

Planning for the Needs of PWD and Resources

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Contact Information

- ☞ 800-205-9986 (ADA Hotline)
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Ω All information provided is non-binding.



Program Outline

- ∩ My background
- ∩ Planning
- ∩ Who are PWD?
- ∩ ADA Basics
- ∩ New ADA developments that impact planning
- ∩ Self evaluation
- ∩ Policies
- ∩ Universal design
- ∩ Disability Awareness
- ∩ Resources



My Personal Experience

- o Injured in 1982 motor vehicle collision with drunk driver
- o Paralyzed from waist down and suffered a closed head injury
- o Attended college and law school using a wheelchair
- o Suffered some employment discrimination
- o Have experienced public perception of PWD
 - 5 dollar episode
 - Restaurant example
 - Decreased expectations
 - Want to live American dream

Disability Specific Laws

- ⌚ Americans With Disabilities Act (ADA)
- ⌚ ADA Amendments Act of 2008
- ⌚ Rehabilitation Act of 1973 , Section 504
- ⌚ Individuals With Disabilities Education Act (IDEA)
- ⌚ Fair Housing Act, as amended in 1988 (FHA)



ADA Overview

- Ω MAINSTREAMING
- Ω EQUAL OPPORTUNITY
- Ω ACCESS
- Ω CIVIL RIGHTS



Definition of Disability

- Ω Physical or mental impairment that substantially limits a major life activity or
- Ω Record of impairment or
- Ω Being regarded as having an impairment



ADA Five Titles

- ∞ **Title I: Employment**
- ∞ **Title II : Public Entities**
- ∞ **Title III: Public Accommodations (private businesses)**
- ∞ **Title IV: Telecommunications**
- ∞ **Title V: Miscellaneous**



Title II

- ⌚ Mandates that programs, activities and services of public entities be accessible to PWD
- ⌚ Also requires facility access where necessary to provide program access
- ⌚ New buildings constructed after 1/26/92 with first occupancy after 1/26/93 should be completely accessible.



Title II Administrative Requirements

- ∩ ADA Coordinator (50 or more employees)
- ∩ Self Evaluation Plan
- ∩ Transition Plan (50 or more employees)
- ∩ Public Notice
- ∩ Grievance Procedure (50 or more employees)

New ADAAG

- Ω Compliance with the 2010 Standards for Accessible Design is permitted after that date, but not required until 18 months after the date of publication (September 15, 2010) = March 15, 2012.
- Ω Covered entities are given the choice of following the new standards or original standards (ADAAG 1991) during the first 18 months after September 15, 2010 for new construction or substantial renovation.
- Ω After 18 months, use of the 2010 standards will become mandatory (March 15, 2012).
- Ω **Safe Harbor:** Elements in covered facilities built or altered in compliance with 2010 standards are not required to be brought into compliance with the 2010 standards until such elements were subject to a planned alteration.
- Ω **Caveat:** if the facility being altered or built before March 15, 2010 has elements not covered by the 1991 standards, then the public entity should try to meet the 2010 Accessible Design Standards.

New ADAAG (continued)

∞ Some examples of elements not covered by the 1991 standards (not covered by the Safe Harbor):

- Swimming pools, wading pools and spas
- Exercise machines and equipment
- Golf facilities Team or player seating
- Saunas and steam rooms
- Bowling alleys



New ADAAG (continued)

- ⌚ Must remove architectural barriers in these new elements on or after March 15, 2012 unless there is an undue burden.



2010 ADA Standards for Accessible Design

Ω Changes to the 1991 Standards

- The 2010 ADA Standards for Accessible Design contain more than incremental changes.



Reach Ranges

∞ Reach Range Requirements (Section 308)

- The reach range requirements have been changed to provide that the side reach range must now be no higher than 48 inches (instead of 54 inches) and no lower than 15 inches (instead of 9 inches).
- The side reach requirements apply to operable parts on accessible elements, to elements located on accessible routes, and to elements in accessible rooms and spaces.

Toilets/Water Closets

∞ Water Closet Clearances in Single User Toilet Rooms (Sections 603, 604)

- In single-user toilet rooms, the water closet now must provide clearance for both a forward and a parallel approach
- and, in most situations, the lavatory cannot overlap the water closet clearance.
- The in-swinging doors of single use toilet or bathing rooms may swing into the clearance around any fixture if clear floor space is provided within the toilet room beyond the door's arc.



Other Changes

- ∞ **Assembly area requirements (Sections 221, 802)**
- ∞ **Location of Accessible Routes to Stages (Section 206)**
- ∞ **Transient Lodging Guest Rooms (Sections 224, 806)**
- ∞ **Common Use Circulation Paths in Employee Work Areas (Sections 203.9, 206.2.8)**
- ∞ **Still others ...**



Policies

- ∞ **Annually review policies to make sure they do not negatively impact PWD**
 - **No pets policy**
 - **No non-motorized vehicles on road ways**
- ∞ **Separate programs for PWD that mandate participation by otherwise qualified PWD**



Definition of Universal Design (UD)

- ∞ **Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.**
–Ron Mace
- ∞ **The intent of universal design is to simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost. Universal design benefits people of all ages and abilities**
- ∞ **NC State University Center for Universal Design**



Universal Design

- ∞ Designed in a manner that is usable by all persons
- ∞ Can you think of some examples?



7 Principles of UD

1. **Equitable use- useful and marketable to people with diverse abilities**
2. **Flexibility in use- accommodates a wide range of individual preferences and abilities**
3. **Simple and intuitive use- easy to understand**
4. **Perceptible information-communicates necessary information effectively**
5. **Tolerance for error- minimizes hazards**
6. **Low physical effort- can used with a minimum of fatigue**
7. **Appropriate size and space for approach and use**



Examples of UD

1. Curb cut
2. Automatic door
3. Closed captioning
4. Lever handle
5. Counter access
6. Picnic Table
7. Trails
8. Beach access
9. Swimming pool
10. Fishing pier

Information Counter Access

1. Portion of counter should be lowered to height from 28 to 34 inches from the finish floor. (photo courtesy of National Center on Accessibility)



Picnic Tables



Trails





Trails

1. **Firm & Stable** : The proposed accessibility guidelines require a trail surface to be firm and stable.
2. Cross Slope
3. Slope
4. Passing spaces
5. Others

Beach Access





Swimming Pools

Ω 2010 Accessible Design Standards 1009

- Pool lifts
- Sloped entries
- Transfer walls
- Pool stairs
- Handrails
- Good example of Accessibility: Lakeshore Foundation

Lakeshore Foundation Pools



- ∞ Three ways to enter pool for those with mobility impairments
- ∞ Lift
- ∞ Ramp
- ∞ Transfer wall

Accessible Fishing Station



∞ 12 inches out from pier

Accessible Fishing Station

- ⌚ 34 inches high
- ⌚ 36 inches wide



Monsanto Mountain Trail

- ⌚ This is a good example of an accessible trail. The trail surface is firm and slip resistant, at least 36 inches wide and has periodic wheelchair passing spaces. There is signage that describes trees along the trail which is in braille and is tactile (has representations of the tree bark for each tree). Would there be any other considerations for persons who are blind or visually impaired?



Disability Awareness

∞ Plan Annual Training for Staff

- Disability Terminology
- Offering Assistance
- Common Myths

∞ GOOD can provide this training



Summary

- Ω Understand Basic ADA Requirements
- Ω Begin implementation of 2010 standards where applicable
- Ω Update self evaluation and transition plans
- Ω Incorporate universal design in all future plans
- Ω Involve citizens with disabilities in planning process

True or False

- ⌚ All people with disabilities are covered by Title II.
- ⌚ A person with diabetes controlled with insulin is covered as a person with a disability under the ADA.
- ⌚ The ADA Hotline Number is 800-205-9986.
- ⌚ There is a complete listing of all disabilities covered by the ADA.
- ⌚ Self evaluation plans expose public entities to unnecessary liability.
- ⌚ Program access applies to new construction.
- ⌚ I learned a lot today.

Resources

- ∞ **Governor's Office on Disability**
- ∞ **Alabama Department of Rehabilitation Services**
- ∞ **ADA Hotline Services**
 - Free accessibility surveys and ADA technical assistance
 - Disability Rights and Resources
- ∞ www.ada.gov
- ∞ www.adata.org
- ∞ www.access-board.gov

Ω Any
Questions?

Ω THE END!

