

# **Pocket Guide to the 2010 ADA Standards for Accessible Design as Adopted by DOJ & DOT**

*With Access Board Notes, Selected Sections  
from the ADA Regulations for Titles II and III, and  
Safe Harbor References*

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## **About Evan Terry Associates, LLC**

Evan Terry Associates (ETA) has been teaching seminars, publishing Pocket Guides and other

books, and creating websites on the ADA, other accessibility standards, and universal design for over 24 years. From architects with a history of providing trusted reference materials on access requirements, this book has been written for design professionals, contractors, building officials, facility managers, and others who need to understand their facility-related obligations under the ADA.

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## How to Use This Pocket Guide

The 2010 ADA Standards for Accessible Design are based on the Access Board's July 23, 2004, ADA/ABA Accessibility Guidelines as amended by the Board on August 5, 2005 then adopted by the Department of Justice on July 26 / September 15, 2010 and subsequently updated as described below. This new Standard replaces the 1991 ADA Standards.

This Pocket Guide **includes selected sections from the revised Title II and Title III regulations that are applicable to new construction and alterations** that we at ETA believe are typically

under the control or responsibility of a design professional, contractor, or facility manager. These selected sections are incorporated throughout this Pocket Guide and are highlighted in gray. Some definitions from Title II and Title III regulations have been included in this Pocket Guide and are double underlined wherever they appear. There are a few places where the requirements between the standards and the regulations differ. In these cases, the regulations prevail.

***ETA Editor's Notes*** and ***Access Board's Notes to Reader*** are shown in a double-bordered box.

Advisory notes are marked with a shaded double-bordered box.

We have added over 225 references in this Pocket Guide to requirements that are potentially modified by the **safe harbor provisions** in the 2010 regulations that can be found at **35.150(b)(2)** , **35.151(b)(4)(ii)(C)** , **36.304(d)(2)(i) & (iii)** , the **Appendix to 36.304(d)(2) [p. 15 Table]**, and **36.403(a)(2)** . These references are shown in bold italics within brackets (e.g. [*S.H. 4.1.6(1)(i)*]) at the end of the referenced section referring the reader to the comparable section of the 1991 ADA Standards. This is NOT a comprehensive listing of the safe harbor sections that might apply to any existing element and the sections listed will not always apply to every existing element covered by the 2010 ADA safe harbor sections. Where a scoping requirement is the same as the 1991 ADA Standards and it “points to” a technical section that includes safe harbor references, we have not included those technical safe harbor references at the scoping section. We have applied the same approach to technical requirement sections that “point to” other technical requirements. Also, in the new sections of the 2010 ADA Standards (e.g., Chapter 10 Recreation Facilities, 807 Holding Cells and Housing Cells, 808 Courtrooms, and 809 Residential Dwelling Units), the safe harbors may apply when requirements in those sections “point to” another reference that has a safe harbor.

As there are currently still some uncertainties about how to interpret and apply the safe harbor provisions, we have a dedicated website at [www.ADA Safe Harbor.com](http://www.ADA Safe Harbor.com) to provide additional information on the topic. You may also register online at [www.ETAPocketGuides.com](http://www.ETAPocketGuides.com) to be notified when you can **purchase updated versions of this Pocket Guide at a discount** that will include additional clarifications of the safe harbor provisions as they become available.

It is important to note that, per Section **36.406(b)** and **35.151(d)**, *Scope of coverage*, the 1991 Standards and the 2010 Standards apply to fixed or built-in elements of buildings, structures, site improvements, and pedestrian routes or vehicular ways located on a site. Unless specifically stated otherwise, advisory notes, appendix notes, and figures contained in the 1991 Standards and 2010 Standards explain or illustrate the requirements of the rule; they do not establish enforceable requirements.

Subpart F of the Title III regulations covers certification of equivalency for state standards. This section explains that **equivalency granted to state codes under the 1991 ADA Standards is no longer in effect**.

As with the current ADA regulations, design professionals are responsible for knowing the requirements of every section of the regulations that affect their projects. We have not attempted to include the sections from the regulations that cover employment, program access, readily achievable barrier removal, policies, procedures, contracts, communications, or operational requirements in this Pocket Guide.

## The Basis for This Pocket Guide

This publication has been compiled from the 2010 ADA Standards for Accessible Design and from selected sections of the ADA Title II and Title III Regulations as published on the Department of Justice (DOJ) website at <http://www.ADA.gov/>.

**35.151(c) (for Public Entity Facilities)**

*(c) Accessibility standards and compliance date.*

(1) If physical construction or alterations commence after July 26, 1992, but prior to September 15, 2010, then new construction and alterations subject to this section must comply with either the UFAS or the 1991 Standards except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(k) of the 1991 Standards shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(2) If physical construction or alterations commence on or after September 15, 2010, and before March 15, 2012, then new construction and alterations subject to this section may comply with one of the following: the 2010 Standards, UFAS, or the 1991 Standards except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(k) of the 1991 Standards shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(3) If physical construction or alterations commence on or after March 15, 2012, then new construction and alterations subject to this section shall comply with the 2010 Standards.

(4) For the purposes of this section, ceremonial groundbreaking or razing of structures prior to site preparation do not commence physical construction or alterations.

*(5) Noncomplying new construction and alterations.*

(i) Newly constructed or altered facilities or elements covered by §§ 35.151(a) or (b) that

were constructed or altered before March 15, 2012, and that do not comply with the 1991 Standards or with UFAS shall before March 15, 2012, be made accessible in accordance with either the 1991 Standards, UFAS, or the 2010 Standards.

(ii) Newly constructed or altered facilities or elements covered by §§ 35.151(a) or (b) that were constructed or altered before March 15, 2012 and that do not comply with the 1991 Standards or with UFAS shall, on or after March 15, 2012, be made accessible in accordance with the 2010 Standards.

### **36.406(a) (for Public Accommodations and Commercial Facilities)**

(a) *Accessibility standards and compliance date.*

(1) New construction and alterations subject to §§ 36.401 or 36.402 shall comply with the 1991 Standards if the date when the last application for a building permit or permit extension is certified to be complete by a State, county, or local government (or, in those jurisdictions where the government does not certify completion of applications, if the date when the last application for a building permit or permit extension is received by the State, county, or local government) is before September 15, 2010, or if no permit is required, if the start of physical construction or alterations occurs before September 15, 2010.

(2) New construction and alterations subject to §§ 36.401 or 36.402 shall comply either with the 1991 Standards or with the 2010 Standards if the date when the last application for a building permit or permit extension is certified to be complete by a State, county, or local government (or, in those jurisdictions where the government does not certify completion of applications, if the date when the last application for a building permit or permit extension is received by the State, county, or local government) is on or after September 15, 2010, and before March 15, 2012,

or if no permit is required, if the start of physical construction or alterations occurs on or after September 15, 2010, and before March 15, 2012.

(3) New construction and alterations subject to §§ 36.401 or 36.402 shall comply with the 2010 Standards if the date when the last application for a building permit or permit extension is certified to be complete by a State, county, or local government (or, in those jurisdictions where the government does not certify completion of applications, if the date when the last application for a building permit or permit extension is received by the State, county, or local government) is on or after March 15, 2012, or if no permit is required, if the start of physical construction or alterations occurs on or after March 15, 2012.

(4) For the purposes of this section, "start of physical construction or alterations" does not mean ceremonial groundbreaking or razing of structures prior to site preparation.

(5) *Noncomplying new construction and alterations.*

(i) Newly constructed or altered facilities or elements covered by §§ 36.401 or 36.402 that were constructed or altered before March 15, 2012, and that do not comply with the 1991 Standards shall, before March 15, 2012, be made accessible in accordance with either the 1991 Standards or the 2010 Standards.

(ii) Newly constructed or altered facilities or elements covered by §§ 36.401 or 36.402 that were constructed or altered before March 15, 2012 and that do not comply with the 1991 Standards shall, on or after March 15, 2012, be made accessible in accordance with the 2010 Standards.

On May 18, 2012, DOJ announced that the compliance date to meet the 2010 ADA Standards for entry into existing swimming pools & spas had been extended to January 31, 2013.

The Department of Transportation adopted by reference the revised ADA Guidelines as regulatory standards effective November 29, 2006, and added or modified four sections. These sections are included in this pocket guide within Access Board or ETA Editor's Notes in double-lined boxes.

## **Comparison of the 2010 ADA Standards to the 1991 ADA Standards**

Evan Terry Associates has developed a detailed (line-by-line) reverse sortable analysis to show how the 2010 ADA Standards compare to the 1991 ADA Standards. It is available at <http://www.ADAStandardsComparison.com> as a free download for all interested parties in MS Excel spreadsheet format. The Access Board has less detailed comparisons of its 2004 Guidelines with the 2010 ADA Standards and with the IBC 2003 and 2006 Standards and the NFPA 5000 Standard at

<http://www.Access-Board.gov/Guidelines-and-Standards/Buildings-and-Sites/About-the-ADA-Standards/Background/IBC-Comparison> .

## **Updates and Other Pocket Guides**

Evan Terry Associates will continue to revise and update this Pocket Guide as new technical assistance is released and as interpretations are provided by federal agencies.

We also have Pocket Guides for Florida's 2014 FACBC, the ABA Standards as adopted by GSA, and California's 2013 CBC Accessibility Provisions. We are currently finishing other versions covering selected state access standards. You may visit our website at <http://www.ETAPocketGuides.com> where additional information is available about these publications.

If you would like to be notified when new Pocket Guides become available, when changes are made to this Pocket Guide or when new

Standards are adopted by DOJ and other federal agencies as ADA, ABA, and/or Rehab Act design standards, you can register to receive email notices of those by visiting us at <http://www.AccessUpdates.com>, emailing us at [ETA@EvanTerry.com](mailto:ETA@EvanTerry.com), or contacting us at (205) 972-9100 (voice), (205) 972-9112 (TTY) or (205) 972-9110 (fax).

For additional current information on ADA and other access compliance requirements, as well as thousands of additional resources for accessibility, please visit the Comprehensive Online Resource for the ADA at [www.Corada.com](http://www.Corada.com).

For ADA survey and compliance tools that will simplify and speed up your field measurement process and plan reviews, the Corada Shop (<http://Shop.Corada.com/>) has a growing collection of templates and tools that you can download for free or buy on plastic stock.

## Upcoming Revisions to ADA Standards

Upcoming additions and changes to the guidelines and standards are worth watching for:

### 1. Public Rights-of-Way

As of May 27, 2015, Public Rights-of-Way Guidelines are still under study by the Access Board, DOJ, and DOT. From the Board's website: "Sidewalks, street crossings, and other elements in the public right-of-way can pose challenges to accessibility. The Board's ADA and ABA Accessibility Guidelines focus mainly on facilities on sites. While they address certain features common to public sidewalks, such as curb ramps, further guidance is necessary to address conditions and constraints unique to public rights-of-way.

"The Board is developing new guidelines for public rights-of-way that will address various issues, including access for blind pedestrians at street crossings, wheelchair access to on-street parking, and various constraints posed by space limitations, roadway design practices, slope, and terrain. The new guidelines will cover pedestrian access to sidewalks and streets, including

crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way. The Board's aim in developing these guidelines is to ensure that access for persons with disabilities is provided wherever a pedestrian way is newly built or altered, and that the same degree of convenience, connection, and safety afforded the public generally is available to pedestrians with disabilities. Once these guidelines are adopted by the Department of Justice, they will become enforceable standards under title II of the ADA." Until they are adopted, an excellent publication, *Designing Sidewalks and Trails for Access Part II of II: Best Practices Design Guide*, has been published by the Board and the Federal Highway Administration and can be downloaded for free at [http://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/publications/sidewalk2/index.cfm](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalk2/index.cfm).

## 2. Shared Use Paths

From the Board's website:

"Shared use paths provide a means of off-road transportation and recreation for various users, including pedestrians, bicyclists, skaters, and others, including people with disabilities. In its rulemaking on public rights-of-way and on trails and other outdoor developed areas, comments from the public urged the Board to address access to shared use paths since they are distinct from sidewalks and trails. Shared use paths, unlike most sidewalks, are physically separated from streets by an open space or barrier. They also differ from trails because they are designed not just for recreation purposes but for transportation as well.

"In response, the Board is supplementing its rulemaking on public rights-of-way to also cover shared use paths. The proposed rights-of-way guidelines, which address access to sidewalks, streets, and other pedestrian facilities, provide requirements for pedestrian access routes, including specifications for route width, grade, cross slope, surfaces, and other features. The Board proposes to apply these and other relevant requirements to shared use paths as well. This supplementary rulemaking also would add provisions tailored to shared use paths into the rights-of-way guidelines."

In February 2013 The Board released for public comment proposed requirements for accessible shared use paths used by pedestrians, bicyclists, and others for transportation or recreation. More information can be found on the Access Board's website at <http://www.Access-Board.gov/Guidelines-and-Standards/Streets-Sidewalks>.

### **3. Outdoor Environments**

Although outside the scope of this Pocket Guide (they are included in our ABA Pocket Guide), the Board adopted new Guidelines for Outdoor Developed Areas under the Architectural Barriers Act on September 26, 2013 that cover access to camping facilities, picnic facilities, viewing areas, trails, and beach access routes constructed or altered by or on behalf of federal agencies. The final rule was effective November 25, 2013. They typically apply under the ABA to outdoor sites and areas developed with federal grants and loans, even where those sites are managed by public entities. Although not directly covered by this rule, where public entities covered by Title II of the ADA provide programs including these types of facilities, compliance with these guidelines may be the safest approach to determining whether program access has been provided. These Guidelines and supporting materials are available on the Access Board's website at <http://www.Access-Board.gov/Guidelines-and-Standards/Recreation-Facilities/Outdoor-Developed-Areas/Final-Guidelines-for-Outdoor-Developed-Areas>.

### **4. Emergency Transportable Housing**

From the Board's website:

"The Board has issued guidelines for temporary housing provided by the government in emergencies and natural disasters. Emergency transportable housing units, which are designed and manufactured for transport over roadways, have a smaller footprint than other types of housing and pose unique accessibility challenges. Access to such housing was found to be problematic in the aftermath of hurricanes Katrina and Rita in 2005. The new guidelines supplement the Board's ADA and ABA Accessibility Guidelines by adding provisions and

exceptions that specifically address emergency transportable housing. The Board developed these guidelines according to recommendations from an advisory panel it organized, the Emergency Transportable Housing Advisory Committee, which included representation from disability groups, industry and code groups, and government agencies. Once these guidelines are adopted into the ABA Standards by the Department of Housing and Urban Development and into the ADA Standards by the Department of Justice, they will be enforceable standards.”

More information can be found on the Access Board’s website at <http://www.Access-Board.gov/Guidelines-and-Standards/Buildings-and-Sites/Emergency-Transportable-Housing/Final-Guidelines-for-Emergency-Transportable-Housing> .

## **5. Passenger Vessels**

In June of 2013 the Board released for public comment guidelines for access to ferries, cruise ships, excursion boats, and other passenger vessels under the ADA. Once finalized, these guidelines will supplement the Board’s ADA Accessibility Guidelines for Transportation Vehicles. The Department of Justice and the Department of Transportation will use the guidelines to set mandatory standards. More information can be found on the Access Board’s website at <http://www.Access-Board.gov/Guidelines-and-Standards/Transportation> .

## **6. Medical Diagnostic Equipment**

From the Board’s website:

“The Board is developing accessibility standards for medical diagnostic equipment, including examination tables and chairs, weight scales, radiological equipment, and mammography equipment under the “Patient Protection and Affordable Care Act.” The standards address independent access to, and use of, such equipment by people with disabilities to the maximum extent possible. The Board proposed standards for public comment and will finalize them according to the comments received and recommendations from an advisory committee it chartered.”

The advisory committee submitted its recommendations to the Board through a report dated December 6, 2013. The Department of Justice and other federal agencies may adopt the proposed standards in the future as mandatory standards. More information, including the advisory committee's report, may be found on the Access Board's website at <http://www.Access-Board.gov/Guidelines-and-Standards/Health-Care/About-this-Rulemaking>.

## **7. Classroom Acoustics**

The Board is undertaking rulemaking to address acoustics in classrooms by referencing a voluntary consensus standard developed by the Acoustical Society of America (ASA) with support from the Board. Accredited by the American National Standards Institute (ANSI), the "ANSI/ASA S12.60-2010 American National Standard Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools (Parts 1 and 2)" sets specific criteria for maximum background noise and reverberation time in classrooms. Consistent with long-standing recommendations for good practice in educational settings, the standard set specific criteria for maximum background noise (35 decibels) and reverberation time (0.6 to 0.7 seconds) for unoccupied classrooms. Once these guidelines are adopted by the Department of Justice, they will become enforceable standards under the ADA. More information may be found on the Access Board's website at <http://www.Access-Board.gov/Guidelines-and-Standards/Buildings-and-Sites>.

## **8. Information and Communication Technology (ICT) Standards and Guidelines**

Although outside the scope of this Pocket Guide, the Board has been working on guidelines for information and communication technologies under Section 508 of the Rehab Act and Section 255 of the Telecommunications Act and has released for public comment revised draft accessibility requirements for information and communication technology. On February 18, 2015, the Board released a proposed rule updating the 508 Standards and the 255

Guidelines which is available for public comment until May 28, 2015. Those interested in communications topics can find additional information on the Board's web site at <http://www.Access-Board.gov/Guidelines-and-Standards/Communications-and-IT/About-the-Section-508-Standards>.

## **9. Transportation Vehicles**

The Board has named an advisory committee to provide recommendations on new standards for rail vehicle accessibility. This advisory committee is developing recommendations for updating sections of the guidelines that cover vehicles of fixed guideway systems, including rapid, light, commuter, intercity, and high speed rail. The Board is undertaking rulemaking to update its ADA Accessibility Guidelines (ADAAG) for Transportation Vehicles, which were originally published in 1991 and supplemented in 1998 for over-the-road buses. The Board has proposed updates to sections of the guidelines covering buses and vans. More information can be found on the Access Board's website at <http://www.Access-Board.gov/Guidelines-and-Standards/Transportation>.

## **Research Projects**

The Board sponsors and coordinates research for use in developing accessibility guidelines and providing technical assistance to the public. The Board's research program is focused on the study of accessibility relating to architecture and design, communication, and transportation. A number of research projects have been completed by the Access Board and others are underway or planned. More information about these projects can be found on the Access Board's website at <http://www.Access-Board.gov/Research>.

The results of those projects will be incorporated into future editions of the Pocket Guide only when they are integrated into the guidelines and then published as enforceable Final Rules by the Department of Justice and other adopting agencies.

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