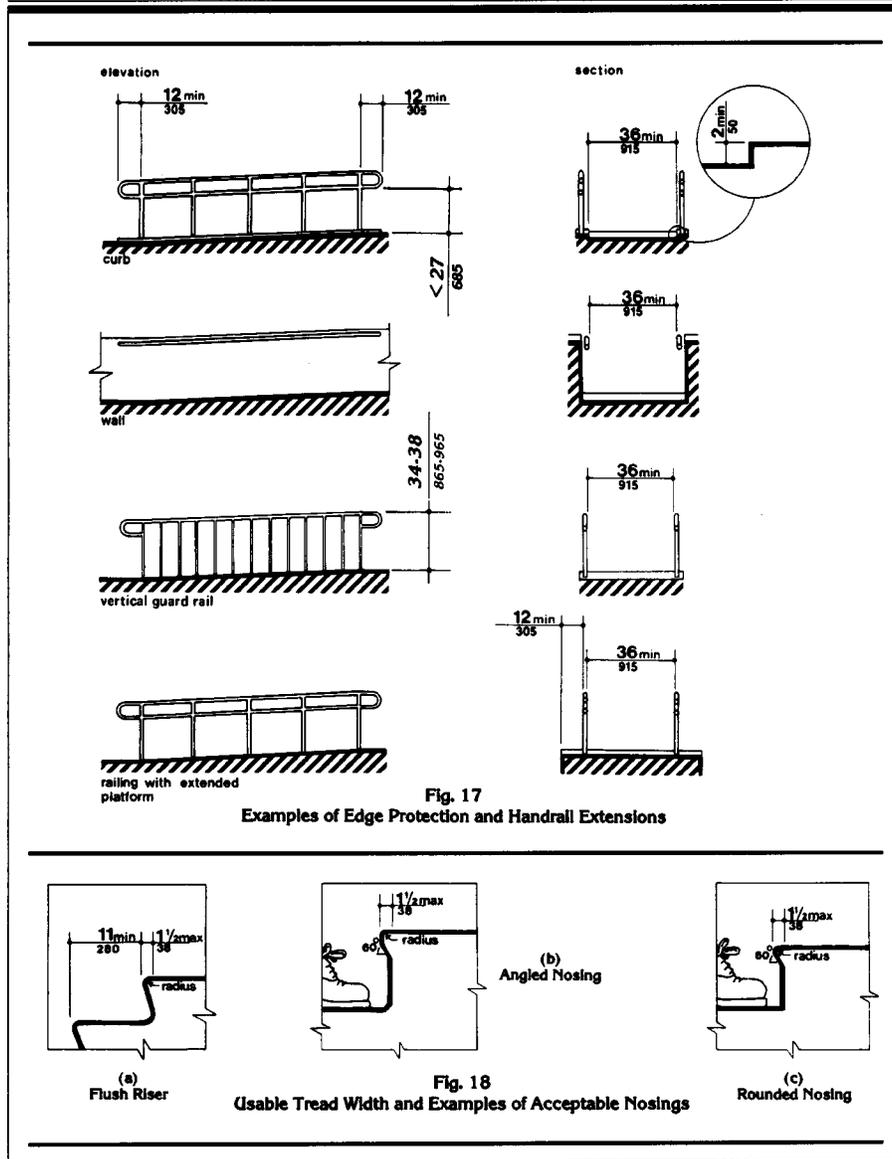
4.10 Elevators.

4.10.1 General. Accessible elevators shall be on an accessible route and shall comply with 4.10 and with the ASME A17.1-1990, Safety Code for Elevators and Escalators. *Freight elevators shall not be considered as meeting the requirements of this section unless the only elevators provided are used as combination passenger and freight elevators for the public and employees.*

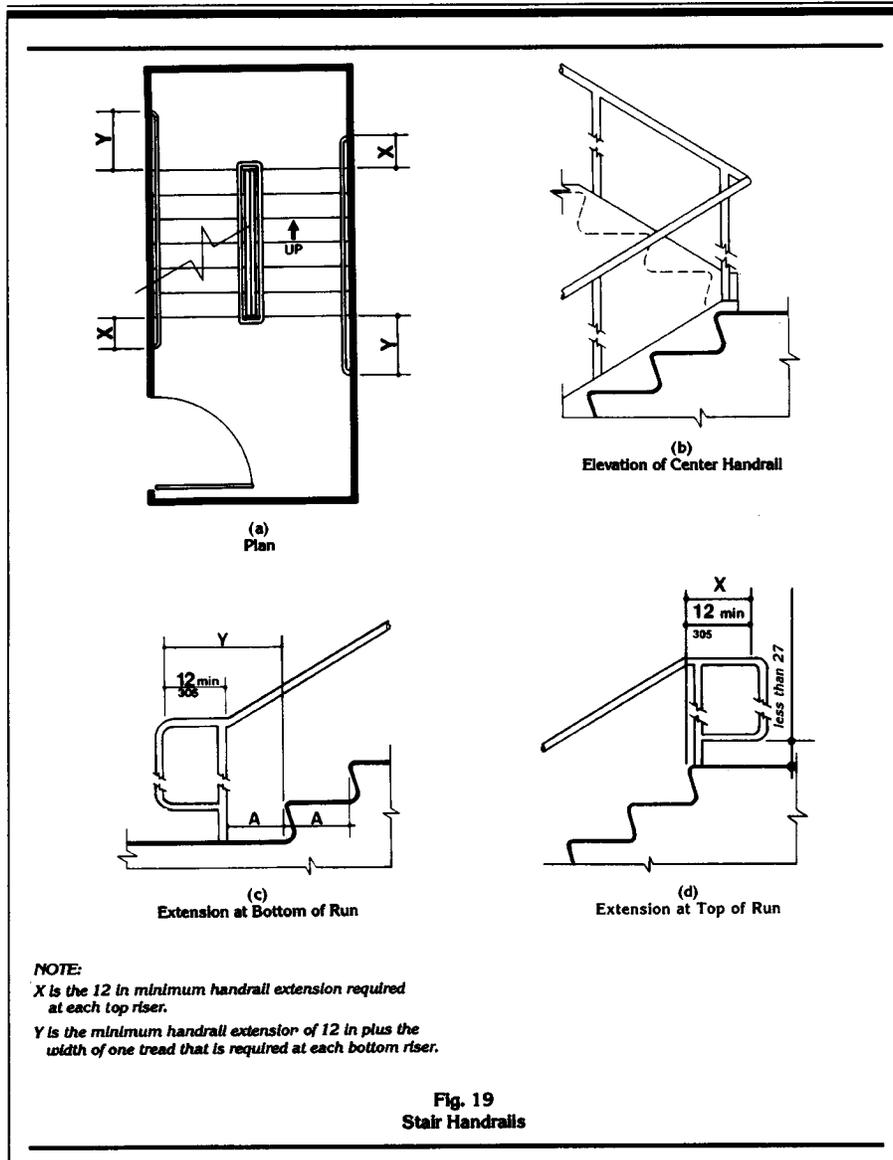
4.10.2 Automatic Operation. Elevator operation shall be automatic. Each car shall be equipped with a self-leveling feature that will automatically bring the car to floor landings within a tolerance of 1/2 in (13 mm) under rated loading to zero loading conditions. This self-leveling feature shall be automatic and independent of the operating device and shall correct the overtravel or undertravel.

4.10.3 Hall Call Buttons. Call buttons in elevator lobbies and halls shall be centered at 42 in (1065 mm) above the floor. Such call buttons shall have visual signals to indicate when each call is registered and when each call is answered. Call buttons shall be a minimum of 3/4 in (19 mm) in the smallest dimension. The button designating the up direction shall be on top. (See Fig. 20.) *Buttons shall be raised or flush. Objects mounted beneath hall call buttons shall not project into the elevator lobby more than 4 in (100 mm).*

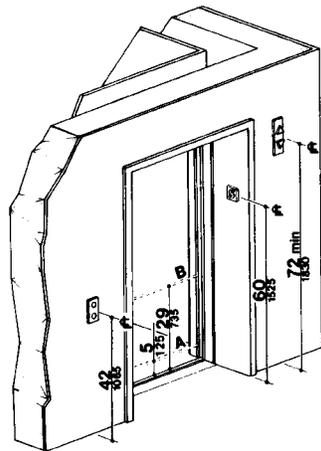
4.10 Elevators



4.10 Elevators



4.10 Elevators



NOTE: The automatic door reopening device is activated if an object passes through either line A or line B. Line A and line B represent the vertical locations of the door reopening device not requiring contact.

Fig. 20
Hoistway and Elevator Entrances

4.10.4 Hall Lanterns. A visible and audible signal shall be provided at each hoistway entrance to indicate which car is answering a call. Audible signals shall sound once for the up direction and twice for the down direction or shall have verbal annunciators that say "up" or "down." Visible signals shall have the following features:

- (1) Hall lantern fixtures shall be mounted so that their centerline is at least 72 in (1830 mm) above the lobby floor. (See Fig. 20.)
- (2) Visual elements shall be at least 2-1/2 in (64 mm) in the smallest dimension.
- (3) Signals shall be visible from the vicinity of the hall call button (see Fig. 20). In-car lanterns located in cars, visible from the vicinity of hall call buttons, and conforming to the above requirements, shall be acceptable.

4.10.5 Raised and Braille Characters on Hoistway Entrances. All elevator hoistway entrances shall have *raised and Braille* floor designations provided on both jambs. The centerline of the characters shall be 60 in (1525 mm) above finish floor. Such characters shall be 2 in (50 mm) high and shall comply with 4.30.4. Permanently applied plates are acceptable if they are permanently fixed to the jambs. (See Fig. 20).

4.10.6* Door Protective and Reopening Device. Elevator doors shall open and close automatically. They shall be provided with a reopening device that will stop and reopen a car door and hoistway door automatically if the door becomes obstructed by an object or person. The device shall be capable of completing these operations without requiring contact for an obstruction passing through the opening at heights of 5 in and 29 in (125 mm and 735 mm) above finish floor (see Fig. 20). Door reopening devices shall remain effective for at least 20 seconds. After such an interval, doors may close in accordance with the requirements of ASME A17.1-1990.

4.10.7* Door and Signal Timing for Hall Calls. The minimum acceptable time from notification that a car is answering a call until the doors of that car start to close shall be calculated from the following equation:

$$T = D/(1.5 \text{ ft/s}) \text{ or } T = D/(445 \text{ mm/s})$$

where T total time in seconds and D distance (in feet or millimeters) from a point in the lobby or corridor 60 in (1525 mm) directly in front of the farthest call button controlling that car to the centerline of its hoistway door (see Fig. 21). For cars with in-car lanterns, T begins when the lantern is visible from the vicinity of hall call buttons and an audible signal is sounded. *The minimum acceptable notification time shall be 5 seconds.*

4.10.8 Door Delay for Car Calls. The minimum time for elevator doors to remain fully open in response to a car call shall be 3 seconds.

4.10.9 Floor Plan of Elevator Cars. The floor area of elevator cars shall provide space for wheelchair users to enter the car, maneuver

4.10.12 Car Controls

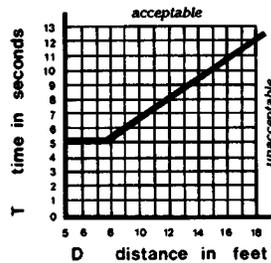


Fig. 21
Graph of Timing Equation

within reach of controls, and exit from the car. Acceptable door opening and inside dimensions shall be as shown in Fig. 22. The clearance between the car platform sill and the edge of any hoistway landing shall be no greater than 1-1/4 in (32 mm).

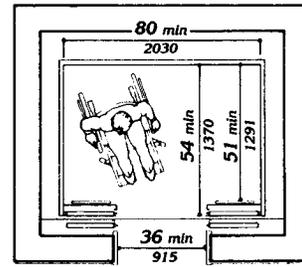
4.10.10 Floor Surfaces. Floor surfaces shall comply with 4.5.

4.10.11 Illumination Levels. The level of illumination at the car controls, platform, and car threshold and landing sill shall be at least 5 footcandles (53.8 lux).

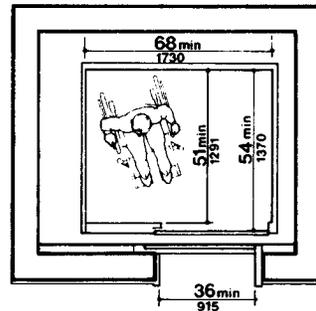
4.10.12* Car Controls. Elevator control panels shall have the following features:

(1) Buttons. All control buttons shall be at least 3/4 in (19 mm) in their smallest dimension. They shall be raised or flush.

(2) Tactile, Braille, and Visual Control Indicators. All control buttons shall be designated by Braille and by raised standard alphabet characters for letters, arabic characters for numerals, or standard symbols as shown in Fig. 23(a), and as required in ASME A17.1-1990. Raised and Braille characters and symbols shall comply with 4.30. The call button for the main entry floor shall be designated by a raised star at the left of the floor designation (see Fig. 23(a)). All raised designations for control buttons shall be placed immediately to the left of the button to which they apply. Applied plates,



(a)



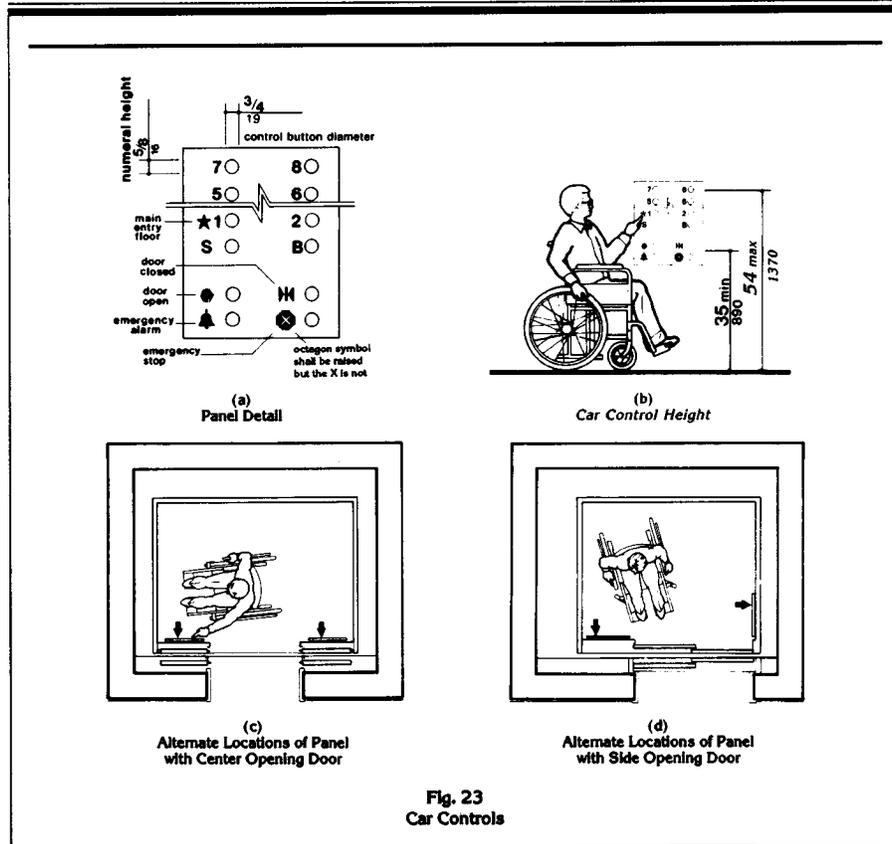
(b)

Fig. 22
Minimum Dimensions of Elevator Cars

permanently attached, are an acceptable means to provide raised control designations. Floor buttons shall be provided with visual indicators to show when each call is registered. The visual indicators shall be extinguished when each call is answered.

(3) Height. All floor buttons shall be no higher than 54 in (1370 mm) above the finish floor for side approach and 48 in (1220 mm) for front approach. Emergency controls, including the emergency alarm and emergency stop, shall be grouped at the bottom of the panel and shall have their centerlines no less than 35 in (890 mm) above the finish floor (see Fig. 23(a) and (b)).

4.10.13* Car Position Indicators



(4) Location. Controls shall be located on a front wall if cars have center opening doors, and at the side wall or at the front wall next to the door if cars have side opening doors (see Fig. 23(c) and (d)).

4.10.13* Car Position Indicators. In elevator cars, a visual car position indicator shall be provided above the car control panel or over the door to show the position of the elevator in the hoistway. As the car passes or stops at a floor served by the elevators, the corresponding numerals shall illuminate,

and an audible signal shall sound. Numerals shall be a minimum of 1/2 in (13 mm) high. The audible signal shall be no less than 20 decibels with a frequency no higher than 1500 Hz. An automatic verbal announcement of the floor number at which a car stops or which a car passes may be substituted for the audible signal.

4.10.14* Emergency Communications. If provided, emergency two-way communication systems between the elevator and a point outside the hoistway shall comply with ASME

4.11 Platform Lifts (Wheelchair Lifts)

A17.1-1990. The highest operable part of a two-way communication system shall be a maximum of 48 in (1220 mm) from the floor of the car. It shall be identified by a raised symbol and lettering complying with 4.30 and located adjacent to the device. If the system uses a handset then the length of the cord from the panel to the handset shall be at least 29 in (735 mm). If the system is located in a closed compartment the compartment door hardware shall conform to 4.27, Controls and Operating Mechanisms. The emergency inter-communication system shall not require voice communication.

4.11 Platform Lifts (Wheelchair Lifts).

4.11.1 Location. Platform lifts (wheelchair lifts) permitted by 4.1 shall comply with the requirements of 4.11.

4.11.2* Other Requirements. If platform lifts (wheelchair lifts) are used, they shall comply with 4.2.4, 4.5, 4.27, and ASME A17.1 Safety Code for Elevators and Escalators, Section XX, 1990.

4.11.3 Entrance. If platform lifts are used then they shall facilitate unassisted entry, operation, and exit from the lift in compliance with 4.11.2.

4.12 Windows.

4.12.1* General. (Reserved).

4.12.2* Window Hardware. (Reserved).

4.13 Doors.

4.13.1 General. Doors required to be accessible by 4.1 shall comply with the requirements of 4.13.

4.13.2 Revolving Doors and Turnstiles. Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route. An accessible gate or door shall be provided adjacent to the turnstile or revolving door and shall be so designed as to facilitate the same use pattern.

4.13.3 Gates. Gates, including ticket gates, shall meet all applicable specifications of 4.13.

4.13.4 Double-Leaf Doorways. If doorways have two *independently operated* door leaves, then at least one leaf shall meet the specifications in 4.13.5 and 4.13.6. That leaf shall be an active leaf.

4.13.5 Clear Width. Doorways shall have a minimum clear opening of 32 in (815 mm) with the door open 90 degrees, measured between the face of the door and the *opposite* stop (see Fig. 24(a), (b), (c), and (d)). Openings more than 24 in (610 mm) in depth shall comply with 4.2.1 and 4.3.3 (see Fig. 24(e)).

EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have the clear opening reduced to 20 in (510 mm) minimum.

4.13.6 Maneuvering Clearances at Doors. Minimum maneuvering clearances at doors that are not automatic or power-assisted shall be as shown in Fig. 25. The floor or ground area within the required clearances shall be level and clear.

EXCEPTION: Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement for space at the latch side of the door (see dimension "x" in Fig. 25) if the door is at least 44 in (1120 mm) wide.

4.13.7 Two Doors in Series. The minimum space between two hinged or pivoted doors in series shall be 48 in (1220 mm) plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors (see Fig. 26).

4.13.8* Thresholds at Doorways. Thresholds at doorways shall not exceed 3/4 in (19 mm) in height for exterior sliding doors or 1/2 in (13 mm) for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2 (see 4.5.2).

4.13.9* Door Hardware. Handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy

4.13 Doors

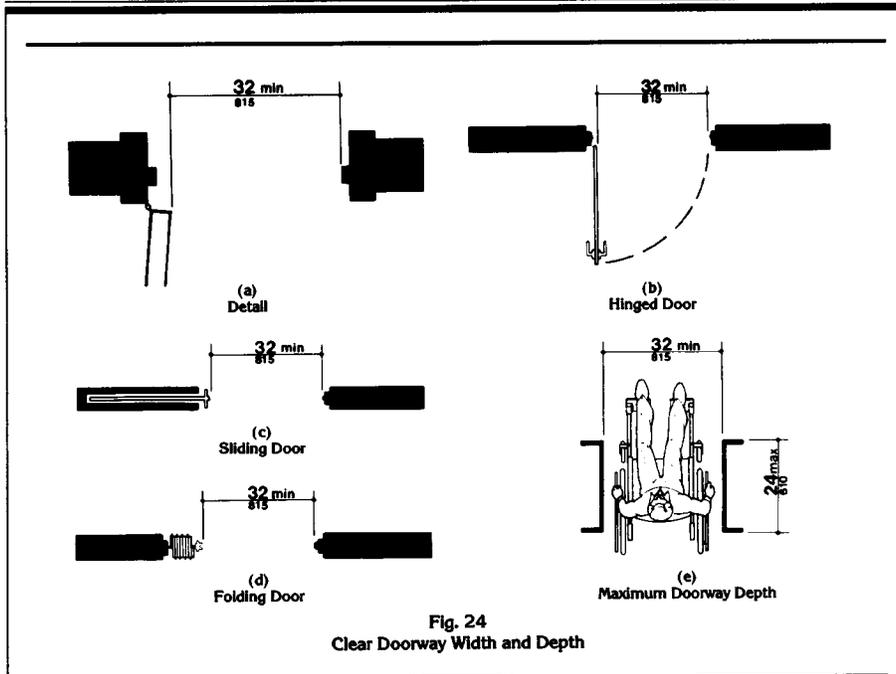


Fig. 24
Clear Doorway Width and Depth

to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. *Hardware required for accessible door passage shall be mounted no higher than 48 in (1220 mm) above finished floor.*

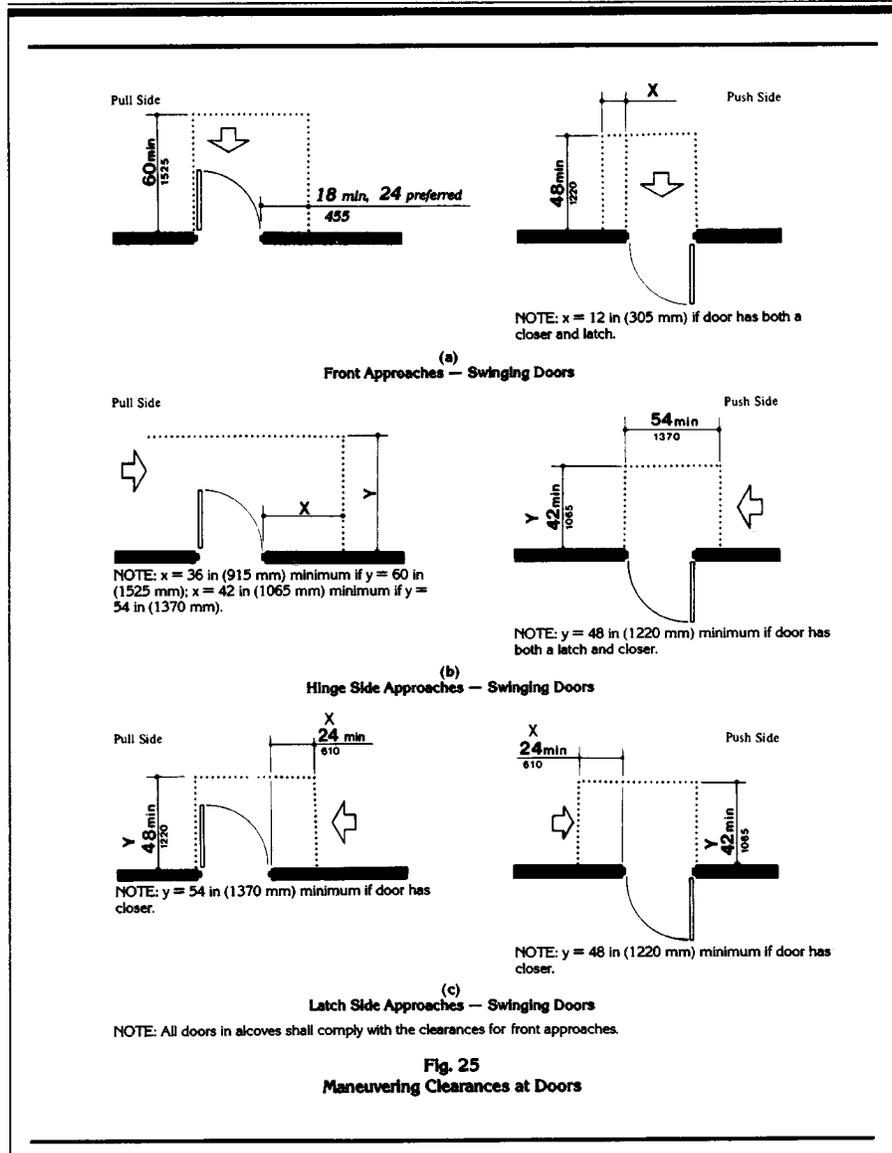
4.13.10* Door Closers. If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees, the door will take at least 3 seconds to move to a point 3 in (75 mm) from the latch, measured to the leading edge of the door.

4.13.11* Door Opening Force. The maximum force for pushing or pulling open a door shall be as follows:

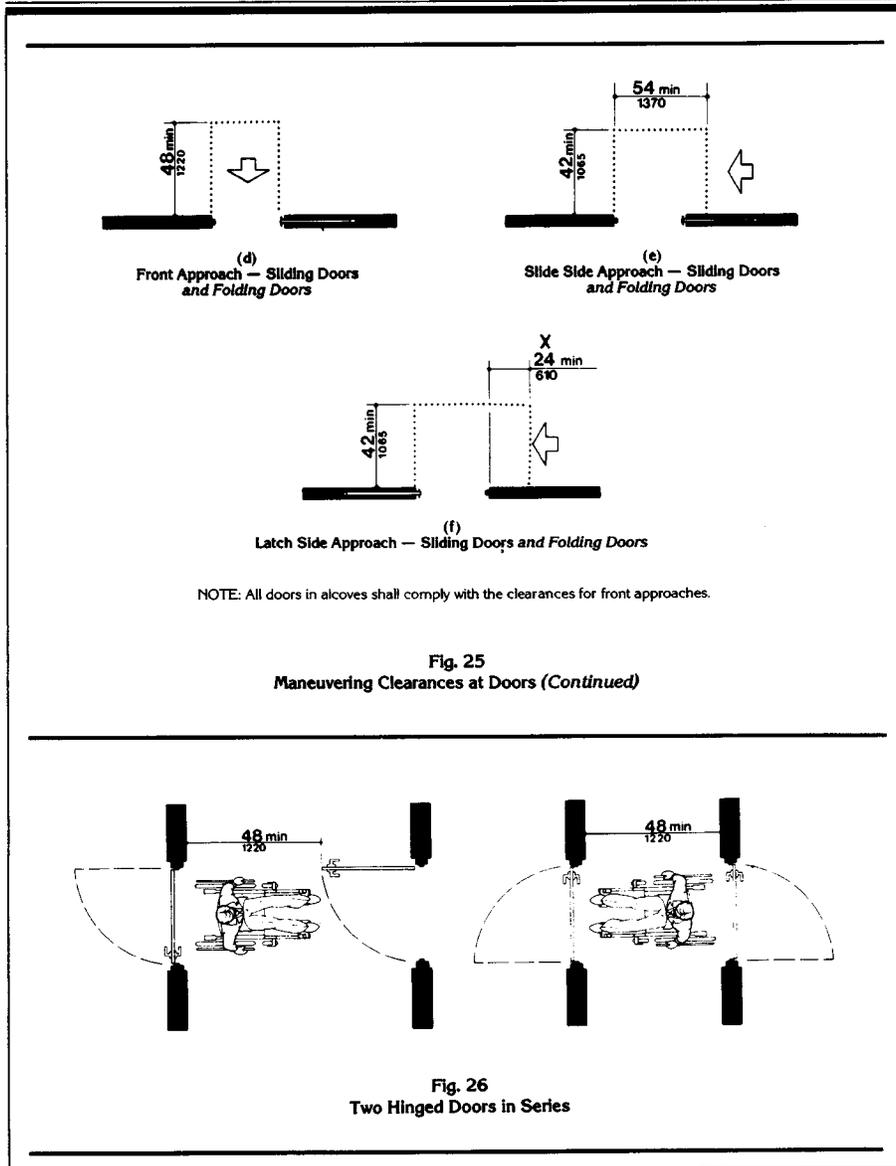
- (1) Fire doors shall have the minimum opening force allowable by the appropriate administrative authority.
- (2) Other doors.
 - (a) exterior hinged doors: *(Reserved)*.
 - (b) interior hinged doors: 5 lbf (22.2N)
 - (c) sliding or folding doors: 5 lbf (22.2N)

These forces do not apply to the force required to retract latch bolts or disengage other devices that may hold the door in a closed position.

4.13 Doors



4.13 Doors



4.14 Entrances

4.13.12* Automatic Doors and Power-Assisted Doors. If an automatic door is used, then it shall comply with ANSI/BHMA A156.10-1985. Slowly opening, low-powered, automatic doors shall comply with ANSI A156.19-1984. Such doors shall not open to back check faster than 3 seconds and shall require no more than 15 lbf (66.6N) to stop door movement. If a power-assisted door is used, its door-opening force shall comply with 4.13.11 and its closing shall conform to the requirements in ANSI A156.19-1984.

4.14 Entrances.

4.14.1 Minimum Number. Entrances required to be accessible by 4.1 shall be part of an accessible route complying with 4.3. Such entrances shall be connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, and to public streets or sidewalks if available (see 4.3.2(1)). They shall also be connected by an accessible route to all accessible spaces or elements within the building or facility.

4.14.2 Service Entrances. A service entrance shall not be the sole accessible entrance unless it is the only entrance to a building or facility (for example, in a factory or garage).

4.15 Drinking Fountains and Water Coolers.

4.15.1 Minimum Number. Drinking fountains or water coolers required to be accessible by 4.1 shall comply with 4.15.

4.15.2* Spout Height. Spouts shall be no higher than 36 in (915 mm), measured from the floor or ground surfaces to the spout outlet (see Fig. 27(a)).

4.15.3 Spout Location. The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or nearly parallel to the front of the unit. The spout shall provide a flow of water at least 4 in (100 mm) high so as to allow the insertion of a cup or glass under the flow of water. On an accessible drinking fountain with a round or

oval bowl, the spout must be positioned so the flow of water is within 3 in (75 mm) of the front edge of the fountain.

4.15.4 Controls. Controls shall comply with 4.27.4. Unit controls shall be front mounted or side mounted near the front edge.

4.15.5 Clearances.

(1) Wall- and post-mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least 27 in (685 mm) high, 30 in (760 mm) wide, and 17 in to 19 in (430 mm to 485 mm) deep (see Fig. 27(a) and (b)). Such units shall also have a minimum clear floor space 30 in by 48 in (760 mm by 1220 mm) to allow a person in a wheelchair to approach the unit facing forward.

(2) Free-standing or built-in units not having a clear space under them shall have a clear floor space at least 30 in by 48 in (760 mm by 1220 mm) that allows a person in a wheelchair to make a parallel approach to the unit (see Fig. 27(c) and (d)). This clear floor space shall comply with 4.2.4.

4.16 Water Closets.

4.16.1 General. Accessible water closets shall comply with 4.16.

4.16.2 Clear Floor Space. Clear floor space for water closets not in stalls shall comply with Fig. 28. Clear floor space may be arranged to allow either a left-handed or right-handed approach.

4.16.3* Height. The height of water closets shall be 17 in to 19 in (430 mm to 485 mm), measured to the top of the toilet seat (see Fig. 29(b)). Seats shall not be sprung to return to a lifted position.

4.16.4* Grab Bars. Grab bars for water closets not located in stalls shall comply with 4.26 and Fig. 29. The grab bar behind the water closet shall be 36 in (915 mm) minimum.

4.16.5* Flush Controls. Flush controls shall be hand operated or automatic and shall comply with 4.27.4. Controls for flush valves

4.17 Toilet Stalls

shall be mounted on the wide side of toilet areas no more than 44 in (1120 mm) above the floor.

4.16.6 Dispensers. Toilet paper dispensers shall be installed within reach, as shown in Fig. 29(b). *Dispensers that control delivery, or that do not permit continuous paper flow, shall not be used.*

4.17 Toilet Stalls.

4.17.1 Location. Accessible toilet stalls shall be on an accessible route and shall meet the requirements of 4.17.

4.17.2 Water Closets. Water closets in accessible stalls shall comply with 4.16.

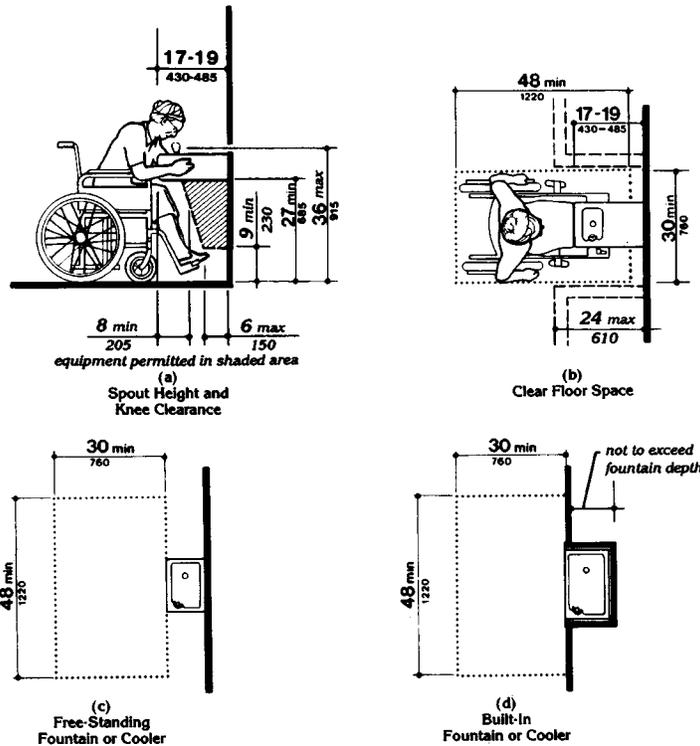


Fig. 27
Drinking Fountains and Water Coolers

4.17 Toilet Stalls

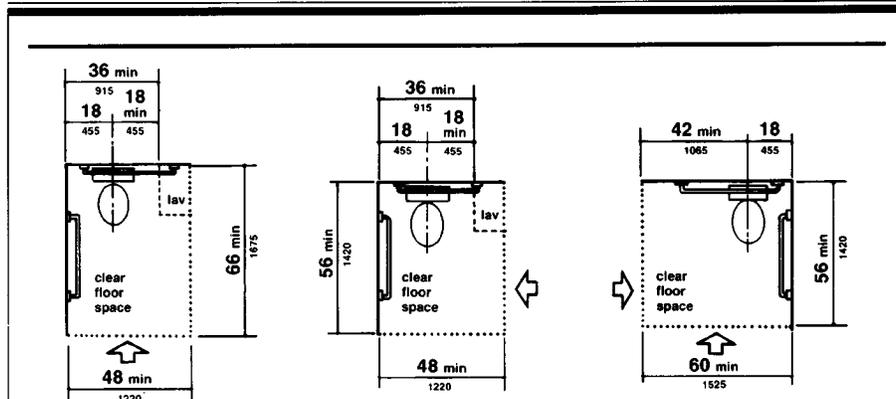


Fig. 28
Clear Floor Space at Water Closets

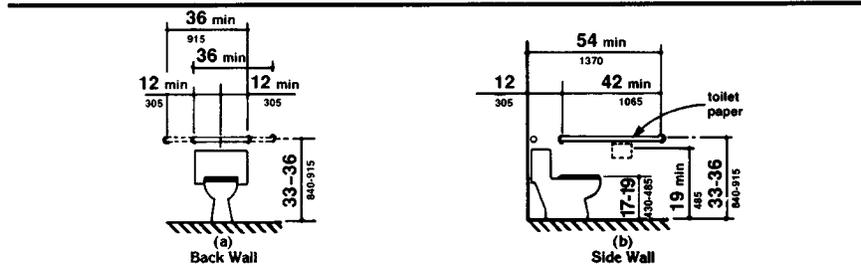


Fig. 29
Grab Bars at Water Closets

4.17.3* Size and Arrangement. The size and arrangement of the standard toilet stall shall comply with Fig. 30(a), *Standard Stall*. Standard toilet stalls with a minimum depth of 56 in (1420 mm) (see Fig. 30(a)) shall have wall-mounted water closets. If the depth of a standard toilet stall is increased at least 3 in (75 mm), then a floor-mounted water closet may be used. Arrangements shown for standard toilet stalls may be reversed to allow either a left- or right-hand approach. Additional stalls shall be provided in conformance with 4.22.4.

EXCEPTION: In instances of alteration work where provision of a standard stall (Fig. 30(a))

is technically infeasible or where plumbing code requirements prevent combining existing stalls to provide space, either alternate stall (Fig. 30(b)) may be provided in lieu of the standard stall.

4.17.4 Toe Clearances. In standard stalls, the front partition and at least one side partition shall provide a toe clearance of at least 9 in (230 mm) above the floor. If the depth of the stall is greater than 60 in (1525 mm), then the toe clearance is not required.

4.17.5* Doors. Toilet stall doors, including door hardware, shall comply with 4.13. If toilet stall approach is from the latch side of the stall door, clearance between the door side of the

4.17 Toilet Stalls

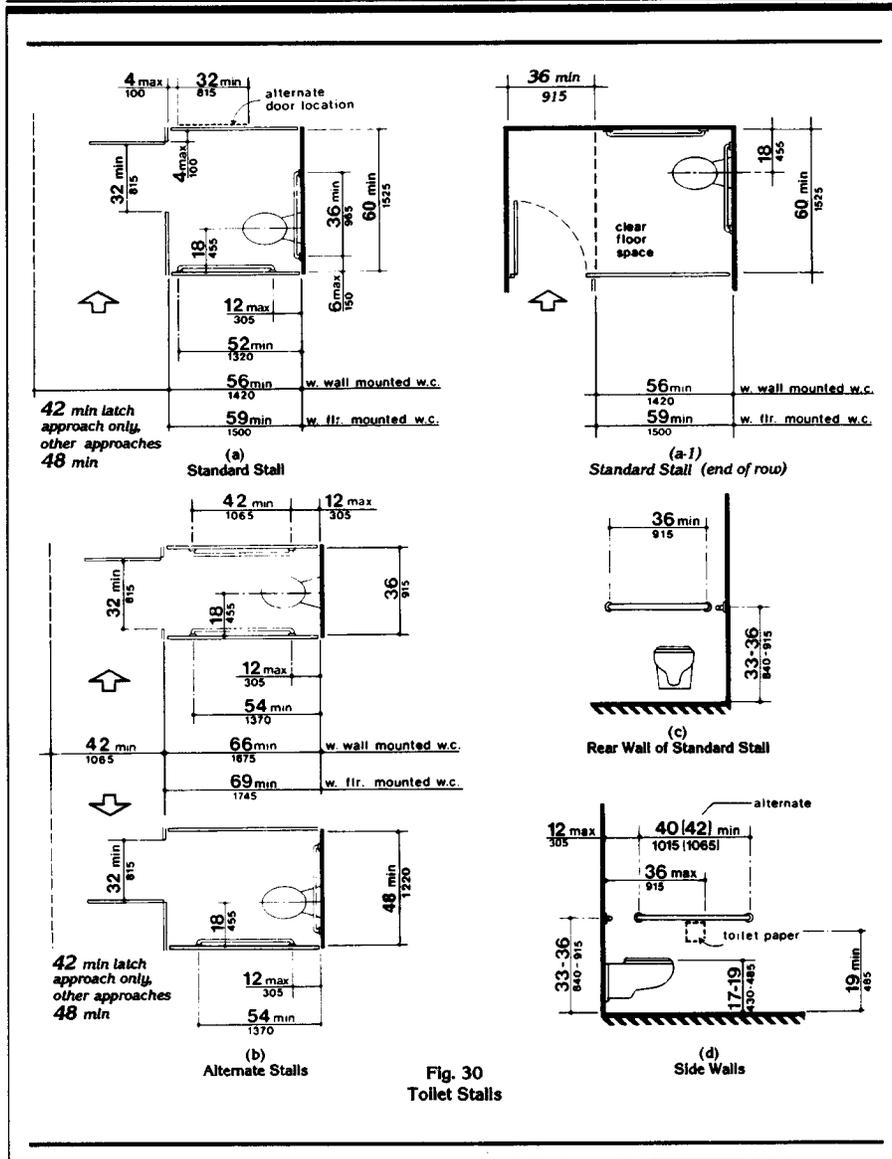


Fig. 30 Toilet Stalls

4.19 Lavatories and Mirrors

stall and any obstruction may be reduced to a minimum of 42 in (1065 mm) (Fig. 30).

4.17.6 Grab Bars. Grab bars complying with the length and positioning shown in Fig. 30(a), (b), (c), and (d) shall be provided. Grab bars may be mounted with any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear floor area. Grab bars shall comply with 4.26.

4.18 Urinals.

4.18.1 General. Accessible urinals shall comply with 4.18.

4.18.2 Height. Urinals shall be stall-type or wall-hung with an elongated rim at a maximum of 17 in (430 mm) above the finish floor.

4.18.3 Clear Floor Space. A clear floor space 30 in by 48 in (760 mm by 1220 mm) shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with 4.2.4. *Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with 29 in (735 mm) clearance between them.*

4.18.4 Flush Controls. Flush controls shall be hand operated or automatic, and shall comply with 4.27.4, and shall be mounted no more than 44 in (1120 mm) above the finish floor.

4.19 Lavatories and Mirrors.

4.19.1 General. The requirements of 4.19 shall apply to lavatory fixtures, vanities, and built-in lavatories.

4.19.2 Height and Clearances. Lavatories shall be mounted with the rim or counter surface no higher than 34 in (865 mm) above the finish floor. Provide a clearance of at least 29 in (735 mm) above the finish floor to the bottom of the apron. Knee and toe clearance shall comply with Fig. 31.

4.19.3 Clear Floor Space. A clear floor space 30 in by 48 in (760 mm by 1220 mm) complying with 4.2.4 shall be provided in front of a lavatory to allow forward approach. Such

clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of 19 in (485 mm) underneath the lavatory (see Fig. 32).

4.19.4 Exposed Pipes and Surfaces. Hot water and drain pipes under lavatories shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories.

4.19.5 Faucets. Faucets shall comply with 4.27.4. Lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs. *If self-closing valves are*

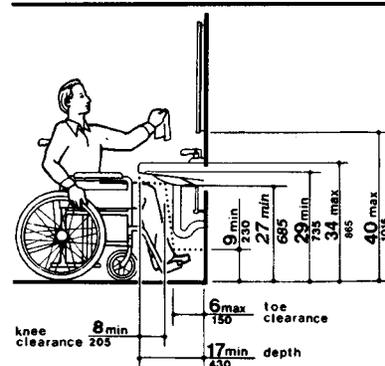


Fig. 31
Lavatory Clearances

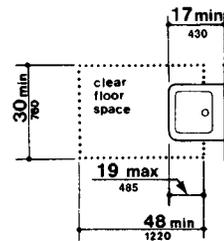
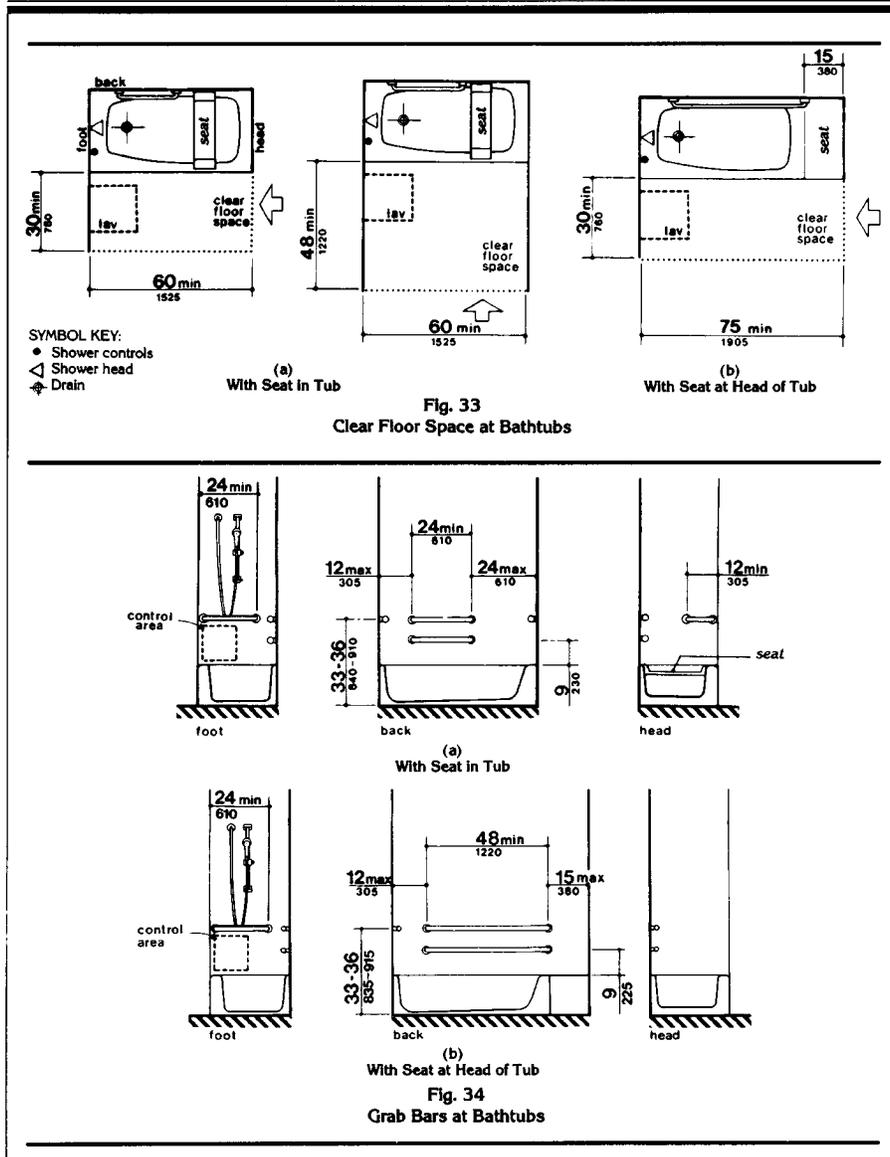


Fig. 32
Clear Floor Space at Lavatories

4.20 Bathtubs

<p>used the faucet shall remain open for at least 10 seconds.</p> <p>4.19.6* Mirrors. Mirrors shall be mounted with the bottom edge of the reflecting surface no higher than 40 in (1015 mm) above the finish floor (see Fig. 31).</p> <p>4.20 Bathtubs.</p> <p>4.20.1 General. Accessible bathtubs shall comply with 4.20.</p> <p>4.20.2 Floor Space. Clear floor space in front of bathtubs shall be as shown in Fig. 33.</p> <p>4.20.3 Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Fig. 33 and 34. The structural strength of seats and their attachments shall comply with 4.26.3. Seats shall be mounted securely and shall not slip during use.</p> <p>4.20.4 Grab Bars. Grab bars complying with 4.26 shall be provided as shown in Fig. 33 and 34.</p> <p>4.20.5 Controls. Faucets and other controls complying with 4.27.4 shall be located as shown in Fig. 34.</p> <p>4.20.6 Shower Unit. A shower spray unit with a hose at least 60 in (1525 mm) long that can be used both as a fixed shower head and as a hand-held shower shall be provided.</p> <p>4.20.7 Bathtub Enclosures. If provided, enclosures for bathtubs shall not obstruct controls or transfer from wheelchairs onto bathtub seats or into tubs. Enclosures on bathtubs shall not have tracks mounted on their rims.</p> <p>4.21 Shower Stalls.</p> <p>4.21.1* General. Accessible shower stalls shall comply with 4.21.</p> <p>4.21.2 Size and Clearances. Except as specified in 9.1.2, shower stall size and clear floor space shall comply with Fig. 35(a) or (b). The shower stall in Fig. 35(a) shall be 36 in by 36 in (915 mm by 915 mm). Shower stalls required by 9.1.2 shall comply with Fig. 57(a)</p>	<p>or (b). The shower stall in Fig. 35(b) will fit into the space required for a bathtub.</p> <p>4.21.3 Seat. A seat shall be provided in shower stalls 36 in by 36 in (915 mm by 915 mm) and shall be as shown in Fig. 36. The seat shall be mounted 17 in to 19 in (430 mm to 485 mm) from the bathroom floor and shall extend the full depth of the stall. In a 36 in by 36 in (915 mm by 915 mm) shower stall, the seat shall be on the wall opposite the controls. <i>Where a fixed seat is provided in a 30 in by 60 in minimum (760 mm by 1525 mm) shower stall, it shall be a folding type and shall be mounted on the wall adjacent to the controls as shown in Fig. 57.</i> The structural strength of seats and their attachments shall comply with 4.26.3.</p> <p>4.21.4 Grab Bars. Grab bars complying with 4.26 shall be provided as shown in Fig. 37.</p> <p>4.21.5 Controls. Faucets and other controls complying with 4.27.4 shall be located as shown in Fig. 37. In shower stalls 36 in by 36 in (915 mm by 915 mm), all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.</p> <p>4.21.6 Shower Unit. A shower spray unit with a hose at least 60 in (1525 mm) long that can be used both as a fixed shower head and as a hand-held shower shall be provided.</p> <p><i>EXCEPTION: In unmonitored facilities where vandalism is a consideration, a fixed shower head mounted at 48 in (1220 mm) above the shower floor may be used in lieu of a hand-held shower head.</i></p> <p>4.21.7 Curbs. If provided, curbs in shower stalls 36 in by 36 in (915 mm by 915 mm) shall be no higher than 1/2 in (13 mm). Shower stalls that are 30 in by 60 in (760 mm by 1525 mm) minimum shall not have curbs.</p> <p>4.21.8 Shower Enclosures. If provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats.</p> <p>4.22 Toilet Rooms.</p> <p>4.22.1 Minimum Number. <i>Toilet facilities required to be accessible by 4.1 shall comply</i></p>
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4.21 Shower Stalls



4.22 Toilet Rooms

with 4.22. Accessible toilet rooms shall be on an accessible route.

4.22.2 Doors. All doors to accessible toilet rooms shall comply with 4.13. Doors shall not swing into the clear floor space required for any fixture.

4.22.3* Clear Floor Space. The accessible fixtures and controls required in 4.22.4, 4.22.5, 4.22.6, and 4.22.7 shall be on an accessible route. An unobstructed turning space complying with 4.2.3 shall be provided within an accessible toilet room. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap.

4.22.4 Water Closets. If toilet stalls are provided, then at least one shall be a standard

toilet stall complying with 4.17; where 6 or more stalls are provided, in addition to the stall complying with 4.17.3, at least one stall 36 in (915 mm) wide with an outward swinging, self-closing door and parallel grab bars complying with Fig. 30(d) and 4.26 shall be provided. Water closets in such stalls shall comply with 4.16. If water closets are not in stalls, then at least one shall comply with 4.16.

4.22.5 Urinals. If urinals are provided, then at least one shall comply with 4.18.

4.22.6 Lavatories and Mirrors. If lavatories and mirrors are provided, then at least one of each shall comply with 4.19.

4.22.7 Controls and Dispensers. If controls, dispensers, receptacles, or other

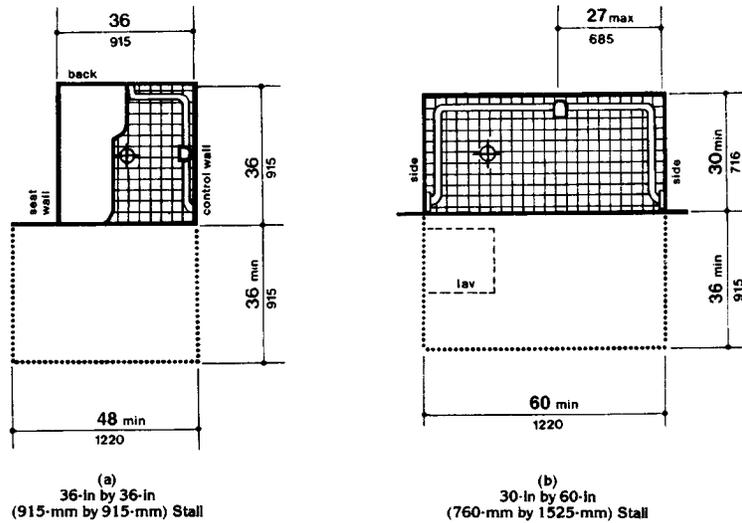
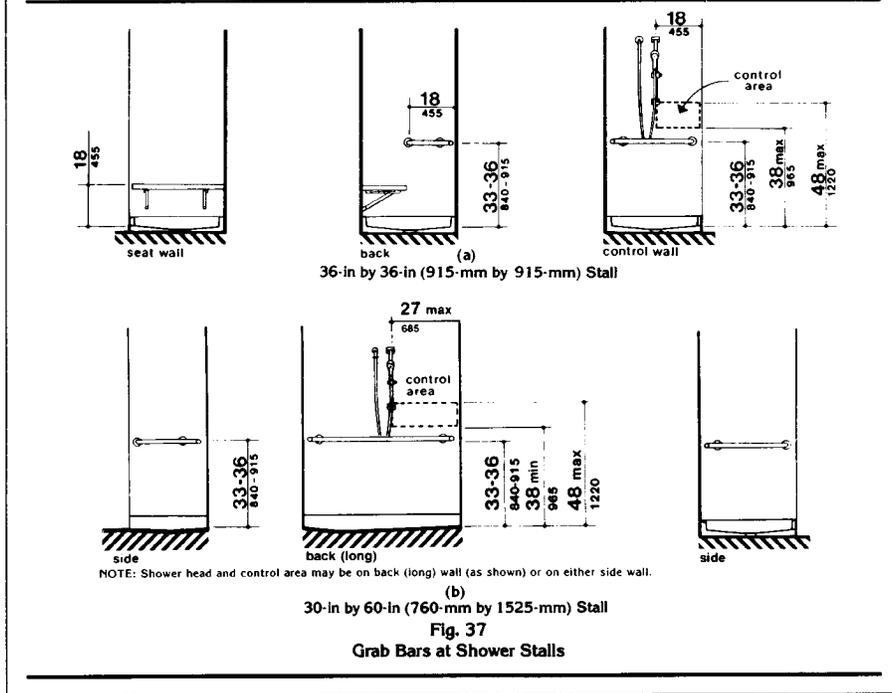
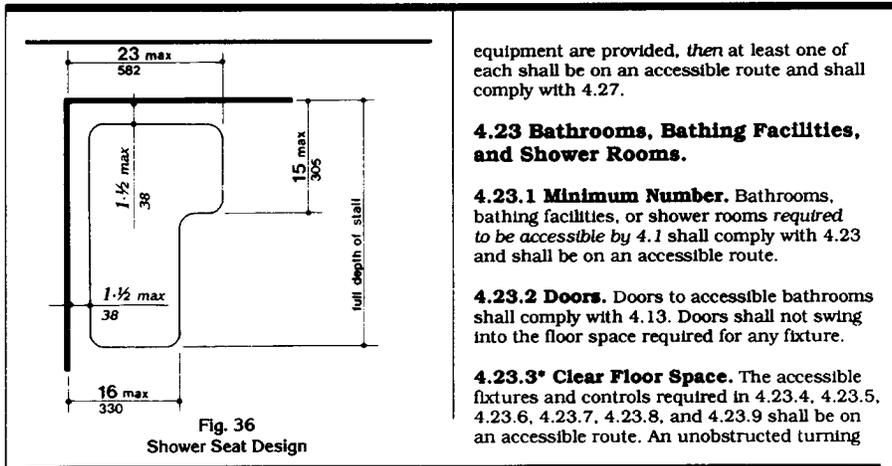


Fig. 35
Shower Size and Clearances

4.23 Bathrooms, Bathing Facilities, and Shower Rooms



4.24 Sinks

space complying with 4.2.3 shall be provided within an accessible bathroom. The clear floor spaces at fixtures and controls, the accessible route, and the turning space may overlap.

4.23.4 Water Closets. If toilet stalls are provided, then at least one shall be a standard toilet stall complying with 4.17; where 6 or more stalls are provided, in addition to the stall complying with 4.17.3, at least one stall 36 in (915 mm) wide with an outward swinging, self-closing door and parallel grab bars complying with Fig. 30(d) and 4.26 shall be provided. Water closets in such stalls shall comply with 4.16. If water closets are not in stalls, then at least one shall comply with 4.16.

4.23.5 Urinals. If urinals are provided, then at least one shall comply with 4.18.

4.23.6 Lavatories and Mirrors. If lavatories and mirrors are provided, then at least one of each shall comply with 4.19.

4.23.7 Controls and Dispensers. If controls, dispensers, receptacles, or other equipment are provided, then at least one of each shall be on an accessible route and shall comply with 4.27.

4.23.8 Bathing and Shower Facilities. If tubs or showers are provided, then at least one accessible tub that complies with 4.20 or at least one accessible shower that complies with 4.21 shall be provided.

4.23.9* Medicine Cabinets. If medicine cabinets are provided, at least one shall be located with a usable shelf no higher than 44 in (1120 mm) above the floor space. The floor space shall comply with 4.2.4.

4.24 Sinks.

4.24.1 General. Sinks required to be accessible by 4.1 shall comply with 4.24.

4.24.2 Height. Sinks shall be mounted with the counter or rim no higher than 34 in (865 mm) above the finish floor.

4.24.3 Knee Clearance. Knee clearance that is at least 27 in (685 mm) high, 30 in (760 mm) wide, and 19 in (485 mm) deep shall be pro-

vided underneath sinks.

4.24.4 Depth. Each sink shall be a maximum of 6-1/2 in (165 mm) deep.

4.24.5 Clear Floor Space. A clear floor space at least 30 in by 48 in (760 mm by 1220 mm) complying with 4.2.4 shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend a maximum of 19 in (485 mm) underneath the sink (see Fig. 32).

4.24.6 Exposed Pipes and Surfaces. Hot water and drain pipes exposed under sinks shall be insulated or otherwise configured so as to protect against contact. There shall be no sharp or abrasive surfaces under sinks.

4.24.7 Faucets. Faucets shall comply with 4.27.4. Lever-operated, push-type, touch-type, or electronically controlled mechanisms are acceptable designs.

4.25 Storage.

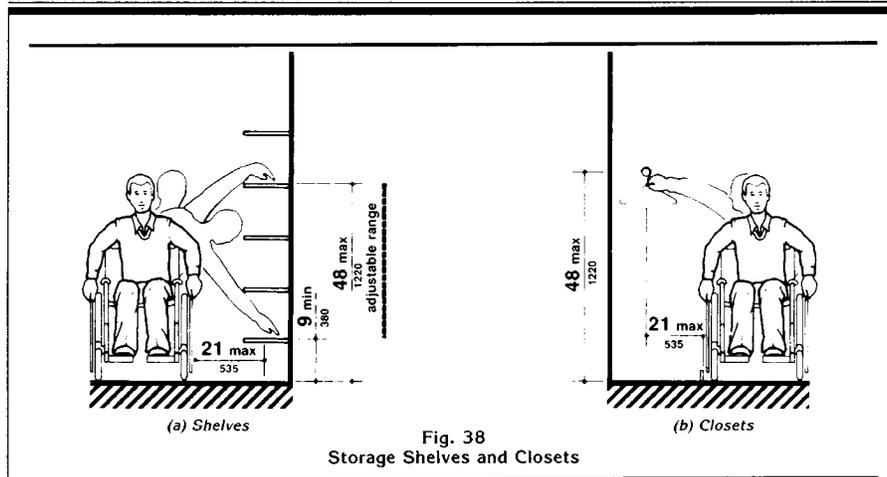
4.25.1 General. Fixed storage facilities such as cabinets, shelves, closets, and drawers required to be accessible by 4.1 shall comply with 4.25.

4.25.2 Clear Floor Space. A clear floor space at least 30 in by 48 in (760 mm by 1220 mm) complying with 4.2.4 that allows either a forward or parallel approach by a person using a wheelchair shall be provided at accessible storage facilities.

4.25.3 Height. Accessible storage spaces shall be within at least one of the reach ranges specified in 4.2.5 and 4.2.6 (see Fig. 5 and Fig. 6). Clothes rods or shelves shall be a maximum of 54 in (1370 mm) above the finish floor for a side approach. Where the distance from the wheelchair to the clothes rod or shelf exceeds 10 in (255 mm) (as in closets without accessible doors) the height and depth to the rod or shelf shall comply with Fig. 38(a) and Fig. 38(b).

4.25.4 Hardware. Hardware for accessible storage facilities shall comply with 4.27.4. Touch latches and U-shaped pulls are acceptable.

4.26 Handrails, Grab Bars, and Tub and Shower Seats



4.26 Handrails, Grab Bars, and Tub and Shower Seats.

4.26.1* General. All handrails, grab bars, and tub and shower seats required to be accessible by 4.1, 4.8, 4.9, 4.16, 4.17, 4.20 or 4.21 shall comply with 4.26.

4.26.2* Size and Spacing of Grab Bars and Handrails. The diameter or width of the gripping surfaces of a handrail or grab bar shall be 1-1/4 in to 1-1/2 in (32 mm to 38 mm), or the shape shall provide an equivalent gripping surface. If handrails or grab bars are mounted adjacent to a wall, the space between the wall and the grab bar shall be 1-1/2 in (38 mm) (see Fig. 39(a), (b), (c), and (e)). Handrails may be located in a recess if the recess is a maximum of 3 in (75 mm) deep and extends at least 18 in (455 mm) above the top of the rail (see Fig. 39(d)).

4.26.3 Structural Strength. The structural strength of grab bars, tub and shower seats, fasteners, and mounting devices shall meet the following specification:

(1) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 250 lbf (1112N) shall

be less than the allowable stress for the material of the grab bar or seat.

(2) Shear stress induced in a grab bar or seat by the application of 250 lbf (1112N) shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

(3) Shear force induced in a fastener or mounting device from the application of 250 lbf (1112N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

(4) Tensile force induced in a fastener by a direct tension force of 250 lbf (1112N) plus the maximum moment from the application of 250 lbf (1112N) shall be less than the allowable withdrawal load between the fastener and the supporting structure.

(5) Grab bars shall not rotate within their fittings.

4.26 Handrails, Grab Bars, and Tub and Shower Seats

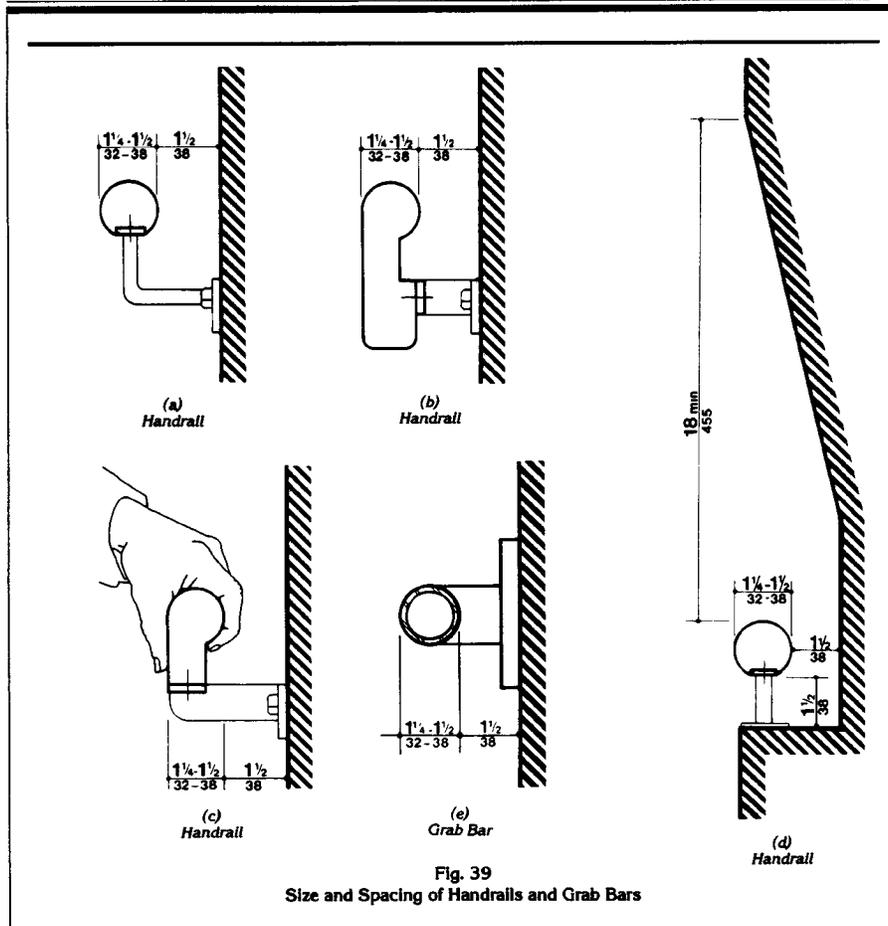


Fig. 39
Size and Spacing of Handrails and Grab Bars

4.26.4 Eliminating Hazards. A handrail or grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of 1/8 in (3.2 mm).

4.27 Controls and Operating Mechanisms.

4.27.1 General. Controls and operating mechanisms required to be accessible by 4.1 shall comply with 4.27.

4.28 Alarms

<p>4.27.2 Clear Floor Space. Clear floor space complying with 4.2.4 that allows a forward or a parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment.</p> <p>4.27.3* Height. The highest operable part of controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in 4.2.5 and 4.2.6. Electrical and communications system receptacles on walls shall be mounted no less than 15 in (380 mm) above the floor.</p> <p><i>EXCEPTION: These requirements do not apply where the use of special equipment dictates otherwise or where electrical and communications systems receptacles are not normally intended for use by building occupants.</i></p> <p>4.27.4 Operation. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N).</p> <p>4.28 Alarms.</p> <p>4.28.1 General. Alarm systems required to be accessible by 4.1 shall comply with 4.28. At a minimum, visual signal appliances shall be provided in buildings and facilities in each of the following areas: restrooms and any other general usage areas (e.g., meeting rooms), hallways, lobbies, and any other area for common use.</p> <p>4.28.2* Audible Alarms. If provided, audible emergency alarms shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by at least 15 dbA or exceeds any maximum sound level with a duration of 60 seconds by 5 dbA, whichever is louder. Sound levels for alarm signals shall not exceed 120 dbA.</p> <p>4.28.3* Visual Alarms. Visual alarm signal appliances shall be integrated into the building or facility alarm system. If single station audible alarms are provided then single station visual alarm signals shall be provided. Visual alarm signals shall have the following minimum photometric and location features:</p>	<p>(1) The lamp shall be a xenon strobe type or equivalent.</p> <p>(2) The color shall be clear or nominal white (i.e., unfiltered or clear filtered white light).</p> <p>(3) The maximum pulse duration shall be two-tenths of one second (0.2 sec) with a maximum duty cycle of 40 percent. The pulse duration is defined as the time interval between initial and final points of 10 percent of maximum signal.</p> <p>(4) The intensity shall be a minimum of 75 candela.</p> <p>(5) The flash rate shall be a minimum of 1 Hz and a maximum of 3 Hz.</p> <p>(6) The appliance shall be placed 80 in (2030 mm) above the highest floor level within the space or 6 in (152 mm) below the ceiling, whichever is lower.</p> <p>(7) In general, no place in any room or space required to have a visual signal appliance shall be more than 50 ft (15 m) from the signal (in the horizontal plane). In large rooms and spaces exceeding 100 ft (30 m) across, without obstructions 6 ft (2 m) above the finish floor, such as auditoriums, devices may be placed around the perimeter, spaced a maximum 100 ft (30 m) apart, in lieu of suspending appliances from the ceiling.</p> <p>(8) No place in common corridors or hallways in which visual alarm signalling appliances are required shall be more than 50 ft (15 m) from the signal.</p> <p>4.28.4* Auxiliary Alarms. Units and sleeping accommodations shall have a visual alarm connected to the building emergency alarm system or shall have a standard 110-volt electrical receptacle into which such an alarm can be connected and a means by which a signal from the building emergency alarm system can trigger such an auxiliary alarm. When visual alarms are in place the signal shall be visible in all areas of the unit or room. Instructions for use of the auxiliary alarm or receptacle shall be provided.</p>
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4.29 Detectable Warnings

4.29 Detectable Warnings.

4.29.1 General. Detectable warnings required by 4.1 and 4.7 shall comply with 4.29.

4.29.2* Detectable Warnings on Walking Surfaces. Detectable warnings shall consist of raised truncated domes with a diameter of nominal 0.9 in (23 mm), a height of nominal 0.2 in (5 mm) and a center-to-center spacing of nominal 2.35 in (60 mm) and shall contrast visually with adjoining surfaces, either light-on-dark, or dark-on-light.

The material used to provide contrast shall be an integral part of the walking surface. Detectable warnings used on interior surfaces shall differ from adjoining walking surfaces in resiliency or sound-on-cane contact.

4.29.3 Detectable Warnings on Doors To Hazardous Areas. (Reserved).

4.29.4 Detectable Warnings at Stairs. (Reserved).

4.29.5 Detectable Warnings at Hazardous Vehicular Areas. If a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings, or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by a continuous detectable warning which is 36 in (915 mm) wide, complying with 4.29.2.

4.29.6 Detectable Warnings at Reflecting Pools. The edges of reflecting pools shall be protected by railings, walls, curbs, or detectable warnings complying with 4.29.2.

4.29.7 Standardization. (Reserved).

4.30 Signage.

4.30.1* General. Signage required to be accessible by 4.1 shall comply with the applicable provisions of 4.30.

4.30.2* Character Proportion. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.

4.30.3 Character Height. Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an upper case X. Lower case characters are permitted.

Height Above Finished Floor	Minimum Character Height
Suspended or Projected Overhead in compliance with 4.4.2	3 in. (75 mm) minimum

4.30.4* Raised and Brailled Characters and Pictorial Symbol Signs (Pictograms).

Letters and numerals shall be raised 1/32 in, upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille. Raised characters shall be at least 5/8 in (16 mm) high, but no higher than 2 in (50 mm). Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be 6 in (152 mm) minimum in height.

4.30.5* Finish and Contrast. The characters and background of signs shall be eggshell, matte, or other non-glare finish. Characters and symbols shall contrast with their background — either light characters on a dark background or dark characters on a light background.

4.30.6 Mounting Location and Height. Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door. Where there is no wall space to the latch side of the door, including at double leaf doors, signs shall be placed on the nearest adjacent wall. Mounting height shall be 60 in (1525 mm) above the finish floor to the centerline of the sign. Mounting location for such signage shall be so that a person may approach within 3 in (76 mm) of signage without encountering protruding objects or standing within the swing of a door.

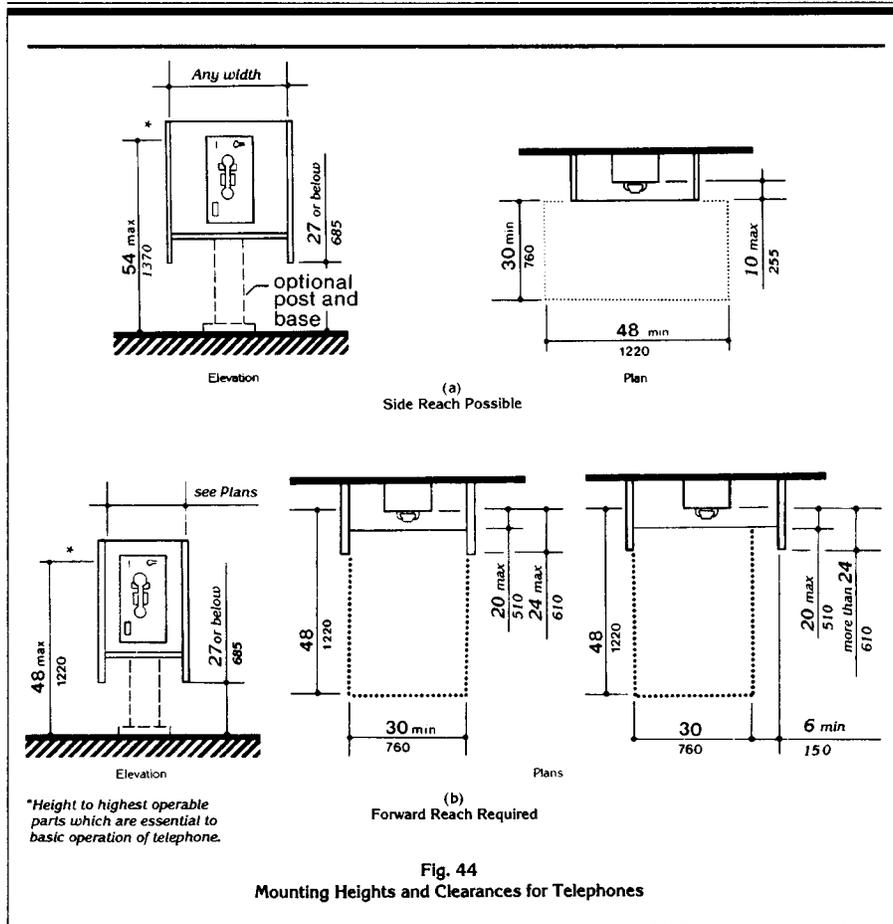
4.30.7* Symbols of Accessibility.

(1) Facilities and elements required to be identified as accessible by 4.1 shall use the international symbol of accessibility. The

4.30 Signage

 <p>(a) Proportions International Symbol of Accessibility</p> <p>(b) Display Conditions International Symbol of Accessibility</p> <p>(c) International TDD Symbol</p> <p>(d) International Symbol of Access for Hearing Loss</p> <p>Fig. 43 International Symbols</p>	<p>symbol shall be displayed as shown in Fig. 43(a) and (b).</p> <p>(2) <i>Volume Control Telephones.</i> Telephones required to have a volume control by 4.1.3(17)(b) shall be identified by a sign containing a depiction of a telephone handset with radiating sound waves.</p> <p>(3) <i>Text Telephones.</i> Text telephones required by 4.1.3 (17)(c) shall be identified by the international TDD symbol (Fig 43(c)). In addition, if a facility has a public text telephone, directional signage indicating the location of the nearest text telephone shall be placed adjacent to all banks of telephones which do not contain a text telephone. Such directional signage shall include the international TDD symbol. If a facility has no banks of telephones, the directional signage shall be provided at the entrance (e.g., in a building directory).</p> <p>(4) <i>Assistive Listening Systems.</i> In assembly areas where permanently installed assistive listening systems are required by 4.1.3(19)(b) the availability of such systems shall be identified with signage that includes the international symbol of access for hearing loss (Fig 43(d)).</p> <p>4.30.8* Illumination Levels. (Reserved).</p> <p>4.31 Telephones.</p> <p>4.31.1 General. Public telephones required to be accessible by 4.1 shall comply with 4.31.</p> <p>4.31.2 Clear Floor or Ground Space. A clear floor or ground space at least 30 in by 48 in (760 mm by 1220 mm) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at telephones (see Fig. 44). The clear floor or ground space shall comply with 4.2.4. Bases, enclosures, and fixed seats shall not impede approaches to telephones by people who use wheelchairs.</p> <p>4.31.3* Mounting Height. The highest operable part of the telephone shall be within the reach ranges specified in 4.2.5 or 4.2.6.</p> <p>4.31.4 Protruding Objects. Telephones shall comply with 4.4.</p>
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4.31 Telephones



4.31.5 Hearing Aid Compatible and Volume Control Telephones Required by 4.1.

- (1) Telephones shall be hearing aid compatible.
- (2) Volume controls, capable of a minimum of 12 dbA and a maximum of 18 dbA above

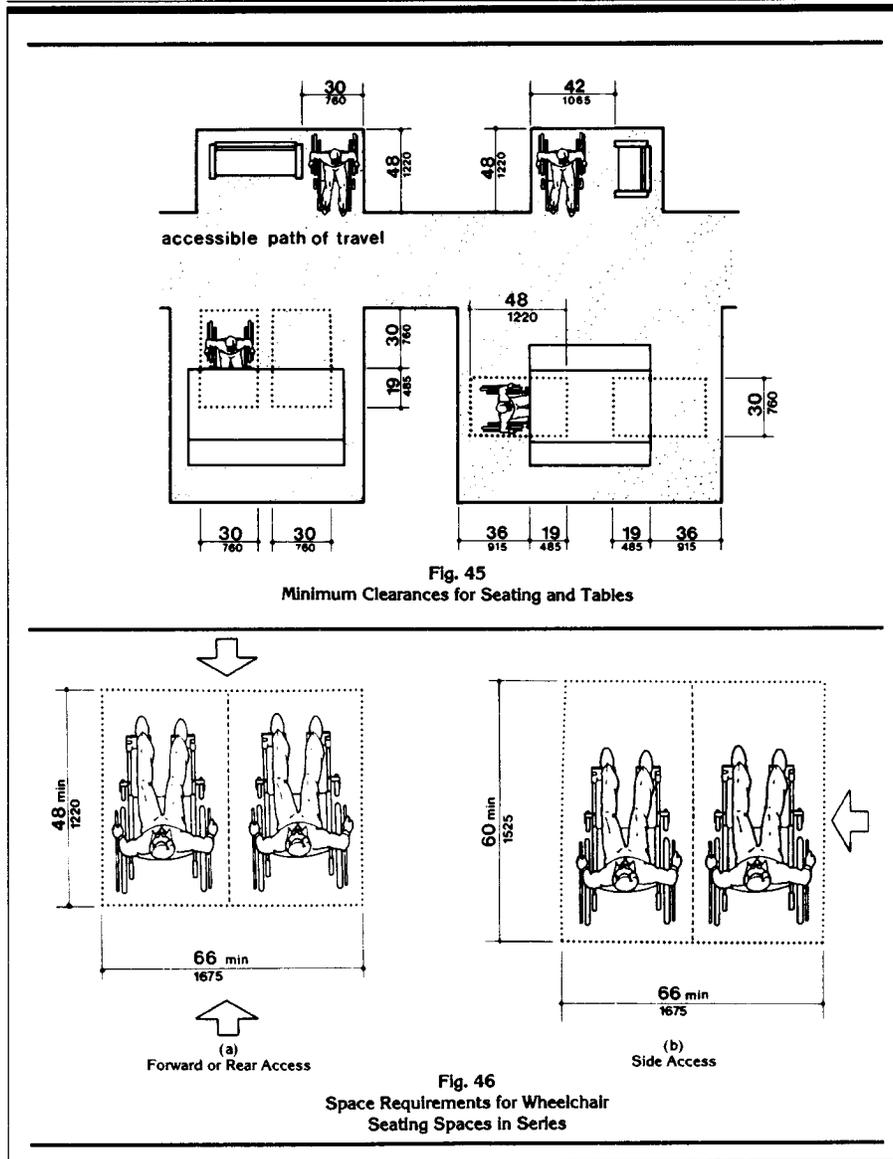
normal, shall be provided in accordance with 4.1.3. If an automatic reset is provided then 18 dbA may be exceeded.

4.31.6 Controls. Telephones shall have pushbutton controls where service for such equipment is available.

4.32 Fixed or Built-in Seating and Tables

<p>4.31.7 Telephone Books. Telephone books, if provided, shall be located in a position that complies with the reach ranges specified in 4.2.5 and 4.2.6.</p> <p>4.31.8 Cord Length. The cord from the telephone to the handset shall be at least 29 in (735 mm) long.</p> <p>4.31.9* Text Telephones Required by 4.1.</p> <p>(1) Text telephones used with a pay telephone shall be permanently affixed within, or adjacent to, the telephone enclosure. If an acoustic coupler is used, the telephone cord shall be sufficiently long to allow connection of the text telephone and the telephone receiver.</p> <p>(2) Pay telephones designed to accommodate a portable text telephone shall be equipped with a shelf and an electrical outlet within or adjacent to the telephone enclosure. The telephone handset shall be capable of being placed flush on the surface of the shelf. The shelf shall be capable of accommodating a text telephone and shall have 6 in (152 mm) minimum vertical clearance in the area where the text telephone is to be placed.</p> <p>(3) Equivalent facilitation may be provided. For example, a portable text telephone may be made available in a hotel at the registration desk if it is available on a 24-hour basis for use with nearby public pay telephones. In this instance, at least one pay telephone shall comply with paragraph 2 of this section. In addition, if an acoustic coupler is used, the telephone handset cord shall be sufficiently long so as to allow connection of the text telephone and the telephone receiver. Directional signage shall be provided and shall comply with 4.30.7.</p> <p>4.32 Fixed or Built-in Seating and Tables.</p> <p>4.32.1 Minimum Number. Fixed or built-in seating or tables required to be accessible by 4.1 shall comply with 4.32.</p> <p>4.32.2 Seating. If seating spaces for people in wheelchairs are provided at fixed tables or counters, clear floor space complying with 4.2.4 shall be provided. Such clear floor space</p>	<p>shall not overlap knee space by more than 19 in (485 mm) (see Fig. 45).</p> <p>4.32.3 Knee Clearances. If seating for people in wheelchairs is provided at tables or counters, knee spaces at least 27 in (685 mm) high, 30 in (760 mm) wide, and 19 in (485 mm) deep shall be provided (see Fig. 45).</p> <p>4.32.4* Height of Tables or Counters. The tops of accessible tables and counters shall be from 28 in to 34 in (710 mm to 865 mm) above the finish floor or ground.</p> <p>4.33 Assembly Areas.</p> <p>4.33.1 Minimum Number. Assembly and associated areas required to be accessible by 4.1 shall comply with 4.33.</p> <p>4.33.2* Size of Wheelchair Locations. Each wheelchair location shall provide minimum clear ground or floor spaces as shown in Fig. 46.</p> <p>4.33.3* Placement of Wheelchair Locations. Wheelchair areas shall be an integral part of any fixed seating plan and shall be provided so as to provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. They shall adjoin an accessible route that also serves as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seating area. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users.</p> <p><i>EXCEPTION: Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress.</i></p> <p>4.33.4 Surfaces. The ground or floor at wheelchair locations shall be level and shall comply with 4.5.</p>
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4.33 Assembly Areas



4.33.5 Access to Performing Areas

4.33.5 Access to Performing Areas.

An accessible route shall connect wheelchair seating locations with performing areas, including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers.

4.33.6* Placement of Listening Systems.

If the listening system provided serves individual fixed seats, then such seats shall be located within a 50 ft (15 m) viewing distance of the stage or playing area and shall have a complete view of the stage or playing area.

4.33.7* Types of Listening Systems.

Assistive listening systems (ALS) are intended to augment standard public address and audio systems by providing signals which can be received directly by persons with special receivers or their own hearing aids and which eliminate or filter background noise. The type of assistive listening system appropriate for a particular application depends on the characteristics of the setting, the nature of the program, and the intended audience. Magnetic induction loops, infra-red and radio frequency systems are types of listening systems which are appropriate for various applications.

4.34 Automated Teller Machines.

4.34.1 General. Each automated teller machine required to be accessible by 4.1.3 shall be on an accessible route and shall comply with 4.34.

4.34.2 Clear Floor Space. The automated teller machine shall be located so that clear floor space complying with 4.2.4 is provided to allow a person using a wheelchair to make a forward approach, a parallel approach, or both, to the machine.

4.34.3 Reach Ranges.

(1) Forward Approach Only. If only a forward approach is possible, operable parts of all controls shall be placed within the forward reach range specified in 4.2.5.

(2) Parallel Approach Only. If only a parallel approach is possible, operable parts of controls shall be placed as follows:

(a) Reach Depth Not More Than 10 in (255 mm). Where the reach depth to the operable parts of all controls as measured from the vertical plane perpendicular to the edge of the unobstructed clear floor space at the farthest

protrusion of the automated teller machine or surround is not more than 10 in (255 mm), the maximum height above the finished floor or grade shall be 54 in (1370 mm).

(b) Reach Depth More Than 10 in (255 mm). Where the reach depth to the operable parts of any control as measured from the vertical plane perpendicular to the edge of the unobstructed clear floor space at the farthest protrusion of the automated teller machine or surround is more than 10 in (255 mm), the maximum height above the finished floor or grade shall be as follows:

Reach Depth		Maximum Height	
In	Mm	In	Mm
10	255	54	1370
11	280	53½	1360
12	305	53	1345
13	330	52½	1335
14	355	51½	1310
15	380	51	1295
16	405	50½	1285
17	430	50	1270
18	455	49½	1255
19	485	49	1245
20	510	48½	1230
21	535	47½	1205
22	560	47	1195
23	585	46½	1180
24	610	46	1170

(3) Forward and Parallel Approach. If both a forward and parallel approach are possible, operable parts of controls shall be placed within at least one of the reach ranges in paragraphs (1) or (2) of this section.

(4) Bins. Where bins are provided for envelopes, waste paper, or other purposes, at least one of each type provided shall comply with the applicable reach ranges in paragraph (1), (2), or (3) of this section.

EXCEPTION: Where a function can be performed in a substantially equivalent manner by using an alternate control, only one of the controls needed to perform that function is required to comply with this section. If the controls are identified by tactile markings, such markings shall be provided on both controls.

4.34.4 Controls. Controls for user activation shall comply with 4.27.4.

4.35 Dressing and Fitting Rooms

<p>4.34.5 Equipment for Persons with Vision Impairments. Instructions and all information for use shall be made accessible to and independently usable by persons with vision impairments.</p> <p>4.35 Dressing and Fitting Rooms.</p> <p>4.35.1 General. Dressing and fitting rooms required to be accessible by 4.1 shall comply with 4.35 and shall be on an accessible route.</p> <p>4.35.2 Clear Floor Space. A clear floor space allowing a person using a wheelchair to make a 180-degree turn shall be provided in every accessible dressing room entered through a swinging or sliding door. No door shall swing into any part of the turning space. Turning space shall not be required in a private dressing room entered through a curtained opening at least 32 in (815 mm) wide if clear floor space complying with section 4.2 renders the dressing room usable by a person using a wheelchair.</p> <p>4.35.3 Doors. All doors to accessible dressing rooms shall be in compliance with section 4.13.</p> <p>4.35.4 Bench. Every accessible dressing room shall have a 24 in by 48 in (610 mm by 1220 mm) bench fixed to the wall along the longer dimension. The bench shall be mounted 17 in to 19 in (430 mm to 485 mm) above the finish floor. Clear floor space shall be provided alongside the bench to allow a person using a wheelchair to make a parallel transfer onto the bench. The structural strength of the bench and attachments shall comply with 4.26.3. Where installed in conjunction with showers, swimming pools, or other wet locations, water shall not accumulate upon the surface of the bench and the bench shall have a slip-resistant surface.</p> <p>4.35.5 Mirror. Where mirrors are provided in dressing rooms of the same use, then in an accessible dressing room, a full-length mirror, measuring at least 18 in wide by 54 in high (460 mm by 1370 mm), shall be mounted in a position affording a view to a person on the bench as well as to a person in a standing position.</p> <p>NOTE: Sections 4.1.1 through 4.1.7 and sections 5 through 10 are different from ANSI A117.1 in their entirety and are printed in standard type.</p>	
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5.0 Restaurants and Cafeterias

5. RESTAURANTS AND CAFETERIAS.

5.1* General. Except as specified or modified in this section, restaurants and cafeterias shall comply with the requirements of 4.1 to 4.35. Where fixed tables (or dining counters where food is consumed but there is no service) are provided, at least 5 percent, but not less than one, of the fixed tables (or a portion of the dining counter) shall be accessible and shall comply with 4.32 as required in 4.1.3(18). In establishments where separate areas are designated for smoking and non-smoking patrons, the required number of accessible fixed tables (or counters) shall be proportionally distributed between the smoking and non-smoking areas. In new construction, and where practicable in alterations, accessible fixed tables (or counters) shall be distributed throughout the space or facility.

5.2 Counters and Bars. Where food or drink is served at counters exceeding 34 in (865 mm) in height for consumption by customers seated on stools or standing at the counter, a portion of the main counter which is 60 in (1525 mm) in length minimum shall be provided in compliance with 4.32 or service shall be available at accessible tables within the same area.

5.3 Access Aisles. All accessible fixed tables shall be accessible by means of an access aisle at least 36 in (915 mm) clear between parallel edges of tables or between a wall and the table edges.

5.4 Dining Areas. In new construction, all dining areas, including raised or sunken dining areas, loggias, and outdoor seating areas, shall be accessible. In non-elevator buildings, an accessible means of vertical access to the mezzanine is not required under the following conditions: 1) the area of mezzanine seating measures no more than 33 percent of the area of the total accessible seating area; 2) the same services and decor are provided in an accessible space usable by the general public; and, 3) the accessible areas are not restricted to use by people with disabilities. In alterations, accessibility to raised or sunken dining areas, or to all parts of outdoor seating areas is not required provided that the same services and decor are provided in an accessible space usable by the general public and are not restricted to use by people with disabilities.

5.5 Food Service Lines. Food service lines shall have a minimum clear width of 36 in (915 mm), with a preferred clear width of 42 in (1065 mm) to allow passage around a person using a wheelchair. Tray slides shall be mounted no higher than 34 in (865 mm) above the floor (see Fig. 53). If self-service shelves

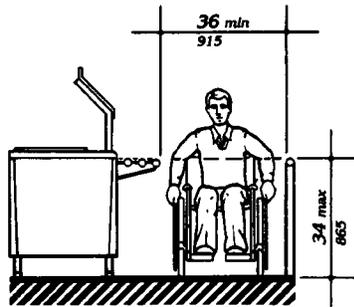


Fig. 53
Food Service Lines

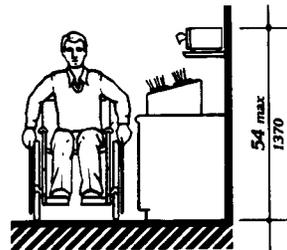


Fig. 54
Tableware Areas

6.0 Medical Care Facilities

are provided, at least 50 percent of each type must be within reach ranges specified in 4.2.5 and 4.2.6.

5.6 Tableware and Condiment Areas. Self-service shelves and dispensing devices for tableware, dishware, condiments, food and beverages shall be installed to comply with 4.2 (see Fig. 54).

5.7 Raised Platforms. In banquet rooms or spaces where a head table or speaker's lectern is located on a raised platform, the platform shall be accessible in compliance with 4.8 or 4.11. Open edges of a raised platform shall be protected by placement of tables or by a curb.

5.8 Vending Machines and Other Equipment. Spaces for vending machines and other equipment shall comply with 4.2 and shall be located on an accessible route.

5.9 Quiet Areas. (Reserved).

6. MEDICAL CARE FACILITIES.

6.1 General. Medical care facilities included in this section are those in which people receive physical or medical treatment or care and where persons may need assistance in responding to an emergency and where the period of stay may exceed twenty-four hours. In addition to the requirements of 4.1 through 4.35, medical care facilities and buildings shall comply with 6.

(1) Hospitals - general purpose hospitals, psychiatric facilities, detoxification facilities — At least 10 percent of patient bedrooms and toilets, and all public use and common use areas are required to be designed and constructed to be accessible.

(2) Hospitals and rehabilitation facilities that specialize in treating conditions that affect mobility, or units within either that specialize in treating conditions that affect mobility — All patient bedrooms and toilets, and all public use and common use areas are required to be designed and constructed to be accessible.

(3) Long term care facilities, nursing homes — At least 50 percent of patient bedrooms and toilets, and all public use and common use areas are required to be designed and constructed to be accessible.

(4) Alterations to patient bedrooms.

(a) When patient bedrooms are being added or altered as part of a planned renovation of an entire wing, a department, or other discrete area of an existing medical facility, a percentage of the patient bedrooms that are being added or altered shall comply with 6.3. The percentage of accessible rooms provided shall be consistent with the percentage of rooms required to be accessible by the applicable requirements of 6.1(1), 6.1(2), or 6.1(3), until the number of accessible patient bedrooms in the facility equals the overall number that would be required if the facility were newly constructed. (For example, if 20 patient bedrooms are being altered in the obstetrics department of a hospital, 2 of the altered rooms must be made accessible. If, within the same hospital, 20 patient bedrooms are being altered in a unit that specializes in treating mobility impairments, all of the altered rooms must be made accessible.) Where toilet/bath rooms are part of patient bedrooms which are added or altered and required to be accessible, each such patient toilet/bathroom shall comply with 6.4.

(b) When patient bedrooms are being added or altered individually, and not as part of an alteration of the entire area, the altered patient bedrooms shall comply with 6.3, unless either: a) the number of accessible rooms provided in the department or area containing the altered patient bedroom equals the number of accessible patient bedrooms that would be required if the percentage requirements of 6.1(1), 6.1(2), or 6.1(3) were applied to that department or area; or b) the number of accessible patient bedrooms in the facility equals the overall number that would be required if the facility were newly constructed. Where toilet/bathrooms are part of patient bedrooms which are added or altered and required to be accessible, each such toilet/bathroom shall comply with 6.4.

6.2 Entrances

<p>6.2 Entrances. At least one accessible entrance that complies with 4.14 shall be protected from the weather by canopy or roof overhang. Such entrances shall incorporate a passenger loading zone that complies with 4.6.6.</p> <p>6.3 Patient Bedrooms. Provide accessible patient bedrooms in compliance with 4.1 through 4.35. Accessible patient bedrooms shall comply with the following:</p> <p>(1) Each bedroom shall have a door that complies with 4.13.</p> <p>EXCEPTION: Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement in 4.13.6 for maneuvering space at the latch side of the door if the door is at least 44 in (1120 mm) wide.</p> <p>(2) Each bedroom shall have adequate space to provide a maneuvering space that complies with 4.2.3. In rooms with two beds, it is preferable that this space be located between beds.</p> <p>(3) Each bedroom shall have adequate space to provide a minimum clear floor space of 36 in (915 mm) along each side of the bed and to provide an accessible route complying with 4.3.3 to each side of each bed.</p> <p>6.4 Patient Toilet Rooms. Where toilet/bathrooms are provided as a part of a patient bedroom, each patient bedroom that is required to be accessible shall have an accessible toilet/bathroom that complies with 4.22 or 4.23 and shall be on an accessible route.</p>	<p>of each type shall have a portion of the counter which is at least 36 in (915 mm) in length with a maximum height of 36 in (915 mm) above the finish floor. It shall be on an accessible route complying with 4.3. The accessible counters must be dispersed throughout the building or facility. In alterations where it is technically infeasible to provide an accessible counter, an auxiliary counter meeting these requirements may be provided.</p> <p>(2) At ticketing counters, teller stations in a bank, registration counters in hotels and motels, box office ticket counters, and other counters that may not have a cash register but at which goods or services are sold or distributed, either:</p> <p>(i) a portion of the main counter which is a minimum of 36 in (915 mm) in length shall be provided with a maximum height of 36 in (915 mm); or</p> <p>(ii) an auxiliary counter with a maximum height of 36 in (915 mm) in close proximity to the main counter shall be provided; or</p> <p>(iii) equivalent facilitation shall be provided (e.g., at a hotel registration counter, equivalent facilitation might consist of: (1) provision of a folding shelf attached to the main counter on which an individual with disabilities can write, and (2) use of the space on the side of the counter or at the concierge desk, for handing materials back and forth).</p> <p>All accessible sales and service counters shall be on an accessible route complying with 4.3.</p> <p>(3) In buildings or facilities subject to title II of the ADA:</p> <p>(i) Where counters have cash registers and are provided for the sales or distribution of goods or services to the public, at least one of each type shall comply with 7.2(1).</p> <p>(ii) At teller windows, service counters, or other counters that may not have a cash register but at which goods or services are sold or distributed, a portion of the main counter which is a minimum of 36 in (915 mm) in length shall be provided with a maximum height of 36 in (915 mm) or, an auxiliary counter with a maximum height of 36 in (915 mm) in close proximity to the main counter shall be provided.</p>
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7. BUSINESS, MERCANTILE AND CIVIC.

7.1 General. In addition to the requirements of 4.1 to 4.35, the design of all areas used for business transactions with the public shall comply with 7.

7.2 Sales and Service Counters, Teller Windows, Information Counters.

(1) In department stores and miscellaneous retail stores where counters have cash registers and are provided for sales or distribution of goods or services to the public, at least one

7.2 Sales and Service Counters, Teller Windows, Information Counters

(iii)* In addition, at counters or teller windows with solid partitions or security glazing separating personnel from the public, at least one of each type shall provide a method to facilitate voice communication. Such methods may include, but are not limited to, grilles, talk-through baffles, intercoms, or telephone handset devices. The method of communication shall be accessible to both individuals who use wheelchairs and individuals who have difficulty bending or stooping. If provided, at least one telephone communication device shall be equipped with volume controls complying with 4.31.5. Hand-operable communications devices, if provided, shall comply with 4.27.

(4)* Assistive Listening Devices. (Reserved).

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8.0 Libraries

7.3* Check-out Aisles.

(1) In new construction, accessible check-out aisles shall be provided in conformance with the table below:

Total Check-out Aisles of Each Design	Minimum Number of Accessible Check-out Aisles (of each design)
1 - 4	1
5 - 8	2
8 - 15	3
over 15	3, plus 20% of additional aisles

EXCEPTION: In new construction, where the selling space is under 5000 square feet, only one check-out aisle is required to be accessible.

EXCEPTION: In alterations, at least one check-out aisle shall be accessible in facilities under 5000 square feet of selling space. In facilities of 5000 or more square feet of selling space, at least one of each design of check-out aisle shall be made accessible when altered until the number of accessible check-out aisles of each design equals the number required in new construction.

Examples of check-out aisles of different "design" include those which are specifically designed to serve different functions. Different "design" includes but is not limited to the following features - length of belt or no belt; or permanent signage designating the aisle as an express lane.

(2) Clear aisle width for accessible check-out aisles shall comply with 4.2.1 and maximum adjoining counter height shall not exceed 38 in (965 mm) above the finish floor. The top of the lip shall not exceed 40 in (1015 mm) above the finish floor.

(3) Signage identifying accessible check-out aisles shall comply with 4.30.7 and shall be mounted above the check-out aisle in the same location where the check-out number or type of check-out is displayed.

7.4 Security Bollards. Any device used to prevent the removal of shopping carts from store premises shall not prevent access or egress to people in wheelchairs. An alternate

entry that is equally convenient to that provided for the ambulatory population is acceptable.

8. LIBRARIES.

8.1 General. In addition to the requirements of 4.1 to 4.35, the design of all public areas of a library shall comply with 8, including reading and study areas, stacks, reference rooms, reserve areas, and special facilities or collections.

8.2 Reading and Study Areas. At least 5 percent or a minimum of one of each element of fixed seating, tables, or study carrels shall comply with 4.2 and 4.32. Clearances between fixed accessible tables and between study carrels shall comply with 4.3.

8.3 Check-Out Areas. At least one lane at each check-out area shall comply with 7.2(1). Any traffic control or book security gates or turnstiles shall comply with 4.13.

8.4 Card Catalogs and Magazine Displays. Minimum clear aisle space at card catalogs and magazine displays shall comply with Fig. 55. Maximum reach height shall comply with 4.2, with a height of 48 in (1220 mm) preferred irrespective of approach allowed.

8.5 Stacks. Minimum clear aisle width between stacks shall comply with 4.3, with a minimum clear aisle width of 42 in (1065 mm) preferred where possible. Shelf height in stack areas is unrestricted (see Fig. 56).

9.0 Accessible Transient Lodging

9. ACCESSIBLE TRANSIENT LODGING.

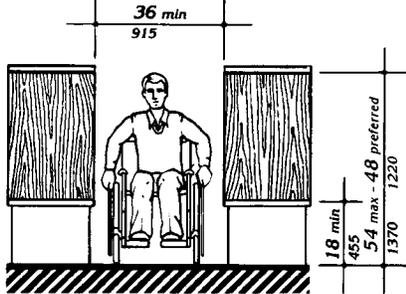


Fig. 55
Card Catalog

(1) Except as specified in the special technical provisions of this section, accessible transient lodging shall comply with the applicable requirements of 4.1 through 4.35. Transient lodging includes facilities or portions thereof used for sleeping accommodations, when not classed as a medical care facility.

9.1 Hotels, Motels, Inns, Boarding Houses, Dormitories, Resorts and Other Similar Places of Transient Lodging.

9.1.1 General. All public use and common use areas are required to be designed and constructed to comply with section 4 (Accessible Elements and Spaces: Scope and Technical Requirements).

EXCEPTION: Sections 9.1 through 9.4 do not apply to an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor.

9.1.2 Accessible Units, Sleeping Rooms, and Suites. Accessible sleeping rooms or suites that comply with the requirements of 9.2 (Requirements for Accessible Units, Sleeping Rooms, and Suites) shall be provided in conformance with the table below. In addition, in hotels, of 50 or more sleeping rooms or suites, additional accessible sleeping rooms or suites that include a roll-in shower shall also be provided in conformance with the table below. Such accommodations shall comply with the requirements of 9.2, 4.21, and Figure 57(a) or (b).

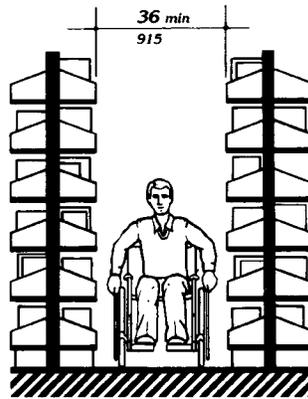


Fig. 56
Stacks

9.1.3 Sleeping Accommodations for Persons with Hearing Impairments

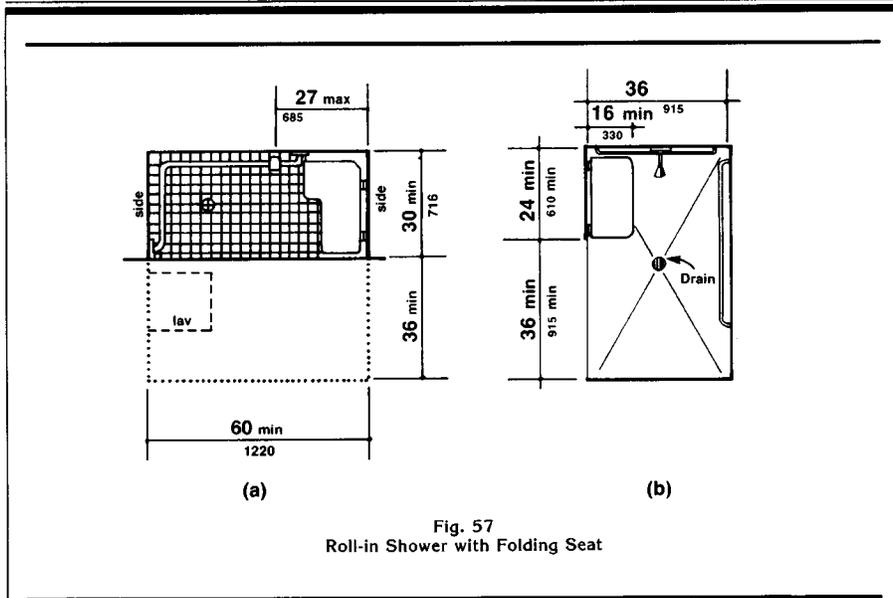


Fig. 57 Roll-in Shower with Folding Seat

Number of Rooms	Accessible Rooms	Rooms with Roll-in Showers
1 to 25	1	
26 to 50	2	
51 to 75	3	1
76 to 100	4	1
101 to 150	5	2
151 to 200	6	2
201 to 300	7	3
301 to 400	8	4
401 to 500	9	4 plus one for each additional 100 over 400
501 to 1000	2% of total	
1001 and over	20 plus 1 for each 100 over 1000	

and suites that comply with 9.3 (Visual Alarms, Notification Devices, and Telephones) shall be provided in conformance with the following table:

Number of Elements	Accessible Elements
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

9.1.3 Sleeping Accommodations for Persons with Hearing Impairments.
In addition to those accessible sleeping rooms and suites required by 9.1.2, sleeping rooms

9.2 Requirements for Accessible Units, Sleeping Rooms and Suites

<p>9.1.4 Classes of Sleeping Accommodations.</p> <p>(1) In order to provide persons with disabilities a range of options equivalent to those available to other persons served by the facility, sleeping rooms and suites required to be accessible by 9.1.2 shall be dispersed among the various classes of sleeping accommodations available to patrons of the place of transient lodging. Factors to be considered include room size, cost, amenities provided, and the number of beds provided.</p> <p>(2) Equivalent Facilitation. For purposes of this section, it shall be deemed equivalent facilitation if the operator of a facility elects to limit construction of accessible rooms to those intended for multiple occupancy, provided that such rooms are made available at the cost of a single-occupancy room to an individual with disabilities who requests a single-occupancy room.</p> <p>9.1.5. Alterations to Accessible Units, Sleeping Rooms, and Suites. When sleeping rooms are being altered in an existing facility, or portion thereof, subject to the requirements of this section, at least one sleeping room or suite that complies with the requirements of 9.2 (Requirements for Accessible Units, Sleeping Rooms, and Suites) shall be provided for each 25 sleeping rooms, or fraction thereof, of rooms being altered until the number of such rooms provided equals the number required to be accessible with 9.1.2. In addition, at least one sleeping room or suite that complies with the requirements of 9.3 (Visual Alarms, Notification Devices, and Telephones) shall be provided for each 25 sleeping rooms, or fraction thereof, of rooms being altered until the number of such rooms equals the number required to be accessible by 9.1.3.</p> <p>9.2 Requirements for Accessible Units, Sleeping Rooms and Suites.</p> <p>9.2.1 General. Units, sleeping rooms, and suites required to be accessible by 9.1 shall comply with 9.2.</p> <p>9.2.2 Minimum Requirements. An accessible unit, sleeping room or suite shall be on an</p>	<p>accessible route complying with 4.3 and have the following accessible elements and spaces.</p> <p>(1) Accessible sleeping rooms shall have a 36 in (915 mm) clear width maneuvering space located along both sides of a bed, except that where two beds are provided, this requirement can be met by providing a 36 in (915 mm) wide maneuvering space located between the two beds.</p> <p>(2) An accessible route complying with 4.3 shall connect all accessible spaces and elements, including telephones, within the unit, sleeping room, or suite. This is not intended to require an elevator in multi-story units as long as the spaces identified in 9.2.2(6) and (7) are on accessible levels and the accessible sleeping area is suitable for dual occupancy.</p> <p>(3) Doors and doorways designed to allow passage into and within all sleeping rooms, suites or other covered units shall comply with 4.13.</p> <p>(4) If fixed or built-in storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, at least one of each type provided shall contain storage space complying with 4.25. Additional storage may be provided outside of the dimensions required by 4.25.</p> <p>(5) All controls in accessible units, sleeping rooms, and suites shall comply with 4.27.</p> <p>(6) Where provided as part of an accessible unit, sleeping room, or suite, the following spaces shall be accessible and shall be on an accessible route:</p> <ul style="list-style-type: none"> (a) the living area. (b) the dining area. (c) at least one sleeping area. (d) patios, terraces, or balconies. <p>EXCEPTION: The requirements of 4.13.8 and 4.3.8 do not apply where it is necessary to utilize a higher door threshold or a change in level to protect the integrity of the unit from wind/water damage. Where this exception results in patios, terraces or balconies that are not at an accessible level, equivalent facilitation</p>
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9.3 Visual Alarms, Notification Devices and Telephones

shall be provided. (E.g., equivalent facilitation at a hotel patio or balcony might consist of providing raised decking or a ramp to provide accessibility.)

(e) at least one full bathroom (i.e., one with a water closet, a lavatory, and a bathtub or shower).

(f) if only half baths are provided, at least one half bath.

(g) carports, garages or parking spaces.

(7) Kitchens, Kitchenettes, or Wet Bars. When provided as accessory to a sleeping room or suite, kitchens, kitchenettes, wet bars, or similar amenities shall be accessible. Clear floor space for a front or parallel approach to cabinets, counters, sinks, and appliances shall be provided to comply with 4.2.4. Countertops and sinks shall be mounted at a maximum height of 34 in (865 mm) above the floor. At least fifty percent of shelf space in cabinets or refrigerator/freezers shall be within the reach ranges of 4.2.5 or 4.2.6 and space shall be designed to allow for the operation of cabinet and/or appliance doors so that all cabinets and appliances are accessible and usable. Controls and operating mechanisms shall comply with 4.27.

(8) Sleeping room accommodations for persons with hearing impairments required by 9.1 and complying with 9.3 shall be provided in the accessible sleeping room or suite.

9.3 Visual Alarms, Notification Devices and Telephones.

9.3.1 General. In sleeping rooms required to comply with this section, auxiliary visual alarms shall be provided and shall comply with 4.28.4. Visual notification devices shall also be provided in units, sleeping rooms and suites to alert room occupants of incoming telephone calls and a door knock or bell. Notification devices shall not be connected to auxiliary visual alarm signal appliances. Permanently installed telephones shall have volume controls complying with 4.31.5; an accessible electrical outlet within 4 ft (1220 mm) of a telephone connection shall be provided to facilitate the use of a text telephone.

9.3.2 Equivalent Facilitation. For purposes of this section, equivalent facilitation shall include the installation of electrical outlets (including outlets connected to a facility's central alarm system) and telephone wiring in sleeping rooms and suites to enable persons with hearing impairments to utilize portable visual alarms and communication devices provided by the operator of the facility.

9.4 Other Sleeping Rooms and Suites. Doors and doorways designed to allow passage into and within all sleeping units or other covered units shall comply with 4.13.5.

9.5 Transient Lodging in Homeless Shelters, Halfway Houses, Transient Group Homes, and Other Social Service Establishments.

9.5.1 New Construction. In new construction all public use and common use areas are required to be designed and constructed to comply with section 4. At least one of each type of amenity (such as washers, dryers and similar equipment installed for the use of occupants) in each common area shall be accessible and shall be located on an accessible route to any accessible unit or sleeping accommodation.

EXCEPTION: Where elevators are not provided as allowed in 4.1.3(5), accessible amenities are not required on inaccessible floors as long as one of each type is provided in common areas on accessible floors.

9.5.2 Alterations.

(1) Social service establishments which are not homeless shelters:

(a) The provisions of 9.5.3 and 9.1.5 shall apply to sleeping rooms and beds.

(b) Alteration of other areas shall be consistent with the new construction provisions of 9.5.1.

(2) Homeless shelters. If the following elements are altered, the following requirements apply:

10.0 Transportation Facilities

<p>(a) at least one public entrance shall allow a person with mobility impairments to approach, enter and exit including a minimum clear door width of 32 in (815 mm).</p> <p>(b) sleeping space for homeless persons as provided in the scoping provisions of 9.1.2 shall include doors to the sleeping area with a minimum clear width of 32 in (815 mm) and maneuvering space around the beds for persons with mobility impairments complying with 9.2.2(1).</p> <p>(c) at least one toilet room for each gender or one unisex toilet room shall have a minimum clear door width of 32 in (815 mm), minimum turning space complying with 4.2.3, one water closet complying with 4.16, one lavatory complying with 4.19 and the door shall have a privacy latch; and, if provided, at least one tub or shower shall comply with 4.20 or 4.21, respectively.</p> <p>(d) at least one common area which a person with mobility impairments can approach, enter and exit including a minimum clear door width of 32 in (815 mm).</p> <p>(e) at least one route connecting elements (a), (b), (c) and (d) which a person with mobility impairments can use including minimum clear width of 36 in (915 mm), passing space complying with 4.3.4, turning space complying with 4.2.3 and changes in levels complying with 4.3.8.</p> <p>(f) homeless shelters can comply with the provisions of (a)-(e) by providing the above elements on one accessible floor.</p> <p>9.5.3. Accessible Sleeping Accommodations in New Construction. Accessible sleeping rooms shall be provided in conformance with the table in 9.1.2 and shall comply with 9.2 Accessible Units, Sleeping Rooms and Suites (where the items are provided). Additional sleeping rooms that comply with 9.3 Sleeping Accommodations for Persons with Hearing Impairments shall be provided in conformance with the table provided in 9.1.3.</p> <p>In facilities with multi-bed rooms or spaces, a percentage of the beds equal to the table provided in 9.1.2 shall comply with 9.2.2(1).</p>	<p>10. TRANSPORTATION FACILITIES.</p> <p>10.1 General. Every station, bus stop, bus stop pad, terminal, building or other transportation facility, shall comply with the applicable provisions of 4.1 through 4.35, sections 5 through 9, and the applicable provisions of this section. The exceptions for elevators in 4.1.3(5), exception 1 and 4.1.6(1)(k) do not apply to a terminal, depot, or other station used for specified public transportation, or an airport passenger terminal, or facilities subject to Title II.</p> <p>10.2 Bus Stops and Terminals.</p> <p>10.2.1 New Construction.</p> <p>(1) Where new bus stop pads are constructed at bus stops, bays or other areas where a lift or ramp is to be deployed, they shall have a firm, stable surface; a minimum clear length of 96 inches (measured from the curb or vehicle roadway edge) and a minimum clear width of 60 inches (measured parallel to the vehicle roadway) to the maximum extent allowed by legal or site constraints; and shall be connected to streets, sidewalks or pedestrian paths by an accessible route complying with 4.3 and 4.4. The slope of the pad parallel to the roadway shall, to the extent practicable, be the same as the roadway. For water drainage, a maximum slope of 1:50 (2%) perpendicular to the roadway is allowed.</p> <p>(2) Where provided, new or replaced bus shelters shall be installed or positioned so as to permit a wheelchair or mobility aid user to enter from the public way and to reach a location, having a minimum clear floor area of 30 inches by 48 inches, entirely within the perimeter of the shelter. Such shelters shall be connected by an accessible route to the boarding area provided under paragraph (1) of this section.</p> <p>(3) Where provided, all new bus route identification signs shall comply with 4.30.5. In addition, to the maximum extent practicable, all new bus route identification signs shall comply with 4.30.2 and 4.30.3. Signs</p>
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10.3 Fixed Facilities and Stations

that are sized to the maximum dimensions permitted under legitimate local, state or federal regulations or ordinances shall be considered in compliance with 4.30.2 and 4.30.3 for purposes of this section.

EXCEPTION: Bus schedules, timetables, or maps that are posted at the bus stop or bus bay are not required to comply with this provision.

10.2.2 Bus Stop Siting and Alterations.

(1) Bus stop sites shall be chosen such that, to the maximum extent practicable, the areas where lifts or ramps are to be deployed comply with section 10.2.1(1) and (2).

(2) When new bus route identification signs are installed or old signs are replaced, they shall comply with the requirements of 10.2.1(3).

10.3 Fixed Facilities and Stations.

10.3.1 New Construction. New stations in rapid rail, light rail, commuter rail, intercity bus, intercity rail, high speed rail, and other fixed guideway systems (e.g., automated guideway transit, monorails, etc.) shall comply with the following provisions, as applicable:

(1) Elements such as ramps, elevators or other circulation devices, fare vending or other ticketing areas, and fare collection areas shall be placed to minimize the distance which wheelchair users and other persons who cannot negotiate steps may have to travel compared to the general public. The circulation path, including an accessible entrance and an accessible route, for persons with disabilities shall, to the maximum extent practicable, coincide with the circulation path for the general public. Where the circulation path is different, signage complying with 4.30.1, 4.30.2, 4.30.3, 4.30.5, and 4.30.7(1) shall be provided to indicate direction to and identify the accessible entrance and accessible route.

(2) In lieu of compliance with 4.1.3(8), at least one entrance to each station shall comply with 4.14, Entrances. If different entrances to a station serve different transportation fixed routes or groups of fixed routes, at least one entrance serving each group or route shall

comply with 4.14, Entrances. All accessible entrances shall, to the maximum extent practicable, coincide with those used by the majority of the general public.

(3) Direct connections to commercial, retail, or residential facilities shall have an accessible route complying with 4.3 from the point of connection to boarding platforms and all transportation system elements used by the public. Any elements provided to facilitate future direct connections shall be on an accessible route connecting boarding platforms and all transportation system elements used by the public.

(4) Where signs are provided at entrances to stations identifying the station or the entrance, or both, at least one sign at each entrance shall comply with 4.30.4 and 4.30.6. Such signs shall be placed in uniform locations at entrances within the transit system to the maximum extent practicable.

EXCEPTION: Where the station has no defined entrance, but signage is provided, then the accessible signage shall be placed in a central location.

(5) Stations covered by this section shall have identification signs complying with 4.30.1, 4.30.2, 4.30.3, and 4.30.5. Signs shall be placed at frequent intervals and shall be clearly visible from within the vehicle on both sides when not obstructed by another train. When station identification signs are placed close to vehicle windows (i.e., on the side opposite from boarding) each shall have the top of the highest letter or symbol below the top of the vehicle window and the bottom of the lowest letter or symbol above the horizontal mid-line of the vehicle window.

(6) Lists of stations, routes, or destinations served by the station and located on boarding areas, platforms, or mezzanines shall comply with 4.30.1, 4.30.2, 4.30.3, and 4.30.5. A minimum of one sign identifying the specific station and complying with 4.30.4 and 4.30.6 shall be provided on each platform or boarding area. All signs referenced in this paragraph shall, to the maximum extent practicable, be placed in uniform locations within the transit system.

10.3 Fixed Facilities and Stations

<p>(7)* Automatic fare vending, collection and adjustment (e.g., add-fare) systems shall comply with 4.34.2, 4.34.3, 4.34.4, and 4.34.5. At each accessible entrance such devices shall be located on an accessible route. If self-service fare collection devices are provided for the use of the general public, at least one accessible device for entering, and at least one for exiting, unless one device serves both functions, shall be provided at each accessible point of entry or exit. Accessible fare collection devices shall have a minimum clear opening width of 32 inches; shall permit passage of a wheelchair; and, where provided, coin or card slots and controls necessary for operation shall comply with 4.27. Gates which must be pushed open by wheelchair or mobility aid users shall have a smooth continuous surface extending from 2 inches above the floor to 27 inches above the floor and shall comply with 4.13. Where the circulation path does not coincide with that used by the general public, accessible fare collection systems shall be located at or adjacent to the accessible point of entry or exit.</p> <p>(8) Platform edges bordering a drop-off and no' protected by platform screens or guard rails shall have a detectable warning. Such detectable warnings shall comply with 4.29.2 and shall be 24 inches wide running the full length of the platform drop-off.</p> <p>(9) In stations covered by this section, rail-to-platform height in new stations shall be coordinated with the floor height of new vehicles so that the vertical difference, measured when the vehicle is at rest, is within plus or minus 5/8 inch under normal passenger load conditions. For rapid rail, light rail, commuter rail, high speed rail, and intercity rail systems in new stations, the horizontal gap, measured when the new vehicle is at rest, shall be no greater than 3 inches. For slow moving automated guideway "people mover" transit systems, the horizontal gap in new stations shall be no greater than 1 inch.</p> <p>EXCEPTION 1: Existing vehicles operating in new stations may have a vertical difference with respect to the new platform within plus or minus 1-1/2 inches.</p> <p>EXCEPTION 2: In light rail, commuter rail and intercity rail systems where it is not operationally or structurally feasible to meet the horizontal gap or vertical difference</p>	<p>requirements, mini-high platforms, car-borne or platform-mounted lifts, ramps or bridge plates, or similar manually deployed devices, meeting the applicable requirements of 36 CFR part 1192, or 49 CFR part 38 shall suffice.</p> <p>(10) Stations shall not be designed or constructed so as to require persons with disabilities to board or alight from a vehicle at a location other than one used by the general public.</p> <p>(11) Illumination levels in the areas where signage is located shall be uniform and shall minimize glare on signs. Lighting along circulation routes shall be of a type and configuration to provide uniform illumination.</p> <p>(12) Text Telephones: The following shall be provided in accordance with 4.31.9:</p> <p>(a) If an interior public pay telephone is provided in a transit facility (as defined by the Department of Transportation) at least one interior public text telephone shall be provided in the station.</p> <p>(b) Where four or more public pay telephones serve a particular entrance to a rail station and at least one is in an interior location, at least one interior public text telephone shall be provided to serve that entrance. Compliance with this section constitutes compliance with section 4.1.3(17)(c).</p> <p>(13) Where it is necessary to cross tracks to reach boarding platforms, the route surface shall be level and flush with the rail top at the outer edge and between the rails, except for a maximum 2-1/2 inch gap on the inner edge of each rail to permit passage of wheel flanges. Such crossings shall comply with 4.29.5. Where gap reduction is not practicable, an above-grade or below-grade accessible route shall be provided.</p> <p>(14) Where public address systems are provided to convey information to the public in terminals, stations, or other fixed facilities, a means of conveying the same or equivalent information to persons with hearing loss or who are deaf shall be provided.</p>
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10.3.2 Existing Facilities: Key Stations.

(15) Where clocks are provided for use by the general public, the clock face shall be uncluttered so that its elements are clearly visible. Hands, numerals, and/or digits shall contrast with the background either light-on-dark or dark-on-light. Where clocks are mounted overhead, numerals and/or digits shall comply with 4.30.3. Clocks shall be placed in uniform locations throughout the facility and system to the maximum extent practicable.

(16) Where provided in below grade stations, escalators shall have a minimum clear width of 32 inches. At the top and bottom of each escalator run, at least two contiguous treads shall be level beyond the comb plate before the risers begin to form. All escalator treads shall be marked by a strip of clearly contrasting color, 2 inches in width, placed parallel to and on the nose of each step. The strip shall be of a material that is at least as slip resistant as the remainder of the tread. The edge of the tread shall be apparent from both ascending and descending directions.

(17) Where provided, elevators shall be glazed or have transparent panels to allow an unobstructed view both in to and out of the car. Elevators shall comply with 4.10.

EXCEPTION: Elevator cars with a clear floor area in which a 60 inch diameter circle can be inscribed may be substituted for the minimum car dimensions of 4.10, Fig. 22.

(18) Where provided, ticketing areas shall permit persons with disabilities to obtain a ticket and check baggage and shall comply with 7.2.

(19) Where provided, baggage check-in and retrieval systems shall be on an accessible route complying with 4.3, and shall have space immediately adjacent complying with 4.2. If unattended security barriers are provided, at least one gate shall comply with 4.13. Gates which must be pushed open by wheelchair or mobility aid users shall have a smooth continuous surface extending from 2 inches above the floor to 27 inches above the floor.

10.3.2 Existing Facilities: Key Stations.

(1) Rapid, light and commuter rail key stations, as defined under criteria established by the Department of Transportation in subpart C of 49 CFR part 37 and existing intercity rail stations shall provide at least one accessible route from an accessible entrance to those areas necessary for use of the transportation system.

(2) The accessible route required by 10.3.2(1) shall include the features specified in 10.3.1 (1), (4)-(9), (11)-(15), and (17)-(19).

(3) Where technical infeasibility in existing stations requires the accessible route to lead from the public way to a paid area of the transit system, an accessible fare collection system, complying with 10.3.1(7), shall be provided along such accessible route.

(4) In light rail, rapid rail and commuter rail key stations, the platform or a portion thereof and the vehicle floor shall be coordinated so that the vertical difference, measured when the vehicle is at rest, is within plus or minus 1-1/2 inches under all normal passenger load conditions, and the horizontal gap, measured when the vehicle is at rest, is no greater than 3 inches for at least one door of each vehicle or car required to be accessible by 49 CFR part 37.

EXCEPTION 1: Existing vehicles retrofitted to meet the requirements of 49 CFR 37.93 (one-car-per-train rule) shall be coordinated with the platform such that, for at least one door, the vertical difference between the vehicle floor and the platform, measured when the vehicle is at rest with 50% normal passenger capacity, is within plus or minus 2 inches and the horizontal gap is no greater than 4 inches.

EXCEPTION 2: Where it is not structurally or operationally feasible to meet the horizontal gap or vertical difference requirements, mini-high platforms, car-borne or platform mounted lifts, ramps or bridge plates, or similar manually deployed devices, meeting the applicable requirements of 36 CFR part 1192, or 49 CFR part 38, shall suffice.

10.3.3 Existing Facilities: Alterations

<p>(5) New direct connections to commercial, retail, or residential facilities shall, to the maximum extent feasible, have an accessible route complying with 4.3 from the point of connection to boarding platforms and all transportation system elements used by the public. Any elements provided to facilitate future direct connections shall be on an accessible route connecting boarding platforms and all transportation system elements used by the public.</p> <p>10.3.3 Existing Facilities: Alterations.</p> <p>(1) For the purpose of complying with 4.1.6(2) (Alterations to an Area Containing a Primary Function), an area of primary function shall be as defined by applicable provisions of 49 CFR 37.43(c) (Department of Transportation's ADA Rule) or 28 CFR 36.403 (Department of Justice's ADA Rule).</p> <p>10.4 Airports.</p> <p>10.4.1 New Construction.</p> <p>(1) Elements such as ramps, elevators or other vertical circulation devices, ticketing areas, security checkpoints, or passenger waiting areas shall be placed to minimize the distance which wheelchair users and other persons who cannot negotiate steps may have to travel compared to the general public.</p> <p>(2) The circulation path, including an accessible entrance and an accessible route, for persons with disabilities shall, to the maximum extent practicable, coincide with the circulation path for the general public. Where the circulation path is different, directional signage complying with 4.30.1, 4.30.2, 4.30.3 and 4.30.5 shall be provided which indicates the location of the nearest accessible entrance and its accessible route.</p> <p>(3) Ticketing areas shall permit persons with disabilities to obtain a ticket and check baggage and shall comply with 7.2.</p> <p>(4) Where public pay telephones are provided, and at least one is at an interior location, a public TTY shall be provided in compliance with 4.31.9. Additionally, if four or more public pay telephones are located in any of the following locations, at least one public TTY shall also be provided in that location:</p>	<p>(a) a main terminal outside the security areas;</p> <p>(b) a concourse within the security areas; or</p> <p>(c) a baggage claim area in a terminal.</p> <p>Compliance with this section constitutes compliance with section 4.1.3(17)(c).</p> <p>(5) Baggage check-in and retrieval systems shall be on an accessible route complying with 4.3, and shall have space immediately adjacent complying with 4.2.4. If unattended security barriers are provided, at least one gate shall comply with 4.13. Gates which must be pushed open by wheelchair or mobility aid users shall have a smooth continuous surface extending from 2 in (50 mm) above the floor to 27 in (685 mm) above the floor.</p> <p>(6) Terminal information systems which broadcast information to the general public through a public address system shall provide a means to provide the same or equivalent information to persons with a hearing loss or who are deaf. Such methods may include, but are not limited to, visual paging systems using video monitors and computer technology. For persons with certain types of hearing loss such methods may include, but are not limited to, an assistive listening system complying with 4.33.7.</p> <p>(7) Where clocks are provided for use by the general public the clock face shall be uncluttered so that its elements are clearly visible. Hands, numerals, and/or digits shall contrast with their background either light-on-dark or dark-on-light. Where clocks are mounted overhead, numerals and/or digits shall comply with 4.30.3. Clocks shall be placed in uniform locations throughout the facility to the maximum extent practicable.</p> <p>(8)* Security Systems. In airports covered by title II of the ADA, at least one accessible route complying with 4.3 shall be provided through fixed security barriers at each single barrier or group of security barriers. A group is two or more security barriers immediately adjacent to each other at a single location. Where security barriers incorporate equipment such as metal detectors, fluoroscopes, or other similar devices which cannot be made acces-</p>
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11.0 Judicial, Legislative and Regulatory Facilities

<p>sible, an accessible route shall be provided adjacent to such security screening devices to facilitate an equivalent path of travel. The path of travel shall permit persons with disabilities passing through security barriers to maintain visual contact with their personal items to the same extent provided other members of the general public.</p> <p>EXCEPTION: Doors, doorways, and gates designed to be operated only by security personnel shall be exempt from 4.13.6, 4.13.9, 4.13.11, and 4.13.12.</p> <p>10.5 Boat and Ferry Docks. (Reserved).</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>11. JUDICIAL, LEGISLATIVE AND REGULATORY FACILITIES.</p> </div> <p>11.1* General. In addition to the requirements in 4.1 through 4.35, judicial, legislative and regulatory facilities shall comply with 11. All public and common use areas are required to be designed and constructed to comply with section 4.</p> <p>11.2 Courtrooms, Hearing Rooms, and Chambers.</p> <p>11.2.1 Where the following elements are provided, each shall be on an accessible route that complies with 4.3 and coincides with the circulation path provided for all persons using the element and shall comply with the following provisions. Those elements covered in 11.2.1(4) (which are designed to be adaptable) must be located on an accessible route at the time they are adapted.</p> <p>(1) Doors or Gates. Doors or gates designed to allow passage into the well of the courtroom, the witness stand, the jury box, the speaker's rostrum, or other areas shall comply with 4.13.</p> <p>(2)* Jury Boxes and Witness Stands. Each jury box and witness stand shall have at least one accessible wheelchair space complying with 4.33.2. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users. Accessible spaces shall be provided in the defined area of the jury box and witness stand. Fixed counters in the witness stand</p>	<p>shall comply with 4.32. A 30 in by 48 in (760 mm by 1220 mm) clear floor space for a forward position shall be provided at each jury box and witness stand. An unobstructed turning space complying with 4.2.3 shall be provided serving each area. Where provided for use by the witness or juror, controls and operating mechanisms shall comply with 4.27.3 and 4.27.4 except that the maximum height of controls and operating mechanisms shall be 48 in (1220 mm).</p> <p>EXCEPTION: In alterations to existing facilities where it is technically infeasible to provide a fixed means of vertical access to the witness stand and jury box, clear floor space shall be provided to accommodate a portable ramp complying with 4.8 or a portable lift complying with 4.11 as long as jurors or witnesses with disabilities are inside the defined area of the jury box and witness stand. In alterations, ramps may comply with 4.1.6(3)(a).</p> <p>(3) Spectator, Press, and Other Areas with Fixed Seats. Where spectator, press or other areas with fixed seats are provided, each area shall comply with 4.1.3(19)(a). In addition, where the spectator seating capacity exceeds 50 and is located on one level that is not tiered or sloped, wheelchair spaces shall be provided in more than one seating row.</p> <p>(4)* Fixed Judges' Benches, and Clerks' Stations. Fixed judges' benches, and clerks' stations shall be accessible or adaptable and comply with 4.32. A 30 in by 48 in (760 mm by 1220 mm) clear floor space for a forward position shall be provided at each accessible bench or station. An unobstructed turning space complying with 4.2.3 shall be provided serving each area. Controls and operating mechanisms shall comply with 4.27.3 and 4.27.4 except that the maximum height of controls and operating mechanisms shall be 48 in (1220 mm). If the high forward reach is over an obstruction, reach and clearances shall be as shown in Fig. 5(b).</p> <p>Adaptable means that maneuvering clearances and other features (e.g., fixed controls) shall be designed into the space so that accessibility can easily be provided. For example, the judge's bench may be designed so that a ramp complying with 4.8 or a lift complying with 4.11 can easily be installed at a later date provided that the required maneuvering clearances are provided to approach, enter, and exit the ramp or lift. Maneuvering clearances must</p>
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11.3 Jury Assembly Areas and Jury Deliberation Areas

<p>also allow an individual to open gates, maneuver at the bench (e.g., knee clearance), and reach any fixed controls (e.g., alarm buttons) and electrical outlets that are integral components of the design.</p> <p>(5)* Fixed Bailiffs' Stations, Court Reporters' Stations, Litigants' and Counsel Stations. Fixed or built-in stations, including tables for bailiffs, court reporters, litigants and counsel shall comply with 4.32. A 30 in by 48 in (760 mm by 1220 mm) clear floor space for a forward position shall be provided at each accessible station. Controls and operating mechanisms shall comply with 4.27.3 and 4.27.4 except that the maximum height of controls and operating mechanisms shall be 48 in (1220 mm). If the high forward reach is over an obstruction, reach and clearances shall be as shown in Fig. 5(b).</p> <p>(6) Fixed Lecterns. Fixed lecterns shall provide adjustable heights. At least one height shall be from 28 in to 34 in (710 mm to 865 mm) above the finish floor and provide knee space at least 27 in (685 mm) high, 30 in (760 mm) wide, and 19 in (485 mm) deep. A 30 in by 48 in (760 mm by 1220 mm) clear floor space for a forward position shall be provided. Controls and operating mechanisms shall comply with 4.27.3 and 4.27.4 except that the maximum height of controls and operating mechanisms shall be 48 in (1220 mm).</p> <p>(7) Fixed Speakers' Rostrums and Daises. Fixed speakers' rostrums and at least one dais shall be accessible and comply with 4.32. A 30 in by 48 in (760 mm by 1220 mm) clear floor space for a forward position shall be provided at each accessible rostrum and dais. An unobstructed turning space complying with 4.2.3 shall be provided serving each area.</p> <p>11.3 Jury Assembly Areas and Jury Deliberation Areas.</p> <p>11.3.1 Where provided in areas used for jury assembly or deliberation, the following elements or spaces shall be on an accessible route complying with 4.3 and shall comply with the following provisions:</p> <p>(1) Refreshment Areas. Refreshment areas, kitchenettes and fixed or built-in refreshment dispensers and vending machines shall comply with the technical provisions of 9.2.2(7).</p>	<p>(2)* Fixed or Built-in Seating and Tables. At least five percent, but not less than one, of fixed or built-in seating and tables shall comply with 4.32. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users.</p> <p>(3) Drinking Fountains. Where provided in rooms covered under 11.3, there shall be a drinking fountain accessible to individuals who use wheelchairs in accordance with 4.15 and one accessible to those who have difficulty bending or stooping. This can be accomplished by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending; by providing a fountain accessible under 4.15 and a water cooler; or by other such means as would achieve the required accessibility for each group.</p> <p>11.4 Courthouse Holding Facilities.</p> <p>11.4.1 Holding Cells - Minimum Number. Where provided, facilities for detainees, including central holding cells and court-floor holding cells, shall comply with the following:</p> <p>(1) Central Holding Cells. Where separate central holding cells are provided for adult male, juvenile male, adult female, and juvenile female, one of each type shall comply with 11.4. Where central-holding cells are provided, which are not separated by age or sex, at least one cell complying with 11.4 shall be provided.</p> <p>(2) Court-Floor Holding Cells. Where separate court-floor holding cells are provided for adult male, juvenile male, adult female, and juvenile female, one of each type shall comply with 11.4. Where court-floor holding cells are provided, and are not separated by age or sex, courtrooms shall be served by at least one cell complying with 11.4.</p> <p>11.4.2 Requirements for Accessible Cells. Accessible cells shall be on an accessible route complying with 4.3. Where provided, the following elements or spaces serving accessible cells shall be accessible and on an accessible route:</p> <p>(1) Doors and Doorways. All doors and doorways to accessible spaces and on an accessible route shall comply with 4.13.</p>
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11.4.3* Visiting Areas

<p>EXCEPTION: Doors and doorways designed to be operated only by security personnel shall be exempt from 4.13.6, 4.13.9, 4.13.10, 4.13.11 and 4.13.12.</p> <p>(2)* Restrooms. Toilet facilities shall comply with 4.22 and bathing facilities shall comply with 4.23. Privacy screens shall not intrude on the clear floor space required for fixtures or the accessible route.</p> <p>(3)* Beds. Beds shall have maneuvering space at least 36 in (915 mm) wide along one side. Where more than one bed is provided in a cell, the maneuvering space provided at adjacent beds may overlap.</p> <p>(4) Drinking Fountains and Water Coolers. Drinking fountains shall be accessible to individuals who use wheelchairs in accordance with 4.15 and shall be accessible to those who have difficulty bending or stooping. This can be accomplished by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending; by providing a fountain accessible under 4.15 and a water cooler; or by other such means as would achieve the required accessibility for each group.</p> <p>(5) Fixed or Built-in Seating and Tables. Fixed or built-in seating, tables or counters shall comply with 4.32.</p> <p>(6) Fixed Benches. Fixed benches shall be mounted at 17 in to 19 in (430 mm to 485 mm) above the finish floor. The structural strength of the bench attachments shall comply with 4.26.3.</p> <p>11.4.3* Visiting Areas. The following elements, where provided, shall be located on an accessible route complying with 4.3 and shall comply with the following provisions:</p> <p>(1) Cubicles and Counters. At least five percent, but not less than one, of fixed cubicles shall be accessible according to 4.32 on both the visitor and detainee sides. Where counters are provided, a portion at least 36 in (915 mm) in length shall comply with 4.32 on both the visitor and detainee sides.</p>	<p>(2) Partitions. Solid partitions or security glazing that separate visitors from detainees shall comply with 7.2(3).</p> <p>11.5 Restricted and Secured Entrances. Where provided, at least one restricted entrance and one secured entrance to the facility shall be accessible in addition to the entrances required by 4.1.3(8). Such entrances shall be connected by an accessible route complying with 4.3 to all accessible spaces or elements within the building or facility and comply with the following:</p> <p>(1) Restricted Entrances. Restricted entrances are used by judges, court personnel and other authorized parties on a controlled basis. The accessible restricted entrance shall be connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones and to public streets or sidewalks if available (see 4.3.2(1)). In addition, if direct access is provided for pedestrians from an enclosed parking garage to a restricted entrance, at least one direct entrance from the garage to the restricted entrance shall be accessible.</p> <p>(2) Secured Entrances. Secured entrances are used by detainees and detention officers. Where provided, passenger loading zones for detainees shall comply with 4.6.6.</p> <p>EXCEPTION: At secured entrances, doors and doorways designed to be operated only by security personnel shall be exempt from 4.13.6, 4.13.9, 4.13.10, 4.13.11 and 4.13.12.</p> <p>11.6 Security Systems. An accessible route complying with 4.3 shall be provided through fixed security barriers at required accessible entrances. Where security barriers incorporate equipment such as metal detectors, fluoroscopes, or other similar devices which cannot be made accessible, an accessible route shall be provided adjacent to such security screening devices to facilitate an equivalent path of travel.</p> <p>11.7* Two-Way Communication Systems. Where a two-way communication system is provided to gain admittance to a facility or to restricted areas within the facility, the system shall provide both visible and audible signals and shall comply with 4.27.</p>
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11.8* Electrical Outlets, Wiring, and Conduit for Communication Systems

11.8* Electrical Outlets, Wiring, and Conduit for Communication Systems.

(1) In judicial, legislative, or regulatory facilities, all courtrooms, hearing rooms, jury deliberation and jury orientation rooms, and meeting rooms designated for public use shall be provided with the following to support communication equipment for persons with disabilities:

- (a) Electrical outlets; and
- (b) Wiring, conduit, or raceways.

(2) Within the courtroom, electrical outlets and wiring, conduit, or raceways shall be provided to serve each litigant and counsel station, clerk station, court reporter station, jury box, witness stand, judge's bench and spectator area.

(3) These electrical outlets shall be provided in addition to those convenience outlets required by applicable State or local codes.

11.9* Permanently Installed Assistive Listening Systems. Permanently installed assistive listening systems complying with 4.33.6 and 4.33.7 shall be provided in judicial, legislative and regulatory facilities as follows:

(1)* **Judicial Facilities.** In judicial facilities, 50 percent, but not less than one, of each type of courtroom (at least one of which shall have a jury box, where one is provided) shall have a permanently installed assistive listening system. In addition, 50 percent, but not less than one, of each of the following types of rooms shall have a permanently installed assistive listening system: hearing rooms, jury deliberation rooms, and jury orientation rooms.

(2)* **Legislative and Regulatory Facilities.** In legislative and regulatory facilities, 50 percent, but not less than one, of each of the following types of rooms shall have a permanently installed assistive listening system: chambers, and hearing or meeting rooms which are designated for public use and where legislative or regulatory business is conducted. In addition, where separate chambers are provided for a bicameral legislature (i.e., house and senate), each chamber shall have a permanently installed assistive listening system.

(3) **Receivers.** The minimum number of receivers shall be four percent, but not less than two, of the room occupant load, as determined by applicable State or local codes.

(4) **Signage.** An informational sign complying with 4.30.1, 4.30.2, 4.30.3, 4.30.5 and 4.30.7(4) shall be posted in a prominent place indicating the availability of assistive listening systems, computer-aided transcription system, or other communication equipment for persons with vision or hearing impairments.

12. DETENTION AND CORRECTIONAL FACILITIES.

12.1* General. This section applies to jails, holding cells in police stations, prisons, juvenile detention centers, reformatories, and other institutional occupancies where occupants are under some degree of restraint or restriction for security reasons. Except as specified in this section, detention and correctional facilities shall comply with the applicable requirements of 4.1 through 4.35. All common use areas serving accessible cells or rooms and all public use areas are required to be designed and constructed to comply with section 4.

EXCEPTION: In detention and correctional facilities the requirements for areas of rescue assistance in 4.1.3(9), 4.3.10, and 4.3.11 do not apply. In addition, the requirements of 4.1.3(16) apply only to public use areas.

12.2 Entrances.

12.2.1 Public Entrances. Entrances used by the public, including those that are secured, shall be accessible as required by 4.1.3(8). Public entrances are those entrances used by the general public, including those used by both visitors and inmates or detainees.

EXCEPTION: Entrances, doors and doorways designed to be operated only by security personnel shall be exempt from 4.13.6, 4.13.9, 4.13.10, 4.13.11 and 4.13.12. Doors and doorways not operated solely by security personnel which are subject to security requirements that prohibit full compliance with these provisions shall comply to the maximum extent feasible.

12.2.2 Other Entrances

<p>12.2.2 Other Entrances. Where entrances used by inmates or detainees and not the general public are provided, at least one such entrance shall comply with 4.14. This requirement is in addition to the entrances that are required to be accessible by 4.1.3(8). Where provided, passenger loading zones serving entrances subject to this provision shall comply with 4.6.6.</p> <p>EXCEPTION: Entrances, doors and doorways designed to be operated only by security personnel shall be exempt from 4.13.6, 4.13.9, 4.13.10, 4.13.11 and 4.13.12. Doors and doorways not operated solely by security personnel that are subject to security requirements that prohibit full compliance with these provisions shall comply to the maximum extent feasible. Entrances subject to 4.14 are not required to be connected by an accessible route to public transportation stops, accessible parking, or public streets or sidewalks.</p> <p>12.2.3 Security Systems. Where security systems are provided at public or other entrances required to be accessible by 12.2.1 or 12.2.2, an accessible route complying with 4.3 shall be provided through fixed security barriers. Where security barriers incorporate equipment such as metal detectors, fluoroscopes, or other similar devices which cannot be made accessible, an accessible route shall be provided adjacent to such security screening devices to facilitate an equivalent path of travel.</p> <p>12.3* Visiting Areas. In non-contact visiting areas where inmates or detainees are separated from visitors, the following elements, where provided, shall be accessible and located on an accessible route complying with 4.3:</p> <p>(1) Cubicles and Counters. Five percent, but not less than one, of fixed cubicles shall be accessible according to 4.32 on both the visitor and detainee or inmate sides. Where counters are provided, a portion at least 36 in (915 mm) in length shall comply with 4.32 on both the visitor and detainee or inmate sides.</p> <p>EXCEPTION: At non-contact visiting areas not serving accessible cells or rooms, the requirements of 12.3(1) do not apply to cubicles or counters serving detainees or inmates.</p> <p>(2) Partitions. Solid partitions or security glazing separating visitors from inmates or detainees shall comply with 7.2(3).</p>	<p>12.4 Holding and Housing Cells or Rooms: Minimum Number and Dispersion.</p> <p>12.4.1* Holding Cells and General Housing Cells or Rooms.</p> <p>(1) Minimum Number. At least three percent, but not less than one, of the total number of housing or holding cells or rooms provided in a facility shall comply with 12.5.</p> <p>(2) Dispersion. Accessible cells or rooms complying with 12.5 shall be dispersed among all categories and types of general housing and holding areas. This does not require an increase in the minimum number specified by 12.4.1(1), nor does it require proportionate distribution of accessible cells among different categories or types of cells.</p> <p>12.4.2 Special Holding and Housing Cells or Rooms. In addition to the requirements of 12.4.1, where special holding or housing cells or rooms are provided, at least one serving each purpose shall comply with 12.5. An accessible special holding or housing cell or room may serve more than one purpose. Cells or rooms subject to this requirement include, but are not limited to, those used for purposes of protective custody, disciplinary detention, detoxification, and medical isolation.</p> <p>12.4.3* Accessible Cells or Rooms for Persons with Hearing Impairments. In addition to the requirements of 12.4.1, at least three percent, but not less than one, of general housing or holding cells or rooms equipped with audible emergency warning systems or permanently installed telephones within the cell or room shall comply with the applicable requirements of 12.6.</p> <p>12.4.4* Medical Care Facilities. Medical care facilities providing physical or medical treatment or care shall comply with the applicable requirements of 6.1, 6.3 and 6.4, if persons may need assistance in emergencies and the period of stay may exceed 24 hours. Patient bedrooms or cells required to be accessible under 6.1 and 6.3 shall be provided in addition to any medical isolation cells required to be accessible under 12.4.2.</p>
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12.4.5 Alterations to Cells or Rooms

<p>12.4.5 Alterations to Cells or Rooms. When holding or general housing cells or rooms are being altered in an existing facility, or portion thereof, at least three percent of the number being altered shall be made accessible according to 12.4.1 until the number of accessible cells or rooms equals the total number of accessible cells or rooms required for the facility under 12.4.1.</p> <p>12.5 Requirements for Accessible Cells or Rooms.</p> <p>12.5.1 General. Cells or rooms required to be accessible by 12.4 shall comply with 12.5.</p> <p>12.5.2 Minimum Requirements. Accessible cells or rooms shall be on an accessible route complying with 4.3. Where provided within housing or holding cells or rooms, the following elements or spaces shall be accessible and connected by an accessible route.</p> <p>(1) Doors and Doorways. All doors and doorways on an accessible route shall comply with 4.13.</p> <p>EXCEPTION: Doors and doorways designed to be operated only by security personnel shall be exempt from 4.13.6, 4.13.9, 4.13.10, 4.13.11 and 4.13.12. Other doors and doorways not operated solely by security personnel which are subject to security requirements that prohibit full compliance with these provisions shall comply to the maximum extent feasible.</p> <p>(2)* Restrooms. At least one toilet facility shall comply with 4.22 and one bathing facility shall comply with 4.23. Privacy screens shall not intrude on the clear floor space required for fixtures and the accessible route.</p> <p>(3)* Beds. Beds shall have maneuvering space at least 36 in (915 mm) wide along one side. Where more than one bed is provided in a room or cell, the maneuvering space provided at adjacent beds may overlap.</p> <p>(4) Drinking Fountains and Water Coolers. Drinking fountains shall be accessible to individuals who use wheelchairs in accordance with 4.15 and shall be accessible to those who have difficulty bending or stooping. This can be accomplished by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who</p>	<p>have difficulty bending; by providing a fountain accessible under 4.15 and a water cooler; or by providing other such means as would achieve the required accessibility for each group.</p> <p>(5) Fixed or Built-in Seating or Tables. Fixed or built-in seating, tables and counters shall comply with 4.32.</p> <p>(6) Fixed Benches. Fixed benches shall be mounted at 17 in to 19 in (430 mm to 485 mm) above the finish floor. The structural strength of the bench attachments shall comply with 4.26.3.</p> <p>(7) Storage. Fixed or built-in storage facilities such as cabinets, shelves, closets, and drawers, shall contain storage space complying with 4.25.</p> <p>(8) Controls. All controls intended for operation by inmates shall comply with 4.27.</p> <p>(9) Accommodations for persons with hearing impairments required by 12.4.3 and complying with 12.6 shall be provided in accessible cells or rooms.</p> <p>12.6 Visible Alarms and Telephones.</p> <p>12.6.1 General. Where audible emergency warning systems are provided to serve the occupants of holding or housing cells or rooms, visible alarms complying with 4.28.4 shall be provided. Where permanently installed telephones are provided within holding or housing cells or rooms, they shall have volume controls complying with 4.31.5.</p> <p>EXCEPTION: Visible alarms are not required where inmates or detainees are not allowed independent means of egress.</p> <p>12.6.2* Equivalent Facilitation. For purposes of this section, equivalent facilitation shall include the installation of electrical outlets (including outlets connected to a facility's central alarm system) and telephone wiring in the cell or room to enable inmates or detainees with hearing impairments to utilize portable visible alarms and communication devices made available by the operator of the facility.</p>
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13.0 Accessible Residential Housing

<p>13. ACCESSIBLE RESIDENTIAL HOUSING.</p>	<p>(1) Five percent of the total number of dwelling units in a facility, but not less than one, shall comply with 13.3 and 13.4. In a facility with more than two dwelling units, 25 percent, but not less than one, of the dwelling units required to be accessible and complying with 13.3 and 13.4, shall have a roll-in shower complying with 4.21.</p>
<p>13.1 General.</p>	<p>(2) In addition to those dwelling units required to be accessible by 13.2.1(1), two percent of the total number of dwelling units in a facility, but not less than one, shall comply with 13.4. This paragraph does not require an increase in the total number of dwelling units planned for a facility. If the total number of dwelling units is one, that dwelling unit shall meet the requirements of 13.2.1(1).</p>
<p>(1) This section applies to newly constructed or altered residential housing facilities containing single-family and/or multifamily dwelling units subject to title II of the ADA. For purposes of this section, the term "dwelling unit" means a single unit containing rooms and spaces for living, bathing and sleeping and which may provide a kitchen or food preparation area. This section does not apply to transient lodging facilities covered by section 9.</p>	<p>(3) Where special purpose residences are provided for specific employee positions and are not interchangeable (e.g., Governors' mansions and university Presidents' residences) each shall comply with 13.2.1(1). Where such residences are interchangeable, five percent, or at least one shall be accessible.</p>
<p>(2) Except as specified in this section, accessible residential housing shall comply with the applicable requirements of 4.1 through 4.35. All public and common use areas shall be designed and constructed to comply with section 4.1 through 4.35. "Public use areas" pertains to interior or exterior spaces of a building or facility that are made available to the general public. As used in this section, "common use areas" means rooms, spaces or elements inside or outside of a building or facility that are made available solely for the use of residents of a building or facility or their guests. Common use areas may include, but are not limited to, hallways, lounges, lobbies, laundry rooms, kitchens outside dwelling units for tenant use, refuse rooms, mail rooms, recreational areas, storage areas, areas used for official functions and walks among and between buildings. The term "common use" excludes spaces wholly within a dwelling unit.</p>	<p>13.2.2* New Construction: Dispersion.</p>
<p>EXCEPTION 1: Elevators are not required in residential facilities that are less than four stories provided that the requirements of 13.1(2), 13.2 and 13.3 are satisfied.</p>	<p>(1) Accessible dwelling units shall be dispersed throughout the facility so as to provide people with disabilities a choice of housing types comparable to and integrated with those available to other members of the public. In dispersing accessible units, the following factors are to be considered: vertical dispersion in buildings where elevators are provided; unit size; rental or sale price; amenities provided within dwelling units; and the availability and proximity of amenities serving dwelling units.</p>
<p>EXCEPTION 2*: Where multiple recreational facilities, such as tennis courts, are provided for common use only, at least one of each type shall be designed and constructed to comply with section 4.</p>	<p>(2) When units of different size in terms of number of bedrooms are provided, at least one of each unit shall comply with 13.2.1(1). In dispersing units according to the number of bedrooms provided, compliance with this provision is required regardless of whether it is necessary to exceed the number required to be accessible by 13.2.1(1) unless doing so will require the installation of an elevator where one was not planned. If the number required in 13.2.1(1) has not been met, units shall be dispersed throughout the facility according to the number of bedrooms provided to the maximum extent feasible.</p>
<p>13.2 Minimum Number and Dispersion.</p>	
<p>13.2.1* New Construction: Minimum Number. Accessible dwelling units shall be provided as follows:</p>	

13.2.3* Alterations: Minimum Number and Dispersion

<p>13.2.3* Alterations: Minimum Number and Dispersion.</p> <p>(1) Minimum Number: When dwelling units are altered in an existing facility, five percent, but not less than one, of the dwelling units altered shall comply with the requirements of 13.3 and 13.4 for each alteration until the number of accessible dwelling units in each facility equals the number required to be accessible by 13.2.1(1). In addition, two percent but not less than one of the altered dwelling units shall comply with the requirements of 13.4 until the number of accessible dwelling units equals the number required to be accessible by 13.2.1(2).</p> <p>(2) Dispersion: When existing dwelling units are altered and are required to be accessible they shall be dispersed according to 13.2.2(1), to the maximum extent feasible.</p> <p>13.3 Requirements for Accessible Dwelling Units.</p> <p>13.3.1 General. The requirements of 13.3 apply to dwelling units required to be accessible by 13.2.1(1) and 13.2.3(1).</p> <p>13.3.2* Minimum Requirements. An accessible dwelling unit shall be on an accessible route complying with 4.3 and shall have the following accessible elements and spaces:</p> <p>(1) Ancillary Areas. Spaces and facilities serving individual accessible dwelling units, including but not limited to, entry walks, trash disposal facilities, storage areas, and mail boxes, where provided, shall comply with 4.1 through 4.35.</p> <p>(2) Maneuvering Space. Accessible spaces shall have maneuvering space complying with 4.2.3 and surfaces complying with 4.5.</p> <p>(3) Accessible Route. At least one accessible route complying with 4.3 shall connect the accessible entrances with all accessible spaces and elements within the accessible dwelling unit. This is not intended to require an elevator within an accessible dwelling unit as long as the spaces identified in 13.3.2(11), (12), and (13) are connected by an interior accessible route.</p>	<p>(4) Parking. Parking spaces shall comply with 4.6 and shall be provided in accordance with the following:</p> <p>(a) Where parking is provided for residents, one accessible parking space shall be provided for each dwelling unit required to be accessible by 13.2.1(1). Van spaces shall be provided in compliance with 4.1.2(5)(b). If dwelling units are provided with more than one type of parking space (e.g., stalls, garages, or carports) then required parking spaces shall be distributed among the types.</p> <p>(b) Where the total parking provided on a site exceeds one parking space per dwelling unit, not less than two percent, but no less than one space, of this additional parking shall be accessible. Van parking shall be provided in compliance with 4.1.2(5)(b).</p> <p>EXCEPTION: Where parking spaces are assigned to specific dwelling units, the requirements for signage under 4.6.4 apply only during the tenancy of a person with a disability.</p> <p>(5) Elevators. Elevators shall comply with 4.10.</p> <p>EXCEPTION 1: An accessible private residence elevator complying with the following may be used in lieu of an elevator complying with 4.10 to connect levels within an individual dwelling unit:</p> <p>(a) Independent Use and Operation. The elevator shall facilitate unassisted entry, operation, and exit from the elevator; and,</p> <p>(b) Inside Dimension of Elevator Cars. Elevator cars shall provide a clear floor space in compliance with 4.2.4. Car gates and doors shall be positioned at the narrow end(s) of the clear floor space. The clearance between the car platform sill and any hoistway edge shall be 1-1/4 in (32 mm) maximum.</p> <p>EXCEPTION 2: A platform lift complying with 4.11 may be used in lieu of an elevator complying with 4.10 to connect levels within an individual dwelling unit.</p> <p>(6)* Doors. Doors intended for passage into and within accessible spaces shall comply with 4.13. Entry doors shall include peepholes for use by seated individuals, if peepholes are provided for other dwelling units in the facility.</p>
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13.3.3 Bathrooms

<p>(7) Entrances. At least one accessible entrance to the dwelling unit shall comply with 4.14. Additional entrances, where provided, should comply with 4.14.</p> <p>(8) Storage. At least one of each type of fixed or built-in storage facility in accessible spaces in dwelling units, including cabinets, shelves, closets, and drawers shall comply with 4.25. Storage cabinets in kitchens shall comply with 13.3.4(10).</p> <p>(9) Controls. All controls in accessible spaces shall comply with 4.27. Electric circuit breaker panels and those portions of heating, ventilating, and air conditioning equipment requiring regular or periodic maintenance and adjustment by the resident of a dwelling unit shall comply with 4.27. Inaccessible controls are permitted where redundant controls complying with 4.27 are provided in close proximity.</p> <p>EXCEPTION: This requirement shall not apply to controls on air distribution registers that are placed on or close to ceilings or floors.</p> <p>(10) Alarms. If emergency warning systems are provided, they shall include audible alarms complying with 4.28.2 and visible alarms complying with 4.28.3.</p> <p>(11) Bathrooms. At least one full bathroom shall comply with 13.3.3. A full bathroom shall include, at a minimum, a water closet and a lavatory, as well as a bathtub, or shower, or a combination tub and shower.</p> <p>(12) Kitchens. If provided, the kitchen shall comply with 13.3.4.</p> <p>(13) Living Spaces. The following spaces shall be accessible and shall be on an accessible route complying with 4.3:</p> <ul style="list-style-type: none"> (a) Living areas. (b) Dining areas, if provided. (c) Sleeping areas or bedrooms as follows: <ul style="list-style-type: none"> (i) In dwelling units with one bedroom, one bedroom. (ii) In dwelling units with more than one bedroom, at least two bedrooms. 	<p>(d) Carports and garages, serving the accessible dwelling unit and their routes or connections to the dwelling unit.</p> <p>(e) Patios, decks, terraces, and balconies, serving accessible levels of the dwelling unit.</p> <p>EXCEPTION: The requirements of 4.13.8 and 4.3.8 do not apply to patios, decks, terraces, or balconies where it is necessary to utilize a higher door threshold or a change in level to protect the integrity of the unit from wind or water damage. Where this exception results in level changes at patios, decks, terraces or balconies, equivalent facilitation shall be provided. Equivalent facilitation in residential housing may consist of providing raised decking or a ramp to provide accessibility.</p> <p>(14) Laundry Facilities. Laundry facilities shall comply with 13.3.5 and shall be located on an accessible route complying with 4.3.</p> <p>13.3.3 Bathrooms. Accessible bathrooms shall be on an accessible route and shall comply with the following:</p> <ul style="list-style-type: none"> (1) Doors. Doors to accessible bathrooms shall comply with 4.13. Doors shall not swing into the clear floor space required for any fixture unless the maneuvering space required by 13.3.3(8) is provided beyond the arc of the door swing within the room. (2) Water Closets. Water closets shall comply with 4.16, except that the height of the water closet shall be between 15 in (380 mm) and 19 in (485 mm) measured to the top of the toilet seat. (3) Lavatories and Mirrors. Lavatories and mirrors shall comply with 4.19. If medicine cabinets are provided, at least one shall be located with a usable shelf no higher than 44 in (1120 mm) above the floor. Clear floor space complying with 4.2.4 shall be provided at the medicine cabinet. (4) Bathtubs. If a bathtub is provided, it shall comply with 4.20. (5) Showers. If a shower is provided, it shall comply with 4.21. (6) Bathtub and Shower Enclosures. Enclosures for bathtubs or shower stalls shall not obstruct controls or transfer from wheelchairs
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13.3.4 Kitchens

<p>onto shower or bathtub seats. Enclosures on bathtubs shall not have tracks mounted on the tub's rims.</p> <p>(7) Fixtures and Controls. The accessible fixtures and controls required in an accessible bathroom shall be on an accessible route. The clear floor space at fixtures and controls and the accessible route may overlap.</p> <p>(8) Maneuvering Space. Maneuvering space complying with 4.2.3 shall be provided.</p> <p>13.3.4 Kitchens. If kitchens are provided within accessible dwelling units, or if separate kitchen facilities serve one or more accessible dwelling units, they shall comply with this section. Accessible kitchens and their components shall be designed to allow for the operation of cabinet and/or appliance doors so that all cabinets and appliances are accessible and usable. Accessible kitchens shall be on an accessible route complying with 4.3 and shall comply with the following:</p> <p>(1) Maneuvering Clearance. Clearances between all opposing base cabinets, counter tops, appliances, or walls shall be 40 in (1015 mm) minimum, except in U-shaped kitchens, where such clearance shall be 60 in (1525 mm) minimum. A U-shaped kitchen is a closed end space having fixtures, storage or other usable elements on three sides.</p> <p>(2) Clear Floor Space. A clear floor space complying with 4.2.4 that allows either a forward or a parallel approach shall be provided at fixtures and appliances. Such fixtures and appliances shall include, but are not limited to, the range or cooktop, oven, refrigerator/freezer, dishwasher, and trash compactor. Sinks shall have a forward approach. Laundry equipment located in the kitchen shall comply with 13.3.5.</p> <p>(3) Controls. All controls in kitchens shall comply with 13.3.2(9).</p> <p>(4) Counters. At least one 36 in (915 mm) length of counter shall provide a work surface that complies with the following requirements:</p> <p>(a) The counter shall be mounted at a maximum height between 28 in to 34 in (710 mm to 865 mm) above the floor, measured from the floor to the top of the counter</p>	<p>surface, or shall be adjustable to provide alternative heights of 28 in, 32 in, 34 in and 36 in (710 mm, 815 mm, 865 mm and 915 mm) measured from the floor to the top of the counter surface.</p> <p>(b) Counter thickness and supporting structure shall be 2 in (50 mm) maximum over the required clear floor space.</p> <p>(c) A clear floor space of 30 in by 48 in (760 mm by 1220 mm) shall allow a forward approach to the counter. Nineteen inches (485 mm) maximum of the clear floor space may extend underneath the counter. The knee space shall have a minimum clear width of 30 in (760 mm) and a minimum clear depth of 19 in (485 mm).</p> <p>(d) There shall be no sharp or abrasive surfaces under such counters.</p> <p>(5)* Sinks. The sink and its surrounding counter shall comply with 4.24. The sink may be adjustable to provide alternative heights of 28 in, 30 in, 32 in, 34 in, and 36 in (710 mm, 760 mm, 815 mm, 865 mm and 915 mm), measured from the floor to the top of the counter surface or sink rim. The total length of the sink and counter area shall be 30 in (760 mm) minimum. If the sink is adjustable, rough-in plumbing shall be located to accept connections of supply and drain pipes for alternative mounting heights.</p> <p>(6)* Cooktops. If cooktops have knee spaces underneath, they shall be insulated or otherwise protected on the exposed contact surfaces to prevent burns, abrasions, or electric shock. The clear floor space may overlap the knee space, if provided, by 19 in (485 mm) maximum. The location of controls for cooktops shall not require reaching across burners.</p> <p>(7)* Ovens. Ovens shall be of the self-cleaning type or be located adjacent to an accessible or adjustable height counter with knee space below. For side opening ovens, the door latch side shall be next to the open counter space, and there shall be a pull-out shelf under the oven extending the full width of the oven and not less than 10 in (255 mm) when fully extended. Wall ovens shall not have knee spaces underneath the oven. Ovens shall have controls on front panels and may be located on either side of the door.</p>
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13.3.5 Laundry Facilities

<p>(8)* Refrigerators and Freezers. Provision shall be made for refrigerators which are:</p> <p>(a) Of the vertical side-by-side refrigerator and freezer type; or</p> <p>(b) Of the over-and-under type and have at least 50 percent of the freezer space no higher than 54 in (1370 mm) above the floor.</p> <p>(c) Freezers with less than 100 percent of the storage volume within the limits specified in 4.2.5 and 4.2.6 shall be the self-defrosting type.</p> <p>(d) Controls for refrigerator and freezer compartments shall comply with 4.2.5 and 4.2.6.</p> <p>(9) Dishwashers. Dishwashers shall be front loading machines.</p> <p>(10)* Kitchen Storage. Kitchen storage cabinets, drawers, and shelf areas shall have the following features:</p> <p>(a) Maximum height shall be 48 in (1220 mm) for at least one shelf of all cabinets and storage shelves mounted above work counters.</p> <p>(b) Door pulls or handles for wall cabinets shall be mounted as close to the bottom of cabinet doors as practicable. Door pulls or handles for base cabinets shall be mounted as close to the top of cabinet doors as possible.</p> <p>13.3.5 Laundry Facilities. If laundry equipment is provided within individual accessible dwelling units, or if separate laundry facilities serve one or more accessible dwelling units, then they shall meet the following requirements:</p> <p>(1) Location. Laundry facilities and laundry equipment shall be on an accessible route.</p> <p>(2) Washing Machines and Clothes Dryers. A minimum of one washing machine and one clothes dryer in each common use laundry room shall be front loading.</p> <p>(3) Controls. Laundry equipment controls on front loading machines shall comply with 4.27.</p>	<p>13.4 Requirements for Dwelling Units Accessible to Persons with Hearing Impairments.</p> <p>13.4.1 General. Dwelling units required to be accessible by 13.2 must comply with 13.4.</p> <p>(1)* Alarms. Alarms shall comply with 13.3.2(10).</p> <p>EQUIVALENT FACILITATION. Where single station audible alarms are provided, equivalent facilitation shall include the installation of electrical outlets to accommodate single station visible alarms. Where building-wide audible alarm systems are provided, equivalent facilitation shall include the installation of all necessary connections to a facility's central alarm system to facilitate integration of visible alarm appliances. For the purpose of equivalent facilitation, such visible alarm appliances shall be provided by the operator of the facility during the tenancy of a person with a hearing impairment.</p> <p>(2) Notification Devices. Permanently installed visible notification devices shall serve all kitchens, bathrooms, and living, sleeping and dining rooms. Notification devices shall provide visible signals to alert occupants of incoming telephone calls and door knocks or bells. Notification devices shall not be connected to visible alarm signal appliances. Visible notification devices in sleeping rooms shall have controls to deactivate the signal.</p> <p>EQUIVALENT FACILITATION. Equivalent facilitation shall include telephone and other wiring to facilitate use of notification devices. For the purpose of equivalent facilitation, such notification devices shall be provided by the operator of the facility during the tenancy of a person with a hearing impairment.</p> <p>(3) Telephones. Permanently installed telephones shall include a TTY and shall comply with 4.31.5(1) and 4.31.5(2). An accessible electrical outlet shall be provided within 48 in (1220 mm) of each telephone connection to facilitate the use of a TTY.</p> <p>(4) Entry Doors. Entry doors to dwelling units shall have peepholes for use by standing individuals for security purposes.</p>
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14.0 Public Rights-of-Way

14. PUBLIC RIGHTS-OF-WAY.

14.1* General. All areas, elements, and facilities intended for pedestrian access, circulation, and use that are constructed, installed, or altered in the public right-of-way and which are subject to title II of the ADA shall comply with 14 and with provisions of 4.1 through 4.35 that are not otherwise specified in this section.

14.1.1 Definitions.

Continuous Passage.* A continuous unobstructed pedestrian circulation path within a public sidewalk connecting pedestrian areas, elements, and facilities in the public right-of-way to accessible routes on adjacent sites. A continuous passage is provided in lieu of an accessible route in a public right-of-way.

Public Right-of-Way. The strip of land within the boundaries of which a public road and its appurtenances (e.g., shoulders, parkways, borders, and public sidewalks) are built or a public pedestrian easement providing access to a public facility through adjacent sites or properties.

Public Sidewalk.* An improved exterior pathway intended for pedestrian use along a vehicular way in the public right-of-way or in a public pedestrian easement.

Public Sidewalk Curb Ramp. A combined ramp and landing within a public sidewalk to accomplish a change of level at a curbed or otherwise separated street crossing. A perpendicular public sidewalk curb ramp runs perpendicular to and cuts through the curb; it connects to a street crossing at the bottom of its ramp run and to a landing at the top. A diagonal public sidewalk curb ramp is a variant of a perpendicular public sidewalk curb ramp that is located at the midpoint of a curb radius and serves two intersecting crossing directions at a corner. A parallel public sidewalk curb ramp has a ramped surface that is coincident with the public sidewalk and runs parallel to the curb in the direction of travel; it connects to the public sidewalk at the top and to a landing at the bottom of its run. The landing of a parallel public sidewalk curb ramp connects to the street crossing.

Site Infeasibility. Existing site development conditions that prohibit the incorporation of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction in the public right-of-way and which are necessary for pedestrian access, circulation, and use.

14.2* New Construction: Minimum Requirements.

14.2.1* Public Sidewalks. Where provided, public sidewalks shall contain a continuous passage. The continuous passage shall connect to elements covered by section 14 and accessible routes provided on adjacent sites. Public sidewalks and the continuous passage within them shall comply with the following requirements:

(1) Width.

(a) The minimum clear width of a continuous passage shall be 36 in (915 mm). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the continuous passage shall be as shown in Fig. 7(a) and (b).

(b) Public sidewalks less than 60 in (1525 mm) in continuous width shall provide passing space at reasonable intervals not to exceed 200 ft (61 m). Passing space shall provide a 60 in by 60 in (1525 mm by 1525 mm) minimum clear space and may be provided at driveways, at building entrances, and at public sidewalk intersections.

(2) Slope.

(a)* The minimum feasible public sidewalk running slope consistent with slopes established for adjacent roadways shall be provided.

(b)* Public sidewalk cross slope shall not exceed 1:50 (2 percent). Where public sidewalk intersections in the public right-of-way serve two directions of travel, the slope in any direction shall not exceed 1:50.

(3) Surfaces.

(a) Surfaces of public sidewalks shall be stable, firm, and slip-resistant and shall lie generally in a continuous plane with a minimum of surface warping.

14.2.2* Protruding Objects

<p>(b) Changes in level up to 1/4 in (6 mm) may be vertical and without edge treatment (see Fig. 7(c)). Changes in level between 1/4 in and 1/2 in (6 mm and 13 mm) shall be beveled with a slope no greater than 1:2 (see Fig. 7(d)). Changes in level greater than 1/2 in (13 mm) shall be accomplished by means of a public sidewalk curb ramp that complies with 14.2.4, a ramp that complies with 4.8 (Ramps), or an elevator that complies with 4.10 (Elevators).</p> <p>(c) Gratings in public sidewalks shall have spaces no greater than 1/2 in (13 mm) wide in the direction(s) of traffic flow and shall not be located in the continuous passage.</p> <p>(d) Where public sidewalks cross rail systems at grade, the surface of the continuous passage shall be level and flush with the rail top at the outer edge and between the rails. The horizontal gap on the inner edge of each rail shall be the minimum necessary to allow passage of wheel flanges and shall not exceed 2-1/2 in (64 mm) maximum.</p> <p>(4) Separation. Public sidewalks shall be raised to curb height or separated from vehicular ways by curbs, planted parkways, or other barriers, which shall be continuous except where interrupted by driveways, alleys, or connections to accessible elements.</p> <p>EXCEPTION: Unseparated public sidewalks may be constructed along undeveloped frontages of rural roadways.</p> <p>14.2.2* Protruding Objects.</p> <p>(1) Wall-Mounted Objects. Objects projecting from walls (e.g., signs, fixtures, telephones, canopies) with their leading edges between 27 in and 80 in (685 mm and 2030 mm) above the finished public sidewalk shall protrude no more than 4 in (100 mm) into any portion of a public sidewalk (see Fig. 8(a)). Objects mounted with their leading edges located less than 27 in (685 mm) or more than 80 in (2030 mm) above the finished public sidewalk may project any amount provided that they do not reduce the required continuous passage along the public sidewalk (see Figs. 8(a) and (b)).</p> <p>(2) Pole-Mounted Objects. Free-standing objects mounted on posts or pylons may overhang their mountings a maximum of 12 in</p>	<p>(305 mm) when located between 27 in and 80 in (685 mm and 2030 mm) above the finished public sidewalk provided that they do not reduce the required continuous passage along the public sidewalk (see Fig. 8(d)).</p> <p>(3) Head Room. Where the vertical clearance of an area on or adjoining a public sidewalk or continuous passage is less than 80 in (2030 mm) (e.g., at the underside of projecting stairs or other elements that exceed a 4 in (100 mm) profile when mounted from a wall), guardrails or other barriers shall be provided. Leading edges of such barriers shall be located less than 27 in (685 mm) above the finished public sidewalk, as shown in Fig. 8(c-1). Barriers shall not reduce the required continuous passage.</p> <p>14.2.3* Fixed Street Furnishings. Where provided for pedestrian use or operation, fixed street furnishings installed on or adjacent to a public sidewalk and accessed from the public pedestrian right-of-way shall be connected to the continuous passage and shall comply with the applicable following provisions:</p> <p>(1) Drinking Fountains. Where drinking fountains are provided at a location, they shall be accessible to individuals who use wheelchairs in accordance with 4.15 and to those who have difficulty bending or stooping. This can be accomplished by the use of a "hi-lo" fountain; by providing one fountain accessible to those who use wheelchairs and one fountain at a standard height convenient for those who have difficulty bending, or by such other means as would achieve the required accessibility for each group.</p> <p>(2) Public Telephones.</p> <p>(a) Where a single unit public telephone is provided, it shall comply with 4.31.2 through 4.31.8.</p> <p>(b) Where a bank of telephones (two or more adjacent public telephones, often installed as a unit) is provided, at least one telephone per bank shall comply with 4.31.2 through 4.31.8.</p> <p>(c) All public telephones shall be equipped with volume controls complying with 4.31.5(2) and shall be hearing aid compatible.</p>
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14.2.4* Public Sidewalk Curb Ramps

(3) Single User Toilet Facilities. Where a single user toilet facility is provided, it shall comply with 4.22.2 through 4.22.7.

(4) Fixed Seating, Tables, and Benches.

(a) Where fixed seating and tables are provided at a single location, at least five percent, but not less than one, shall comply with 4.32.

(b) Where fixed benches are provided at a single location, at least 50 percent shall have a back and armrests. A 30 in by 48 in (760 mm by 1220 mm) clear ground space for a wheelchair shall be provided at one end of at least one bench at each location where fixed benches are provided.

(5) Bus Shelters and Stops. Where a bus stop pad is provided, it shall comply with 10.2.1(1). Where a bus shelter is provided, it shall comply with 10.2.1(2).

(6) Street Identification and Other Pedestrian Signage. Where provided for pedestrian use, informational and directional signage and street identification signs shall comply with 4.30.2, 4.30.3, and 4.30.5. Where bus route identification signs are provided on or adjacent to a public sidewalk, they shall comply with 10.2.1(3).

(7) Other Elements. Where provided, other fixed street furnishings intended for pedestrian operation or use, such as information kiosks, fire alarm boxes, fixed trash receptacles and similar elements, shall comply with 4.27.

14.2.4* Public Sidewalk Curb Ramps.

(1) General.

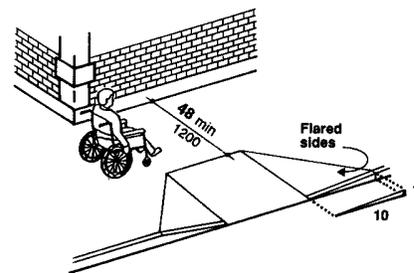
(a) A public sidewalk curb ramp and level landing complying with 14.2.4 shall be provided wherever a public sidewalk crosses a curb or other change in level at each street crossing and where otherwise required in this section and shall be connected to a continuous passage in each direction of travel.

(b) The provisions of 4.7 and 4.8 do not apply to public sidewalk curb ramps.

(2) Types of Public Sidewalk Curb Ramps. Public sidewalk curb ramps shall be perpendicular to the curb at street crossings and each shall have a level landing at the top (see Figs. 58 and 59(a)). At marked crossings, the bottom of the ramp run, exclusive of flared sides, shall be wholly contained within the markings (see Figs. 60 (a) and (b)). Single (i.e., diagonal or depressed corner) public sidewalk curb ramps serving two street crossing directions and built-up (i.e., projected) public sidewalk curb ramps are not permitted in new construction.

EXCEPTION: Where public pedestrian right-of-way width established by local or State regulation, guideline, or practice will not accommodate a perpendicular public sidewalk curb ramp and landing complying with 14.2.4(2), a parallel public sidewalk curb ramp with a level landing at its bottom shall be provided instead of a perpendicular public sidewalk curb ramp (see Fig. 59(b)). At marked crossings, the landing at the bottom of the ramp run shall be wholly contained within the markings (see Fig. 60(c)). A combination of parallel and perpendicular public sidewalk curb ramps and landings may also be provided (see Figs. 59(c) and 60(d)).

(3) Width. Public sidewalk curb ramps shall be 36 in (915 mm) wide minimum, exclusive of flared sides.



Level Landing at Top of Perpendicular Public Sidewalk Curb Ramp

Fig. 58

14.2.4* Public Sidewalk Curb Ramps

(4)* Landings.

(a) Where a perpendicular public sidewalk curb ramp is provided, a landing the width of the public sidewalk curb ramp shall be provided at the top of the ramp run (see Fig. 58). The slope of the landing shall not exceed 1:50 in any direction. The landing shall be 48 in (1220 mm) minimum in length and shall connect to the continuous passage in each direction of travel.

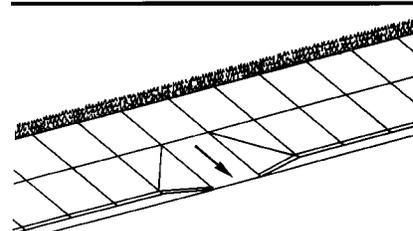
(b) Where a parallel public sidewalk curb ramp is provided, as permitted in 14.2.4(2) Exception, a landing the width of the parallel public sidewalk curb ramp and a minimum of 60 in (1525 mm) in length in the direction of the ramp run shall be provided at the bottom of the parallel public sidewalk curb ramp. The slope of the landing shall not exceed 1:50 in any direction. At marked crossings, the required landing at the bottom of the parallel public sidewalk curb ramp shall be wholly contained within the markings.

(c) Where parallel and perpendicular public sidewalk curb ramps are combined to serve a street crossing, as permitted in 14.2.4(2), the landing required for the perpendicular public sidewalk curb ramp may be coincident with that provided for the parallel public sidewalk curb ramp.

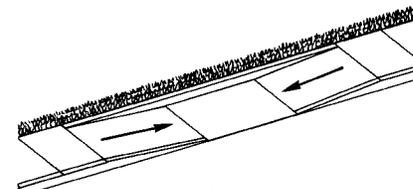
(5) Slope. The minimum feasible running slope shall be provided for any public sidewalk curb ramp and shall be measured from a level plane, as shown in Fig. 61. The maximum running slope of any public sidewalk curb ramp shall be 1:12. The maximum cross slope of any public sidewalk curb ramp shall be 1:50.

EXCEPTION: A parallel public sidewalk curb ramp allowed by 14.2.4(2) Exception shall have a maximum slope of 1:12 when measured from a level plane as shown in Fig. 61 but shall not be required to exceed 96 in (2440 mm) in length.

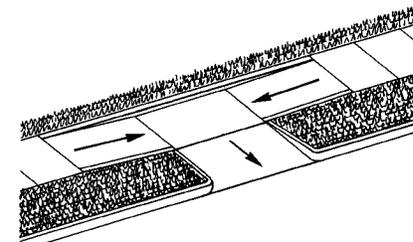
(6) Edges. Where a side of a perpendicular public sidewalk curb ramp is contiguous with a public sidewalk, it shall be flared, with a slope of 1:10 maximum. A perpendicular public sidewalk curb ramp may have a returned side or flare of any slope when not contiguous with a public sidewalk or where protected by a guardrail or other barrier.



(a)
Perpendicular Public Sidewalk Curb Ramp



(b)
Parallel Public Sidewalk Curb Ramp



(c)
Combined (Parallel/Perpendicular) Public Sidewalk Curb Ramp

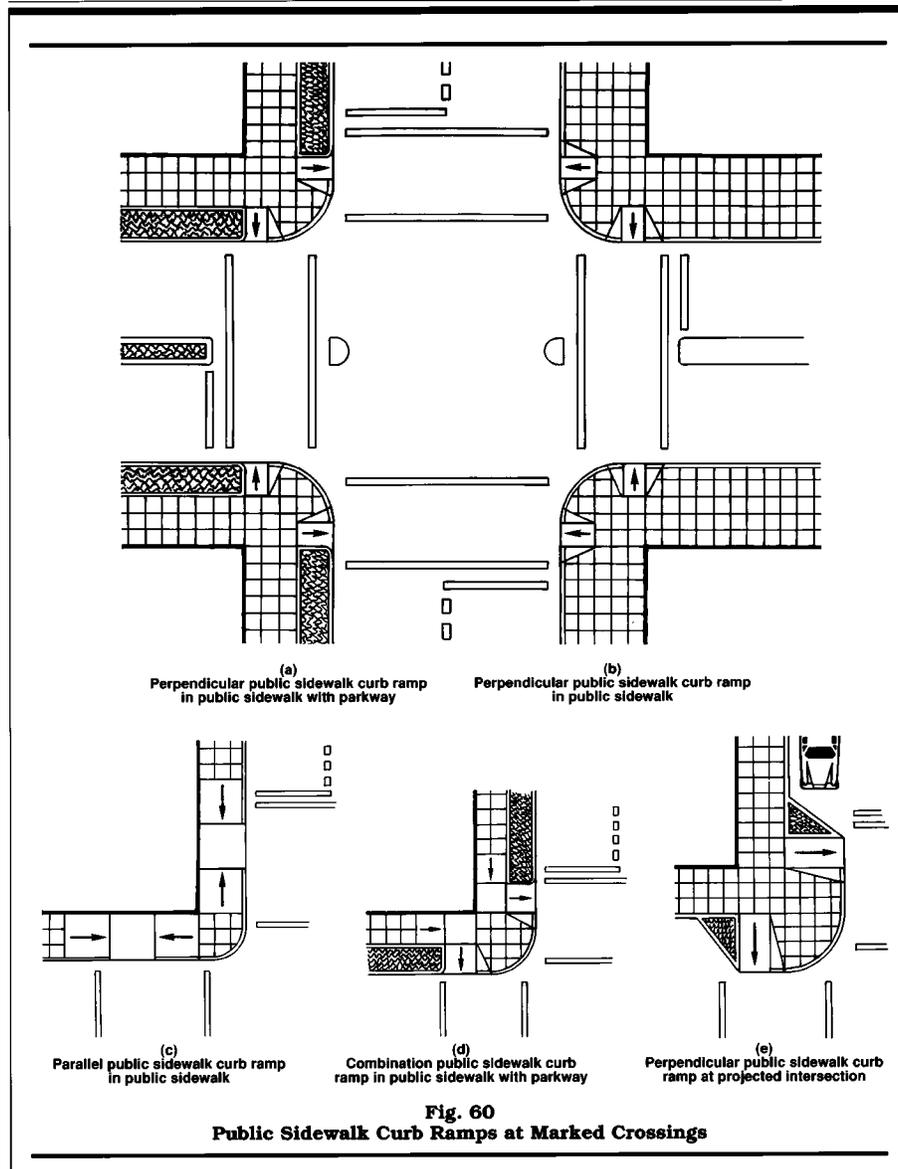
**Fig. 59
Public Sidewalk Curb Ramps**

Note: See new construction and alteration provisions for minimum dimensions for public sidewalk curb ramps shown in Figure 59.

14.2.5 Pedestrian Street Crossings

<p>(7) Surfaces.</p> <p>(a) The surface of a public sidewalk curb ramp shall be stable, firm and slip-resistant. Gratings and similar access covers shall not be located on public sidewalk curb ramps or landings. The surface of a perpendicular public sidewalk curb ramp or the landing of a parallel public sidewalk curb ramp shall contrast visually with adjoining public sidewalk surfaces, either light-on-dark or dark-on-light.</p> <p>(b) Detectable Warnings. (Reserved).</p> <p>(8) Transitions. Transitions shall be flush and free of abrupt changes. Counter slopes of adjoining gutters and road surfaces connecting to the full width of a public sidewalk curb ramp shall be 1:20 maximum for a distance of 24 in (610 mm) as measured from the base of the public sidewalk curb ramp or landing edge at the street (see Fig. 61). Gratings or similar access covers shall not be located in the area at the base of the public sidewalk curb ramp or landing.</p> <p>(9) Obstructions. Public sidewalk curb ramps shall be located or protected to prevent their obstruction by parked vehicles.</p> <p>14.2.5 Pedestrian Street Crossings. Where provided, pedestrian street crossings at, above, or below street grade shall comply with the applicable following provisions and be connected to the continuous passage:</p> <p>(1)* Crossing Controls.</p> <p>(a) Controls. Controls shall be raised from or flush with their housings and shall be a minimum of 2 in (51 mm) in the smallest dimension. The force required to activate controls shall be no greater than 5 lbf (22.2 N).</p> <p>(b) Location. Controls shall be located as close as practicable to the public sidewalk curb ramp serving the controlled crossing and shall permit operation from a clear ground space.</p> <p>(c) Mounting Height. Pedestrian-actuated crossing controls shall be a maximum of 42 in (1065 mm) above the finished public sidewalk.</p>	<p>(d) Clear Ground Space. A stable, firm, and slip-resistant area a minimum of 30 in by 48 in (915 mm by 1220 mm) and complying with 4.2.4(1) and (2) shall be provided to allow for a forward or parallel approach to the controls. Where a parallel approach is provided, controls shall be within 10 in (254 mm) horizontally of and centered on the clear ground space. Where a forward approach is provided, controls shall abut and be centered on the clear ground space.</p> <p>(2)* Marked Crossings. Marked crossings shall be delineated in materials or markings that provide a visual contrast with the surface of the street.</p> <p>(3)* Islands. Raised islands in crossings shall be cut through level with the street or have public sidewalk curb ramps at both sides and a level area 48 in (1220 mm) long minimum and a minimum of 36 in (915 mm) wide in the part of the island intersected by the crossings (see Figs. 60(a) and (b)).</p> <p>(4)* Pedestrian Overpasses and Underpasses. Where a public sidewalk is provided on a grade-separated overpass or underpass, changes in level shall be accomplished by a ramp or elevator complying with 4.8 or 4.10. Stairs serving an underpass or overpass shall comply with 4.9.</p> <p>14.2.6 Vehicular Ways and Facilities. Where the following elements are provided on or adjacent to a public right-of-way for pedestrian use by motorists, the elements shall be served by a continuous passage and shall comply with the following provisions:</p> <p>(1)* On-Street Parking.</p> <p>(a) Where on-street public convenience parking is provided in commercial districts and at civic buildings, accessible on-street parking spaces shall be included in the total provided in the project or project area in accordance with the table in 4.1.2(5)(a). Accessible spaces shall not be smaller in width or length than that specified by the local jurisdictions for other spaces. The accessible spaces shall be provided at locations with minimum street and public sidewalk slope to the extent this is consistent with reasonable dispersion within the overall project area in which they are provided.</p>
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14.2.6 Vehicular Ways and Facilities



14.2.6 Vehicular Ways and Facilities

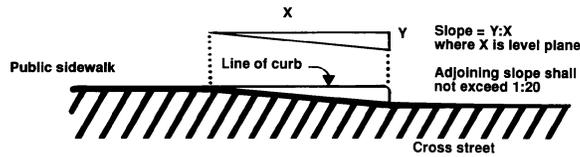


Fig. 61
Measurement of Public Sidewalk Curb Ramp Slope

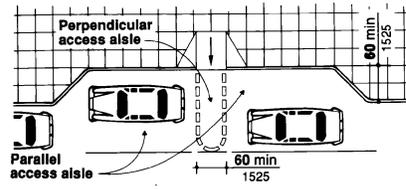
(b) Accessible on-street parking spaces shall comply with the following provisions:

(i) Parallel Parking Spaces. A 60 in (1525 mm) wide minimum parallel access aisle shall be provided at street level the full length of the accessible parking space. The parallel access aisle shall connect at the head or foot of the parking space to a 60 in (1525 mm) wide minimum perpendicular access aisle which shall extend the full width of the parking space. A public sidewalk curb ramp complying with 14.2.4 shall connect the access aisles to the continuous passage. Two parallel parking spaces may share a perpendicular access aisle. The driving lane shall not encroach on any required access aisle. (See Fig. 62).

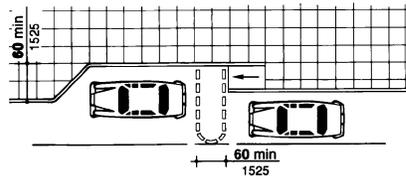
EXCEPTION: Where the width of the public pedestrian right-of-way between the curb and boundary of the public right-of-way is less than 12 ft (3660 mm), a parallel access aisle is not required in parallel parking spaces.

(ii) Perpendicular Parking Spaces. A 60 in (1525 mm) wide minimum parallel access aisle shall be provided at street level the full length of the accessible parking space. A public sidewalk curb ramp complying with 14.2.4 shall connect the access aisle to the continuous passage. Two perpendicular parking spaces may share an access aisle (see Fig. 9).

(iii) Angled Parking Spaces. A 60 in (1525 mm) wide minimum parallel access aisle shall be provided at street level the full length of the accessible parking space. A public sidewalk curb ramp complying with 14.2.4 shall connect the access aisle to the continuous passage.



(a) Double accessible parking space with perpendicular public sidewalk curb ramp



(b) Single accessible parking space with parallel public sidewalk curb ramp

Fig. 62
Examples of Accessible Parallel On-Street Parking Spaces

14.3* Alterations

<p>(iv) Van-Accessible Parking Spaces. Where perpendicular or angled parking is provided, one in every eight accessible parking spaces within the project area, but not less than one, shall be served by a parallel access aisle that is 96 in (2440 mm) wide minimum.</p> <p>(v) Signage. Accessible parking spaces shall be designated as reserved by a sign that complies with 4.30.7. Spaces complying with 14.2.6(1)(b)(iv) shall contain an additional sign "Van Accessible" mounted below the symbol of accessibility. Signs shall be located so they cannot be obscured by a vehicle parked in the space.</p> <p>(2) Parking Meters.</p> <p>(a) Parking meter controls shall be 42 in (1065 mm) maximum above the finished public sidewalk. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N).</p> <p>(b) Where parking meters serve accessible parking spaces, a stable, firm, and slip-resistant clear ground space a minimum of 30 in by 48 in (760 mm by 1220 mm), shall be provided at the controls and shall comply with 4.2.4.1 and 4.2.4.2. Where only a parallel approach is provided, controls shall be within 10 in (255 mm) horizontally of and centered on the clear ground space. Where only a forward approach is provided, controls shall abut and be centered on the clear ground space. Parking meters shall be located at or near the head or foot of the parking space so as not to interfere with the operation of a side lift or a passenger side transfer.</p> <p>(3) Passenger Loading Zones.</p> <p>(a) Each passenger loading zone shall provide a parallel access aisle at least 60 in (1525 mm) wide and 20 ft (6.1 m) long adjacent and parallel to the vehicle pull-up space (see Fig. 10). Signage complying with 4.30.7 shall be provided.</p> <p>(b) Where a continuous curb separates the access aisle and vehicle space, a public sidewalk curb ramp complying with 14.2.5 shall be provided outside the area of the access aisle and connecting to it.</p>	<p>(c) Where a single passenger loading zone serves multiple vehicle pull-up spaces (e.g., at transportation facilities), additional public sidewalk curb ramps shall be provided at reasonable intervals and shall be located to minimize travel distance and maximize availability during heavy use.</p> <p>(4)* Motorist Aid Communications Systems.</p> <p>(a) Controls and operating mechanisms at callboxes shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The highest operable part shall be 48 in (1370 mm) maximum above the finished surface at the callbox location. The force required to activate controls shall be no greater than 5 lbf (22.2 N).</p> <p>(b) The system shall provide both visible and audible indicators of call receipt and shall not require voice communication only.</p> <p>(c) A stable, firm, and slip-resistant clear ground space a minimum of 30 in by 48 in (760 mm by 1220 mm), with a slope no greater than 1:50 in any direction, shall be provided at the controls and shall comply with 4.2.4.1 and 4.2.4.2. Where only a parallel approach is provided, controls shall be within 10 in (255 mm) horizontally of and centered on the clear ground space. Where only a forward approach is provided, controls shall abut and be centered on the clear ground space.</p> <p>14.3* Alterations. If existing areas, elements, or facilities intended for pedestrian access, circulation, and use in an existing developed public right-of-way are altered they shall comply with 14.3.</p> <p>14.3.1 General. Alterations to individual elements shall comply to the maximum extent feasible with the applicable requirements of 14.2, consistent with the following requirements:</p> <p>(1) No alterations shall be undertaken that decrease or have the effect of decreasing the accessibility or usability of existing pedestrian areas, elements, or facilities.</p> <p>(2) If alterations to existing public sidewalks, public sidewalk curb ramps, or pedestrian street crossings, when considered together, amount to a reconstruction of a block, inter-</p>
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14.3* Alterations

<p>section, or other substantial segment of the pedestrian circulation network in the public right-of-way, the entire segment shall, to the maximum extent feasible, comply with provisions for new construction.</p> <p>(3) No alterations of an existing pedestrian area, element, or facility shall impose a requirement for greater accessibility than that which would be required for new construction.</p> <p>(4) Alterations to a public sidewalk, public sidewalk curb ramp, or pedestrian street crossing in the public right-of-way shall be made so that adjacent segments of the continuous passage are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).</p> <p>EXCEPTION: In alteration work, if site infeasibility precludes compliance with 14.2, the alteration work shall provide accessibility to the maximum extent feasible. Any elements or features of the public pedestrian right-of-way that are being altered and can be made accessible shall be made accessible within the scope of the alteration.</p> <p><u>Site Infeasibility.</u> Existing site development conditions that prohibit the incorporation of elements, spaces, and features which are in full and strict compliance with the minimum requirements for new construction in the public right-of-way and which are necessary for pedestrian access, circulation, and use.</p> <p>14.3.2 Special Technical Provisions for Alterations to Existing Pedestrian Areas, Elements, and Facilities in the Public Right-of-Way.</p> <p>(1)* Public Sidewalks. Where necessary to provide a continuous passage complying with 14.2.1, public sidewalk surfaces may be warped or blended. Where compliance with requirements for cross slope within the continuous passage cannot be fully met due to site infeasibility, the minimum cross slope feasible shall be provided. Existing gratings and similar appurtenances that comply with 14.2.1(2) and (3) may be located in the continuous passage if site infeasibility precludes their relocation during alterations.</p>	<p>(2)* Public Sidewalk Curb Ramps. Where site infeasibility precludes the installation of a public sidewalk curb ramp complying with all provisions of 14.2.2, the maximum accessibility feasible shall be provided, according to each of the following special technical provisions:</p> <p>(a) Types of Public Sidewalk Curb Ramps. Public sidewalk curb ramp type shall be determined by existing public right-of-way width and the existence of other site constraints, in the following recommended priority: (i) perpendicular, (ii) parallel or combined, and (iii) diagonal. A projected (built-up) public sidewalk curb ramp is permitted in alterations to public rights-of-way where other designs cannot be accommodated.</p> <p>(b) Width. Where public pedestrian right-of-way width is less than 36 in (915 mm), a parallel public sidewalk curb ramp and landing the width of the existing public pedestrian right-of-way shall be provided.</p> <p>(c) Landings. Landings shall be provided and shall comply with the following special technical provisions:</p> <p>(i) Where public pedestrian right-of-way width is insufficient to accommodate a perpendicular public sidewalk curb ramp with a top landing 48 in (1220 mm) in length, a top landing of the maximum feasible length and a minimum length of 36 in (915 mm) shall be provided. Side flares shall have a maximum slope of 1:12.</p> <p>(ii) Where site infeasibility precludes a parallel public sidewalk curb ramp with a bottom landing 60 in (1525 mm) in length, a bottom landing of the maximum feasible length and a minimum length of 48 in (1220 mm) shall be provided.</p> <p>(iii) Where site infeasibility precludes a landing slope of 1:50 in any direction, the slope perpendicular to the curb face shall not exceed 1:50.</p> <p>(iv) Where site infeasibility precludes a landing slope of 1:50 when measured perpendicular to the curb face, the minimum feasible slope in each direction shall be provided.</p>
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14.4* Temporary Work

<p>(d) Slope.</p> <p>(i) Where public right-of-way width is insufficient to accommodate a landing and perpendicular public sidewalk curb ramp with a maximum running slope of 1:12, the minimum feasible running slope between 1:12 and 1:10 is permitted for a rise of 6 in (150 mm) maximum.</p> <p>(ii) Where public right-of-way width is insufficient to accommodate a landing and perpendicular public sidewalk curb ramp with a maximum running slope of 1:10, the minimum feasible running slope between 1:8 and 1:10 shall be permitted for a rise of 3 in (75 mm) maximum.</p> <p>(iii) A public sidewalk curb ramp shall have the maximum slope permitted in (i) or (ii) when measured from a level plane as shown in Fig. 61 but shall not be required to exceed 72 in (1830 mm) in length.</p> <p>(iv) Where compliance with requirements for cross slope cannot be fully met due to site infeasibility, the minimum feasible cross slope shall be provided.</p> <p>(e) Surfaces.</p> <p>(i) Existing gratings and similar appurtenances that comply with 14.2.1(2) and (3) may be located in public sidewalk curb ramps or landings if site infeasibility precludes their relocation during alterations.</p> <p>(ii) Where counter slopes of existing adjoining gutters and road surfaces exceed 1:20, newly installed public sidewalk curb ramp surfaces may be slightly crowned and projected beyond the curb face provided the leading edge at the street surface can be smoothly blended and sides are flared, without abrupt drop-offs.</p> <p>(3) On-Street Parking. Parallel on-street parking spaces designated for use by persons with disabilities and located immediately adjacent to intersections may be served by public sidewalk curb ramps located at street crossings when site infeasibility precludes the installation of a public sidewalk curb ramp and access aisles complying with 14.2.6(1)(b)(i) at the space, provided that motorists exiting their vehicles do not have to cross into perpendicular travel lanes to gain access to a public sidewalk curb ramp.</p>	<p>14.4* Temporary Work. Construction and repair work within the public right-of-way that affects pedestrian circulation elements, spaces, or facilities shall comply with the following provisions:</p> <p>(1) Construction sites in the public right-of-way shall be protected with barriers to warn of hazards on the pedestrian circulation network.</p> <p>(2) Where a temporary alternate circulation path is provided it shall comply with 14.3 and shall be clearly marked.</p>
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APPENDIX

<p style="text-align: center;">APPENDIX</p> <hr/> <p>This Appendix contains <i>materials of an advisory nature</i> and provides additional information that should help the reader to understand the minimum requirements of the <i>guidelines</i> or to design buildings or facilities for greater accessibility. The paragraph numbers correspond to the sections or paragraphs of the <i>guideline</i> to which the material relates and are therefore not consecutive (for example, A4.2.1 contains additional information relevant to 4.2.1). Sections of the <i>guidelines</i> for which additional material appears in this Appendix have been indicated by an asterisk. <i>Nothing in this Appendix shall in any way obviate any obligation to comply with the requirements of the guidelines itself.</i></p> <p>A2.0 General.</p> <p>A2.2 Equivalent Facilitation. <i>Specific examples of equivalent facilitation are found in the following sections:</i></p> <table style="margin-left: 20px;"> <tr> <td style="padding-right: 10px;">4.1.6(3)(c)</td> <td>Elevators in Alterations</td> </tr> <tr> <td>4.31.9</td> <td>TTYs</td> </tr> <tr> <td>7.2</td> <td>Sales and Service Counters, Teller Windows, Information Counters</td> </tr> <tr> <td>9.1.4</td> <td>Classes of Sleeping Accommodations</td> </tr> <tr> <td>9.2.2(6)(d)</td> <td>Requirements for Accessible Units, Sleeping Rooms, and Suites</td> </tr> </table> <p>A3.0 Miscellaneous Instructions and Definitions.</p> <p>A3.5 Definitions.</p> <p>Transient Lodging. <i>The Department of Justice's policy and rules will further define what is covered as transient lodging.</i></p> <p>A4.0 Accessible Elements and Spaces: Scope and Technical Requirements.</p> <p>A4.1.1 Application.</p> <p>A4.1.1(3) Areas Used Only by Employees as Work Areas. <i>Where there are a series of individual work stations of the same type (e.g., laboratories, service counters, ticket booths),</i></p>	4.1.6(3)(c)	Elevators in Alterations	4.31.9	TTYs	7.2	Sales and Service Counters, Teller Windows, Information Counters	9.1.4	Classes of Sleeping Accommodations	9.2.2(6)(d)	Requirements for Accessible Units, Sleeping Rooms, and Suites	<p><i>five percent, but not less than one, of each type of work station should be constructed so that an individual with disabilities can maneuver within the work stations. Rooms housing individual offices in a typical office building must meet the requirements of the guidelines concerning doors, accessible routes, etc. but do not need to allow for maneuvering space around individual desks. Modifications required to permit maneuvering within the work area may be accomplished as a reasonable accommodation to individual employees with disabilities under title I of the ADA. Consideration should also be given to placing shelves in employee work areas at a convenient height for accessibility or installing commercially available shelving that is adjustable so that reasonable accommodations can be made in the future.</i></p> <p><i>If work stations are made accessible they should comply with the applicable provisions of 4.2 through 4.35.</i></p> <p>A4.1.2 Accessible Sites and Exterior Facilities: New Construction.</p> <p>A4.1.2(5)(e) Valet Parking. <i>Valet parking is not always usable by individuals with disabilities. For instance, an individual may use a type of vehicle controls that render the regular controls inoperable or the driver's seat in a van may be removed. In these situations, another person cannot park the vehicle. It is recommended that some self-parking spaces be provided at valet parking facilities for individuals whose vehicles cannot be parked by another person and that such spaces be located on an accessible route to the entrance of the facility.</i></p> <p>A4.1.3 Accessible Buildings: New Construction.</p> <p>A4.1.3(5) Only passenger elevators are covered by the accessibility provisions of 4.10. <i>Materials and equipment hoists, freight elevators not intended for passenger use, dumbwaiters, and construction elevators are not covered by these guidelines. If a building is exempt from the elevator requirement, it is not necessary to provide a platform lift or other means of vertical access in lieu of an elevator.</i></p> <p><i>Under Exception 4, platform lifts are allowed where existing conditions make it impractical to install a ramp or elevator. Such conditions generally occur where it is essential to provide access to small raised or lowered areas where space may not be available for a ramp. Ex-</i></p>
4.1.6(3)(c)	Elevators in Alterations										
4.31.9	TTYs										
7.2	Sales and Service Counters, Teller Windows, Information Counters										
9.1.4	Classes of Sleeping Accommodations										
9.2.2(6)(d)	Requirements for Accessible Units, Sleeping Rooms, and Suites										

A1

A4.1.3 Accessible Buildings: New Construction

<p><i>amples include, but are not limited to, raised pharmacy platforms, commercial offices raised above a sales floor, or radio and news booths.</i></p> <p>A4.1.3(8)(a)(i) <i>This provision does not require an increase in the number of accessible entrances planned for facilities subject to title II of the ADA.</i></p> <p><i>Example 1: A new facility is planned with four principal public entrances. This section would require only two of the four principal public entrances to be accessible. It is preferable that all four entrances be accessible to provide greater convenience in accessing the facility.</i></p> <p><i>Example 2: A new facility is planned with twelve entrances: ten entrances are public entrances, one is a service entrance, and one is a loading entrance. Of the ten public entrances, four are designed to be principal public entrances. This section would require that five of the ten public entrances be accessible. The five public entrances chosen to meet the 50 percent requirement of 4.1.3(8)(a)(i) would have to include the four principal public entrances planned for the facility.</i></p> <p>A4.1.3(8)(b) <i>When a building or facility is designed and entrances are planned on more than one side of the facility, it is recommended that accessible entrances be included on each side of the facility where entrances are contemplated.</i></p> <p><i>When more than one type of entrance is planned for a facility, it is recommended that accessible entrances be distributed among the different types of entrances. Examples of different types of entrances are:</i></p> <p><i>1) Entrances that are unrestricted. These entrances would be open to the general public during business hours.</i></p> <p><i>2) Entrances that are restricted for a limited period of time. These entrances would be open to the general public during a portion of the day but restricted to a specific group of people for a limited period of time. For example, university facilities, such as libraries, might be restricted to students with proper identification after hours, and office buildings might be restricted to employees with card key access after regular business hours.</i></p>	<p><i>3) Entrances that are restricted at all times. These entrances would be used only by a controlled group of people. Such entrances might include skyboxes in sports facilities, university dormitories or other facilities which control entry for security purposes, stage door entrances used only by performers or stage personnel, sports facility entrances used only by team members, team staff, or officials, and employee only entrances.</i></p> <p>A4.1.3(9) <i>Supervised automatic sprinkler systems have built in signals for monitoring features of the system such as the opening and closing of water control valves, the power supplies for needed pumps, water tank levels, and for indicating conditions that will impair the satisfactory operation of the sprinkler system. Because of these monitoring features, supervised automatic sprinkler systems have a high level of satisfactory performance and response to fire conditions.</i></p>
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A1A

A4.2 Space Allowances and Reach Ranges

A4.1.3(10) *If an odd number of drinking fountains is provided on a floor, the requirement in 4.1.3(10)(b) may be met by rounding down the odd number to an even number and calculating 50 percent of the even number. When more than one drinking fountain on a floor is required to comply with 4.15, those fountains should be dispersed to allow wheelchair users convenient access. For example, in a large facility such as a convention center that has water fountains at several locations on a floor, the accessible water fountains should be located so that wheelchair users do not have to travel a greater distance than other people to use a drinking fountain.*

A4.1.3(17)(b) *In addition to the requirements of section 4.1.3(17)(b), the installation of additional volume controls is encouraged. Volume controls may be installed on any telephone.*

A4.1.3(19)(a) *Readily removable or folding seating units may be installed in lieu of providing an open space for wheelchair users. Folding seating units are usually two fixed seats that can be easily folded into a fixed center bar to allow for one or two open spaces for wheelchair users when necessary. These units are more easily adapted than removable seats which generally require the seat to be removed in advance by the facility management.*

Either a sign or a marker placed on seating with removable or folding arm rests is required by this section. Consideration should be given for ensuring identification of such seats in a darkened theater. For example, a marker which contrasts (light on dark or dark on light) and which also reflects light could be placed on the side of such seating so as to be visible in a lighted auditorium and also to reflect light from a flashlight.

A4.1.6 Accessible Buildings: Alterations.

A4.1.6(1)(h) *When an entrance is being altered, it is preferable that those entrances being altered be made accessible to the extent feasible.*

A4.2 Space Allowances and Reach Ranges.

A4.2.1 Wheelchair Passage Width.

(1) **Space Requirements for Wheelchairs.** Many persons who use wheelchairs need a 30 in (760 mm) clear opening width for doorways, gates, and the like, when the latter are entered head-on. If the person is unfamiliar with a building, if competing traffic is heavy, if sudden or frequent movements are needed, or if the wheelchair must be turned at an opening, then greater clear widths are needed. For most situations, the addition of an inch of leeway on either side is sufficient. Thus, a minimum clear width of 32 in (815 mm) will provide adequate clearance. However, when an opening or a restriction in a passageway is more than 24 in (610 mm) long, it is essentially a passageway and must be at least 36 in (915 mm) wide.

(2) **Space Requirements for Use of Walking Aids.** Although people who use walking aids can maneuver through clear width openings of 32 in (815 mm), they need 36 in (915 mm) wide passageways and walks for comfortable gaits. Crutch tips, often extending down at a wide angle, are a hazard in narrow passageways where they might not be seen by other pedestrians. Thus, the 36 in (915 mm) provides a safety allowance both for the person with a disability and for others.

(3) **Space Requirements for Passing.** Able-bodied persons in winter clothing, walking

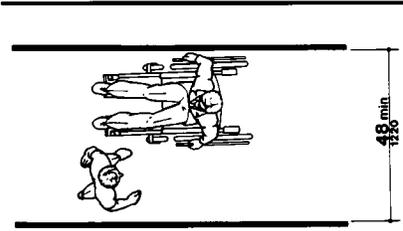


Fig. A1
Minimum Passage Width for One Wheelchair and One Ambulatory Person

A2

A4.2 Space Allowances and Reach Ranges

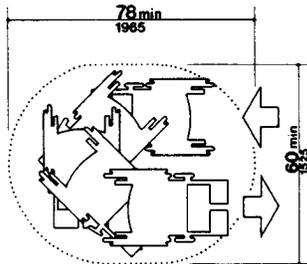
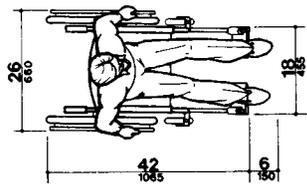
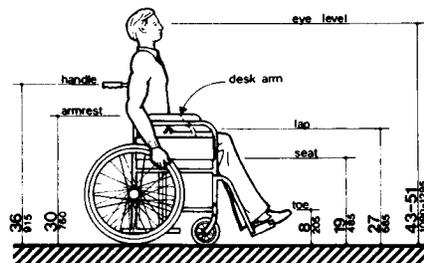


Fig. A2
Space Needed for Smooth U-Turn in a Wheelchair

straight ahead with arms swinging, need 32 in (815 mm) of width, which includes 2 in (50 mm) on either side for sway, and another 1 in (25 mm) tolerance on either side for clearing nearby objects or other pedestrians. Almost all wheelchair users and those who use walking aids can also manage within this 32 in (815 mm) width for short distances. Thus, two streams of traffic can pass in 64 in (1625 mm) in a comfortable flow. Sixty inches (1525 mm) provides a minimum width for a somewhat more restricted flow. If the clear width is less than 60 in (1525 mm), two wheelchair users will not be able to pass but will have to seek a wider place for passing. Forty-eight inches (1220 mm) is the minimum width needed for an ambulatory person to pass a nonambulatory or semi-ambulatory person. Within this 48 in (1220 mm) width, the ambulatory person will have to twist to pass a wheelchair user, a person with a *service animal*, or a



NOTE: Footrests may extend further for tall people

Fig. A3
Dimensions of Adult-Sized Wheelchairs

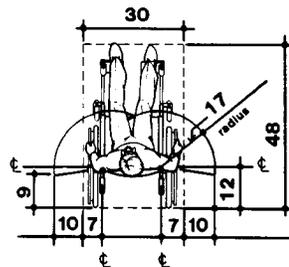
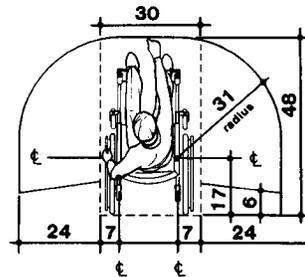


Fig. A3 (a)

A3

A4.3 Accessible Route

semi-ambulatory person. There will be little leeway for swaying or missteps (see Fig. A1).

A4.2.3 Wheelchair Turning Space.

These guidelines specify a minimum space of 60 in (1525 mm) diameter or a 60 in by 60 in (1525 mm by 1525 mm) T-shaped space for a pivoting 180-degree turn of a wheelchair. This space is usually satisfactory for turning around, but many people will not be able to turn without repeated tries and bumping into surrounding objects. The space shown in Fig. A2 will allow most wheelchair users to complete U-turns without difficulty.

A4.2.4 Clear Floor or Ground Space for Wheelchairs. The wheelchair and user shown in Fig. A3 represent typical dimensions for a large adult male. The space requirements in this guideline are based upon maneuvering clearances that will accommodate most wheelchairs. Fig. A3 provides a uniform reference for design not covered by this guideline.

A4.2.5 & A4.2.6 Reach. Reach ranges for persons seated in wheelchairs may be further clarified by Fig. A3(a). These drawings approximate in the plan view the transformation shown in Fig. 4, 5, and 6.

A4.3 Accessible Route.

A4.3.1 General.

(1) **Travel Distances.** Many people with mobility impairments can move at only very slow speeds; for many, traveling 200 ft (61 m) could take about 2 minutes. This assumes a rate of about 1.5 ft/s (455 mm/s) on level ground. It also assumes that the traveler would move continuously. However, on trips over 100 ft (30 m), disabled people are apt to rest frequently, which substantially increases their trip times. Resting periods of 2 minutes for every 100 ft (30 m) can be used to estimate travel times for people with severely limited stamina. In inclement weather, slow progress and resting can greatly increase a disabled person's exposure to the elements.

(2) **Sites.** Level, indirect routes or those with running slopes lower than 1:20 can sometimes provide more convenience than direct routes with maximum allowable slopes or with ramps.

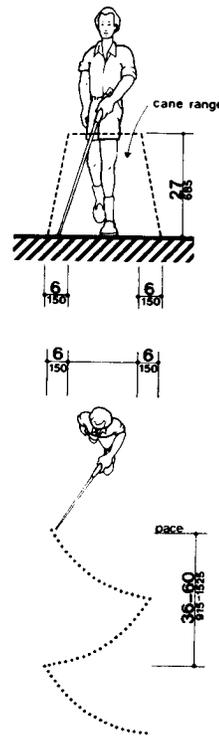


Fig. A4
Cane Technique

A4.3.10 Egress. Because people with disabilities may visit, be employed or be a resident in any building, emergency management plans with specific provisions to ensure their safe evacuation also play an essential role in fire safety and life safety.

A4.3.11.3 Stairway Width. A 48 inch (1220 mm) wide exit stairway is needed to allow assisted evacuation (e.g., carrying a person in a wheelchair) without encroaching on the exit path for ambulatory persons.

A4.5 Ground and Floor Surfaces

<p>A4.3.11.4 Two-way Communication. <i>It is essential that emergency communication not be dependent on voice communications alone because the safety of people with hearing or speech impairments could be jeopardized. The visible signal requirement could be satisfied with something as simple as a button in the area of rescue assistance that lights, indicating that help is on the way, when the message is answered at the point of entry.</i></p> <p>A4.4 Protruding Objects.</p> <p>A4.4.1 General. <i>Service animals are trained to recognize and avoid hazards. However, most people with severe impairments of vision use the long cane as an aid to mobility. The two principal cane techniques are the touch technique, where the cane arcs from side to side and touches points outside both shoulders; and the diagonal technique, where the cane is held in a stationary position diagonally across the body with the cane tip touching or just above the ground at a point outside one shoulder and the handle or grip extending to a point outside the other shoulder. The touch technique is used primarily in uncontrolled areas, while the diagonal technique is used primarily in certain limited, controlled, and familiar environments. Cane users are often trained to use both techniques.</i></p> <p><i>Potential hazardous objects are noticed only if they fall within the detection range of canes (see Fig. A4). Visually impaired people walking toward an object can detect an overhang if its lowest surface is not higher than 27 in (685 mm). When walking alongside protruding objects, they cannot detect overhangs. Since proper cane and service animal techniques keep people away from the edge of a path or from walls, a slight overhang of no more than 4 in (100 mm) is not hazardous.</i></p> <p>A4.5 Ground and Floor Surfaces.</p> <p>A4.5.1 General. <i>People who have difficulty walking or maintaining balance or who use crutches, canes, or walkers, and those with restricted gaits are particularly sensitive to slipping and tripping hazards. For such people, a stable and regular surface is necessary for safe walking, particularly on stairs. Wheelchairs can be propelled most easily on surfaces that are hard, stable, and regular. Soft loose</i></p>	<p><i>surfaces such as shag carpet, loose sand or gravel, wet clay, and irregular surfaces such as cobblestones can significantly impede wheelchair movement.</i></p> <p><i>Slip resistance is based on the frictional force necessary to keep a shoe heel or crutch tip from slipping on a walking surface under conditions likely to be found on the surface. While the <u>dynamic</u> coefficient of friction during walking varies in a complex and non-uniform way, the <u>static</u> coefficient of friction, which can be measured in several ways, provides a close approximation of the slip resistance of a surface. Contrary to popular belief, some slippage is <u>necessary</u> to walking, especially for persons with restricted gaits; a truly "non-slip" surface could not be negotiated.</i></p> <p><i>The Occupational Safety and Health Administration recommends that walking surfaces have a static coefficient of friction of 0.5. A research project sponsored by the Architectural and Transportation Barriers Compliance Board (Access Board) conducted tests with persons with disabilities and concluded that a higher coefficient of friction was needed by such persons. A static coefficient of friction of 0.6 is recommended for accessible routes and 0.8 for ramps.</i></p> <p><i>It is recognized that the coefficient of friction varies considerably due to the presence of contaminants, water, floor finishes, and other factors not under the control of the designer or builder and not subject to design and construction guidelines and that compliance would be difficult to measure on the building site. Nevertheless, many common building materials suitable for flooring are now labeled with information on the static coefficient of friction. While it may not be possible to compare one product directly with another, or to guarantee a constant measure, builders and designers are encouraged to specify materials with appropriate values. As more products include information on slip resistance, improved uniformity in measurement and specification is likely. The Access Board's advisory guidelines on Slip Resistant Surfaces provides additional information on this subject.</i></p> <p><i>Cross slopes on walks and ground or floor surfaces can cause considerable difficulty in propelling a wheelchair in a straight line.</i></p>
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A5

A4.6 Parking and Passenger Loading Zones

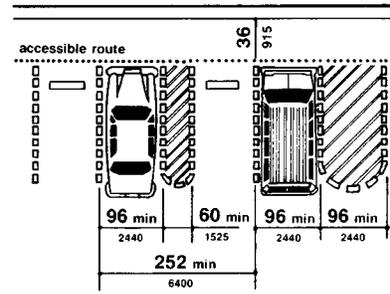
A4.5.3 Carpet. Much more needs to be done in developing both quantitative and qualitative criteria for carpeting (*i.e.*, problems associated with texture and weave need to be studied). However, certain functional characteristics are well established. When both carpet and padding are used, it is desirable to have minimum movement (preferably none) between the floor and the pad and the pad and the carpet which would allow the carpet to hump or warp. In heavily trafficked areas, a thick, soft (plush) pad or cushion, particularly in combination with long carpet pile, makes it difficult for individuals in wheelchairs and those with other ambulatory disabilities to get about. Firm carpeting can be achieved through proper selection and combination of pad and carpet, sometimes with the elimination of the pad or cushion, and with proper installation. *Carpeting designed with a weave that causes a zig-zag effect when wheeled across is strongly discouraged.*

A4.6 Parking and Passenger Loading Zones.

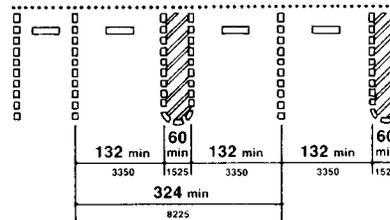
A4.6.3 Parking Spaces. *The increasing use of vans with side-mounted lifts or ramps by persons with disabilities has necessitated some revisions in specifications for parking spaces and adjacent access aisles. The typical accessible parking space is 96 in (2440 mm) wide with an adjacent 60 in (1525 mm) access aisle. However, this aisle does not permit lifts or ramps to be deployed and still leave room for a person using a wheelchair or other mobility aid to exit the lift platform or ramp. In tests conducted with actual lift/van/wheelchair combinations, (under a Board-sponsored Accessible Parking and Loading Zones Project) researchers found that a space and aisle totaling almost 204 in (5180 mm) wide was needed to deploy a lift and exit conveniently. The "van accessible" parking space required by these guidelines provides a 96 in (2440 mm) wide space with a 96 in (2440 mm) adjacent access aisle which is just wide enough to maneuver and exit from a side mounted lift. If a 96 in (2440 mm) access aisle is placed between two spaces, two "van accessible" spaces are created. Alternatively, if the wide access aisle is provided at the end of a row (an area often unused), it may be possible to provide the wide access aisle without additional space (see Fig. A5(a)).*

A sign is needed to alert van users to the presence of the wider aisle, but the space is not intended to be restricted only to vans.

"Universal" Parking Space Design. An alternative to the provision of a percentage of spaces with a wide aisle, and the associated need to include additional signage, is the use of what has been called the "universal" parking space design. Under this design, all accessible spaces are 132 in (3350 mm) wide with a 60 in (1525 mm) access aisle (see Fig. A5(b)). One



(a) Van Accessible Space at End Row



(b) Universal Parking Space Design

Fig. A5
Parking Space Alternatives

A4.8 Ramps

advantage to this design is that no additional signage is needed because all spaces can accommodate a van with a side-mounted lift or ramp. Also, there is no competition between cars and vans for spaces since all spaces can accommodate either. Furthermore, the wider space permits vehicles to park to one side or the other within the 132 in (3350 mm) space to allow persons to exit and enter the vehicle on either the driver or passenger side, although, in some cases, this would require exiting or entering without a marked access aisle.

An essential consideration for any design is having the access aisle level with the parking space. Since a person with a disability, using a lift or ramp, must maneuver within the access aisle, the aisle cannot include a ramp or sloped area. The access aisle must be connected to an accessible route to the appropriate accessible entrance of a building or facility. The parking access aisle must either blend with the accessible route or have a curb ramp complying with 4.7. Such a curb ramp opening must be located within the access aisle boundaries, not within the parking space boundaries. Unfortunately, many facilities are designed with a ramp that is blocked when any vehicle parks in the accessible space. Also, the required dimensions of the access aisle cannot be restricted by planters, curbs or wheel stops.

A4.6.4 Signage. Signs designating parking places for disabled people can be seen from a driver's seat if the signs are mounted high enough above the ground and located at the front of a parking space.

A4.6.5 Vertical Clearance. High-top vans, which disabled people or transportation services often use, require higher clearances in parking garages than automobiles.

A4.8 Ramps.

A4.8.1 General. Ramps are essential for wheelchair users if elevators or lifts are not available to connect different levels. However, some people who use walking aids have difficulty with ramps and prefer stairs.

A4.8.2 Slope and Rise. Ramp slopes between 1:16 and 1:20 are preferred. The ability to manage an incline is related to both its slope and its length. Wheelchair users with

disabilities affecting their arms or with low stamina have serious difficulty using inclines. Most ambulatory people and most people who use wheelchairs can manage a slope of 1:16. Many people cannot manage a slope of 1:12 for 30 ft (9 m).

A4.8.4 Landings. Level landings are essential toward maintaining an aggregate slope that complies with these guidelines. A ramp landing that is not level causes individuals using wheelchairs to tip backward or bottom out when the ramp is approached.

A4.8.5 Handrails. The requirements for stair and ramp handrails in this guideline are for adults. When children are principal users in a building or facility, a second set of handrails at an appropriate height can assist them and aid in preventing accidents.

A4.9 Stairs.

A4.9.1 Minimum Number. Only interior and exterior stairs connecting levels that are not connected by an elevator, ramp, or other accessible means of vertical access have to comply with 4.9.

A4.10 Elevators.

A4.10.6 Door Protective and Reopening Device. The required door reopening device would hold the door open for 20 seconds if the doorway remains obstructed. After 20 seconds, the door may begin to close. However, if designed in accordance with ASME A17.1-1990, the door closing movement could still be stopped if a person or object exerts sufficient force at any point on the door edge.

A4.10.7 Door and Signal Timing for Hall Calls. This paragraph allows variation in the location of call buttons, advance time for warning signals, and the door-holding period used to meet the time requirement.

A4.10.12 Car Controls. Industry-wide standardization of elevator control panel design would make all elevators significantly more convenient for use by people with severe visual impairments. In many cases, it will be possible to locate the highest control on elevator panels within 48 in (1220 mm) from the floor.

A4.11 Platform Lifts (Wheelchair Lifts)

<p>A4.10.13 Car Position Indicators. A special button may be provided that would activate the audible signal within the given elevator only for the desired trip, rather than maintaining the audible signal in constant operation.</p> <p>A4.10.14 Emergency Communications. A device that requires no handset is easier to use by people who have difficulty reaching. Also, small handles on handset compartment doors are not usable by people who have difficulty grasping.</p> <p><i>Ideally, emergency two-way communication systems should provide both voice and visual display intercommunication so that persons with hearing impairments and persons with vision impairments can receive information regarding the status of a rescue. A voice intercommunication system cannot be the only means of communication because it is not accessible to people with speech and hearing impairments. While a voice intercommunication system is not required, at a minimum, the system should provide both an audio and visual indication that a rescue is on the way.</i></p> <p>A4.11 Platform Lifts (Wheelchair Lifts).</p> <p>A4.11.2 Other Requirements. Inclined stairway chairlifts, and inclined and vertical platform lifts (wheelchair lifts) are available for short-distance, vertical transportation of people with disabilities. Care should be taken in selecting lifts as some lifts are not equally suitable for use by both wheelchair users and semi-ambulatory individuals.</p> <p>A4.12 Windows.</p> <p>A4.12.1 General. Windows intended to be operated by occupants in accessible spaces should comply with 4.12.</p> <p>A4.12.2 Window Hardware. Windows requiring pushing, pulling, or lifting to open (for example, double-hung, sliding, or casement and awning units without cranks) should require no more than 5 lbf (22.2 N) to open or close. Locks, cranks, and other window hardware should comply with 4.27.</p>	<p>A4.13 Doors.</p> <p>A4.13.8 Thresholds at Doorways. Thresholds and surface height changes in doorways are particularly inconvenient for wheelchair users who also have low stamina or restrictions in arm movement because complex maneuvering is required to get over the level change while operating the door.</p> <p>A4.13.9 Door Hardware. Some disabled persons must push against a door with their chair or walker to open it. Applied kickplates on doors with closers can reduce required maintenance by withstanding abuse from wheelchairs and canes. To be effective, they should cover the door width, less approximately 2 in (51 mm), up to a height of 16 in (405 mm) from its bottom edge and be centered across the width of the door.</p> <p>A4.13.10 Door Closers. Closers with delayed action features give a person more time to maneuver through doorways. They are particularly useful on frequently used interior doors such as entrances to toilet rooms.</p> <p>A4.13.11 Door Opening Force. Although most people with disabilities can exert at least 5 lbf (22.2N), both pushing and pulling from a stationary position, a few people with severe disabilities cannot exert 3 lbf (13.13N). Although some people cannot manage the allowable forces in this guideline and many others have difficulty, door closers must have certain minimum closing forces to close doors satisfactorily. Forces for pushing or pulling doors open are measured with a push-pull scale under the following conditions:</p> <ul style="list-style-type: none"> (1) Hinged doors: Force applied perpendicular to the door at the door opener or 30 in (760 mm) from the hinged side, whichever is farther from the hinge. (2) Sliding or folding doors: Force applied parallel to the door at the door pull or latch. (3) Application of force: Apply force gradually so that the applied force does not exceed the resistance of the door. In high-rise buildings, air-pressure differentials may require a modification of this specification in order to meet the functional intent.
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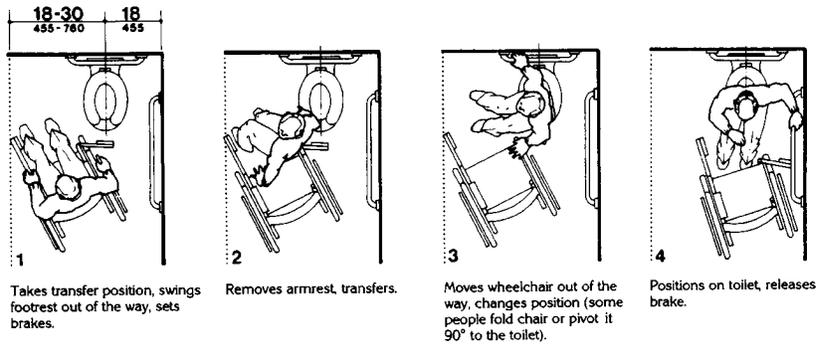
A8

A4.15 Drinking Fountains and Water Coolers

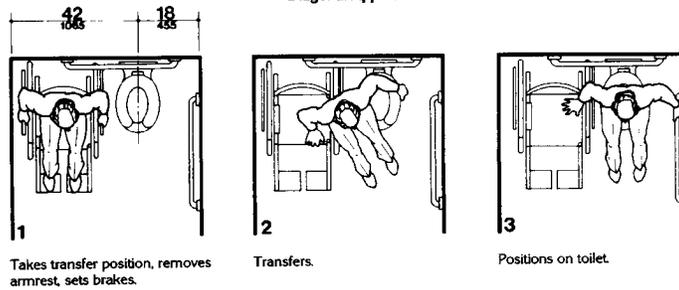
A4.13.12 Automatic Doors and Power-Assisted Doors. Sliding automatic doors do not need guard rails and are more convenient for wheelchair users and visually impaired people to use. If slowly opening automatic doors can be reactivated before their closing cycle is completed, they will be more convenient in busy doorways.

A4.15 Drinking Fountains and Water Coolers.

A4.15.2 Spout Height. Two drinking fountains, mounted side by side or on a single post, are usable by people with disabilities and people who find it difficult to bend over.



(a) Diagonal Approach



(b) Side Approach

Fig. A6
Wheelchair Transfers

A9

A4.16 Water Closets

A4.16 Water Closets.

A4.16.3 Height. Height preferences for toilet seats vary considerably among disabled people. Higher seat heights may be an advantage to some ambulatory disabled people, but are often a disadvantage for wheelchair users and others. Toilet seats 18 in (455 mm) high seem to be a reasonable compromise. Thick seats and filler rings are available to adapt standard fixtures to these requirements.

A4.16.4 Grab Bars. Fig. A6(a) and (b) show the diagonal and side approaches most commonly used to transfer from a wheelchair to a water closet. Some wheelchair users can transfer from the front of the toilet while others use a 90-degree approach. Most people who use the two additional approaches can also use either the diagonal approach or the side approach.

A4.16.5 Flush Controls. Flush valves and related plumbing can be located behind walls or to the side of the toilet, or a toilet seat lid can be provided if plumbing fittings are directly behind the toilet seat. Such designs reduce the chance of injury and imbalance caused by leaning back against the fittings. Flush controls for tank-type toilets have a standardized mounting location on the left side of the tank (facing the tank). Tanks can be obtained by special order with controls mounted on the right side. If administrative authorities require flush controls for flush valves to be located in a position that conflicts with the location of the rear grab bar, then that bar may be split or shifted toward the wide side of the toilet area.

A4.17 Toilet Stalls.

A4.17.3 Size and Arrangement. This section requires use of the 60 in (1525 mm) standard stall (Figure 30(a)) and permits the 36 in (915 mm) or 48 in (1220 mm) wide alternate stall (Figure 30(b)) only in alterations where provision of the standard stall is technically infeasible or where local plumbing codes prohibit reduction in the number of fixtures. A standard stall provides a clear space on one side of the water closet to enable persons who use wheelchairs to perform a side or diagonal transfer from the wheelchair to the water closet. However, some persons with disabilities who use mobility aids such as walkers, canes or crutches

are better able to use the two parallel grab bars in the 36 in (915 mm) wide alternate stall to achieve a standing position.

In large toilet rooms, where six or more toilet stalls are provided, it is therefore required that a 36 in (915 mm) wide stall with parallel grab bars be provided in addition to the standard stall required in new construction. The 36 in (915 mm) width is necessary to achieve proper use of the grab bars; wider stalls would position the grab bars too far apart to be easily used and narrower stalls would position the grab bars too close to the water closet. Since the stall is primarily intended for use by persons using canes, crutches and walkers, rather than wheelchairs, the length of the stall could be conventional. The door, however, must swing outward to ensure a usable space for people who use crutches or walkers.

A4.17.5 Doors. To make it easier for wheelchair users to close toilet stall doors, doors can be provided with closers, spring hinges, or a pull bar mounted on the inside surface of the door near the hinge side.

A4.19 Lavatories and Mirrors.

A4.19.6 Mirrors. If mirrors are to be used by both ambulatory people and wheelchair users, then they must be at least 74 in (1880 mm) high at their topmost edge. A single full length mirror can accommodate all people, including children.

A4.21 Shower Stalls.

A4.21.1 General. Shower stalls that are 36 in by 36 in (915 mm by 915 mm) wide provide additional safety to people who have difficulty maintaining balance because all grab bars and walls are within easy reach. Seated people use the walls of 36 in by 36 in (915 mm by 915 mm) showers for back support. Shower stalls that are 60 in (1525 mm) wide and have no curb may increase usability of a bathroom by wheelchair users because the shower area provides additional maneuvering space.

A4.22 Toilet Rooms.

A4.22.3 Clear Floor Space. In many small facilities, single-user restrooms may be the only

A4.22 Toilet Rooms

facilities provided for all building users. In addition, the guidelines allow the use of "unisex" or "family" accessible toilet rooms in alterations when technical infeasibility can be demonstrated. Experience has shown that the provision of accessible "unisex" or single-user restrooms is a reasonable way to provide access for wheelchair users and any attendants, especially when attendants are of the opposite sex. Since these facilities have proven so useful, it is often considered advantageous to install a "unisex" toilet room in new facilities in addition to making the multi-stall restrooms accessible, especially in shopping malls, large auditoriums, and convention centers.

Figure 28 (section 4.16) provides minimum clear floor space dimensions for toilets in accessible "unisex" toilet rooms. The dotted lines designate the minimum clear floor space, depending on the direction of approach, required for wheelchair users to transfer onto the water closet. The dimensions of 48 in (1220 mm) and 60 in (1525 mm), respectively, correspond to the space required for the two common transfer approaches utilized by wheelchair users (see Fig. A6). It is important to keep in mind that the placement of the lavatory to the immediate side of the water closet will preclude the side approach transfer illustrated in Figure A6(b).

To accommodate the side transfer, the space adjacent to the water closet must remain clear of obstruction for 42 in (1065 mm) from the centerline of the toilet (Figure 28) and the lavatory must not be located within this clear space. A turning circle or T-turn, the clear floor space at the lavatory, and maneuvering space at the door must be considered when determining the possible wall locations. A privacy latch or other accessible means of ensuring privacy during use should be provided at the door.

RECOMMENDATIONS:

1. In new construction, accessible single-user restrooms may be desirable in some situations because they can accommodate a wide variety of building users. However, they cannot be used in lieu of making the multi-stall toilet rooms accessible as required.
2. Where strict compliance to the guidelines for accessible toilet facilities is technically infeasible in the alteration of existing facilities, accessible "unisex" toilets are a reasonable alternative.
3. In designing accessible single-user restrooms, the provisions of adequate space to allow a side transfer will provide accommodation to the largest number of wheelchair users.

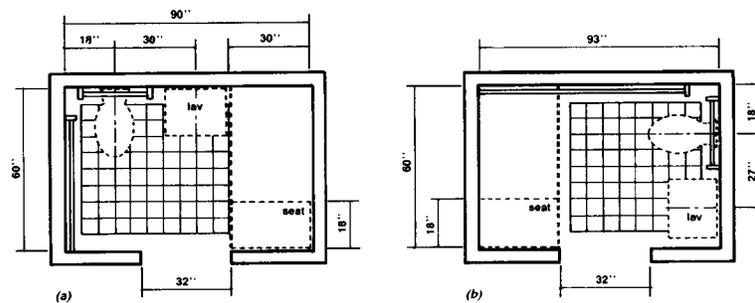


Fig. A7

A4.23 Bathrooms, Bathing Facilities, and Shower Rooms

A4.23 Bathrooms, Bathing Facilities, and Shower Rooms.

A4.23.3 Clear Floor Space. Figure A7 shows two possible configurations of a toilet room with a roll-in shower. The specific shower shown is designed to fit exactly within the dimensions of a standard bathtub. Since the shower does not have a lip, the floor space can be used for required maneuvering space. This would permit a toilet room to be smaller than would be permitted with a bathtub and still provide enough floor space to be considered accessible. This design can provide accessibility in facilities where space is at a premium (i.e., hotels and medical care facilities). The alternate roll-in shower (Fig. 57b) also provides sufficient room for the "T-turn" and does not require plumbing to be on more than one wall.

A4.23.9 Medicine Cabinets. Other alternatives for storing medical and personal care items are very useful to disabled people. Shelves, drawers, and floor-mounted cabinets can be provided within the reach ranges of disabled people.

A4.26 Handrails, Grab Bars, and Tub and Shower Seats.

A4.26.1 General. Many disabled people rely heavily upon grab bars and handrails to maintain balance and prevent serious falls. Many people brace their forearms between supports and walls to give them more leverage and stability in maintaining balance or for lifting. The grab bar clearance of 1-1/2 in (38 mm) required in this guideline is a safety clearance to prevent injuries resulting from arms slipping through the openings. It also provides adequate gripping room.

A4.26.2 Size and Spacing of Grab Bars and Handrails. This specification allows for alternate shapes of handrails as long as they allow an opposing grip similar to that provided by a circular section of 1-1/4 in to 1-1/2 in (32 mm to 38 mm).

A4.27 Controls and Operating Mechanisms.

A4.27.3 Height. Fig. A8 further illustrates

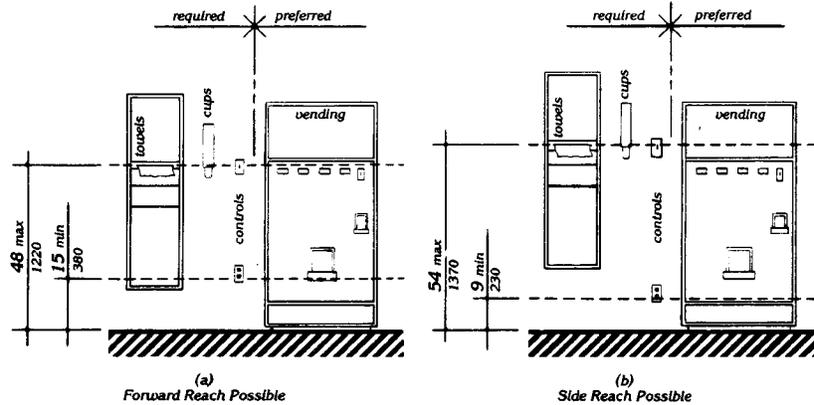


Fig. A8
Control Reach Limitations

A4.28 Alarms

mandatory and advisory control mounting height provisions for typical equipment.

Electrical receptacles installed to serve individual appliances and not intended for regular or frequent use by building occupants are not required to be mounted within the specified reach ranges. Examples would be receptacles installed specifically for wall-mounted clocks, refrigerators, and microwave ovens.

A4.28 Alarms.

A4.28.2 Audible Alarms. Audible emergency signals must have an intensity and frequency that can attract the attention of individuals who have partial hearing loss. People over 60 years of age generally have difficulty perceiving frequencies higher than 10,000 Hz. An alarm signal which has a periodic element to its signal, such as single stroke bells (clang-pause-clang-pause), hi-low (up-down-up-down) and fast whoop (on-off-on-off) are best. Avoid continuous or reverberating tones. Select a signal which has a sound characterized by three or four clear tones without a great deal of "noise" in between.

A4.28.3 Visual Alarms. The specifications in this section do not preclude the use of zoned or coded alarm systems.

A4.28.4 Auxiliary Alarms. Locating visual emergency alarms in rooms where persons who are deaf may work or reside alone can ensure that they will always be warned when an emergency alarm is activated. To be effective, such devices must be located and oriented so that they will spread signals and reflections throughout a space or raise the overall light level sharply. However, visual alarms alone are not necessarily the best means to alert sleepers. A study conducted by Underwriters Laboratory (UL) concluded that a flashing light more than seven times brighter was required (110 candela v. 15 candela, at the same distance) to awaken sleepers as was needed to alert awake subjects in a normal daytime illuminated room.

For hotel and other rooms where people are likely to be asleep, a signal-activated vibrator placed between mattress and box spring or under a pillow was found by UL to be much more effective in alerting sleepers. Many readily available devices are sound-activated so that they could respond to an alarm clock, clock

radio, wake-up telephone call or room smoke detector. Activation by a building alarm system can either be accomplished by a separate circuit activating an auditory alarm which would, in turn, trigger the vibrator or by a signal transmitted through the ordinary 110-volt outlet. Transmission of signals through the power line is relatively simple and is the basis of common, inexpensive remote light control systems sold in many department and electronic stores for home use. So-called "wireless" intercoms operate on the same principal.

A4.29 Detectable Warnings.

A4.29.2 Detectable Warnings on Walking Surfaces. The material used to provide contrast should contrast by at least 70%. Contrast in percent is determined by:

$$\text{Contrast} = [(B_1 - B_2) / B_2] \times 100$$

where B_1 = light reflectance value (LRV) of the lighter area
and B_2 = light reflectance value (LRV) of the darker area.

Note that in any application both white and black are never absolute; thus, B_1 never equals 100 and B_2 is always greater than 0.

A4.30 Signage.

A4.30.1 General. In building complexes where finding locations independently on a routine basis may be a necessity (for example, college campuses), tactile maps or prerecorded instructions can be very helpful to visually impaired people. Several maps and auditory instructions have been developed and tested for specific applications. The type of map or instructions used must be based on the information to be communicated, which depends highly on the type of buildings or users.

Landmarks that can easily be distinguished by visually impaired individuals are useful as orientation cues. Such cues include changes in illumination level, bright colors, unique patterns, wall murals, location of special equipment or other architectural features.

Many people with disabilities have limitations in movement of their heads and reduced peripheral vision. Thus, signage positioned

A4.30 Signage

<p>perpendicular to the path of travel is easiest for them to notice. People can generally distinguish signage within an angle of 30 degrees to either side of the centerlines of their faces without moving their heads.</p> <p>A4.30.2 Character Proportion. The legibility of printed characters is a function of the viewing distance, character height, the ratio of the stroke width to the height of the character, the contrast of color between character and background, and print font. The size of characters must be based upon the intended viewing distance. A severely nearsighted person may have to be much closer to recognize a character of a given size than a person with normal visual acuity.</p> <p>A4.30.4 Raised and Brailled Characters and Pictorial Symbol Signs (Pictograms). The standard dimensions for literary Braille are as follows:</p> <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">Dot diameter</td> <td>.059 in.</td> </tr> <tr> <td>Inter-dot spacing</td> <td>.090 in.</td> </tr> <tr> <td>Horizontal separation between cells</td> <td>.241 in.</td> </tr> <tr> <td>Vertical separation between cells</td> <td>.395 in.</td> </tr> </table> <p>Raised borders around signs containing raised characters may make them confusing to read unless the border is set far away from the characters. Accessible signage with descriptive materials about public buildings, monuments, and objects of cultural interest may not provide sufficiently detailed and meaningful information. Interpretive guides, audio tape devices, or other methods may be more effective in presenting such information.</p> <p>A4.30.5 Finish and Contrast. An eggshell finish (11 to 19 degree gloss on 60 degree glossimeter) is recommended. Research indicates that signs are more legible for persons with low vision when characters contrast with their background by at least 70 percent. Contrast in percent shall be determined by:</p> $\text{Contrast} = [(B_1 \cdot B_2) / B_1] \times 100$	Dot diameter	.059 in.	Inter-dot spacing	.090 in.	Horizontal separation between cells	.241 in.	Vertical separation between cells	.395 in.	<p>where B_1 = light reflectance value (LRV) of the lighter area and B_2 = light reflectance value (LRV) of the darker area.</p> <p>Note that in any application both white and black are never absolute; thus, B_1 never equals 100 and B_2 is always greater than 0.</p> <p>The greatest readability is usually achieved through the use of light-colored characters or symbols on a dark background.</p> <p>A4.30.7 Symbols of Accessibility for Different Types of Listening Systems. Paragraph 4 of this section requires signage indicating the availability of an assistive listening system. An appropriate message should be displayed with the international symbol of access for hearing loss since this symbol conveys general accessibility for people with hearing loss. Some suggestions are:</p> <div style="text-align: center; margin: 10px 0;"> <p>INFRARED ASSISTIVE LISTENING SYSTEM AVAILABLE —PLEASE ASK—</p> <p>AUDIO LOOP IN USE TURN T. SWITCH FOR BETTER HEARING —OR ASK FOR HELP—</p> <p>FM ASSISTIVE LISTENING SYSTEM AVAILABLE —PLEASE ASK—</p> </div> <p>The symbol may be used to notify persons of the availability of other auxiliary aids and services such as: real time captioning, captioned note taking, sign language interpreters, and oral interpreters.</p> <p>A4.30.8 Illumination Levels. Illumination levels on the sign surface shall be in the 100 to 300 lux range (10 to 30 footcandles) and shall be uniform over the sign surface. Signs shall be located such that the illumination level on the surface of the sign is not significantly exceeded by the ambient light or visible bright lighting source behind or in front of the sign.</p>
Dot diameter	.059 in.								
Inter-dot spacing	.090 in.								
Horizontal separation between cells	.241 in.								
Vertical separation between cells	.395 in.								

A14

A4.31 Telephones

A4.31 Telephones.

A4.31.3 Mounting Height. In localities where the dial-tone first system is in operation, calls can be placed at a coin telephone through the operator without inserting coins. The operator button is located at a height of 46 in (1170 mm) if the coin slot of the telephone is at 54 in (1370 mm). A generally available public telephone with a coin slot mounted lower on the equipment would allow universal installation of telephones at a height of 48 in (1220 mm) or less to all operable parts.

A4.31.9 Text Telephones. A public text telephone may be an integrated text telephone pay phone unit or a conventional portable text telephone that is permanently affixed within, or adjacent to, the telephone enclosure. In order to be usable with a pay phone, a text telephone which is not a single integrated text telephone pay phone unit will require a shelf large enough (10 in (255mm) wide by 10 in (255 mm) deep with a 6 in (150 mm) vertical clearance minimum) to accommodate the device, an electrical outlet, and a power cord. Movable or portable text telephones may be used to provide equivalent facilitation. A text telephone should be readily available so that a person using it may access the text telephone easily and conveniently. As currently designed pocket-type text telephones for personal use do not accommodate a wide range of users. Such devices would not be considered substantially equivalent to conventional text telephones. However, in the future as technology develops this could change.

A4.32 Fixed or Built-in Seating and Tables.

A4.32.4 Height of Tables or Counters. Different types of work require different table or counter heights for comfort and optimal performance. Light detailed work such as writing requires a table or counter close to elbow height for a standing person. Heavy manual work such as rolling dough requires a counter or table height about 10 in (255 mm) below elbow height for a standing person. This principle of high/low table or counter heights also applies for seated persons; however, the limiting condition for seated manual work is clearance under the table or counter.

Table A1 shows convenient counter heights for seated persons. The great variety of heights for comfort and optimal performance indicates a need for alternatives or a compromise in height if people who stand and people who sit will be using the same counter area.

**Table A1
Convenient Heights of Tables
and Counters for Seated People¹**

Conditions of Use	Short Women in mm	Tall Men in mm
Seated in a wheelchair:		
Manual work-		
Desk or removeable armrests	26 660	30 760
Fixed, full-size armrests ²	32 ³ 815	32 ³ 815
Light detailed work:		
Desk or removable armrests	29 735	34 865
Fixed, full-size armrests ²	32 ³ 815	34 865
Seated in a 16-in. (405-mm)		
High chair:		
Manual work	26 660	27 685
Light detailed work	28 710	31 785

¹ All dimensions are based on a work-surface thickness of 1 1/2 in (38 mm) and a clearance of 1 1/2 in (38 mm) between legs and the underside of a work surface.

² This type of wheelchair arm does not interfere with the positioning of a wheelchair under a work surface.

³ This dimension is limited by the height of the armrests: a lower height would be preferable. Some people in this group prefer lower work surfaces, which require positioning the wheelchair back from the edge of the counter.

A4.33 Assembly Areas.

A4.33.2 Size of Wheelchair Locations. Spaces large enough for two wheelchairs allow people who are coming to a performance together to sit together.

A4.33.3 Placement of Wheelchair Locations. The location of wheelchair areas can be planned so that a variety of positions

A4.33.6 Placement of Listening Systems

within the seating area are provided. This will allow choice in viewing and price categories.

Building/life safety codes set minimum distances between rows of fixed seats with consideration of the number of seats in a row, the exit aisle width and arrangement, and the location of exit doors. "Continental" seating, with a greater number of seats per row and a commensurate increase in row spacing and exit doors, facilitates emergency egress for all people and increases ease of access to mid-row seats especially for people who walk with difficulty. Consideration of this positive attribute of "continental" seating should be included along with all other factors in the design of fixed seating areas.

A4.33.6 Placement of Listening Systems. A distance of 50 ft (15 m) allows a person to distinguish performers' facial expressions.

A4.33.7 Types of Listening Systems. An assistive listening system appropriate for an assembly area for a group of persons or where the specific individuals are not known in advance, such as a playhouse, lecture hall or movie theater, may be different from the system appropriate for a particular individual provided as an auxiliary aid or as part of a reasonable accommodation. The appropriate device for an individual is the type that individual can use, whereas the appropriate system for an assembly area will necessarily be geared toward the "average" or aggregate needs of various individuals. A listening system that can be used from any seat in a seating area is the most flexible way to meet this specification. Ear-phone jacks with variable volume controls can benefit only people who have slight hearing loss and do not help people who use hearing aids. At the present time, magnetic induction loops are the most feasible type of listening system for people who use hearing aids equipped with "T-coils," but people without hearing aids or those with hearing aids not equipped with inductive pick-ups cannot use them without special receivers. Radio frequency systems can be extremely effective and inexpensive. People without hearing aids can use them, but people with hearing aids need a special receiver to use them as they are presently designed. If hearing aids had a jack to allow a by-pass of microphones, then radio frequency systems would be suitable for people with and without hearing aids. Some listening systems may be subject to interference from

other equipment and feedback from hearing aids of people who are using the systems. Such interference can be controlled by careful engineering design that anticipates feedback sources in the surrounding area.

Table A2 shows some of the advantages and disadvantages of different types of assistive listening systems. In addition, the Access Board has published a pamphlet on Assistive Listening Systems which lists demonstration centers across the country where technical assistance can be obtained in selecting and installing appropriate systems. The State of New York has also adopted a detailed technical specification which may be useful.

A5.0 Restaurants and Cafeterias.

A5.1 General. Dining counters (where there is no service) are typically found in small carry-out restaurants, bakeries, or coffee shops and may only be a narrow eating surface attached to a wall. This section requires that where such a dining counter is provided, a portion of the counter shall be at the required accessible height.

A7.0 Business, Mercantile and Civic.

A7.2(3)(iii) Counter or Teller Windows with Partitions. Methods of facilitating voice communication may include grilles, talk-through baffles, and other devices mounted directly into the partition which users can speak directly into for effective communication. These methods are required to be designed or placed so that they are accessible to a person who is standing or seated. However, if the counter is only used by persons in a seated position, then a method of facilitating communication which is accessible to standing persons would not be necessary.

A7.2(4) Assistive Listening Devices. At all sales and service counters, teller windows, box offices, and information kiosks where a physical barrier separates service personnel and customers, it is recommended that at least one permanently installed assistive listening device complying with 4.33 be provided at each location or series. Where assistive listening devices are installed, signage should be provided identifying those stations which are so equipped.

Table A2. Summary of Assistive Listening Devices and Systems

Table A2. Summary of Assistive Listening Devices and Systems			
COMPARISON OF LARGE AREA ASSISTIVE LISTENING SYSTEMS			
System Description	Advantages	Disadvantages	Typical Applications
<p>FM BROADCAST (40 frequencies available on narrow band transmission systems. Ten frequencies available on wideband transmission systems.) Transmitters: FM base station or personal transmitter broadcasts signal to listening area. Receiver: Pocket size with: a) earphone(s), or b) headset, or c) induction neck-loop or silhouette coil coupling to personal hearing aid equipped with telecoil, or d) direct audio input (DAI) to personal hearing aid.</p>	<ul style="list-style-type: none"> • Highly portable when used with body-worn, personal transmitter. • Easy to install. • May be used separately or integrated with existing PA-systems. • Multiple frequencies allow for use by different groups within same area (e.g., multi-language translation). 	<ul style="list-style-type: none"> • Signal spill-over to adjacent rooms/listening areas (can prevent interference by using different transmission frequencies for each room/listening area). Choose infrared if privacy is essential. • Receivers required for everyone. Requires administration and maintenance of receivers. • Susceptible to electrical interference when used with induction neck-loop/silhouette (Provision of DAI audio shoes and cords is impractical for public applications). • Some systems more susceptible to radio wave interference and signal drift than others. 	<p>Service counters Outdoor guided tours Tour busses Meeting rooms Conference rooms Auditoriums Classrooms Courtrooms Churches and Temples Theaters Museums Theme parks Arenas Sport stadiums Retirement/nursing homes Hospitals</p>
<p>INFRARED LIGHT Transmitter: Amplifier drives emitter panel(s) covering listening area. Receivers: Under-chin or Pendant type receiver with: a) headset, or b) earphone(s), or c) induction neck-loop or silhouette coil coupling to personal hearing aid equipped with telecoil, or d) direct audio input (DAI) to personal hearing aid.</p>	<ul style="list-style-type: none"> • Unlike induction or FM transmission. IR transmission does not travel through walls or other solid surfaces. • Insures confidentiality. • Infrared receivers compatible with most infrared emitters. • May be used separately or integrated with existing PA-systems. • Can be used for multi-language translation (must use special multi-frequency receivers). 	<ul style="list-style-type: none"> • Receivers required for everyone. Requires administration and maintenance of receivers. • Ineffective in direct sunlight. • Careful installation required to insure entire listening area will receive IR signal. • Susceptible to electrical interference when used with induction neckloop/silhouette (Provision of DAI audio shoes and cords is impractical for public applications). • Lifetime of emitters varies with company. • Historical buildings may pose installation problems. 	<p>Indoor service counters Meetings requiring confidentiality Meeting rooms Conference rooms Auditoriums Classrooms Courtrooms Churches and Temples Theaters Museums Arenas (indoors only) Sport stadiums (indoors only) Retirement/nursing homes Hospitals</p>
<p>Modified from a chart published by Centrum Sound, Cupertino, California Cynthia L. Compton, Assistive Devices Center Department of Audiology and Speech-Language Pathology Gallaudet University, Washington, DC Continued on next page</p>			

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Table A2. Summary of Assistive Listening Devices and Systems

COMPARISON OF LARGE AREA ASSISTIVE LISTENING SYSTEMS			
System Description	Advantages	Disadvantages	Typical Applications
<p>CONVENTIONAL INDUCTION LOOP Transmitter: Amplifier drives an induction loop that surrounds listening area. Receivers: a) Personal hearing aid with telecoil. b) Pocket size induction receiver with earphone or headset. c) Self-contained wand. d) Telecoil inside plastic chassis which looks like a BTE, ITE, or canal hearing aid.</p>	<ul style="list-style-type: none"> Requires little, or no administration of receivers, if most people have telecoil-equipped hearing aids. Induction receivers must be used where hearing aids in use are not equipped with telecoils. Induction receivers are compatible with all loop systems. Unobtrusive with telecoil hearing aid. May be used separately or integrated with existing PA-systems. Portable systems are available for use with small groups of listeners. These portable systems can be stored in a carrying case and set up temporarily, as needed. 	<ul style="list-style-type: none"> Signal spill-over to adjacent rooms. Susceptible to electrical interference. Limited portability unless areas are pre-looped or small, portable system is used (see advantages). Requires installation of loop wire. Installation may be difficult in pre-existing buildings. Skilled installation essential in historical buildings (and may not be permitted at all). If listener does not have telecoil-equipped hearing aid then requires administration and maintenance of receivers. 	<p>Service counters Ports of transportation Public transportation vehicles Tour busses Meeting rooms Conference rooms Auditoriums Classrooms Courtrooms Churches and Temples Theaters Museums Theme parks Arenas Sport stadiums Retirement/nursing homes Hospitals</p>
<p>3-D LOOP SYSTEM Transmitter: Amplifier drives a 3-D mat that is placed under the carpet of the listening area. Receivers: a) Personal hearing aid with telecoil. b) Pocket size induction receiver with earphone or headset. c) Self-contained wand. d) Telecoil inside plastic chassis which looks like a BTE, ITE, or canal hearing aid.</p>	<ul style="list-style-type: none"> Requires little, or no administration of receivers, provided most listeners have telecoil-equipped hearing aids. Induction receivers are compatible with all loop systems. May be used separately or integrated with existing PA-systems. Three-dimensional reception of loop signal regardless of telecoil position. Reduced signal spillover allows adjacent rooms to be looped without signal interference. 3-D loop mats must be separated by 6 feet to avoid signal spillover. 	<ul style="list-style-type: none"> Limited portability (areas may be pre-3-D Loop matted to facilitate portability). Requires installation of 3-D Loop mats. Installation may be difficult in pre-existing buildings. Skilled installation essential in historical buildings (and may not be permitted at all). If listener does not have telecoil-equipped hearing aid then requires administration and maintenance of receivers. Susceptible to electrical interference. 	<p>Service counters Ports of Transportation Meeting rooms Conference rooms Auditoriums Class rooms Court rooms Museums Theme Parks Retirement/nursing homes Meetings requiring confidentiality Hospitals</p>
<p>Modified from a chart published by Centrum Sound, Cupertino, California Cynthia L. Compton, Assistive Devices Center Department of Audiology and Speech-Language Pathology Gallaudet University, Washington, DC</p>			

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A7.3 Check-out Aisles

A7.3 Check-out Aisles. Section 7.2 refers to counters without aisles; section 7.3 concerns check-out aisles. A counter without an aisle (7.2) can be approached from more than one direction such as in a convenience store. In order to use a check-out aisle (7.3), customers must enter a defined area (an aisle) at a particular point, pay for goods, and exit at a particular point.

A10.0 Transportation Facilities.**A10.3 Fixed Facilities and Stations.**

A10.3.1(7) Route Signs. One means of making control buttons on fare vending machines usable by persons with vision impairments is to raise them above the surrounding surface. Those activated by a mechanical motion are likely to be more detectable. If farecard vending, collection, and adjustment devices are designed to accommodate farecards having one tactually distinctive corner, then a person who has a vision impairment will insert the card with greater ease. Token collection devices that are designed to accommodate tokens which are perforated can allow a person to distinguish more readily between tokens and common coins. Thoughtful placement of accessible gates and fare vending machines in relation to inaccessible devices will make their use and detection easier for all persons with disabilities.

A10.4.1(8) Security Systems. This provision requires that, at a minimum, an accessible route or path of travel be provided but does not require security equipment or screening devices to be accessible. However, where barriers consist of movable equipment, it is recommended that they comply with the provisions of this section to provide persons with disabilities the ability to travel with the same ease and convenience as other members of the general public.

A11.0 Judicial, Legislative and Regulatory Facilities.

A11.1 All public and common use areas are required to be accessible. In judicial, legislative and regulatory facilities, these include, but are not limited to, press rooms, conference rooms, and attorney lounges.

A11.2.1(2) Jury Boxes and Witness Stands. Figure 46 illustrates space requirements for two wheelchair seating spaces.

A11.2.1(4) Fixed Judges' Benches, Clerks' Stations. Where courtrooms are assigned on a temporary basis, equipment should be available so that accessibility can be provided to at least one judge's bench and clerk's station within a few hours to accommodate court proceedings.

A11.2.1(5) Fixed Bailiffs' Stations, Court Reporters' Stations, Litigants' and Counsel Stations. Providing appropriate maneuvering clearances such as knee clearance under tables should be considered when selecting furniture for accessible areas that will be utilized by the public such as the litigants' stations in a courtroom.

A11.3.1(2) Fixed or Built-in Seating and Tables. Providing appropriate maneuvering space in the room and knee clearance under tables should be considered when selecting furniture for accessible areas that will be used by jurors.

A11.4.2(2) Restrooms. The requirements of 4.22 for toilet rooms and 4.23 for bathrooms, bathing facilities, and shower rooms do not preclude the placement of toilet or bathing fixtures within housing or holding cells or rooms as long as the requirements for toilet rooms and bathrooms, including maneuvering space, are met. In such instances, the maneuvering space required within housing or holding cells or rooms may also serve as the maneuvering space required in toilet rooms by 4.22 or in bathrooms or shower rooms by 4.23.

A11.4.2(3) Beds. The height of beds should be 17 to 19 in (430 mm to 485 mm) measured from the finish floor to the bed surface, including mattresses or bed rolls, to ensure appropriate transfer from wheelchairs and other mobility aids. Where upper bunks are provided, sufficient clearance must be provided between bunks so that the transfer from wheelchairs to lower bunks is not restricted. Figure A3 provides average human dimensions that should be considered in determining this clearance.

A11.4.3 Visiting Areas. Accessible cubicles or portions of counters may have fixed seats if the required clear floor space is provided within the area defined by the cubicle. Consideration should be given to the placement of grilles, talk-thru baffles, intercoms, telephone handsets or other communication devices which should be usable from both the fixed seat and from the accessible seating area. If an assistive listening system is provided, the needs of the intended

A11.7 Two-Way Communication Systems

user and characteristics of the setting should be considered as described in A4.33.7 and Table A2.

A11.7 Two-Way Communication Systems. Two-way communication entry systems must provide both voice and visual display so that persons with hearing or speech impairments can utilize the system. This requirement may be met with a device that would allow security personnel to respond to a caller with a light indicating that assistance is on the way.

A11.8 Courtrooms, hearing rooms (including judges' chambers when used as hearing rooms), jury deliberation and jury orientation rooms, and all meeting rooms designated for public use should be designed to take advantage of current and emerging technologies for providing information to persons with disabilities. Since such persons may be litigants, jurors, witnesses, spectators, attorneys or courtroom personnel, it is important that the designated rooms be wired to support appropriate systems or that conduits or raceways be provided to facilitate future wiring as systems are added. For example, the use of so-called "smart" technology often includes bundled wiring harnesses which can be easily installed in new construction and can support a variety of current and future uses.

A11.9 Permanently Installed Assistive Listening Systems. In addition to the requirement for permanently installed assistive listening systems, 11.8 (Electrical Outlets, Wiring, Conduit for Communication Systems) requires that all courtrooms, hearing rooms, jury deliberation and jury orientation rooms, and meeting rooms designated for public use in judicial, legislative or regulatory facilities have electrical outlets and wiring, conduit or raceways to support communication equipment. This requirement is to facilitate the use of portable assistive listening systems.

A11.9(1) Judicial Facilities. Due to the large variation in the methods of assignment of courtrooms among jurisdictions, it is impossible to include an exhaustive list of each "type" of courtroom. "Type" is generally meant to include such distinct categories as civil courtroom(s), criminal courtroom(s), and family courtroom(s). For example, if a courthouse has seven courtrooms and three are assigned to criminal matters, two are assigned to civil matters and two are assigned to family law matters, then 11.9 would require that at least two criminal court-

rooms, one civil courtroom and one family law courtroom have a permanently installed assistive listening system. In those facilities where courtrooms are not dedicated to a single type of proceeding, 11.9 would require that 50 percent of all courtrooms provided have a permanently installed assistive listening system.

A11.9(2) Legislative and Regulatory Facilities. Permanently installed assistive listening systems are not required in conference rooms restricted to use by employees, consultants, and other invited guests or areas which are only occasionally or sporadically used for legislative or regulatory business such as a school board meeting held in a high school cafeteria. However, the Department of Justice's regulations implementing title II of the ADA require public entities to take such steps as may be necessary to ensure effective communication with individuals with hearing impairments, unless it would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. See 28 CFR 35.160(a) and 28 CFR 35.164. Accordingly, a portable assistive listening system may be needed to provide communication access in the school board meeting held in the cafeteria.

A12.0 Detention and Correctional Facilities.

A12.1 General. All common use areas serving accessible cells or rooms are required to be accessible. In detention and correctional facilities, common use areas include those areas serving a group of inmates or detainees, including, but not limited to, exercise yards and recreation areas, workshops and areas of instruction or vocational training, counseling centers, cafeterias, commissaries, medical facilities, and any other rooms, spaces, or elements that are made available for the use of a group of inmates or detainees. Detention and correctional facilities also contain areas that may be regarded as common use areas which specifically serve a limited number of housing cells or rooms. Where this occurs, only those common use areas serving accessible cells or rooms would need to be accessible as required by 12.5. For example, several housing cells may be located at and served by a dayroom or recreation room. In this instance, only those dayrooms serving accessible housing cells or rooms would need to be accessible. However, common use areas that do not serve accessible cells but that are used by the public or by

A12.3 Visiting Areas

employees as work areas are still subject to the requirements for public use areas and employee work areas in sections 4.1 through 4.35.

A12.3 Visiting Areas. Accessible cubicles or portions of counters may have fixed seats if the required clear floor space is provided within the area defined by the cubicle. Consideration should be given to the placement of grilles, talk-thru baffles, intercoms, telephone handsets or other communication devices which should be usable from both the fixed seat and from the accessible seating area. If an assistive listening system is provided, the needs of the intended user and characteristics of the setting should be considered as described in A4.33.7 and Table A2.

A12.4.1(2) Dispersion. The terms "categories" and "types" with respect to holding or general housing cells or rooms include security levels, and necessary classifications or distinctions such as male/female and adult/juvenile. The requirement for the dispersion of accessible cells or rooms among all categories and types is required only to the extent possible under the three percent minimum scoping; it does not require an increase in the minimum number of accessible cells or rooms required for the facility. Thus, the requirement for dispersion does not supersede the three percent minimum scoping. The amount or percentage of accessible cells or rooms to be provided in each available housing category or level of security is not specified since dispersion is not required to be proportionate to the total number of cells in each category or security level.

Many detention and correctional facilities are designed so that certain areas (e.g., "shift" areas) can be adapted to serve as different types of housing according to need. For example, a shift area serving as a medium security housing unit might be redesignated for a period of time as a high security housing unit to meet capacity needs. Placement of accessible cells or rooms in shift areas may allow additional flexibility in meeting requirements for dispersion of accessible cells or rooms.

A12.4.3 Accessible Cells or Rooms for Persons with Hearing Impairments.

Many correctional facilities do not provide permanently installed telephones or alarms within individual housing cells. Such facilities are not subject to the requirements of 12.4.3. However, some categories of housing, such as

minimum security prisons, may be equipped with such devices. The minimum three percent is based on the number of cells or rooms equipped with these devices and not on the total number of cells or rooms in the facility. In addition, this requirement applies only where permanently installed telephones or alarms are provided within individual cells. Permanently installed telephones and alarms located in common use areas, such as dayrooms, are required to be accessible according to ADAAG requirements for common use areas. See 12.1.

A12.4.4 Medical Care Facilities. Medical isolation cells required to be accessible by 12.4.2 shall not be counted as part of the minimum number of patient bedrooms or cells required to be accessible in 12.4.4. Thus, if a medical care facility has both types of cells, at least one medical isolation cell must be accessible under 12.4.2 in addition to the number of patient bedrooms or cells required to be accessible by 12.4.4. Consistent with the requirement for special purpose cells in 12.4.2, at least one medical isolation cell per facility is required to be accessible. However, it is recommended that consideration be given to ensuring the accessibility of all medical isolation cells.

A12.5.2(2) Restrooms. The requirements of 4.22 for toilet rooms and 4.23 for bathrooms, bathing facilities, and shower rooms do not preclude the placement of toilet or bathing fixtures within housing or holding cells or rooms as long as the requirements for toilet rooms and bathrooms, including maneuvering space, are met. In such instances, the maneuvering space required within housing or holding cells or rooms may also serve as the maneuvering space required in toilet rooms by 4.22 or in bathrooms or shower rooms by 4.23.

A12.5.2(3) Beds. The height of beds should be 17 to 19 in (430 mm to 485 mm) measured from the finish floor to the bed surface, including mattresses or bed rolls, to ensure appropriate transfer from wheelchairs and other mobility aids. Where upper bunks are provided, sufficient clearance must be provided between bunks so that the transfer from wheelchairs to lower bunks is not restricted. Figure A3 provides standard human dimensions that should be considered in determining this clearance.

A12.6.2 Equivalent Facilitation. Auxiliary aids, such as telephone handset amplifiers and portable visible alarms may be used instead of permanent devices. The Department

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A13.0 Accessible Residential Housing

of Justice's regulation implementing title II of the ADA requires public entities to make available appropriate auxiliary aids and services where necessary to ensure effective communication unless it would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. See 28 CFR 35.160(a), 35.164.

A13.0 Accessible Residential Housing.

A13.1(1) Section 13 outlines the technical requirements for dwelling units subject to title II of the ADA. The facilities covered by this section, as well as other facilities not addressed or covered by this section, may still be subject to other Federal laws such as the Fair Housing Amendments Act of 1988 (42 U.S.C. 3604 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). For example, the Fair Housing Amendments Act requires that all units served by an elevator be adaptable according to guidelines established by the U.S. Department of Housing and Urban Development (HUD). Further information on these laws and the appropriate regulations may be obtained from HUD.

In addition, the requirements for transient lodging in section 9 differ from residential housing in this section. Residential housing includes, but is not limited to, single-family homes, which may be a facility consisting of one dwelling unit, and multifamily dwelling facilities, which are those facilities consisting of more than one dwelling unit. A facility may consist of more than one building within a single site, such as garden apartments and townhouses. Examples of single-family dwelling units that must be accessible include official residences, such as those provided for governors and State university presidents and single-family housing provided as public housing. Multifamily dwelling units include public housing projects and apartments. Residential housing also includes dwelling units that are used to accommodate live-in employees such as faculty, visiting fellows, care-takers, rangers and curators. With respect to colleges and universities, student apartments containing dwelling units are considered residential housing.

A13.1(2) Common use areas are subject to the applicable requirements of 4.1 through 4.35. Common use areas include hallways, corridors within and walks around or connecting build-

ings. For example, room numbers identifying dwelling units along a corridor are subject to the requirements for raised and brailled signage as required by section 4.1.3(16). Similarly, exterior walks must be accessible so that at least one accessible route connects accessible buildings, facilities, elements, and spaces on the same site as specified by section 4.1.2(2). A sufficient number of accessible multiple common use recreation facilities should be provided to ensure equitable opportunities for persons with disabilities. If recreation facilities are dispersed in a large facility, then tenants and guests with disabilities should not have to travel far greater distances than others to access recreation facilities. The term "common use" excludes spaces wholly within a dwelling unit. For example, official residences such as Governors' mansions contain facilities used for official functions. These areas are not within the private residence itself, and must be accessible both to residents and to the public.

A13.2.1 In determining the minimum number of accessible dwelling units, any fraction must be rounded upwards to the next whole number. It is not uncommon for facilities to offer one, two, and three bedroom units. Facility planners and designers need to consider that persons with disabilities and their families require access to all types of dwelling units offered in a facility. Neither section 13.3.1 or 13.2.2 requires proportionate distribution of accessible units among all unit sizes. However, at least one of each unit size according to the number of bedrooms provided must be accessible even if doing so would exceed the minimum number requirements of 13.2.1(1). Providing accessibility to each unit type according to the number of bedrooms provided will be more cost-effective than retrofitting inaccessible dwelling units to accommodate individuals with varying needs.

A13.2.2 New Construction: Dispersion. When dispersing accessible dwelling units throughout a facility, persons with disabilities must have the same choices regarding the type of unit as other members of the public. Types of dwelling units include single-family and multifamily; one, two, three or more bedrooms; official residences and certain employee and student apartments. Amenities may include dishwashers, laundry equipment, fireplaces, and walk-in closets. It is not acceptable to offer only one-bedroom accessible apartment units, when apartment units or single-family units

A13.2.3 Alterations: Minimum Number and Dispersion

with two and three bedrooms are also offered in the same facility. On a university campus official residences that are not interchangeable must be accessible. Therefore, a three bedroom graduate apartment cannot be made accessible in lieu of making the President's residence accessible. However, if several single-family residences are provided for visiting fellows and they are interchangeable, then only five percent of those dwelling units must be accessible. Additionally, if some dwelling units are provided with dishwashers while others are not, some accessible units must have dishwashers. In addition, the availability of other amenities such as view or the proximity to recreation facilities must also be comparable. For example, not all accessible units should be located on a side of a building overlooking an interior courtyard if other units have exterior views.

A13.2.3 Alterations: Minimum Number and Dispersion. The following example illustrates the requirements of 13.2.3(1). An existing facility containing one hundred multi-family residential dwelling units is the subject of ten consecutive alterations over a period of ten years. Each year, ten units are altered. During the first five years, at least one unit of the ten altered units must comply with 13.3 and 13.4 (five percent but not less than one) until the total number, five percent, required for the facility overall is achieved. Similarly, as part of the alterations during the first two years, one unit complying with section 13.4 must be provided in addition to those which are accessible to people with mobility and hearing impairments until the two percent minimum is achieved. Section 3.5 defines the term "Alteration". Consistent with that definition, merely repairing or replacing an oven would not necessarily be an alteration. For example, replacing an oven in an apartment that is not required to be accessible is not an alteration. However, replacing an oven in an apartment that is required to be accessible is an alteration because it affects the usability of the dwelling unit.

A13.3.2 Minimum Requirements. An accessible second exit from dwelling units is recommended for emergency evacuation purposes.

A13.3.4(5) Sinks. Installing a sink with a drain at the rear so that plumbing is as close to the wall as possible can prevent garbage disposal units from obstructing the required clear knee space.

A13.3.4(6) Ranges and Cooktops. Although not required for minimum accessibility, countertop range units in a counter with adjustable heights can be an added convenience for wheelchair users.

A13.3.4(7) Ovens. Countertop or wall-mounted ovens with side-opening doors provide greater access. Clear space at least 30 in (760 mm) wide under counters at the side of conventional and self-cleaning ovens is an added convenience. The pull-out board or fixed shelf under side-opening oven doors provides a resting place for heavy items being moved from the oven to a counter.

A13.3.4(8) Refrigerators and Freezers. Side-by-side refrigerators and freezers provide the most usable freezer compartments. Locating refrigerators so that their doors can swing 180 degrees provides greater access by increasing maneuvering space so that knee and toe clearance is provided on the hinge side. Reaching items placed far back on the hinge side will be easier if the door arrangement permits the optimal maneuvering space.

A13.3.4(10) Kitchen Storage. Pantry type cabinets or tall cabinets can be provided rather than cabinets mounted over work counters. Additional storage space located conveniently adjacent to kitchens can be provided to make up for space lost when cabinets are not provided under sinks and work surfaces.

A13.4.1(1) Alarms. Some residents including those who are deaf-blind will not be capable of responding to a visible alarm. In those instances the facility operator may have a responsibility to provide an alternative method of alerting residents of emergencies. Alternative methods may include devices such as tactile bedframe alarms for sleeping individuals and other vibrotactile devices worn by occupants during the day.

A14.0 Public Rights-of-Way**A14.0 Public Rights-of-Way.**

A14.1 Most public rights-of-way are coincident with and include roadways. However, some are established as easements to provide pedestrian access to a public facility through a private site or series of properties. A downtown pedestrian street that occupies public space between private building and property lines is also part of the public right-of-way.

The public right-of-way does not include public sites, such as those that contain public buildings, parks, and plazas, nor does this section apply to pedestrian facilities on public or private sites adjacent to the public right-of-way, such as a campus or complex of buildings. These public and private sites must be designed, constructed, or altered to meet the requirements of 4.1 through 4.35, which require that an accessible route be provided to connect accessible elements and facilities on a site to public transportation stops, streets, or public sidewalks. Section 14 applies only to the public pedestrian circulation network within the public right-of-way that connects and provides public access to the public and private sites along its borders. However, where an accessible route required within a site uses the public sidewalk, the public sidewalk must comply with requirements for an accessible route for that segment.

Work in the public right-of-way may include the widening or realignment of a public roadway, the construction or installation of site improvements and pedestrian amenities on or along a public sidewalk, or the upgrading of a subsurface water system, sewer, or utility below a public sidewalk, curb-and-gutter, or street. Projects may be undertaken within the clearly defined boundaries of a street frontage along a block, at an intersection, or in the right-of-way of a commercial district or may consist of the installation of a typical item (e.g., drinking fountains, toilets, benches, public sidewalk curb ramps, landscaping, telephones, signage, bus shelters) dispersed along public sidewalks throughout an area or jurisdiction.

Work in the public right-of-way that is undertaken by private entities under standards imposed by a State or local government must comply with section 14. Jurisdictions that may later accept pedestrian facilities constructed in rights-of-way developed by private entities should ensure through the permitting process that such elements will also meet the requirements of this section.

Technical provisions in ADAAG 4.2 to 4.35 apply to public rights-of-way unless modified by ADAAG 14 to address site conditions particular to the public right-of-way. Therefore, a public sidewalk curb ramp in the public right-of-way is subject to the technical provisions of ADAAG 14.2.4 (Public Sidewalk Curb Ramps) and not to ADAAG 4.7 (Curb Ramps). A public sidewalk in the public right-of-way is subject to the technical provisions of ADAAG 14.2.1 (Public Sidewalks), which substitutes a continuous passage for the accessible route required in ADAAG 4.1. However, some technical provisions in ADAAG 4.2 to 4.35, such as those contained in 4.2.4 (Clear Floor or Ground Space for Wheelchairs), 4.9 (Stairs), and 4.27 (Controls and Operating Mechanisms), have not been modified for application to the public right-of-way and therefore apply to work covered by this section.

A14.1.1 Definitions.

Continuous Passage. A continuous passage along a public pedestrian right-of-way is analogous to the accessible route within a site or building. Although public sidewalks are subject to technical provisions similar to those that apply to accessible routes, public sidewalks are not required to meet guidelines for accessible routes unless the public sidewalk is used to provide the required accessible route connecting accessible elements on a site.

Public Sidewalk. Public sidewalks include any exterior walkway in the public right-of-way intended for pedestrian use, whether raised to curb height, separated horizontally by a parkway, or surfaced for pedestrian use along the shoulder of a roadway. Although most public sidewalks border streets and roadways, pedestrian streets developed in urban areas and public pedestrian easements that do not parallel vehicular ways but are part of a pedestrian circulation network in the public right-of-way are also included. Where pedestrians and cyclists are intended to share a route in the public right-of-way, the route must meet requirements for public sidewalks.

A14.2 New Construction: Minimum Requirements. New construction includes work which is constrained primarily by topographic features, as for example, the design of a new subdivision, new town, or an expansion of jurisdictional limits to incorporate as yet undeveloped land. When new rights-of-way are established, sufficient width should be allotted

A14.2.1 Public Sidewalks

to permit new public sidewalks, if provided, to comply with 14.2.1 and 14.2.4. New construction anticipates a high degree of accessibility and usability in features newly planned and provided within the public right-of-way.

A14.2.1 Public Sidewalks. Public sidewalks in the public right-of-way include paved pedestrian walkways raised to curb level or separated horizontally from adjacent roadways by parkways and similar divisions, as well as unseparated roadside routes with prepared surfaces where these are intended for pedestrian circulation, as permitted in undeveloped rural areas. Public sidewalks that are vertically or horizontally separated from adjacent vehicular ways are safer for all pedestrians. Routes delineated only by pavement markings can be made more discernible if a distinct edge is provided.

The continuous passage in a public sidewalk takes the place of the accessible route on a site. The continuous passage has a vertical as well as a horizontal component and should be considered a protected volume of space. However, headroom clearances apply across the entire width of a public sidewalk, not just to the continuous passage. Permanently-installed street appurtenances such as lighting standards, fire hydrants, utility poles, drainage inlets, access covers, and traffic signals and controls must be carefully located during the design stage of a project to avoid conflict with pedestrian routes. Designers who employ standard design templates for public sidewalk and public sidewalk intersection design provide a more predictable and usable environment for pedestrians. Most such templates include curbside strips in which street furnishings, landscaping, and other equipment and fittings are accommodated, leaving the public sidewalk itself open, straight, and free of obstructions.

A14.2.1(2)(a) Several options are available even when public sidewalk running slopes are extreme. Terraced construction that provides accessible curbside parking and level areas across a new public sidewalk can provide connections to entrances along a steeply sloping pedestrian route. Intermediate landings with benches can serve as resting and passing spaces to ameliorate some effects of such grades. Additionally, operational methods may enhance accessibility. For example, full block developments can provide accessible entrances connecting to interior accessible routes that use elevators within facilities to serve different

public sidewalk levels. However, operating hours that may restrict the availability of these interior routes limit their usefulness.

The provisions of section 14 do not preclude public sidewalk segments at different levels or public sidewalks with stairs (which may be advantageous in providing access to building entrances along steeply sloping sites) provided that accessible elements, including entrances, can be reached from the public sidewalk or continuous passage. Where a public sidewalk contains steps or where public sidewalk levels diverge, a railing, planter or other barrier separating the levels is recommended. Because such stairs will typically occur in steeply sloping public sidewalks, it is important that the alternate route they offer be accessible for those persons with mobility impairments who can more easily use stairs.

Stairs abutting a public sidewalk and serving a building on a private site should have uniform riser heights and tread widths for maximum discernibility. Stairs or steps that disappear into the grade of the adjoining public sidewalk are hazardous for many pedestrians.

A14.2.1(2)(b) Narrow public sidewalks immediately adjacent to the curb or roadway may be offset to avoid a non-conforming cross slope at driveway aprons by diverting the public sidewalk around the apron. Public sidewalks separated from the curb or roadway by a planted parkway can accommodate an apron within the width of the parkway (see Fig. A9).

A14.2.1(3) Public sidewalk surfaces should fall generally along a single plane from landing to landing. However, landings, public sidewalk curb ramps, and other elements must be blended within the public sidewalk. Although such changes in plane cannot be avoided, they should be minimized within a length of public sidewalk. Gratings in public sidewalks that are located where pedestrian travel directions intersect, such as at corners, must be designed with minimum opening sizes that comply in both directions of travel. The proportions of large areas of gratings, such as those necessary to ventilate transformer vaults or subway structures, may be varied to maintain the surface area required while still providing a 36 in (915 mm) continuous passage along the public sidewalk. For example, a long but narrow run of gratings can provide the same rate of ventilation as a square installation, but would avoid

A14.2.3 Fixed Street Furnishings

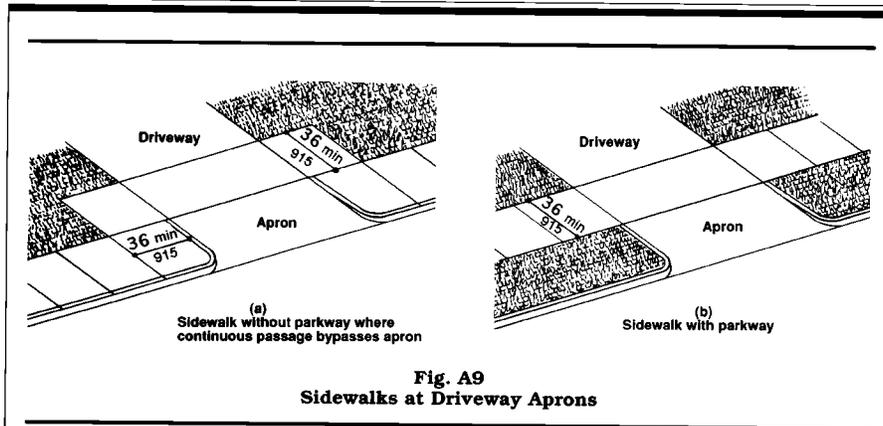


Fig. A9
Sidewalks at Driveway Aprons

the need to increase overall public sidewalk width in order to provide a grating-free continuous passage within the width of the public sidewalk. Alternatively, such gratings may be located within the street surface, as are some drainage inlets and similar fittings.

A14.2.2 The requirement of a continuous passage within the public sidewalk is intended to provide accessibility for persons with mobility impairments. However, because pedestrians with vision impairments may use any portion of the public sidewalk, provisions for protruding objects apply to its entire width. Elements that overhang a public sidewalk are covered even though they may not arise from the public sidewalk. Tree branches are a particular hazard when they intrude into the required clear headroom of 80 in (2030 mm). Many other objects on or along a public sidewalk, such as newspaper vending machines, trash receptacles and construction barricades, are not fixed and thus are not subject to these guidelines but may nevertheless be covered under the Department of Justice regulation regarding maintenance of accessible features. (See 28 CFR 35.133).

A14.2.3 Fixed Street Furnishings. Street furnishings may be provided by a public entity, as in the case of benches, drinking fountains, and signage; be installed under public franchise or similar agreement, as public pay telephones or single user toilet facilities; or be put in place by another government authority, as are fire alarm boxes.

A14.2.3(4) Fixed Seating, Tables, and Benches. Where benches are grouped at a single location, such as those provided in a seating area constructed as part of a downtown improvement project, each location at which a seating area is provided should contain accessible benches. However, at bus stops or along a street frontage where seating is dispersed and only a single bench is provided at a location, the application of the 50 percent requirement will result in each bench being accessible.

A14.2.4 Public Sidewalk Curb Ramps. In section 14, ADAAG 4.7 (Curb Ramps) has been replaced by 14.2.4 (Public Sidewalk Curb Ramps) to reflect differing requirements in the public right-of-way. A landing permits pedestrians to bypass the flares and ramp run of a perpendicular public sidewalk curb ramp and allows persons using wheelchairs to turn and enter the ramp with all four wheels in contact with the surface. When a perpendicular public sidewalk curb ramp interrupts the path of travel and cannot be bypassed, its running slope and flares have the same effect on a person using a wheelchair as would a severe cross slope along that route. Persons with low-powered chairs or poor control have particular difficulty with the combined effect of these running and cross slopes.

Where a curb is six in (151 mm) high, a new perpendicular public sidewalk curb ramp and landing would necessitate a minimum curb-face to back-of-sidewalk width of approximately 12 ft (3.6 m) (see Figs. 59(a) and 60(a) and (b)). In

A14.2.4 Public Sidewalk Curb Ramps

narrower rights-of-way outside commercial districts, particularly those in residential neighborhoods, parallel public curb ramp (depressed sidewalk) design and construction (see Figs. 59(b) and 60(c)) can provide the required accessibility, although other alternatives, such as projected intersections (see Fig. 60(e)), lesser curb heights, and combinations of parallel and perpendicular public sidewalk curb ramps (see Figs. 59(c) and 60(d)) may also provide access to street crossings. Jurisdictions may also wish to commit additional right-of-way or utilize setbacks at public sidewalk corners and intersections in order to accommodate landings at the tops of perpendicular public sidewalk curb ramps.

State and local governments are encouraged to require a right-of-way width sufficient to ensure that perpendicular public sidewalk curb ramps can be provided. However, jurisdictions are not required to provide a greater right-of-way width than would otherwise be planned under regulations, guidelines, or practices normally applied to new development. Right-of-way width may be based on zoning, land use, pedestrian volume or population densities, transportation master plans, or similar factors. Since these guidelines prohibit decreasing the accessibility of the public pedestrian circulation network, jurisdictions should anticipate the need for future roadway widenings by establishing an initial right-of-way that can accommodate future growth and development.

Perpendicular public sidewalk curb ramps that are 36 in (915 mm) wide and installed adjacent to a parkway to serve a single crossing direction need only one side flare at a 1:10 slope, thus greatly lessening space requirements. This permits the corner radius of the public sidewalk to have a generous waiting area at full curb height, increasing the discernibility of the border between public sidewalk and street crossings. Where depressed corners, raised street crossings, or wide diagonal public sidewalk curb ramps are installed, the boundary between pedestrian and vehicular areas at corners is undefined. For these reasons, these designs are not permitted in new construction.

Standardization of public sidewalks, public sidewalk curb ramps, and street crossings is encouraged in new construction. Consistency in the design of public sidewalks, parkways and landscaping setbacks, street furnishing zones, signage, and crossing signals and markings

will increase the predictability, and may improve the usability and safety, of the public pedestrian network.

A14.2.5(1) Crossing Controls. A standard public sidewalk design template utilizing a parkway can accommodate crossing controls at the top of a public sidewalk curb ramp with a returned edge along the planting strip (see Fig. 60(a)). Post-mounted controls can be located outside the public sidewalk proper but easily accessible to those waiting to use the public sidewalk curb ramp or street crossing.

There is a wide variety of audible and vibrotactile crossing signals available in the US and abroad. Mechanical devices added to walk/don't walk crossing signals buzz, tweet, chime, talk, and, in Japan, play refrains from popular tunes at intersections. Many are available with adjustable volume controls, demand controls, or time clocks to limit hours of operation. Broadcast systems employing fixed transmitters and handheld pedestrian receivers can make a range of street crossing data available to individuals. Vibrating devices, more common in Europe, can indicate the separate phases of a visible crossing signal or street light.

A14.2.5(2) Marked Crossings. Marked crossings are of particular use to pedestrians with low vision and are of greatest assistance at irregular intersections and mid-block crossings. The Manual on Uniform Traffic Control Devices (MUTCD) published by the FHWA recommends solid white lines for marked crossings. However, many urban street crossings are delineated in brick or other unit paving materials, particularly where design standards have been developed for an historic district or other significant area. When adjacent public sidewalks are similarly paved, it is difficult to distinguish between public sidewalk areas and street crossings, particularly if depressed public sidewalks have been installed in lieu of well-defined public sidewalk curb ramps. Furthermore, many colors in the brick range cannot be distinguished by persons with color blindness. The use of markings with a strong visual contrast, both between public sidewalk surfaces and crossings and between street surface and crossing markings, is encouraged.

A14.2.5(3) Islands. A visual contrast like that required on public sidewalk curb ramps and landings that connect to street crossings is

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A14.2.5(4) Pedestrian Overpasses and Underpasses

recommended. Persons using wheelchairs need a minimum length of 48 in (1220 mm) within the island to be out of traffic lanes.

A14.2.5(4) Pedestrian Overpasses and Underpasses. Circular ramps cannot meet requirements for slope, cross slope, and level landings and are difficult for persons using wheelchairs. Their non-uniform cross slopes do not provide a plane to allow all wheels to contact the ground at the same time. This makes it difficult to control a wheelchair, particularly on a downhill run, and presents a constant tipping hazard for some types of motorized chairs. Furthermore, much of the effort of propelling a hand-powered wheelchair on such ramps must go into overcoming cross slope rather than rise. Circular ramps do not have landings required by 4.8 (Ramps) and thus do not provide rest areas for persons with limited stamina or those using wheelchairs.

Below-grade and elevated pedestrian networks in the public right-of-way (e.g., skywalks and pedestrian tunnels) are considered to be pedestrian overpasses and underpasses. To the extent that these networks are: (1) developed under the authority of a State or local government; (2) are intended for public pedestrian access, circulation, and use; and (3) occupy, along at least some of their length, air or ground rights in the public right-of-way, they must be accessible. Because topography will not be a consideration, it should be possible in new construction to provide a level route along the continuous passage, which will typically connect to surface circulation networks by means of elevators, which may be provided in private facilities or at transit stations. ADAAG 4.3.1 requires skywalks and tunnels that are part of an accessible route on a site or within a facility to comply with 4.3 (Accessible Route). Where such construction lies in the public right-of-way and connects above or below grade to the accessible routes required of facilities on private sites, these pedestrian circulation networks must provide a continuous passage and comply with other provisions of this section. Direct connections from transit facilities are covered by ADAAG 10.3.1(3). Additionally, elements placed along above-grade or below-grade public pedestrian routes must comply with the requirements of ADAAG 14.

Overpasses and underpasses in hilly terrain may be approached at or near grade by public sidewalks with a grade at or less than 1:20. However, the construction of an overcrossing or

undercrossing facility offers the opportunity to provide ramp slopes that could not be achieved adjacent to roadways.

A14.2.6(1) On-Street Parking. New on-street parking may result from the extension of a public right-of-way, the planning and development of a new town center, the reconstruction of a segment of a roadway and its public sidewalks, the implementation of a downtown revitalization program, or a similar program or project. The application of the scoping table at 4.1.2(5)(a) shall be based upon the overall numbers of new parking spaces planned within a project or project area. For example, in a downtown revitalization program that includes the construction of new site amenities and on-street parking along both sides of a street for several blocks, the project area is the scope of work described in the contract for the work. The chart at 4.1.2(5)(a) shall be applied to the total number of parking spaces provided in the project. If an additional project is undertaken nearby, it too shall provide accessible parking spaces based upon the application of the table to the total number of spaces provided within the boundary of the project. Planners must carefully consider dispersion requirements, balancing user convenience to high-volume destinations and locations where street and public sidewalk slope are minimal to provide maximum accessibility.

On-street parking may be parallel, perpendicular, or angled. Perpendicular parking along public streets will be similar to parking in lots and garages. However, while slopes at access aisles in lots and garages on sites can be no greater than 1:50 in any direction, the slopes of access aisles on streets are limited only to the minimum feasible slope. Parallel and perpendicular accessible spaces allow a driver to locate the access aisle on either the passenger or driver side as necessary for transfer and therefore may share an access aisle. Because angled spaces are approached from only one direction, a driver cannot always select a space with an access aisle that will accommodate the desired transfer. Therefore, angled parking spaces may not share an access aisle.

On-street convenience parking requirements do not apply in residential or other neighborhoods where parking is permitted without delineation, metering, or time limits.

Motorist Aid Communications Systems A14.2.6(4)

A14.2.6(4) Motorist Aid Communications Systems. The approach area at the callbox must be connected to the roadway shoulder, public sidewalk or pedestrian path by means of a continuous passage. This does not require that paved shoulders or public sidewalks be provided, but it does require that a person using a wheelchair be able to reach the approach area from the roadway shoulder. This would prohibit the approach area from being separated from the roadway by a ditch, gutter, curb, or other barrier.

A14.3 Alterations. The Department of Justice preamble to the amended regulation implementing title II of the ADA provides guidance on alterations work that may give rise to a path of travel obligation.

When additional right-of-way is acquired for road-widening, sufficient width should be provided to permit public sidewalks to comply with 14.2.1 and 14.2.4. Jurisdictions contemplating roadway improvements must ensure that the accessibility of their public sidewalks and public sidewalk curb ramps and street crossings are not adversely affected.

Site infeasibility is the basis for exceptions and special technical provisions in 14.3. A finding of site infeasibility may be warranted in the following situations: (1) the existence of an underground structure, such as a utility vault, manhole, or sewer inlet at a street crossing, which may preclude the installation of a new public sidewalk curb ramp in full compliance with provisions for new construction; (2) the geometric design of existing roadways, bridges, or tunnels constrained by structural elements that, even when altered, may not accommodate a 36 in (915 mm) wide public sidewalk; (3) differences in finished grade at curbside and elevations at existing building entrances at the back-of-sidewalk which may preclude compliance with cross slope provisions across the entire public sidewalk width; (4) existing fixed equipment, such as fire hydrants or street lighting standards, located on a public sidewalk and connected to below-grade water, power, signal, and similar distribution systems which may prevent full compliance with public sidewalk curb ramp provisions if the equipment cannot be relocated in the course of the work; (5) existing narrow public sidewalks or rights-of-way that might preclude the maintenance of a continuous passage free of gratings required for new subway construction; or (6) the existence of an established landscaping feature, such as a

large tree or grouping of trees, that may preclude the provision of a parallel access aisle at a newly-established on-street parking space. Furthermore, a pre-existing commercial use of the public sidewalk, as for a sidewalk cafe, may also constitute site infeasibility if no other location for an accessible parking space is feasible within the scope of the alterations project.

A finding of site infeasibility must be made relative to each feature of accessible elements. For example, although a finding of site infeasibility may be made with respect to the length of a required curb ramp landing, the slope, cross slope, and other features of the curb ramp must comply with new construction provisions, if feasible. As in new construction, jurisdictions are not required to provide a greater right-of-way width than would otherwise be planned for an alteration. For instance, the acquisition of additional right-of-way from adjacent public or private sites or properties to accommodate accessible on-street parking spaces is not required if such expansion is not otherwise planned as part of the scope of an alterations project.

Newly installed elements required to be accessible should be reasonably dispersed within a project area or scope of work. However, where one area of a project already has more existing accessible elements than another area, the new accessible elements should be dispersed within a portion of the project area where there are fewer or none, or at project boundaries with areas not served by existing accessible elements. Where there are no existing accessible elements, distribution may be uniformly dispersed or dispersed in the same proportion as all units within the project scope or area.

New construction requirements for level approach and operating spaces for persons in wheelchairs may not always be feasible in alterations. Designers must carefully balance dispersion requirements against site characteristics to achieve maximum accessibility.

A14.3.2(1) Public Sidewalks. Cross slopes on portions of public sidewalks adjacent to the continuous passage required by 14.2 may exceed 1:50 (two percent) provided that the adjacent portions are smoothly blended. This may facilitate connecting the continuous passage to building entrances, sites, or other pedestrian circulation elements.

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A14.4 Temporary Work

A14.3.2(2) Public Sidewalk Curb Ramps. Controlled cross slope is a critical factor in the usability of public sidewalks, public sidewalk curb ramps and their landings, and street crossings. Of primary concern in the design of public sidewalk curb ramps planned for installation as alterations to existing rights-of-way should be the provision of a level landing with a slope of no more than 1:50 in any direction at the top or bottom of the public sidewalk curb ramp. A perpendicular public sidewalk curb ramp and landing complying with 14.2.4(2) and serving a single street crossing offers pedestrians the maximum usability and detectability. Where necessary to accommodate to the width of an existing pedestrian right-of-way, the running slope of a perpendicular public sidewalk curb ramp may be increased to a maximum of 1:10 for six in (150 mm) of rise, and landing length may be reduced to 36 in (915 mm). In narrower pedestrian rights-of-way or where existing site improvements preclude the installation of a perpendicular public sidewalk curb ramp, it may be necessary to provide a parallel public sidewalk curb ramp, where the change in level is accomplished by ramping the sidewalk itself down to a landing at street level. Such construction can provide a level landing for a 90 degree turn when pedestrian rights-of-way are less than six ft (1830 mm) wide. Alternatively, a combined (perpendicular and parallel) sidewalk curb ramp can be installed in which a segment of the public sidewalk is ramped or depressed to accomplish part of the level change and the balance is achieved by a short perpendicular sidewalk curb ramp at a slope as steep as 1:8 for a three in (75 mm) rise. The single landing serving the combined public sidewalk curb ramps must be a minimum of 60 in (1525 mm) in length along the public sidewalk if feasible; however, a landing 48 in (1220 mm) in length is permitted where site infeasibility precludes a 60 in (1525 mm) landing length. Only when these alternatives cannot provide usability should a diagonal curb ramp and landing (a single perpendicular public sidewalk curb ramp serving both street crossing directions) be installed. As a last option, in rare instances where pedestrian rights-of-way are severely constrained and other public sidewalk curb ramp types cannot be constructed, a built-up or projected ramp may be provided. Where the change in level between existing public sidewalks and adjacent streets exceeds commonly-specified curb heights, usability cannot be achieved by means of a public sidewalk curb ramp. In such cases, it may be possible to provide access to street crossings with ramps

complying with ADAAG 4.8 (Ramps) within the width of the public sidewalk. Where public sidewalk levels diverge, a railing or other edge protection is advisable.

A14.4 Temporary Work. Construction occupying or disrupting the surface of a public sidewalk is a particular hazard to pedestrians with vision impairments if the work is not adequately protected by barriers. Persons who use long canes may not detect a tape or a series of widely spaced traffic cones placed around a construction site. Such marking does not provide sufficient cuing to enable a pedestrian to anticipate a hazard nor does it provide an edge along which to travel around an obstruction and should not be considered a barrier. Jurisdictions and their contractors should ensure that barriers establishing a temporary passage around public sidewalk and street construction meet the needs of all pedestrians. Scaffolding in the public right-of-way should be carefully designed in order to avoid creating protruding objects along the public sidewalk.

The removal, even for only a short time, of a public sidewalk curb ramp or other accessible element may preclude access to buildings, facilities, or areas by a person using a wheelchair or require a lengthy and circuitous route to bypass such barriers in order to reach regular destinations. The alternate route should be convenient and accessible for all public sidewalk users and should be clearly marked to avoid extra travel distance.

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[56 FR 35453, July 26, 1991, as amended at 56 FR 45517, 45520, and 45526, Sept. 6, 1991, 57 FR 1393, 1396, Jan. 14, 1992; 58 FR 38206, July 15, 1993; 59 FR 31744, June 20, 1994]

PART 1192—AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR TRANSPORTATION VEHICLES

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FIGURES IN PART 1192

APPENDIX TO PART 1192—ADVISORY GUIDANCE

AUTHORITY: Americans With Disabilities Act of 1990, Pub. L. 101-336, 104 Stat. 370 (42 U.S.C. 12204).

SOURCE: 56 FR 45558, Sept. 6, 1991, unless otherwise noted.

Subpart A—General

§ 1192.1 Purpose.

This part provides minimum guidelines and requirements for accessibility standards to be issued by the Department of Transportation in 49 CFR part 37 for transportation vehicles required to be accessible by the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 *et seq.*).

§ 1192.2 Equivalent facilitation.

Departures from particular technical and scoping requirements of these guidelines by use of other designs and technologies are permitted where the alternative designs and technologies used will provide substantially equivalent or greater access to and usability

of the vehicle. Departures are to be considered on a case-by-case basis by the Department of Transportation under the procedure set forth in 49 CFR 37.7.

§ 1192.3 Definitions.

Accessible means, with respect to vehicles covered by this part, compliance with the provisions of this part.

Automated guideway transit (AGT) system means a fixed-guideway transportation system which operates with automated (driverless) individual vehicles or multi-car trains. Service may be on a fixed schedule or in response to a passenger-activated call button. Such systems using small, slow moving vehicles, often operated in airports and amusement parks, are sometimes called *people movers*.

Bus means any of several types of self-propelled vehicles, other than an over-the-road bus, generally rubber tired, intended for use on city streets, highways, and busways, including but not limited to minibuses, forty- and thirty-foot transit buses, articulated buses, double-deck buses, and electric powered trolley buses, used to provide designated or specified public transportation services. Self-propelled, rubber tire vehicles designed to look like antique or vintage trolleys or streetcars are considered buses.

Common wheelchairs and mobility aids means belonging to a class of three or four wheeled devices, usable indoors, designed for and used by persons with mobility impairments which do not exceed 30 inches in width and 48 inches in length, measured 2 inches above the ground, and do not weigh more than 600 pounds when occupied.

Commuter rail car means a rail passenger car obtained by a commuter authority (as defined by 49 CFR 37.3) for use in commuter rail transportation.

Commuter rail transportation means short-haul rail passenger service operating in metropolitan and suburban areas, operated by a commuter authority, whether within or across the geographical boundaries of a state, usually characterized by reduced fare, multiple ride, and commutation tickets and by morning and evening peak period operations. This term does not include light or rapid rail transportation.

Demand responsive system means any system of transporting individuals, including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, which is not a fixed route system.

Designated public transportation means transportation provided by a public entity (other than public school transportation) by bus, rail, or other conveyance (other than transportation by aircraft or intercity or commuter rail transportation) that provides the general public with general or special service, including charter service, on a regular and continuing basis.

Fixed route system means a system of transporting individuals (other than by aircraft), including the provision of designated public transportation service by public entities and the provision of transportation service by private entities, including but not limited to specified public transportation service, on which a vehicle is operated along a prescribed route according to a fixed schedule.

High speed rail means an intercity-type rail service which operates primarily on a dedicated guideway or track not used, for the most part, by freight, including, but not limited to, trains on welded rail, magnetically levitated (maglev) vehicles on a special guideway, or other advanced technology vehicles, designed to travel at speeds in excess of those possible on other types of railroads.

Intercity rail passenger car means a rail car intended for use by revenue passengers obtained by the National Railroad Passenger Corporation (Amtrak) for use in intercity rail transportation.

Intercity rail transportation means transportation provided by Amtrak.

Light rail means a streetcar-type vehicle railway operated on city streets, semi-private rights-of-way, or exclusive private rights-of-way. Service may be provided by step-entry vehicles or by level-boarding.

New vehicle means a vehicle which is offered for sale or lease after manufacture without any prior use.

Over-the-road bus means a vehicle characterized by an elevated passenger deck located over a baggage compartment.

Rapid rail means a subway-type transit vehicle railway operated on exclusive private rights-of-way with high-level platform stations. Rapid rail may also operate on elevated or at-grade level track separated from other traffic.

Remanufactured vehicle means a vehicle which has been structurally restored and has had new or rebuilt major components installed to extend its service life.

Specified public transportation means transportation by bus, rail, or any other conveyance (other than aircraft) provided by a private entity to the general public, with general or special service (including charter service) on a regular and continuing basis.

Tram means any of several types of motor vehicles consisting of a tractor unit, with or without passenger accommodations, and one or more passenger trailer units, including but not limited to vehicles providing shuttle service to remote parking areas, between hotels and other public accommodations, and between and within amusement parks and other recreation areas.

Used vehicle means a vehicle with prior use.

§ 1192.4 Miscellaneous instructions.

(a) *Dimensional conventions.* Dimensions that are not noted as minimum or maximum are absolute.

(b) *Dimensional tolerances.* All dimensions are subject to conventional engineering tolerances for material properties and field conditions, including normal anticipated wear not exceeding accepted industry-wide standards and practices.

(c) *Notes.* The text of these guidelines does not contain notes or footnotes. Additional information, explanations, and advisory materials are located in the appendix.

(d) *General terminology.* The terms used in this part shall have the following meanings:

(1) *Comply with* means meet one or more specification of these guidelines.

(2) *If or if * * * then* denotes a specification that applies only when the conditions described are present.

(3) *May* denotes an option or alternative.

(4) *Shall* denotes a mandatory specification or requirement.

(5) *Should* denotes an advisory specification or recommendation and is used only in the appendix to this part.

Subpart B—Buses, Vans and Systems

§ 1192.21 General.

(a) New, used or remanufactured buses and vans (except over-the-road buses covered by subpart G of this part), to be considered accessible by regulations issued by the Department of Transportation in 49 CFR part 37, shall comply with the applicable provisions of this subpart.

(b) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible buses be retrofitted with lifts, ramps or other boarding devices.

§ 1192.23 Mobility aid accessibility.

(a) *General.* All vehicles covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift or ramp) complying with paragraph (b) or (c) of this section and sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location. At least two securement locations and devices, complying with paragraph (d) of this section, shall be provided on vehicles in excess of 22 feet in length; at least one securement location and device, complying with paragraph (d) of this section, shall be provided on vehicles 22 feet in length or less.

(b) *Vehicle lift—(1) Design load.* The design load of the lift shall be at least 600 pounds. Working parts, such as cables, pulleys, and shafts, which can be expected to wear, and upon which the lift depends for support of the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Nonworking parts, such

as platform, frame, and attachment hardware which would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material.

(2) *Controls*—(i) *Requirements*. The controls shall be interlocked with the vehicle brakes, transmission, or door, or shall provide other appropriate mechanisms or systems, to ensure that the vehicle cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged. The lift shall deploy to all levels (i.e., ground, curb, and intermediate positions) normally encountered in the operating environment. Where provided, each control for deploying, lowering, raising, and stowing the lift and lowering the roll-off barrier shall be of a momentary contact type requiring continuous manual pressure by the operator and shall not allow improper lift sequencing when the lift platform is occupied. The controls shall allow reversal of the lift operation sequence, such as raising or lowering a platform that is part way down, without allowing an occupied platform to fold or retract into the stowed position.

(ii) *Exception*. Where the lift is designed to deploy with its long dimension parallel to the vehicle axis and which pivots into or out of the vehicle while occupied (i.e., *rotary lift*), the requirements of this paragraph prohibiting the lift from being stowed while occupied shall not apply if the stowed position is within the passenger compartment and the lift is intended to be stowed while occupied.

(3) *Emergency operation*. The lift shall incorporate an emergency method of deploying, lowering to ground level with a lift occupant, and raising and stowing the empty lift if the power to the lift fails. No emergency method, manual or otherwise, shall be capable of being operated in a manner that could be hazardous to the lift occupant or to the operator when operated according to manufacturer's instructions, and shall not permit the platform to be stowed or folded when occupied, unless the lift is a rotary lift and is intended to be stowed while occupied.

(4) *Power or equipment failure*. Platforms stowed in a vertical position, and

deployed platforms when occupied, shall have provisions to prevent their deploying, falling, or folding any faster than 12 inches/second or their dropping of an occupant in the event of a single failure of any load carrying component.

(5) *Platform barriers*. The lift platform shall be equipped with barriers to prevent any of the wheels of a wheelchair or mobility aid from rolling off the platform during its operation. A movable barrier or inherent design feature shall prevent a wheelchair or mobility aid from rolling off the edge closest to the vehicle until the platform is in its fully raised position. Each side of the lift platform which extends beyond the vehicle in its raised position shall have a barrier a minimum 1½ inches high. Such barriers shall not interfere with maneuvering into or out of the aisle. The loading-edge barrier (outer barrier) which functions as a loading ramp when the lift is at ground level, shall be sufficient when raised or closed, or a supplementary system shall be provided, to prevent a power wheelchair or mobility aid from riding over or defeating it. The outer barrier of the lift shall automatically raise or close, or a supplementary system shall automatically engage, and remain raised, closed, or engaged at all times that the platform is more than 3 inches above the roadway or sidewalk and the platform is occupied. Alternatively, a barrier or system may be raised, lowered, opened, closed, engaged, or disengaged by the lift operator, provided an interlock or inherent design feature prevents the lift from rising unless the barrier is raised or closed or the supplementary system is engaged.

(6) *Platform surface*. The platform surface shall be free of any protrusions over ¼ inch high and shall be slip resistant. The platform shall have a minimum clear width of 28½ inches at the platform, a minimum clear width of 30 inches measured from 2 inches above the platform surface to 30 inches above the platform, and a minimum clear length of 48 inches measured from 2 inches above the surface of the platform to 30 inches above the surface of the platform. (See Fig. 1)

(7) *Platform gaps*. Any openings between the platform surface and the

raised barriers shall not exceed $\frac{5}{8}$ inch in width. When the platform is at vehicle floor height with the inner barrier (if applicable) down or retracted, gaps between the forward lift platform edge and the vehicle floor shall not exceed $\frac{1}{2}$ inch horizontally and $\frac{5}{8}$ inch vertically. Platforms on semi-automatic lifts may have a hand hold not exceeding $1\frac{1}{2}$ inches by $4\frac{1}{2}$ inches located between the edge barriers.

(8) *Platform entrance ramp.* The entrance ramp, or loading-edge barrier used as a ramp, shall not exceed a slope of 1:8, measured on level ground, for a maximum rise of 3 inches, and the transition from roadway or sidewalk to ramp may be vertical without edge treatment up to $\frac{1}{4}$ inch. Thresholds between $\frac{1}{4}$ inch and $\frac{1}{2}$ inch high shall be beveled with a slope no greater than 1:2.

(9) *Platform deflection.* The lift platform (not including the entrance ramp) shall not deflect more than 3 degrees (exclusive of vehicle roll or pitch) in any direction between its unloaded position and its position when loaded with 600 pounds applied through a 26 inch by 26 inch test pallet at the centroid of the platform.

(10) *Platform movement.* No part of the platform shall move at a rate exceeding 6 inches/second during lowering and lifting an occupant, and shall not exceed 12 inches/second during deploying or stowing. This requirement does not apply to the deployment or stowage cycles of lifts that are manually deployed or stowed. The maximum platform horizontal and vertical acceleration when occupied shall be 0.3g.

(11) *Boarding direction.* The lift shall permit both inboard and outboard facing of wheelchair and mobility aid users.

(12) *Use by standees.* Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The platform may be marked to indicate a preferred standing position.

(13) *Handrails.* Platforms on lifts shall be equipped with handrails on two sides, which move in tandem with the lift, and which shall be graspable and provide support to standees throughout the entire lift operation. Handrails shall have a usable component at least

8 inches long with the lowest portion a minimum 30 inches above the platform and the highest portion a maximum 80 inches above the platform. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between $1\frac{1}{4}$ inches and $1\frac{1}{2}$ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than $\frac{1}{8}$ inch. Handrails shall be placed to provide a minimum $1\frac{1}{2}$ inches knuckle clearance from the nearest adjacent surface. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

(c) *Vehicle ramp—(1) Design load.* Ramps 30 inches or longer shall support a load of 600 pounds, placed at the centroid of the ramp distributed over an area of 26 inches by 26 inches, with a safety factor of at least 3 based on the ultimate strength of the material. Ramps shorter than 30 inches shall support a load of 300 pounds.

(2) *Ramp surface.* The ramp surface shall be continuous and slip resistant; shall not have protrusions from the surface greater than $\frac{1}{4}$ inch high; shall have a clear width of 30 inches; and shall accommodate both four-wheel and three-wheel mobility aids.

(3) *Ramp threshold.* The transition from roadway or sidewalk and the transition from vehicle floor to the ramp may be vertical without edge treatment up to $\frac{1}{4}$ inch. Changes in level between $\frac{1}{4}$ inch and $\frac{1}{2}$ inch shall be beveled with a slope no greater than 1:2.

(4) *Ramp barriers.* Each side of the ramp shall have barriers at least 2 inches high to prevent mobility aid wheels from slipping off.

(5) *Slope.* Ramps shall have the least slope practicable and shall not exceed 1:4 when deployed to ground level. If the height of the vehicle floor from which the ramp is deployed is 3 inches or less above a 6-inch curb, a maximum slope of 1:4 is permitted; if the height of the vehicle floor from which the ramp is deployed is 6 inches or less, but greater than 3 inches, above a 6-inch

curb, a maximum slope of 1:6 is permitted; if the height of the vehicle floor from which the ramp is deployed is 9 inches or less, but greater than 6 inches, above a 6-inch curb, a maximum slope of 1:8 is permitted; if the height of the vehicle floor from which the ramp is deployed is greater than 9 inches above a 6-inch curb, a slope of 1:12 shall be achieved. Folding or telescoping ramps are permitted provided they meet all structural requirements of this section.

(6) *Attachment.* When in use for boarding or alighting, the ramp shall be firmly attached to the vehicle so that it is not subject to displacement when loading or unloading a heavy power mobility aid and that no gap between vehicle and ramp exceeds $\frac{5}{8}$ inch.

(7) *Stowage.* A compartment, securement system, or other appropriate method shall be provided to ensure that stowed ramps, including portable ramps stowed in the passenger area, do not impinge on a passenger's wheelchair or mobility aid or pose any hazard to passengers in the event of a sudden stop or maneuver.

(8) *Handrails.* If provided, handrails shall allow persons with disabilities to grasp them from outside the vehicle while starting to board, and to continue to use them throughout the boarding process, and shall have the top between 30 inches and 38 inches above the ramp surface. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between $1\frac{1}{4}$ inches and $1\frac{1}{2}$ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than $\frac{1}{8}$ inch. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

(d) *Securement devices—(1) Design load.* Securement systems on vehicles with GVWRs of 30,000 pounds or above, and their attachments to such vehicles, shall restrain a force in the forward longitudinal direction of up to 2,000 pounds per securement leg or clamping mechanism and a minimum of 4,000 pounds for each mobility aid. Secure-

ment systems on vehicles with GVWRs of up to 30,000 pounds, and their attachments to such vehicles, shall restrain a force in the forward longitudinal direction of up to 2,500 pounds per securement leg or clamping mechanism and a minimum of 5,000 pounds for each mobility aid.

(2) *Location and size.* The securement system shall be placed as near to the accessible entrance as practicable and shall have a clear floor area of 30 inches by 48 inches. Such space shall adjoin, and may overlap, an access path. Not more than 6 inches of the required clear floor space may be accommodated for footrests under another seat provided there is a minimum of 9 inches from the floor to the lowest part of the seat overhanging the space. Securement areas may have fold-down seats to accommodate other passengers when a wheelchair or mobility aid is not occupying the area, provided the seats, when folded up, do not obstruct the clear floor space required. (See Fig. 2)

(3) *Mobility aids accommodated.* The securement system shall secure common wheelchairs and mobility aids and shall either be automatic or easily attached by a person familiar with the system and mobility aid and having average dexterity.

(4) *Orientation.* In vehicles in excess of 22 feet in length, at least one securement device or system required by paragraph (a) of this section shall secure the wheelchair or mobility aid facing toward the front of the vehicle. In vehicles 22 feet in length or less, the required securement device may secure the wheelchair or mobility aid either facing toward the front of the vehicle or rearward. Additional securement devices or systems shall secure the wheelchair or mobility aid facing forward or rearward. Where the wheelchair or mobility aid is secured facing the rear of the vehicle, a padded barrier shall be provided. The padded barrier shall extend from a height of 38 inches from the vehicle floor to a height of 56 inches from the vehicle floor with a width of 18 inches, laterally centered immediately in back of the seated individual. Such barriers need not be solid provided equivalent protection is afforded.

(5) *Movement.* When the wheelchair or mobility aid is secured in accordance with manufacturer's instructions, the securement system shall limit the movement of an occupied wheelchair or mobility aid to no more than 2 inches in any direction under normal vehicle operating conditions.

(6) *Stowage.* When not being used for securement, or when the securement area can be used by standees, the securement system shall not interfere with passenger movement, shall not present any hazardous condition, shall be reasonably protected from vandalism, and shall be readily accessed when needed for use.

(7) *Seat belt and shoulder harness.* For each wheelchair or mobility aid securement device provided, a passenger seat belt and shoulder harness, complying with all applicable provisions of 49 CFR part 571, shall also be provided for use by wheelchair or mobility aid users. Such seat belts and shoulder harnesses shall not be used in lieu of a device which secures the wheelchair or mobility aid itself.

§ 1192.25 Doors, steps and thresholds.

(a) *Slip resistance.* All aisles, steps, floor areas where people walk and floors in securement locations shall have slip-resistant surfaces.

(b) *Contrast.* All step edges, thresholds, and the boarding edge of ramps or lift platforms shall have a band of color(s) running the full width of the step or edge which contrasts from the step tread and riser, or lift or ramp surface, either light-on-dark or dark-on-light.

(c) *Door height.* For vehicles in excess of 22 feet in length, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 68 inches. For vehicles of 22 feet in length or less, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 56 inches.

§ 1192.27 Priority seating signs.

(a) Each vehicle shall contain sign(s) which indicate that seats in the front of the vehicle are priority seats for persons with disabilities, and that other

passengers should make such seats available to those who wish to use them. At least one set of forward-facing seats shall be so designated.

(b) Each securement location shall have a sign designating it as such.

(c) Characters on signs required by paragraphs (a) and (b) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case "X") of $\frac{5}{8}$ inch, with "wide" spacing (generally, the space between letters shall be $\frac{1}{16}$ the height of upper case letters), and shall contrast with the background either light-on-dark or dark-on-light.

§ 1192.29 Interior circulation, handrails and stanchions.

(a) Interior handrails and stanchions shall permit sufficient turning and maneuvering space for wheelchairs and other mobility aids to reach a securement location from the lift or ramp.

(b) Handrails and stanchions shall be provided in the entrance to the vehicle in a configuration which allows persons with disabilities to grasp such assists from outside the vehicle while starting to board, and to continue using such assists throughout the boarding and fare collection process. Handrails shall have a cross-sectional diameter between $1\frac{1}{4}$ inches and $1\frac{1}{2}$ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than $\frac{1}{8}$ inch. Handrails shall be placed to provide a minimum $1\frac{1}{2}$ inches knuckle clearance from the nearest adjacent surface. Where on-board fare collection devices are used on vehicles in excess of 22 feet in length, a horizontal passenger assist shall be located across the front of the vehicle and shall prevent passengers from sustaining injuries on the fare collection device or windshield in the event of a sudden deceleration. Without restricting the vestibule space, the assist shall provide support for a boarding passenger from the front door through the boarding procedure. Passengers shall be able to lean against the assist for security while paying fares.

(c) For vehicles in excess of 22 feet in length, overhead handrail(s) shall be

provided which shall be continuous except for a gap at the rear doorway.

(d) Handrails and stanchions shall be sufficient to permit safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(e) For vehicles in excess of 22 feet in length with front-door lifts or ramps, vertical stanchions immediately behind the driver shall either terminate at the lower edge of the aisle-facing seats, if applicable, or be “dog-legged” so that the floor attachment does not impede or interfere with wheelchair footrests. If the driver seat platform must be passed by a wheelchair or mobility aid user entering the vehicle, the platform, to the maximum extent practicable, shall not extend into the aisle or vestibule beyond the wheel housing.

(f) For vehicles in excess of 22 feet in length, the minimum interior height along the path from the lift to the securement location shall be 68 inches. For vehicles of 22 feet in length or less, the minimum interior height from lift to securement location shall be 56 inches.

§ 1192.31 Lighting.

(a) Any stepwell or doorway immediately adjacent to the driver shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread or lift platform.

(b) Other stepwells and doorways, including doorways in which lifts or ramps are installed, shall have, at all times, at least 2 foot-candles of illumination measured on the step tread, or lift or ramp, when deployed at the vehicle floor level.

(c) The vehicle doorways, including doorways in which lifts or ramps are installed, shall have outside light(s) which, when the door is open, provide at least 1 foot-candle of illumination on the street surface for a distance of 3 feet perpendicular to all points on the bottom step tread outer edge. Such light(s) shall be located below window level and shielded to protect the eyes of entering and exiting passengers.

§ 1192.33 Fare box.

Where provided, the farebox shall be located as far forward as practicable and shall not obstruct traffic in the

vestibule, especially wheelchairs or mobility aids.

§ 1192.35 Public information system.

(a) Vehicles in excess of 22 feet in length, used in multiple-stop, fixed-route service, shall be equipped with a public address system permitting the driver, or recorded or digitized human speech messages, to announce stops and provide other passenger information within the vehicle.

(b) [Reserved]

§ 1192.37 Stop request.

(a) Where passengers may board or alight at multiple stops at their option, vehicles in excess of 22 feet in length shall provide controls adjacent to the securement location for requesting stops and which alerts the driver that a mobility aid user wishes to disembark. Such a system shall provide auditory and visual indications that the request has been made.

(b) Controls required by paragraph (a) of this section shall be mounted no higher than 48 inches and no lower than 15 inches above the floor, shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N).

§ 1192.39 Destination and route signs.

(a) Where destination or route information is displayed on the exterior of a vehicle, each vehicle shall have illuminated signs on the front and boarding side of the vehicle.

(b) Characters on signs required by paragraph (a) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case “X”) of 1 inch for signs on the boarding side and a minimum character height of 2 inches for front “headsigs”, with “wide” spacing (generally, the space between letters shall be $\frac{1}{16}$ the height of upper case letters), and shall contrast with the background, either dark-on-light or light-on-dark.

Subpart C—Rapid Rail Vehicles and Systems

§ 1192.51 General.

(a) New, used and remanufactured rapid rail vehicles, to be considered accessible by regulations issued by the Department of Transportation in 49 CFR part 37, shall comply with this subpart.

(b) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible vehicles be retrofitted with lifts, ramps or other boarding devices.

(c) Existing vehicles which are retrofitted to comply with the "one-car-per-train rule" of 49 CFR 37.93 shall comply with §§ 1192.55, 1192.57(b), 1192.59 and shall have, in new and key stations, at least one door complying with § 1192.53(a)(1), (b) and (d). Removal of seats is not required. Vehicles previously designed and manufactured in accordance with the accessibility requirements of 49 CFR part 609 or Department of Transportation regulations implementing section 504 of the Rehabilitation Act of 1973 that were in effect before October 7, 1991, and which can be entered and used from stations in which they are to be operated, may be used to satisfy the requirements of 49 CFR 37.93.

§ 1192.53 Doorways.

(a) *Clear width.* (1) Passenger doorways on vehicle sides shall have clear openings at least 32 inches wide when open.

(2) If doorways connecting adjoining cars in a multi-car train are provided, and if such doorway is connected by an aisle with a minimum clear width of 30 inches to one or more spaces where wheelchair or mobility aid users can be accommodated, then such doorway shall have a minimum clear opening of 30 inches to permit wheelchair and mobility aid users to be evacuated to an adjoining vehicle in an emergency.

(b) *Signage.* The International Symbol of Accessibility shall be displayed on the exterior of accessible vehicles operating on an accessible and rapid

rail system unless all vehicles area accessible and are not marked by the access symbol. (See Fig. 6)

(c) *Signals.* Auditory and visual warning signals shall be provided to alert passengers of closing doors.

(d) *Coordination with boarding platform—(1) Requirements.* Where new vehicles will operate in new stations, the design of vehicles shall be coordinated with the boarding platform design such that the horizontal gap between each vehicle door at rest and the platform shall be no greater than 3 inches and the height of the vehicle floor shall be within plus or minus $\frac{3}{8}$ inch of the platform height under all normal passenger load conditions. Vertical alignment may be accomplished by vehicle air suspension or other suitable means of meeting the requirement.

(2) *Exception.* New vehicles operating in existing stations may have a floor height within plus or minus $1\frac{1}{2}$ inches of the platform height. At key stations, the horizontal gap between at least one door of each such vehicle and the platform shall be no greater than 3 inches.

(3) *Exception.* Retrofitted vehicles shall be coordinated with the platform in new and key stations such that the horizontal gap shall be no greater than 4 inches and the height of the vehicle floor, under 50% passenger load, shall be within plus or minus 2 inches of the platform height.

§ 1192.55 Priority seating signs.

(a) Each vehicle shall contain sign(s) which indicate that certain seats are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them.

(b) Characters on signs required by paragraph (a) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case "X") of $\frac{5}{8}$ inch, with "Wide" spacing (generally, the space between letters shall be $\frac{1}{16}$ the height of upper case letters), and shall contrast with the background, either light-on-dark or dark-on-light.

§ 1192.57 Interior circulation, handrails and stanchions.

(a) Handrails and stanchions shall be provided to assist safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(b) Handrails, stanchions, and seats shall allow a route at least 32 inches wide so that at least two wheelchair or mobility aid users can enter the vehicle and position the wheelchairs or mobility aids in areas, each having a minimum clear space of 48 inches by 30 inches, which do not unduly restrict movement of other passengers. Space to accommodate wheelchairs and mobility aids may be provided within the normal area used by standees and designation of specific spaces is not required. Particular attention shall be given to ensuring maximum maneuverability immediately inside doors. Ample vertical stanchions from ceiling to seat-back rails shall be provided. Vertical stanchions from ceiling to floor shall not interfere with wheelchair or mobility aid user circulation and shall be kept to a minimum in the vicinity of doors.

(c) The diameter or width of the gripping surface of handrails and stanchions shall be 1¼ inches to 1½ inches or provide an equivalent gripping surface and shall provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface.

§ 1192.59 Floor surfaces.

Floor surfaces on aisles, places for standees, and areas where wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

§ 1192.61 Public information system.

(a)(1) *Requirements.* Each vehicle shall be equipped with a public address system permitting transportation system personnel, or recorded or digitized human speech messages, to announce stations and provide other passenger information. Alternative systems or devices which provide equivalent access are also permitted. Each vehicle operating in stations having more than one line or route shall have an external public address system to permit transportation system personnel, or recorded or digitized human speech mes-

sages, to announce train, route, or line identification information.

(2) *Exception.* Where station announcement systems provide information on arriving trains, an external train speaker is not required.

(b) [Reserved]

§ 1192.63 Between-car barriers.

(a) *Requirement.* Suitable devices or systems shall be provided to prevent, deter or warn individuals from inadvertently stepping off the platform between cars. Acceptable solutions include, but are not limited to, pantograph gates, chains, motion detectors or similar devices.

(b) *Exception.* Between-car barriers are not required where platform screens are provided which close off the platform edge and open only when trains are correctly aligned with the doors.

Subpart D—Light Rail Vehicles and Systems**§ 1192.71 General.**

(a) New, used and remanufactured light rail vehicles, to be considered accessible by regulations issued by the Department of Transportation in 49 CFR part 37, shall comply with this subpart.

(b)(1) Vehicles intended to be operated solely in light rail systems confined entirely to a dedicated right-of-way, and for which all stations or stops are designed and constructed for revenue service after the effective date of standards for design and construction issued pursuant to subpart C of 49 CFR part 37, shall provide level boarding and shall comply with §§ 1192.73(d)(1) and 1192.85.

(2) Vehicles designed for, and operated on, pedestrian malls, city streets, or other areas where level boarding is not practicable shall provide wayside or car-borne lifts, mini-high platforms, or other means of access in compliance with § 1192.83 (b) or (c).

(c) If portions of the vehicle are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this

subpart. This provision does not require that inaccessible vehicles be retrofitted with lifts, ramps or other boarding devices.

(d) Existing vehicles retrofitted to comply with the "one-car-per-train rule" at 49 CFR 37.93 shall comply with §§ 1192.75, 1192.77(c), 1192.79(a) and 1192.83(a) and shall have, in new and key stations, at least one door which complies with § 1192.73 (a)(1), (b) and (d). Vehicles previously designed and manufactured in accordance with the accessibility requirements of 49 CFR part 609 or Department of Transportation regulations implementing section 504 of the Rehabilitation Act of 1973 that were in effect before October 7, 1991, and which can be entered and used from stations in which they are to be operated, may be used to satisfy the requirements of 49 CFR 37.93.

§ 1192.73 Doorways.

(a) *Clear width.* (1) All passenger doorways on vehicle sides shall have minimum clear openings of 32 inches when open.

(2) If doorways connecting adjoining cars in a multi-car train are provided, and if such doorway is connected by an aisle with a minimum clear width of 30 inches to one or more spaces where wheelchair or mobility aid users can be accommodated, then such doorway shall have a minimum clear opening of 30 inches to permit wheelchair and mobility aid users to be evacuated to an adjoining vehicle in an emergency.

(b) *Signage.* The International Symbol of Accessibility shall be displayed on the exterior of each vehicle operating on an accessible light rail system unless all vehicles are accessible and are not marked by the access symbol (See Fig. 6).

(c) *Signals.* Auditory and visual warning signals shall be provided to alert passengers of closing doors.

(d) *Coordination with boarding platform—(1) Requirements.* The design of level-entry vehicles shall be coordinated with the boarding platform or mini-high platform design so that the horizontal gap between a vehicle at rest and the platform shall be no greater than 3 inches and the height of the vehicle floor shall be within plus or minus $\frac{5}{8}$ inch of the platform height.

Vertical alignment may be accomplished by vehicle air suspension, automatic ramps or lifts, or any combination.

(2) *Exception.* New vehicles operating in existing stations may have a floor height within plus or minus $1\frac{1}{2}$ inches of the platform height. At key stations, the horizontal gap between at least one door of each such vehicle and the platform shall be no greater than 3 inches.

(3) *Exception.* Retrofitted vehicles shall be coordinated with the platform in new and key stations such that the horizontal gap shall be no greater than 4 inches and the height of the vehicle floor, under 50% passenger load, shall be within plus or minus 2 inches of the platform height.

(4) *Exception.* Where it is not operationally or structurally practicable to meet the horizontal or vertical requirements of paragraphs (d) (1), (2) or (3) of this section, platform or vehicle devices complying with § 1192.83(b) or platform or vehicle mounted ramps or bridge plates complying with § 1192.83(c) shall be provided.

§ 1192.75 Priority seating signs.

(a) Each vehicle shall contain sign(s) which indicate that certain seats are priority seats for persons with disabilities, and that other passengers should make such seats available to those who wish to use them.

(b) Where designated wheelchair or mobility aid seating locations are provided, signs shall indicate the location and advise other passengers of the need to permit wheelchair and mobility aid users to occupy them.

(c) Characters on signs required by paragraph (a) or (b) of this section shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case "X") of $\frac{5}{8}$ inch, with "wide" spacing (generally, the space between letters shall be $\frac{1}{16}$ the height of upper case letters), and shall contrast with the background, either light-on-dark or dark-on-light.

§ 1192.77 Interior circulation, handrails and stanchions.

(a) Handrails and stanchions shall be sufficient to permit safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(b) At entrances equipped with steps, handrails and stanchions shall be provided in the entrance to the vehicle in a configuration which allows passengers to grasp such assists from outside the vehicle while starting to board, and to continue using such handrails or stanchions throughout the boarding process. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Where on-board fare collection devices are used, a horizontal passenger assist shall be located between boarding passengers and the fare collection device and shall prevent passengers from sustaining injuries on the fare collection device or windshield in the event of a sudden deceleration. Without restricting the vestibule space, the assist shall provide support for a boarding passenger from the door through the boarding procedure. Passengers shall be able to lean against the assist for security while paying fares.

(c) At all doors on level-entry vehicles, and at each entrance accessible by lift, ramp, bridge plate or other suitable means, handrails, stanchions, passenger seats, vehicle driver seat platforms, and fare boxes, if applicable, shall be located so as to allow a route at least 32 inches wide so that at least two wheelchair or mobility aid users can enter the vehicle and position the wheelchairs or mobility aids in areas, each having a minimum clear space of 48 inches by 30 inches, which do not unduly restrict movement of other passengers. Space to accommodate wheelchairs and mobility aids may be provided within the normal area used by standees and designation of specific spaces is not required. Particular attention shall be given to ensuring maximum maneuverability immediately

inside doors. Ample vertical stanchions from ceiling to seat-back rails shall be provided. Vertical stanchions from ceiling to floor shall not interfere with wheelchair or mobility aid circulation and shall be kept to a minimum in the vicinity of accessible doors.

§ 1192.79 Floors, steps and thresholds.

(a) Floor surfaces on aisles, step treads, places for standees, and areas where wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

(b) All thresholds and step edges shall have a band of color(s) running the full width of the step or threshold which contrasts from the step tread and riser or adjacent floor, either light-on-dark or dark-on-light.

§ 1192.81 Lighting.

(a) Any stepwell or doorway with a lift, ramp or bridge plate immediately adjacent to the driver shall have, when the door is open, at least 2 footcandles of illumination measured on the step tread or lift platform.

(b) Other stepwells, and doorways with lifts, ramps or bridge plates, shall have, at all times, at least 2 footcandles of illumination measured on the step tread or lift or ramp, when deployed at the vehicle floor level.

(c) The doorways of vehicles not operating at lighted station platforms shall have outside lights which provide at least 1 footcandle of illumination on the station platform or street surface for a distance of 3 feet perpendicular to all points on the bottom step tread. Such lights shall be located below window level and shielded to protect the eyes of entering and exiting passengers.

§ 1192.83 Mobility aid accessibility.

(a)(1) *General.* All new light rail vehicles, other than level entry vehicles, covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift, ramp or bridge plate) complying with either paragraph (b) or (c) of this section and sufficient clearances to permit at least two wheelchair or mobility aid users to reach areas, each with a minimum clear floor space of 48 inches by 30 inches, which do not unduly restrict passenger flow. Space

to accommodate wheelchairs and mobility aids may be provided within the normal area used by standees and designation of specific spaces is not required.

(2) *Exception.* If lifts, ramps or bridge plates meeting the requirements of this section are provided on station platforms or other stops, or mini-high platforms complying with § 1192.73(d) are provided, at stations or stops required to be accessible by 49 CFR part 37, the vehicle is not required to be equipped with a car-borne device. Where each new vehicle is compatible with a single platform-mounted access system or device, additional systems or devices are not required for each vehicle provided that the single device could be used to provide access to each new vehicle if passengers using wheelchairs or mobility aids could not be accommodated on a single vehicle.

(b) *Vehicle lift*—(1) *Design load.* The design load of the lift shall be at least 600 pounds. Working parts, such as cables, pulleys, and shafts, which can be expected to wear, and upon which the lift depends for support of the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Nonworking parts, such as platform, frame, and attachment hardware which would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material.

(2) *Controls*—(i) *Requirements.* The controls shall be interlocked with the vehicle brakes, propulsion system, or door, or shall provide other appropriate mechanisms or systems, to ensure that the vehicle cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged. The lift shall deploy to all levels (i.e., ground, curb, and intermediate positions) normally encountered in the operating environment. Where provided, each control for deploying, lowering, raising, and stowing the lift and lowering the roll-off barrier shall be of a momentary contact type requiring continuous manual pressure by the operator and shall not allow improper lift sequencing when the lift platform is occupied. The controls shall allow reversal of the lift operation sequence, such as raising or

lowering a platform that is part way down, without allowing an occupied platform to fold or retract into the stowed position.

(ii) *Exception.* Where physical or safety constraints prevent the deployment at some stops of a lift having its long dimension perpendicular to the vehicle axis, the transportation entity may specify a lift which is designed to deploy with its long dimension parallel to the vehicle axis and which pivots into or out of the vehicle while occupied (i.e., “rotary lift”). The requirements of paragraph (b)(2)(i) of this section prohibiting the lift from being stowed while occupied shall not apply to a lift design of this type if the stowed position is within the passenger compartment and the lift is intended to be stowed while occupied.

(iii) *Exception.* The brake or propulsion system interlocks requirement does not apply to a station platform mounted lift provided that a mechanical, electrical or other system operates to ensure that vehicles do not move when the lift is in use.

(3) *Emergency operation.* The lift shall incorporate an emergency method of deploying, lowering to ground level with a lift occupant, and raising and stowing the empty lift if the power to the lift fails. No emergency method, manual or otherwise, shall be capable of being operated in a manner that could be hazardous to the lift occupant or to the operator when operated according to manufacturer’s instructions, and shall not permit the platform to be stowed or folded when occupied, unless the lift is a rotary lift intended to be stowed while occupied.

(4) *Power or equipment failure.* Lift platforms stowed in a vertical position, and deployed platforms when occupied, shall have provisions to prevent their deploying, falling, or folding any faster than 12 inches/second or their dropping of an occupant in the event of a single failure of any load carrying component.

(5) *Platform barriers.* The lift platform shall be equipped with barriers to prevent any of the wheels of a wheelchair or mobility aid from rolling off the lift during its operation. A movable barrier or inherent design feature shall prevent a wheelchair or mobility aid from

rolling off the edge closest to the vehicle until the lift is in its fully raised position. Each side of the lift platform which extends beyond the vehicle in its raised position shall have a barrier a minimum 1½ inches high. Such barriers shall not interfere with maneuvering into or out of the aisle. The loading-edge barrier (outer barrier) which functions as a loading ramp when the lift is at ground level, shall be sufficient when raised or closed, or a supplementary system shall be provided, to prevent a power wheelchair or mobility aid from riding over or defeating it. The outer barrier of the lift shall automatically rise or close, or a supplementary system shall automatically engage, and remain raised, closed, or engaged at all times that the lift is more than 3 inches above the station platform or roadway and the lift is occupied. Alternatively, a barrier or system may be raised, lowered, opened, closed, engaged or disengaged by the lift operator provided an interlock or inherent design feature prevents the lift from rising unless the barrier is raised or closed or the supplementary system is engaged.

(6) *Platform surface.* The lift platform surface shall be free of any protrusions over ¼ inch high and shall be slip resistant. The lift platform shall have a minimum clear width of 28½ inches at the platform, a minimum clear width of 30 inches measured from 2 inches above the lift platform surface to 30 inches above the surface, and a minimum clear length of 48 inches measured from 2 inches above the surface of the platform to 30 inches above the surface. (See Fig. 1)

(7) *Platform gaps.* Any openings between the lift platform surface and the raised barriers shall not exceed ⅝ inch wide. When the lift is at vehicle floor height with the inner barrier (if applicable) down or retracted, gaps between the forward lift platform edge and vehicle floor shall not exceed ½ inch horizontally and ⅝ inch vertically. Platforms on semiautomatic lifts may have a hand hold not exceeding 1½ inches by 4½ inches located between the edge barriers.

(8) *Platform entrance ramp.* The entrance ramp, or loading-edge barrier used as a ramp, shall not exceed a slope

of 1:8 measured on level ground, for a maximum rise of 3 inches, and the transition from the station platform or roadway to ramp may be vertical without edge treatment up to ¼ inch. Thresholds between ¼ inch and ½ inch high shall be beveled with a slope no greater than 1:2.

(9) *Platform deflection.* The lift platform (not including the entrance ramp) shall not deflect more than 3 degrees (exclusive of vehicle roll) in any direction between its unloaded position and its position when loaded with 600 pounds applied through a 26 inch by 26 inch test pallet at the centroid of the lift platform.

(10) *Platform movement.* No part of the platform shall move at a rate exceeding 6 inches/second during lowering and lifting an occupant, and shall not exceed 12 inches/second during deploying or stowing. This requirement does not apply to the deployment or stowage cycles of lifts that are manually deployed or stowed. The maximum platform horizontal and vertical acceleration when occupied shall be 0.3g.

(11) *Boarding direction.* The lift shall permit both inboard and outboard facing of wheelchairs and mobility aids.

(12) *Use by standees.* Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The lift may be marked to indicate a preferred standing position.

(13) *Handrails.* Platforms on lifts shall be equipped with handrails, on two sides, which move in tandem with the lift which shall be graspable and provide support to standees throughout the entire lift operation. Handrails shall have a usable component at least 8 inches long with the lowest portion a minimum 30 inches above the platform and the highest portion a maximum 38 inches above the platform. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall be placed to provide a minimum 1½ inches

knuckle clearance from the nearest adjacent surface. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

(c) *Vehicle ramp or bridge plate*—(1) *Design load.* Ramps or bridge plates 30 inches or longer shall support a load of 600 pounds, placed at the centroid of the ramp or bridge plate distributed over an area of 26 inches by 26 inches, with a safety factor of at least 3 based on the ultimate strength of the material. Ramps or bridge plates shorter than 30 inches shall support a load of 300 pounds.

(2) *Ramp surface.* The ramp or bridge plate surface shall be continuous and slip resistant, shall not have protrusions from the surface greater than ¼ inch, shall have a clear width of 30 inches, and shall accommodate both four-wheel and three-wheel mobility aids.

(3) *Ramp threshold.* The transition from roadway or station platform and the transition from vehicle floor to the ramp or bridge plate may be vertical without edge treatment up to ¼ inch. Changes in level between ¼ inch and ½ inch shall be beveled with a slope no greater than 1:2.

(4) *Ramp barriers.* Each side of the ramp or bridge plate shall have barriers at least 2 inches high to prevent mobility aid wheels from slipping off.

(5) *Slope.* Ramps or bridge plates shall have the least slope practicable. If the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 3 inches or less above the station platform a maximum slope of 1:4 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 6 inches or less, but more than 3 inches, above the station platform a maximum slope of 1:6 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 9 inches or less, but more than 6 inches, above the station platform a maximum slope of 1:8 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is greater than 9 inches above the station platform a slope of 1:12 shall be achieved. Folding or telescoping ramps are per-

mitted provided they meet all structural requirements of this section.

(6) *Attachment*—(i) *Requirement.* When in use for boarding or alighting, the ramp or bridge plate shall be attached to the vehicle, or otherwise prevented from moving such that it is not subject to displacement when loading or unloading a heavy power mobility aid and that any gaps between vehicle and ramp or bridge plate, and station platform and ramp or bridge plate, shall not exceed ⅝ inch.

(ii) *Exception.* Ramps or bridge plates which are attached to, and deployed from, station platforms are permitted in lieu of vehicle devices provided they meet the displacement requirements of paragraph (c)(6)(i) of this section.

(7) *Stowage.* A compartment, securement system, or other appropriate method shall be provided to ensure that stowed ramps or bridge plates, including portable ramps or bridge plates stowed in the passenger area, do not impinge on a passenger's wheelchair or mobility aid or pose any hazard to passengers in the event of a sudden stop.

(8) *Handrails.* If provided, handrails shall allow persons with disabilities to grasp them from outside the vehicle while starting to board, and to continue to use them throughout the boarding process, and shall have the top between 30 inches and 38 inches above the ramp surface. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

§ 1192.85 Between-car barriers.

Where vehicles operate in a high-platform, level-boarding mode, devices or systems shall be provided to prevent, deter or warn individuals from inadvertently stepping off the platform

between cars. Appropriate devices include, but are not limited to, pantograph gates, chains, motion detectors or other suitable devices.

§ 1192.87 Public information system.

(a) Each vehicle shall be equipped with an interior public address system permitting transportation system personnel, or recorded or digitized human speech messages, to announce stations and provide other passenger information. Alternative systems or devices which provide equivalent access are also permitted.

(b) [Reserved]

Subpart E—Commuter Rail Cars and Systems

§ 1192.91 General.

(a) New, used and remanufactured commuter rail cars, to be considered accessible by regulations issued by the Department of Transportation in 49 CFR part 37, shall comply with this subpart.

(b) If portions of the car are modified in such a way that it affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible cars be retrofitted with lifts, ramps or other boarding devices.

(c)(1) Commuter rail cars shall comply with §§ 1192.93(d) and 1192.109 for level boarding wherever structurally and operationally practicable.

(2) Where level boarding is not structurally or operationally practicable, commuter rail cars shall comply with § 1192.95.

(d) Existing vehicles retrofitted to comply with the “one-car-per-train rule” at 49 CFR 37.93 shall comply with §§ 1192.93(e), 1192.95(a) and 1192.107 and shall have, in new and key stations, at least one door on each side from which passengers board which complies with § 1192.93(d). Vehicles previously designed and manufactured in accordance with the program accessibility requirements of section 504 of the Rehabilitation Act of 1973, or implementing regulations issued by the Department of Transportation that were in effect before October 7, 1991, and which can be

entered and used from stations in which they are to be operated, may be used to satisfy the requirements of 49 CFR 37.93.

§ 1192.93 Doorways.

(a) *Clear width.* (1) At least one door on each side of the car from which passengers board opening onto station platforms and at least one adjacent doorway into the passenger coach compartment, if provided, shall have a minimum clear opening of 32 inches.

(2) If doorways connecting adjoining cars in a multi-car train are provided, and if such doorway is connected by an aisle with a minimum clear width of 30 inches to one or more spaces where wheelchair or mobility aid users can be accommodated, then such doorway shall have, to the maximum extent practicable in accordance with the regulations issued under the Federal Railroad Safety Act of 1970 (49 CFR parts 229 and 231), a clear opening of 30 inches.

(b) *Passageways.* A route at least 32 inches wide shall be provided from doors required to be accessible by paragraph (a)(1) of this section to seating locations complying with § 1192.95(d). In cars where such doorways require passage through a vestibule, such vestibule shall have a minimum width of 42 inches. (See Fig. 3)

(c) *Signals.* If doors to the platform close automatically or from a remote location, auditory and visual warning signals shall be provided to alert passengers of closing doors.

(d) *Coordination with boarding platform—(1) Requirements.* Cars operating in stations with high platforms, or mini-high platforms, shall be coordinated with the boarding platform design such that the horizontal gap between a car at rest and the platform shall be no greater than 3 inches and the height of the car floor shall be within plus or minus $\frac{3}{8}$ inch of the platform height. Vertical alignment may be accomplished by car air suspension, platform lifts or other devices, or any combination.

(2) *Exception.* New vehicles operating in existing stations may have a floor height within plus or minus $1\frac{1}{2}$ inches of the platform height. At key stations, the horizontal gap between at

least one accessible door of each such vehicle and the platform shall be no greater than 3 inches.

(3) *Exception.* Where platform set-backs do not allow the horizontal gap or vertical alignment specified in paragraph (d) (1) or (2) of this section, car, platform or portable lifts complying with §1192.95(b), or car or platform ramps or bridge plates, complying with §1192.95(c), shall be provided.

(4) *Exception.* Retrofitted vehicles shall be coordinated with the platform in new and key stations such that the horizontal gap shall be no greater than 4 inches and the height of the vehicle floor, under 50% passenger load, shall be within plus or minus 2 inches of the platform height.

(e) *Signage.* The International Symbol of Accessibility shall be displayed on the exterior of all doors complying with this section unless all cars are accessible and are not marked by the access symbol (See Fig. 6). Appropriate signage shall also indicate which accessible doors are adjacent to an accessible restroom, if applicable.

§ 1192.95 Mobility aid accessibility.

(a)(1) *General.* All new commuter rail cars, other than level entry cars, covered by this subpart shall provide a level-change mechanism or boarding device (e.g., lift, ramp or bridge plate) complying with either paragraph (b) or (c) of this section; sufficient clearances to permit a wheelchair or mobility aid user to reach a seating location; and at least two wheelchair or mobility aid seating locations complying with paragraph (d) of this section.

(2) *Exception.* If portable or platform lifts, ramps or bridge plates meeting the applicable requirements of this section are provided on station platforms or other stops, or mini-high platforms complying with §1192.93(d) are provided, at stations or stops required to be accessible by 49 CFR part 37, the car is not required to be equipped with a car-borne device. Where each new car is compatible with a single platform-mounted access system or device, additional systems or devices are not required for each car provided that the single device could be used to provide access to each new car if passengers using wheelchairs or mobility aids

could not be accommodated on a single car.

(b) *Car Lift—(1) Design load.* The design load of the lift shall be at least 600 pounds. Working parts, such as cables, pulleys, and shafts, which can be expected to wear, and upon which the lift depends for support of the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Nonworking parts, such as platform, frame, and attachment hardware which would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material.

(2) *Controls—(i) Requirements.* The controls shall be interlocked with the car brakes, propulsion system, or door, or shall provide other appropriate mechanisms or systems, to ensure that the car cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged. The lift shall deploy to all platform levels normally encountered in the operating environment. Where provided, each control for deploying, lowering, raising, and stowing the lift and lowering the roll-off barrier shall be of a momentary contact type requiring continuous manual pressure by the operator and shall not allow improper lift sequencing when the lift platform is occupied. The controls shall allow reversal of the lift operation sequence, such as raising or lowering a platform that is part way down, without allowing an occupied platform to fold or retract into the stowed position.

(ii) *Exception.* Where physical or safety constraints prevent the deployment at some stops of a lift having its long dimension perpendicular to the car axis, the transportation entity may specify a lift which is designed to deploy with its long dimension parallel to the car axis and which pivots into or out of the car while occupied (i.e., “rotary lift”). The requirements of paragraph (b)(2)(i) of this section prohibiting the lift from being stowed while occupied shall not apply to a lift design of this type if the stowed position is within the passenger compartment and the lift is intended to be stowed while occupied.

(iii) *Exception.* The brake or propulsion system interlock requirement does not apply to a platform mounted or portable lift provided that a mechanical, electrical or other system operates to ensure that cars do not move when the lift is in use.

(3) *Emergency operation.* The lift shall incorporate an emergency method of deploying, lowering to ground or platform level with a lift occupant, and raising and stowing the empty lift if the power to the lift fails. No emergency method, manual or otherwise, shall be capable of being operated in a manner that could be hazardous to the lift occupant or to the operator when operated according to manufacturer's instructions, and shall not permit the platform to be stowed or folded when occupied, unless the lift is a rotary lift intended to be stowed while occupied.

(4) *Power or equipment failure.* Platforms stowed in a vertical position, and deployed platforms when occupied, shall have provisions to prevent their deploying, falling, or folding any faster than 12 inches/second or their dropping of an occupant in the event of a single failure of any load carrying component.

(5) *Platform barriers.* The lift platform shall be equipped with barriers to prevent any of the wheels of a wheelchair or mobility aid from rolling off the lift during its operation. A movable barrier or inherent design feature shall prevent a wheelchair or mobility aid from rolling off the edge closest to the car until the lift is in its fully raised position. Each side of the lift platform which, in its raised position, extends beyond the car shall have a barrier a minimum 1½ inches high. Such barriers shall not interfere with maneuvering into or out of the car. The loading-edge barrier (outer barrier) which functions as a loading ramp when the lift is at ground or station platform level, shall be sufficient when raised or closed, or a supplementary system shall be provided, to prevent a power wheelchair or mobility aid from riding over or defeating it. The outer barrier of the lift shall automatically rise or close, or a supplementary system shall automatically engage, and remain raised, closed, or engaged at all times that the lift platform is more than 3

inches above the station platform and the lift is occupied. Alternatively, a barrier or system may be raised, lowered, opened, closed, engaged or disengaged by the lift operator provided an interlock or inherent design feature prevents the lift from rising unless the barrier is raised or closed or the supplementary system is engaged.

(6) *Platform surface.* The lift platform surface shall be free of any protrusions over ¼ inch high and shall be slip resistant. The lift platform shall have a minimum clear width of 28½ inches at the platform, a minimum clear width of 30 inches measured from 2 inches above the lift platform surface to 30 inches above the surface, and a minimum clear length of 48 inches measured from 2 inches above the surface of the platform to 30 inches above the surface. (See Fig. 1)

(7) *Platform gaps.* Any openings between the lift platform surface and the raised barriers shall not exceed ⅝ inch wide. When the lift is at car floor height with the inner barrier down (if applicable) or retracted, gaps between the forward lift platform edge and car floor shall not exceed ½ inch horizontally and ⅝ inch vertically. Platforms on semi-automatic lifts may have a hand hold not exceeding 1½ inches by 4½ inches located between the edge barriers.

(8) *Platform entrance ramp.* The entrance ramp, or loading-edge barrier used as a ramp, shall not exceed a slope of 1:8, when measured on level ground, for a maximum rise of 3 inches, and the transition from station platform to ramp may be vertical without edge treatment up to ¼ inch. Thresholds between ¼ inch and ½ inch high shall be beveled with a slope no greater than 1:2.

(9) *Platform deflection.* The lift platform (not including the entrance ramp) shall not deflect more than 3 degrees (exclusive of vehicle roll) in any direction between its unloaded position and its position when loaded with 600 pounds applied through a 26 inch by 26 inch test pallet at the centroid of the lift platform.

(10) *Platform movement.* No part of the platform shall move at a rate exceeding 6 inches/second during lowering and

lifting an occupant, and shall not exceed 12 inches/second during deploying or stowing. This requirement does not apply to the deployment or stowage cycles of lifts that are manually deployed or stowed. The maximum platform horizontal and vertical acceleration when occupied shall be 0.3g.

(11) *Boarding direction.* The lift shall permit both inboard and outboard facing of wheelchairs and mobility aids.

(12) *Use by standees.* Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The lift may be marked to indicate a preferred standing position.

(13) *Handrails.* Platforms on lifts shall be equipped with handrails, on two sides, which move in tandem with the lift which shall be graspable and provide support to standees throughout the entire lift operation. Handrails shall have a usable component at least 8 inches long with the lowest portion a minimum 30 inches above the platform and the highest portion a maximum 38 inches above the platform. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the car.

(c) *Car ramp or bridge plate—(1) Design load.* Ramps or bridge plates 30 inches or longer shall support a load of 600 pounds, placed at the centroid of the ramp or bridge plate distributed over an area of 26 inches by 26 inches, with a safety factor of at least 3 based on the ultimate strength of the material. Ramps or bridge plates shorter than 30 inches shall support a load of 300 pounds.

(2) *Ramp surface.* The ramp or bridge plate surface shall be continuous and slip resistant, shall not have protrusions from the surface greater than ¼

inch high, shall have a clear width of 30 inches and shall accommodate both four-wheel and three-wheel mobility aids.

(3) *Ramp threshold.* The transition from station platform to the ramp or bridge plate and the transition from car floor to the ramp or bridge plate may be vertical without edge treatment up to ¼ inch. Changes in level between ¼ inch and ½ inch shall be beveled with a slope no greater than 1:2.

(4) *Ramp barriers.* Each side of the ramp or bridge plate shall have barriers at least 2 inches high to prevent mobility aid wheels from slipping off.

(5) *Slope.* Ramps or bridge plates shall have the least slope practicable. If the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 3 inches or less above the station platform a maximum slope of 1:4 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 6 inches or less, but more than 3 inches, above the station platform a maximum slope of 1:6 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 9 inches or less, but more than 6 inches, above the station platform a maximum slope of 1:8 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is greater than 9 inches above the station platform a slope of 1:12 shall be achieved. Folding or telescoping ramps are permitted provided they meet all structural requirements of this section.

(6) *Attachment—(i) Requirement.* When in use for boarding or alighting, the ramp or bridge plate shall be attached to the vehicle, or otherwise prevented from moving such that it is not subject to displacement when loading or unloading a heavy power mobility aid and that any gaps between vehicle and ramp or bridge plates, and station platform and ramp or bridge plate, shall not exceed ⅝ inch.

(ii) *Exception.* Ramps or bridge plates which are attached to, and deployed from, station platforms are permitted in lieu of car devices provided they meet the displacement requirements of paragraph (c)(6)(i) of this section.

(7) *Stowage.* A compartment, securement system, or other appropriate method shall be provided to ensure that stowed ramps or bridge plates, including portable ramps or bridge plates stowed in the passenger area, do not impinge on a passenger's wheelchair or mobility aid or pose any hazard to passengers in the event of a sudden stop.

(8) *Handrails.* If provided, handrails shall allow persons with disabilities to grasp them from outside the car while starting to board, and to continue to use them throughout the boarding process, and shall have the top between 30 inches and 38 inches above the ramp surface. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the car.

(d) *Mobility aid seating location.* Spaces for persons who wish to remain in their wheelchairs or mobility aids shall have a minimum clear floor space 48 inches by 30 inches. Such spaces shall adjoin, and may overlap, an accessible path. Not more than 6 inches of the required clear floor space may be accommodated for footrests under another seat provided there is a minimum of 9 inches from the floor to the lowest part of the seat overhanging the space. Seating spaces may have fold-down or removable seats to accommodate other passengers when a wheelchair or mobility aid user is not occupying the area, provided the seats, when folded up, do not obstruct the clear floor space required. (See Fig. 2)

§ 1192.97 Interior circulation, handrails and stanchions.

(a) Where provided, handrails or stanchions within the passenger compartment shall be placed to permit sufficient turning and maneuvering space for wheelchairs and other mobility aids to reach a seating location, complying with § 1192.95(d), from an accessible en-

trance. The diameter or width of the gripping surface of interior handrails and stanchions shall be 1¼ inches to 1½ inches or shall provide an equivalent gripping surface. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface.

(b) Where provided, handrails or stanchions shall be sufficient to permit safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(c) At entrances equipped with steps, handrails or stanchions shall be provided in the entrance to the car in a configuration which allows passengers to grasp such assists from outside the car while starting to board, and to continue using such assists throughout the boarding process, to the extent permitted by 49 CFR part 231.

§ 1192.99 Floors, steps and thresholds.

(a) Floor surfaces on aisles, step treads, places for standees, and areas where wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

(b) All thresholds and step edges shall have a band of color(s) running the full width of the step or threshold which contrasts from the step tread and riser or adjacent floor, either light-on-dark or dark-on-light.

§ 1192.101 Lighting.

(a) Any stepwell or doorway with a lift, ramp or bridge plate shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread, ramp, bridge plate, or lift platform.

(b) The doorways of cars not operating at lighted station platforms shall have outside lights which, when the door is open, provide at least 1 foot-candle of illumination on the station platform surface for a distance of 3 feet perpendicular to all points on the bottom step tread edge. Such lights shall be shielded to protect the eyes of entering and exiting passengers.

§ 1192.103 Public information system.

(a) Each car shall be equipped with an interior public address system permitting transportation system personnel, or recorded or digitized human

speech messages, to announce stations and provide other passenger information. Alternative systems or devices which provide equivalent access are also permitted.

(b) [Reserved]

§ 1192.105 Priority seating signs.

(a) Each car shall contain sign(s) which indicate that certain seats are priority seats for persons with disabilities and that other passengers should make such seats available to those who wish to use them.

(b) Characters on signs required by paragraph (a) shall have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case "X") of $\frac{5}{8}$ inch, with "wide" spacing (generally, the space between letters shall be $\frac{1}{16}$ the height of upper case letters), and shall contrast with the background either light-on-dark or dark-on-light.

§ 1192.107 Restrooms.

(a) If a restroom is provided for the general public, it shall be designed so as to allow a person using a wheelchair or mobility aid to enter and use such restroom as specified in paragraphs (a) (1) through (5) of this section.

(1) The minimum clear floor area shall be 35 inches by 60 inches. Permanently installed fixtures may overlap this area a maximum of 6 inches, if the lowest portion of the fixture is a minimum of 9 inches above the floor, and may overlap a maximum of 19 inches, if the lowest portion of the fixture is a minimum of 29 inches above the floor, provided such fixtures do not interfere with access to the water closet. Fold-down or retractable seats or shelves may overlap the clear floor space at a lower height provided they can be easily folded up or moved out of the way.

(2) The height of the water closet shall be 17 inches to 19 inches measured to the top of the toilet seat. Seats shall not be sprung to return to a lifted position.

(3) A grab bar at least 24 inches long shall be mounted behind the water closet, and a horizontal grab bar at least 40 inches long shall be mounted on at least one side wall, with one end not more than 12 inches from the back

wall, at a height between 33 inches and 36 inches above the floor.

(4) Faucets and flush controls shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N). Controls for flush valves shall be mounted no more than 44 inches above the floor.

(5) Doorways on the end of the enclosure, opposite the water closet, shall have a minimum clear opening width of 32 inches. Doorways on the side wall shall have a minimum clear opening width of 39 inches. Door latches and hardware shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist.

(b) Restrooms required to be accessible shall be in close proximity to at least one seating location for persons using mobility aids and shall be connected to such a space by an unobstructed path having a minimum width of 32 inches.

§ 1192.109 Between-car barriers.

Where vehicles operate in a high-platform, level-boarding mode, and where between-car bellows are not provided, devices or systems shall be provided to prevent, deter or warn individuals from inadvertently stepping off the platform between cars. Appropriate devices include, but are not limited to, pantograph gates, chains, motion detectors or other suitable devices.

Subpart F—Intercity Rail Cars and Systems

§ 1192.111 General.

(a) New, used and remanufactured intercity rail cars, to be considered accessible by regulations issued by the Department of Transportation in 49 CFR part 37, shall comply with this subpart to the extent required for each type of car as specified below.

(1) Single-level rail passenger coaches and food service cars (other than single-level dining cars) shall comply with §§ 1192.113 through 1192.123. Compliance with § 1192.125 shall be required only to the extent necessary to meet the requirements of paragraph (d) of this section.

(2) Single-level dining and lounge cars shall have at least one connecting doorway complying with § 1192.113(a)(2), connected to a car accessible to persons using wheelchairs or mobility aids, and at least one space complying with § 1192.125(d) (2) and (3), to provide table service to a person who wishes to remain in his or her wheelchair, and space to fold and store a wheelchair for a person who wishes to transfer to an existing seat.

(3) Bi-level dining cars shall comply with §§ 1192.113(a)(2), 1192.115(b), 1192.117(a), and 1192.121.

(4) Bi-level lounge cars shall have doors on the lower level, on each side of the car from which passengers board, complying with § 1192.113, a restroom complying with § 1192.123, and at least one space complying with § 1192.125(d) (2) and (3) to provide table service to a person who wishes to remain in his or her wheelchair and space to fold and store a wheelchair for a person who wishes to transfer to an existing seat.

(5) Restrooms complying with § 1192.123 shall be provided in single-level rail passenger coaches and food service cars adjacent to the accessible seating locations required by paragraph (d) of this section. Accessible restrooms are required in dining and lounge cars only if restrooms are provided for other passengers.

(6) Sleeper cars shall comply with §§ 1192.113 (b) through (d), 1192.115 through 1192.121, and 1192.125, and have at least one compartment which can be entered and used by a person using a wheelchair or mobility aid and complying with § 1192.127.

(b)(1) If physically and operationally practicable, intercity rail cars shall comply with § 1192.113(d) for level boarding.

(2) Where level boarding is not structurally or operationally practicable, intercity rail cars shall comply with § 1192.125.

(c) If portions of the car are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible cars be retrofitted with lifts, ramps or other boarding devices.

(d) Passenger coaches or food service cars shall have the number of spaces complying with § 1192.125(d)(2) and the number of spaces complying with § 1192.125(d)(3), as required by 49 CFR 37.91.

(e) Existing cars retrofitted to meet the seating requirements of 49 CFR 37.91 shall comply with §§ 1192.113(e), 1192.123, 1192.125(d) and shall have at least one door on each side from which passengers board complying with § 1192.113(d). Existing cars designed and manufactured to be accessible in accordance with Department of Transportation regulations implementing section 504 of the Rehabilitation Act of 1973 that were in effect before October 7, 1991, shall comply with § 1192.125(a).

§ 1192.113 Doorways.

(a) *Clear width.* (1) At least one doorway, on each side of the car from which passengers board, of each car required to be accessible by § 1192.111(a) and where the spaces required by § 1192.111(d) are located, and at least one adjacent doorway into coach passenger compartments shall have a minimum clear opening width of 32 inches.

(2) Doorways at ends of cars connecting two adjacent cars, to the maximum extent practicable in accordance with regulations issued under the Federal Railroad Safety Act of 1970 (49 CFR parts 229 and 231), shall have a clear opening width of 32 inches to permit wheelchair and mobility aid users to enter into a single-level dining car, if available.

(b) *Passaway.* Doorways required to be accessible by paragraph (a) of this section shall permit access by persons using mobility aids and shall have an unobstructed passageway at least 32 inches wide leading to an accessible sleeping compartment complying with § 1192.127 or seating locations complying with § 1192.125(d). In cars where such doorways require passage through a vestibule, such vestibule shall have a minimum width of 42 inches. (see Fig. 4)

(c) *Signals.* If doors to the platform close automatically or from a remote location, auditory and visual warning signals shall be provided to alert passengers of closing doors.

(d) *Coordination with boarding platforms*—(1) *Requirements.* Cars which provide level-boarding in stations with high platforms shall be coordinated with the boarding platform or mini-high platform design such that the horizontal gap between a car at rest and the platform shall be no greater than 3 inches and the height of the car floor shall be within plus or minus $\frac{5}{8}$ inch of the platform height. Vertical alignment may be accomplished by car air suspension, platform lifts or other devices, or any combination.

(2) *Exception.* New cars operating in existing stations may have a floor height within plus or minus $1\frac{1}{2}$ inches of the platform height.

(3) *Exception.* Where platform setbacks do not allow the horizontal gap or vertical alignment specified in paragraph (d) (1) or (2) of this section, platform or portable lifts complying with § 1192.125(b), or car or platform bridge plates, complying with § 1192.125(c), may be provided.

(4) *Exception.* Retrofitted vehicles shall be coordinated with the platform in existing stations such that the horizontal gap shall be no greater than 4 inches and the height of the vehicle floor, under 50% passenger load, shall be within plus or minus 2 inches of the platform height.

(e) *Signage.* The International Symbol of Accessibility shall be displayed on the exterior of all doors complying with this section unless all cars and doors are accessible and are not marked by the access symbol (see Fig. 6). Appropriate signage shall also indicate which accessible doors are adjacent to an accessible restroom, if applicable.

§ 1192.115 Interior circulation, handrails and stanchions.

(a) Where provided, handrails or stanchions within the passenger compartment shall be placed to permit sufficient turning and maneuvering space for wheelchairs and other mobility aids to reach a seating location, complying with § 1192.125(d), from an accessible entrance. The diameter or width of the gripping surface of interior handrails and stanchions shall be $1\frac{1}{4}$ inches to $1\frac{1}{2}$ inches or shall provide an equivalent gripping surface. Handrails shall

be placed to provide a minimum $1\frac{1}{2}$ inches knuckle clearance from the nearest adjacent surface.

(b) Where provided, handrails and stanchions shall be sufficient to permit safe boarding, on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

(c) At entrances equipped with steps, handrails or stanchions shall be provided in the entrance to the car in a configuration which allows passengers to grasp such assists from outside the car while starting to board, and to continue using such assists throughout the boarding process, to the extent permitted by 49 CFR part 231.

§ 1192.117 Floors, steps and thresholds.

(a) Floor surfaces on aisles, step treads and areas where wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

(b) All step edges and thresholds shall have a band of color(s) running the full width of the step or threshold which contrasts from the step tread and riser or adjacent floor, either light-on-dark or dark-on-light.

§ 1192.119 Lighting.

(a) Any stepwell, or doorway with a lift, ramp or bridge plate, shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread, ramp, bridge plate or lift platform.

(b) The doorways of cars not operating at lighted station platforms shall have outside lights which, when the door is open, provide at least 1 foot-candle of illumination on the station platform surface for a distance of 3 feet perpendicular to all points on the bottom step tread edge. Such lights shall be shielded to protect the eyes of entering and exiting passengers.

§ 1192.121 Public information system.

(a) Each car shall be equipped with a public address system permitting transportation system personnel, or recorded or digitized human speech messages, to announce stations and provide other passenger information. Alternative systems or devices which provide equivalent access are also permitted.

(b) [Reserved]

§ 1192.123 Restrooms.

(a) If a restroom is provided for the general public, and an accessible restroom is required by § 1192.111 (a) and (e), it shall be designed so as to allow a person using a wheelchair or mobility aid to enter and use such restroom as specified in paragraphs (a) (1) through (5) of this section.

(1) The minimum clear floor area shall be 35 inches by 60 inches. Permanently installed fixtures may overlap this area a maximum of 6 inches, if the lowest portion of the fixture is a minimum of 9 inches above the floor, and may overlap a maximum of 19 inches, if the lowest portion of the fixture is a minimum of 29 inches above the floor. Fixtures shall not interfere with access to and use of the water closet. Fold-down or retractable seats or shelves may overlap the clear floor space at a lower height provided they can be easily folded up or moved out of the way.

(2) The height of the water closet shall be 17 inches to 19 inches measured to the top of the toilet seat. Seats shall not be sprung to return to a lifted position.

(3) A grab bar at least 24 inches long shall be mounted behind the water closet, and a horizontal grab bar at least 40 inches long shall be mounted on at least one side wall, with one end not more than 12 inches from the back wall, at a height between 33 inches and 36 inches above the floor.

(4) Faucets and flush controls shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N). Controls for flush valves shall be mounted no more than 44 inches above the floor.

(5) Doorways on the end of the enclosure, opposite the water closet, shall have a minimum clear opening width of 32 inches. Doorways on the side wall shall have a minimum clear opening width of 39 inches. Door latches and hardware shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist.

(b) Restrooms required to be accessible shall be in close proximity to at least one seating location for persons using mobility aids complying with § 1192.125(d) and shall be connected to

such a space by an unobstructed path having a minimum width of 32 inches.

§ 1192.125 Mobility aid accessibility.

(a)(1) *General.* All intercity rail cars, other than level entry cars, required to be accessible by § 1192.111 (a) and (e) of this subpart shall provide a level-change mechanism or boarding device (e.g., lift, ramp or bridge plate) complying with either paragraph (b) or (c) of this section and sufficient clearances to permit a wheelchair or other mobility aid user to reach a seating location complying with paragraph (d) of this section.

(2) *Exception.* If portable or platform lifts, ramps or bridge plates meeting the applicable requirements of this section are provided on station platforms or other stops, or mini-high platforms complying with § 1192.113(d) are provided, at stations or stops required to be accessible by 49 CFR part 37, the car is not required to be equipped with a car-borne device.

(b) *Car Lift*—(1) *Design load.* The design load of the lift shall be at least 600 pounds. Working parts, such as cables, pulleys, and shafts, which can be expected to wear, and upon which the lift depends for support of the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Nonworking parts, such as platform, frame, and attachment hardware which would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material.

(2) *Controls*—(i) *Requirements.* The controls shall be interlocked with the car brakes, propulsion system, or door, or shall provide other appropriate mechanisms or systems, to ensure that the car cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged. The lift shall deploy to all platform levels normally encountered in the operating environment. Where provided, each control for deploying, lowering, raising, and stowing the lift and lowering the roll-off barrier shall be of a momentary contact type requiring continuous manual pressure by the operator and shall not allow improper lift sequencing when

the lift platform is occupied. The controls shall allow reversal of the lift operation sequence, such as raising or lowering a platform that is part way down, without allowing an occupied platform to fold or retract into the stowed position.

(ii) *Exception.* Where physical or safety constraints prevent the deployment at some stops of a lift having its long dimension perpendicular to the car axis, the transportation entity may specify a lift which is designed to deploy with its long dimension parallel to the car axis and which pivots into or out of the car while occupied (i.e., "rotary lift"). The requirements of paragraph (b)(2)(i) of this section prohibiting the lift from being stowed while occupied shall not apply to a lift design of this type if the stowed position is within the passenger compartment and the lift is intended to be stowed while occupied.

(iii) *Exception.* The brake or propulsion system interlocks requirement does not apply to platform mounted or portable lifts provided that a mechanical, electrical or other system operates to ensure that cars do not move when the lift is in use.

(3) *Emergency operation.* The lift shall incorporate an emergency method of deploying, lowering to ground or station platform level with a lift occupant, and raising and stowing the empty lift if the power to the lift fails. No emergency method, manual or otherwise, shall be capable of being operated in a manner that could be hazardous to the lift occupant or to the operator when operated according to manufacturer's instructions, and shall not permit the platform to be stowed or folded when occupied, unless the lift is a rotary lift and is intended to be stowed while occupied.

(4) *Power or equipment failure.* Platforms stowed in a vertical position, and deployed platforms when occupied, shall have provisions to prevent their deploying, failing, or folding any faster than 12 inches/second or their dropping of an occupant in the event of a single failure of any load carrying component.

(5) *Platform barriers.* The lift platform shall be equipped with barriers to prevent any of the wheels of a wheelchair

or mobility aid from rolling off the lift during its operation. A movable barrier or inherent design feature shall prevent a wheelchair or mobility aid from rolling off the edge closest to the car until the lift is in its fully raised position. Each side of the lift platform which, in its raised position, extends beyond the car shall have a barrier a minimum 1½ inches high. Such barriers shall not interfere with maneuvering into or out of the car. The loading-edge barrier (outer barrier) which functions as a loading ramp when the lift is at ground or station platform level, shall be sufficient when raised or closed, or a supplementary system shall be provided, to prevent a power wheelchair or mobility aid from riding over or defeating it. The outer barrier of the lift shall automatically rise or close, or a supplementary system shall automatically engage, and remain raised, closed, or engaged at all times that the lift platform is more than 3 inches above the station platform and the lift is occupied. Alternatively, a barrier or system may be raised, lowered, opened, closed, engaged or disengaged by the lift operator provided an interlock or inherent design feature prevents the lift from rising unless the barrier is raised or closed or the supplementary system is engaged.

(6) *Platform surface.* The lift platform surface shall be free of any protrusions over ¼ inch high and shall be slip resistant. The lift platform shall have a minimum clear width of 28½ inches at the platform, a minimum clear width of 30 inches measured from 2 inches above the lift platform surface to 30 inches above the surface, and a minimum clear length of 48 inches measured from 2 inches above the surface of the platform to 30 inches above the surface. (See Fig. 1.)

(7) *Platform gaps.* Any openings between the lift platform surface and the raised barriers shall not exceed ⅝ inch wide. When the lift is at car floor height with the inner barrier (if applicable) down or retracted, gaps between the forward lift platform edge and car floor shall not exceed ½ inch horizontally and ⅝ inch vertically. Platforms on semi-automatic lifts may have a hand hold not exceeding 1½

inches by 4½ inches located between the edge barriers.

(8) *Platform entrance ramp.* The entrance ramp, or loading-edge barrier used as a ramp, shall not exceed a slope of 1:8, when measured on level ground, for a maximum rise of 3 inches, and the transition from station platform to ramp may be vertical without edge treatment up to ¼ inch. Thresholds between ¼ inch and ½ inch high shall be beveled with a slope no greater than 1:2.

(9) *Platform deflection.* The lift platform (not including the entrance ramp) shall not deflect more than 3 degrees (exclusive of car roll) in any direction between its unloaded position and its position when loaded with 600 pounds applied through a 26 inch by 26 inch test pallet at the centroid of the lift platform.

(10) *Platform movement.* No part of the platform shall move at a rate exceeding 6 inches/second during lowering and lifting an occupant, and shall not exceed 12 inches/second during deploying or stowing. This requirement does not apply to the deployment or stowage cycles of lifts that are manually deployed or stowed. The maximum platform horizontal and vertical acceleration when occupied shall be 0.3g.

(11) *Boarding direction.* The lift shall permit both inboard and outboard facing of wheelchairs and mobility aids.

(12) *Use by standees.* Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The lift may be marked to indicate a preferred standing position.

(13) *Handrails.* Platforms on lifts shall be equipped with handrails, on two sides, which move in tandem with the lift, and which shall be graspable and provide support to standees throughout the entire lift operation. Handrails shall have a usable component at least 8 inches long with the lowest portion a minimum 30 inches above the platform and the highest portion a maximum 38 inches above the platform. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a

cross-sectional diameter between ¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the car.

(c) *Car ramp or bridge plate—(1) Design load.* Ramps or bridge plates 30 inches or longer shall support a load of 600 pounds, placed at the centroid of the ramp or bridge plate distributed over an area of 26 inches by 26 inches, with a safety factor of at least 3 based on the ultimate strength of the material. Ramps or bridge plates shorter than 30 inches shall support a load of 300 pounds.

(2) *Ramp surface.* The ramp or bridge plate surface shall be continuous and slip resistant, shall not have protrusions from the surface greater than ¼ inch high, shall have a clear width of 30 inches and shall accommodate both four-wheel and three-wheel mobility aids.

(3) *Ramp threshold.* The transition from station platform to the ramp or bridge plate and the transition from car floor to the ramp or bridge plate may be vertical without edge treatment up to ¼ inch. Changes in level between ¼ inch and ½ inch shall be beveled with a slope no greater than 1:2.

(4) *Ramp barriers.* Each side of the ramp or bridge plate shall have barriers at least 2 inches high to prevent mobility aid wheels from slipping off.

(5) *Slope.* Ramps or bridge plates shall have the least slope practicable. If the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 3 inches or less above the station platform a maximum slope of 1:4 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 6 inches or less, but more than 3 inches, above the station platform a maximum slope of 1:6 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is 9 inches or less, but more

than 6 inches, above the station platform a maximum slope of 1:8 is permitted; if the height of the vehicle floor, under 50% passenger load, from which the ramp is deployed is greater than 9 inches above the station platform a slope of 1:12 shall be achieved. Folding or telescoping ramps are permitted provided they meet all structural requirements of this section.

(6) *Attachment*—(i) *Requirement*. When in use for boarding or alighting, the ramp or bridge plate shall be attached to the vehicle, or otherwise prevented from moving such that it is not subject to displacement when loading or unloading a heavy power mobility aid and that any gaps between vehicle and ramp or bridge plate, and station platform and ramp or bridge plate, shall not exceed $\frac{5}{8}$ inch.

(ii) *Exception*. Ramps or bridge plates which are attached to, and deployed from, station platforms are permitted in lieu of car devices provided they meet the displacement requirements of paragraph (c)(6)(i) of this section.

(7) *Stowage*. A compartment, securement system, or other appropriate method shall be provided to ensure that stowed ramps or bridge plates, including portable ramps or bridge plates stowed in the passenger area, do not impinge on a passenger's wheelchair or mobility aid or pose any hazard to passengers in the event of a sudden stop.

(8) *Handrails*. If provided, handrails shall allow persons with disabilities to grasp them from outside the car while starting to board, and to continue to use them throughout the boarding process, and shall have the top between 30 inches and 38 inches above the ramp surface. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between $\frac{1}{4}$ inches and $\frac{1}{2}$ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than $\frac{1}{8}$ inch. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the car.

(d) *Seating*—(1) *Requirements*. All intercity rail cars required to be acces-

sible by § 1192.111 (a) and (e) of this subpart shall provide at least one, but not more than two, mobility aid seating location(s) complying with paragraph (d)(2) of this section; and at least one, but not more than two, seating location(s) complying with paragraph (d)(3) of this section which adjoin or overlap an accessible route with a minimum clear width of 32 inches.

(2) *Wheelchair or mobility aid spaces*. Spaces for persons who wish to remain in their wheelchairs or mobility aids shall have a minimum clear floor area 48 inches by 30 inches. Such space may have fold-down or removable seats for use when not occupied by a wheelchair or mobility aid user. (See Fig. 2)

(3) *Other spaces*. Spaces for individuals who wish to transfer shall include a regular coach seat or dining car booth or table seat and space to fold and store the passenger's wheelchair.

§ 1192.127 Sleeping compartments.

(a) Sleeping compartments required to be accessible shall be designed so as to allow a person using a wheelchair or mobility aid to enter, maneuver within and approach and use each element within such compartment. (See Fig. 5.)

(b) Each accessible compartment shall contain a restroom complying with § 1192.123(a) which can be entered directly from such compartment.

(c) Controls and operating mechanisms (e.g., heating and air conditioning controls, lighting controls, call buttons, electrical outlets, etc.) shall be mounted no more than 48 inches, and no less than 15 inches, above the floor and shall have a clear floor area directly in front a minimum of 30 inches by 48 inches. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist.

Subpart G—Over-the-Road Buses and Systems

§ 1192.151 General.

(a) New, used and remanufactured over-the-road buses, to be considered accessible by regulations issued by the Department of Transportation in 49 CFR part 37, shall comply with this subpart.

§ 1192.153

(b) Over-the-road buses covered by 49 CFR 37.7(c) shall comply with § 1192.23 and this subpart.

§ 1192.153 Doors, steps and thresholds.

(a) Floor surfaces on aisles, step treads and areas where wheelchair and mobility aid users are to be accommodated shall be slip-resistant.

(b) All step edges shall have a band of color(s) running the full width of the step which contrasts from the step tread and riser, either dark-on-light or light-on-dark.

(c) To the maximum extent practicable, doors shall have a minimum clear width when open of 30 inches, but in no case less than 27 inches.

§ 1192.155 Interior circulation, handrails and stanchions.

(a) Handrails and stanchions shall be provided in the entrance to the vehicle in a configuration which allows passengers to grasp such assists from outside the vehicle while starting to board, and to continue using such handrails or stanchions throughout the boarding process. Handrails shall have a cross-sectional diameter between 1¼ inches and 1½ inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than ⅛ inch. Handrails shall be placed to provide a minimum 1½ inches knuckle clearance from the nearest adjacent surface. Where on-board fare collection devices are used, a horizontal passenger assist shall be located between boarding passengers and the fare collection device and shall prevent passengers from sustaining injuries on the fare collection device or windshield in the event of a sudden deceleration. Without restricting the vestibule space, the assist shall provide support for a boarding passenger from the door through the boarding procedure. Passengers shall be able to lean against the assist for security while paying fares.

(b) Where provided within passenger compartments, handrails or stanchions shall be sufficient to permit safe on-board circulation, seating and standing assistance, and alighting by persons with disabilities.

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§ 1192.157 Lighting.

(a) Any stepwell or doorway immediately adjacent to the driver shall have, when the door is open, at least 2 foot-candles of illumination measured on the step tread.

(b) The vehicle doorway shall have outside light(s) which, when the door is open, provide at least 1 foot-candle of illumination on the street surface for a distance of 3 feet perpendicular to all points on the bottom step tread outer edge. Such light(s) shall be located below window level and shielded to protect the eyes of entering and exiting passengers.

§ 1192.159 Mobility aid accessibility. [Reserved]

Subpart H—Other Vehicles and Systems

§ 1192.171 General.

(a) New, used and remanufactured vehicles and conveyances for systems not covered by other subparts of this part, to be considered accessible by regulations issued by the Department of Transportation in 49 CFR part 37, shall comply with this subpart.

(b) If portions of the vehicle or conveyance are modified in a way that affects or could affect accessibility, each such portion shall comply, to the extent practicable, with the applicable provisions of this subpart. This provision does not require that inaccessible vehicles be retrofitted with lifts, ramps or other boarding devices.

(c) Requirements for vehicles and systems not covered by this part shall be determined on a case-by-case basis by the Department of Transportation in consultation with the U.S. Architectural and Transportation Barriers Compliance Board (Access Board).

§ 1192.173 Automated guideway transit vehicles and systems.

(a) Automated Guideway Transit (AGT) vehicles and systems, sometimes called “people movers”, operated in airports and other areas where AGT vehicles travel at slow speed, shall comply with the provisions of §§ 1192.53 (a) through (c), and 1192.55 through 1192.61 for rapid rail vehicles and systems.

(b) Where the vehicle covered by paragraph (a) of this section will operate in an accessible station, the design of vehicles shall be coordinated with the boarding platform design such that the horizontal gap between a vehicle door at rest and the platform shall be no greater than 1 inch and the height of the vehicle floor shall be within plus or minus ½ inch of the platform height under all normal passenger load conditions. Vertical alignment may be accomplished by vehicle air suspension or other suitable means of meeting the requirement.

(c) In stations where open platforms are not protected by platform screens, a suitable device or system shall be provided to prevent, deter or warn individuals from stepping off the platform between cars. Acceptable devices include, but are not limited to, pantograph gates, chains, motion detectors or other appropriate devices.

(d) Light rail and rapid rail AGT vehicles and systems shall comply with subparts D and C of this part, respectively.

§ 1192.175 High-speed rail cars, mono-rails and systems.

(a) All cars for high-speed rail systems, including but not limited to those using “maglev” or high speed steel-wheel-on-steel-rail technology, and monorail systems operating primarily on dedicated rail (i.e., not used by freight trains) or guideway, in which stations are constructed in accordance with subpart C of 49 CFR part 37, shall be designed for high-platform, level boarding and shall comply with § 1192.111(a) for each type of car which is similar to intercity rail, §§ 1192.111(d), 1192.113 (a) through (c) and (e), 1192.115 (a) and (b), 1192.117 (a) and (b), 1192.121 through 1192.123, 1192.125(d), and 1192.127 (if applicable). The design of cars shall be coordinated with the boarding platform design such that the horizontal gap between a car

door at rest and the platform shall be no greater than 3 inches and the height of the car floor shall be within plus or minus ⅝ inch of the platform height under all normal passenger load conditions. Vertical alignment may be accomplished by car air suspension or other suitable means of meeting the requirement. All doorways shall have, when the door is open, at least 2 foot-candles of illumination measured on the door threshold.

(b) All other high-speed rail cars shall comply with the similar provisions of subpart F of this part.

§ 1192.177 Ferries, excursion boats and other vessels. [Reserved]

§ 1192.179 Trams, similar vehicles and systems.

(a) New and used trams consisting of a tractor unit, with or without passenger accommodations, and one or more passenger trailer units, including but not limited to vehicles providing shuttle service to remote parking areas, between hotels and other public accommodations, and between and within amusement parks and other recreation areas, shall comply with this section. For purposes of determining applicability of 49 CFR 37.101, 37.103, or 37.105, the capacity of such a vehicle or “train” shall consist of the total combined seating capacity of all units, plus the driver, prior to any modification for accessibility.

(b) Each tractor unit which accommodates passengers and each trailer unit shall comply with §§ 1192.25 and 1192.29. In addition, each such unit shall comply with § 1192.23 (b) or (c) and shall provide at least one space for wheelchair or mobility aid users complying with § 1192.23(d) unless the complete operating unit consisting of tractor and one or more trailers can already accommodate at least two wheelchair or mobility aid users.

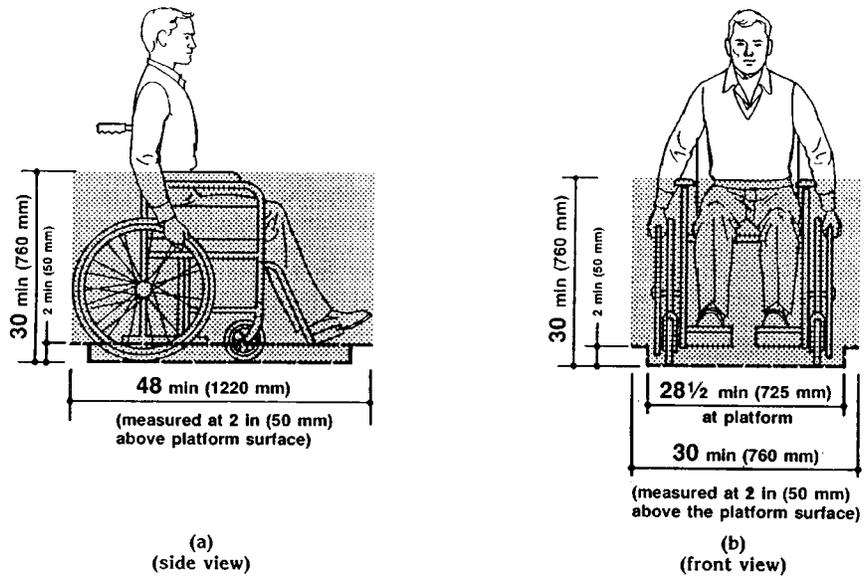


Fig. 1
Wheelchair or Mobility Aid Envelope

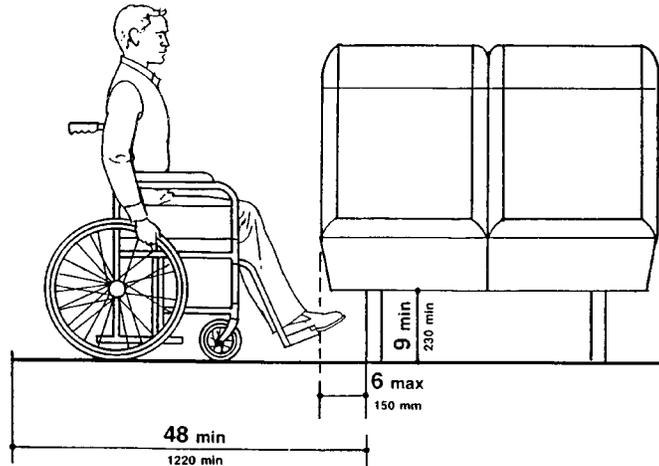


Fig. 2
Toe Clearance Under a Seat

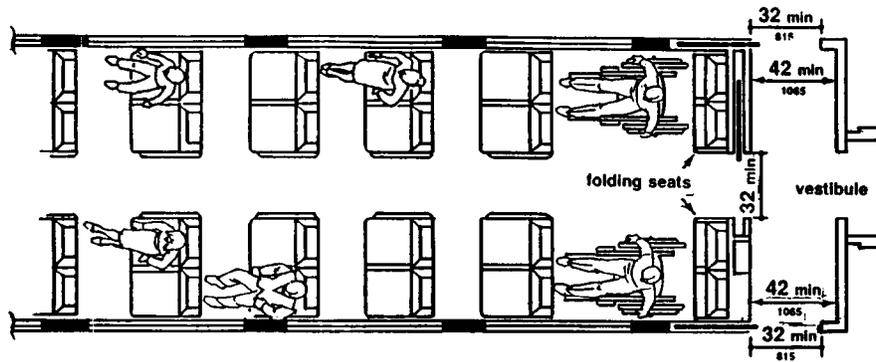


Fig. 3
Commuter Rail Car (without restrooms)

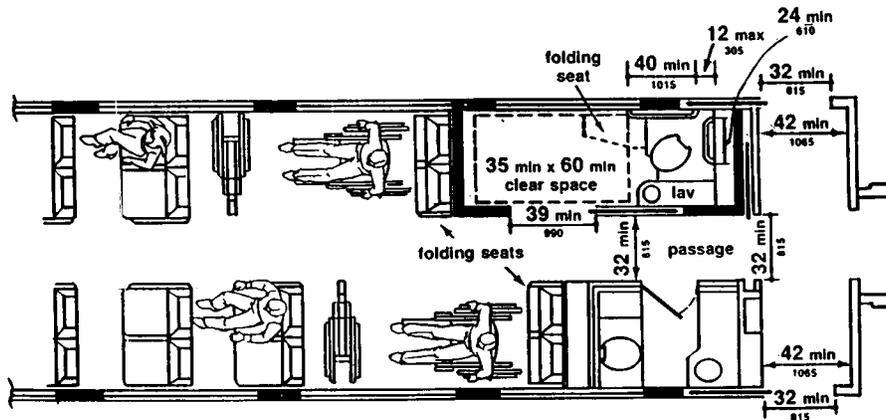


Fig. 4
Intercity Rail Car (with accessible restroom)

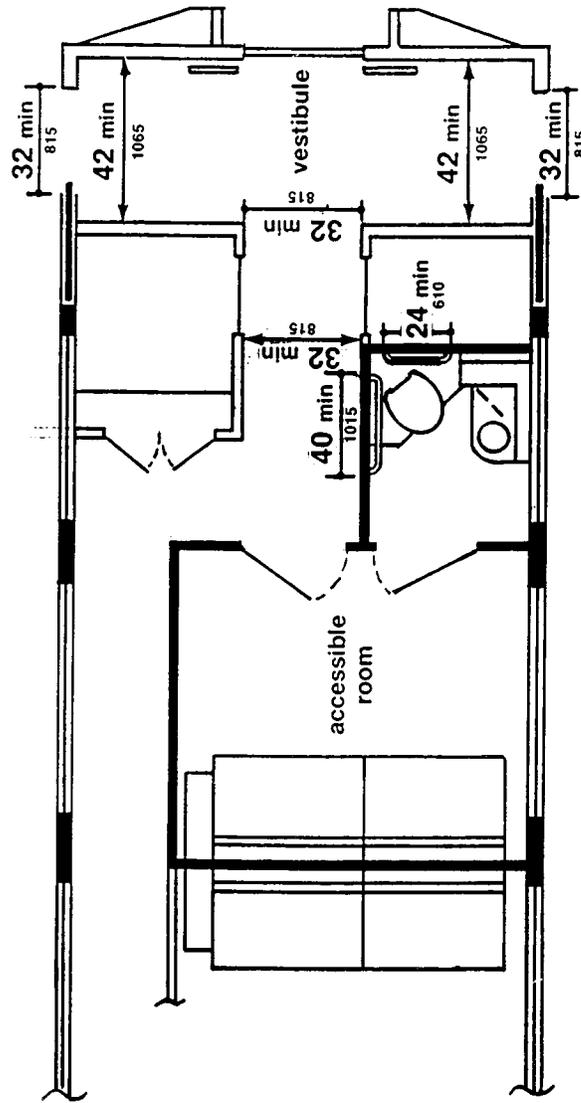
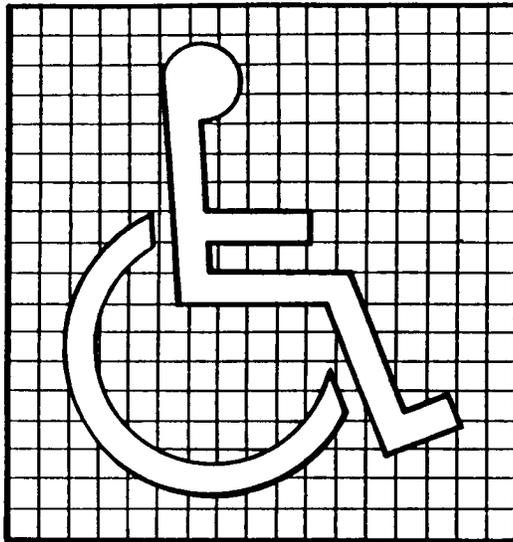


Fig. 5
Intercity Rail Car (with accessible sleeping compartment)



(a)
Proportions



(b)
Display Conditions

Fig. 6
International Symbol of Accessibility

APPENDIX TO PART 1192—ADVISORY
GUIDANCE

This appendix contains materials of an advisory nature and provides additional information that should help the reader to understand the minimum requirements of the guidelines or to design vehicles for greater accessibility. Each entry is applicable to all subparts of this part except where noted. Nothing in this appendix shall in any way obviate any obligation to comply with the requirements of the guidelines themselves.

I. SLIP RESISTANT SURFACES—AISLES, STEPS,
FLOOR AREAS WHERE PEOPLE WALK, FLOOR
AREAS IN SECUREMENT LOCATIONS, LIFT
PLATFORMS, RAMPS

Slip resistance is based on the frictional force necessary to keep a shoe heel or crutch tip from slipping on a walking surface under conditions likely to be found on the surface. While the dynamic coefficient of friction during walking varies in a complex and non-uniform way, the static coefficient of friction, which can be measured in several ways, provides a close approximation of the slip resistance of a surface. Contrary to popular belief, some slippage is necessary to walking, especially for persons with restricted gaits; a truly "non-slip" surface could not be negotiated.

The Occupational Safety and Health Administration recommends that walking surfaces have a static coefficient of friction of 0.5. A research project sponsored by the Architectural and Transportation Barriers Compliance Board (Access Board) conducted tests with persons with disabilities and concluded that a higher coefficient of friction was needed by such persons. A static coefficient of friction of 0.6 is recommended for steps, floors, and lift platforms and 0.8 for ramps.

The coefficient of friction varies considerably due to the presence of contaminants, water, floor finishes, and other factors not under the control of transit providers and may be difficult to measure. Nevertheless, many common materials suitable for flooring are now labeled with information on the static coefficient of friction. While it may not be possible to compare one product directly with another, or to guarantee a constant measure, transit operators or vehicle designers and manufacturers are encouraged to specify materials with appropriate values. As more products include information on slip resistance, improved uniformity in measurement and specification is likely. The Access Board's advisory guidelines on Slip Resistant Surfaces provides additional information on this subject.

II. COLOR CONTRAST—STEP EDGES, LIFT
PLATFORM EDGES

The material used to provide contrast should contrast by at least 70%. Contrast in percent is determined by:

$$\text{Contrast} = [(B_1 - B_2) / B_1] \times 100$$

where B_1 = light reflectance value (LRV) of the lighter area
and B_2 = light reflectance value (LRV) of the darker area.

Note that in any application both white and black are never absolute; thus, B_1 never equals 100 and B_2 is always greater than 0.

III. HANDRAILS AND STANCHIONS

In addition to the requirements for handrails and stanchions for rapid, light, and commuter rail vehicles, consideration should be given to the proximity of handrails or stanchions to the area in which wheelchair or mobility aid users may position themselves. When identifying the clear floor space where a wheelchair or mobility aid user can be accommodated, it is suggested that at least one such area be adjacent or in close proximity to a handrail or stanchion. Of course, such a handrail or stanchion cannot encroach upon the required 32 inch width required for the doorway or the route leading to the clear floor space which must be at least 30 by 48 inches in size.

IV. PRIORITY SEATING SIGNS AND OTHER
SIGNAGEA. *Finish and Contrast*

The characters and background of signs should be eggshell, matte, or other non-glare finish. An eggshell finish (11 to 19 degree gloss on 60 degree glossimeter) is recommended. Characters and symbols should contrast with their background—either light characters on a dark background or dark characters on a light background. Research indicates that signs are more legible for persons with low vision when characters contrast with their background by at least 70 percent. Contrast in percent is determined by:

$$\text{Contrast} = [(B_1 - B_2) / B_1] \times 100$$

where B_1 = light reflectance value (LRV) of the lighter area
and B_2 = light reflectance value (LRV) of the darker area.

Note that in any application both white and black are never absolute; thus, B_1 never equals 100 and B_2 is always greater than 0.

The greatest readability is usually achieved through the use of light-colored characters or symbols on a dark background.

B. *Destination and Route Signs*

The following specifications, which are required for buses (§1192.39), are recommended

for other types of vehicles, particularly light rail vehicles, where appropriate.

1. Where destination or route information is displayed on the exterior of a vehicle, each vehicle should have illuminated signs on the front and boarding side of the vehicle.

2. Characters on signs covered by paragraph IV.B.1 of this appendix should have a width-to-height ratio between 3:5 and 1:1 and a stroke width-to-height ratio between 1:5 and 1:10, with a minimum character height (using an upper case "X") of 1 inch for signs on the boarding side and a minimum character height of 2 inches for front "headsigs", with "wide" spacing (generally, the space between letters shall be $\frac{1}{16}$ the height of upper case letters), and should contrast with the background, either dark-on-light or light-on-dark, or as recommended above.

C. Designation of Accessible Vehicles

The International Symbol of Accessibility should be displayed as shown in Figure 6.

V. PUBLIC INFORMATION SYSTEMS

There is currently no requirement that vehicles be equipped with an information system which is capable of providing the same or equivalent information to persons with hearing loss. While the Department of Transportation assesses available and soon-to-be available technology during a study to be conducted during Fiscal Year 1992, entities are encouraged to employ whatever services, signage or alternative systems or devices that provide equivalent access and are available. Two possible types of devices are visual display systems and listening systems. However, it should be noted that while visual display systems accommodate persons who are deaf or are hearing impaired, assistive listening systems aid only those with a partial loss of hearing.

A. Visual Display Systems

Announcements may be provided in a visual format by the use of electronic message boards or video monitors.

Electronic message boards using a light emitting diode (LED) or "flip-dot" display are currently provided in some transit stations and terminals and may be usable in vehicles. These devices may be used to provide real time or pre-programmed messages; however, real time message displays require the availability of an employee for keyboard entry of the information to be announced.

Video monitor systems, such as visual paging systems provided in some airports (e.g., Baltimore-Washington International Airport), are another alternative. The Architectural and Transportation Barriers Compliance Board (Access Board) can provide technical assistance and information on these

systems ("Airport TDD Access: Two Case Studies," (1990)).

B. Assistive Listening Systems

Assistive listening systems (ALS) are intended to augment standard public address and audio systems by providing signals which can be received directly by persons with special receivers or their own hearing aids and which eliminate or filter background noise. Magnetic induction loops, infra-red and radio frequency systems are types of listening systems which are appropriate for various applications.

An assistive listening-system appropriate for transit vehicles, where a group of persons or where the specific individuals are not known in advance, may be different from the system appropriate for a particular individual provided as an auxiliary aid or as part of a reasonable accommodation. The appropriate device for an individual is the type that individual can use, whereas the appropriate system for a station or vehicle will necessarily be geared toward the "average" or aggregate needs of various individuals. Earphone jacks with variable volume controls can benefit only people who have slight hearing loss and do not help people who use hearing aids. At the present time, magnetic induction loops are the most feasible type of listening system for people who use hearing aids equipped with "T-coils", but people without hearing aids or those with hearing aids not equipped with inductive pick-ups cannot use them without special receivers. Radio frequency systems can be extremely effective and inexpensive. People without hearing aids can use them, but people with hearing aids need a special receiver to use them as they are presently designed. If hearing aids had a jack to allow a by-pass of microphones, then radio frequency systems would be suitable for people with and without hearing aids. Some listening systems may be subject to interference from other equipment and feedback from hearing aids of people who are using the systems. Such interference can be controlled by careful engineering design that anticipates feedback sources in the surrounding area.

The Architectural and Transportation Barriers Compliance Board (Access Board) has published a pamphlet on Assistive Listening Systems which lists demonstration centers across the country where technical assistance can be obtained in selecting and installing appropriate systems. The state of New York has also adopted a detailed technical specification which may be useful.

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