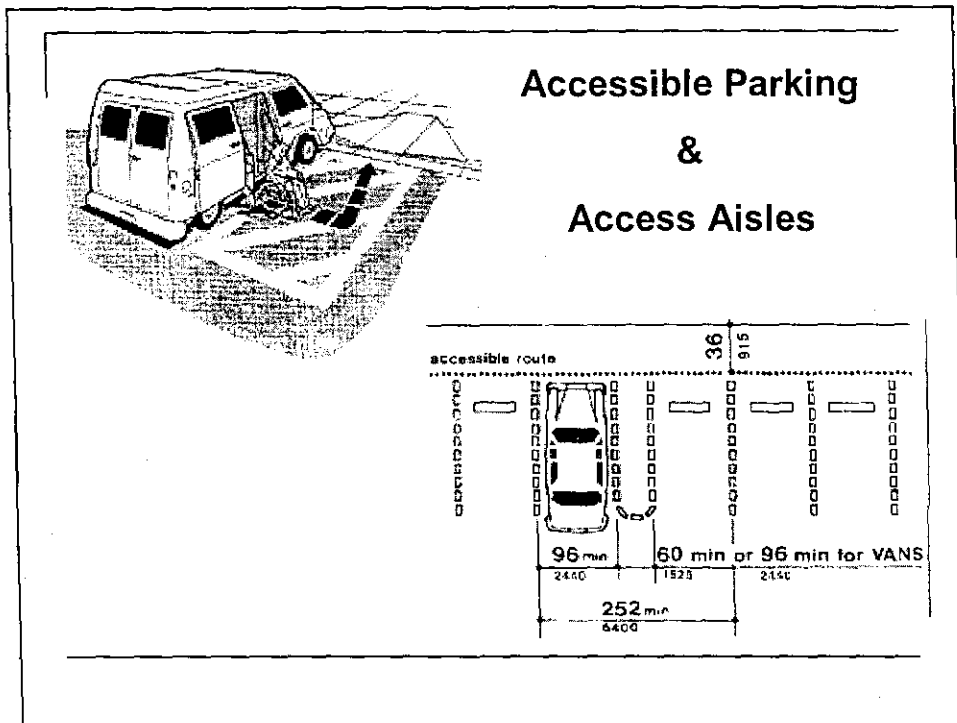


# Common Technical ADA Compliance Issues

*A brief look at the most common  
compliance issues and what to do about  
them.*

## Common Parking Issues:

- **No vertical signage**
- **Not properly lined**
- **No access aisles**
- **No van accessible spaces**
- **Not level or sloped**



## Requirements:

- **Based on Total # of parking spaces( 1:25 up to 100 total spaces) – standard accessible space**  
- 8 ft. space & 5 ft. access aisle
- **1:8 Van Accessible Parking** - 8 ft. space & 8 ft. aisle
  - "Universal Parking" – 16 ft. wide(11' space w/ 5 ft. access aisle)
- **Only One Space provided** - "Van Accessible"
- **Vertical Signage** - not obscured by cars
- **2% Slope** - 2% or less in ALL directions

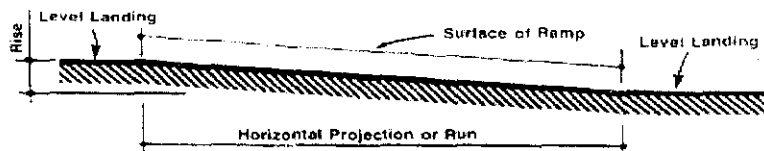
## Common Ramp Issues:

- Slope is steeper than 1:12
- No level landings

## Requirements:

- **1:12 Slope** - for every 1 inch of rise, 12 inches of run
- **5' by 5' Landing** - top of ramps and direction changes

## Components of a Ramp



Slope	Maximum Rise		Maximum Horizontal Projection	
	in	mm	ft	m
1:12 to < 1:16	30	760	30	9
1:16 to < 1:20	30	760	40	12

## Common Bathroom Issues:

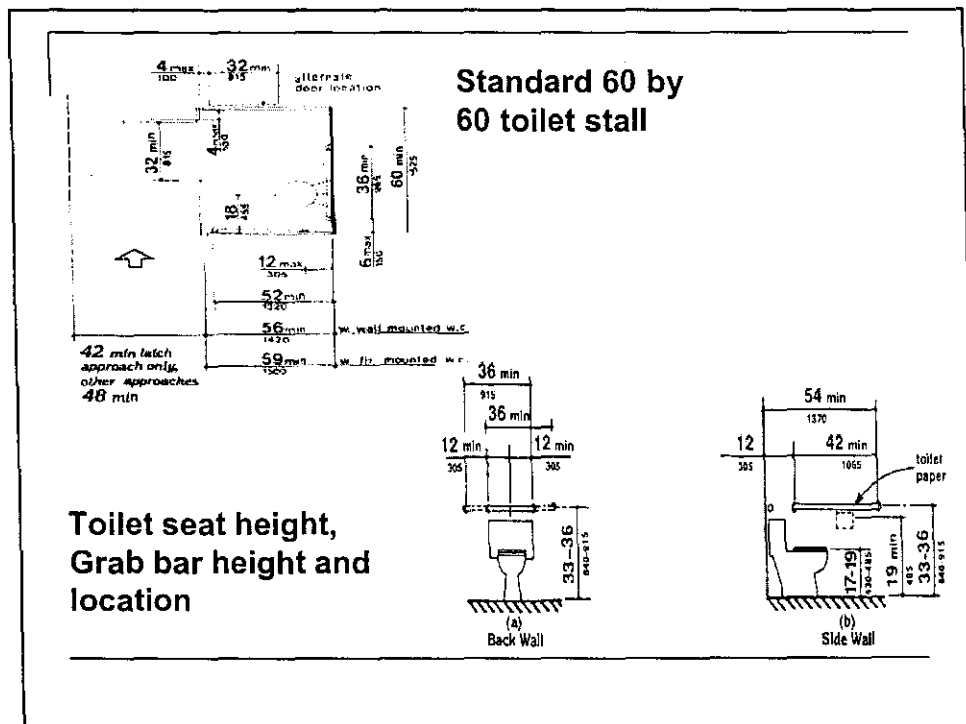
- Signage labeling restroom is on door
- Toilet seat height is too low
- Stall size is not big enough
- No door handles on the inside of the stall
- Dispensers are mounted out of reach
- Round handles on sink
- Mirror is mounted too high
- No signage at inaccessible bathrooms
- No grab bars

## Bathroom Requirements:

- **Signage** - 60 inches high; latch side of the door
- **Toilet Height** - 17" to 19" high
- **Stall Size** - 60" by 60"
- **Stall Door** - handles operable with "closed" fist
- **Reach Ranges** - forward: 48", Side: 54"
- **Sink Handles** - "operable" w/ a "closed" fist
- **Mirror Height** - 40 " to bottom of reflection
- **Grab Bars** - side: 42", back: 36"

## Bathroom Requirements Cont...

- **Inaccessible Restrooms** - Signs indicating location of accessible restrooms



## Priorities to Barrier Removal

- 1) **Provide access to business from sidewalk/parking area**
- 2) **Access to where goods and services are offered to the public**
- 3) **Access to public toilet rooms** (if restrooms are provided for customers)
- 4) **Remove any additional barriers- EX. water fountains or telephones**

## "Readily Achievable" Barrier Removal

**"Readily Achievable"** – without much effort or much expense

- **Businesses do not need to gut the facility to be compliant**
- **ADA is an ongoing obligation**
- **Barrier removal can be a gradual process**
- **Removal of barriers can be inexpensive & easy**

# ADA Business BRIEF:

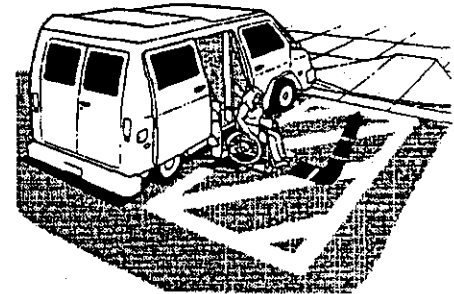
## Restriping Parking Lots

### Accessible Parking Spaces

When a business restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

This ADA Business Brief provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.



One of eight accessible parking spaces, but always at least one, must be van accessible.

### Accessible Parking Spaces for Cars

Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

### Van-Accessible Parking Spaces

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and

- an additional sign that identifies the parking spaces as "van accessible."

### Minimum Number of Accessible Parking Spaces

ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van-Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
Column A			
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

\* one out of every 8 accessible spaces

\*\* 7 out of every 8 accessible parking spaces

## Location

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3-foot wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

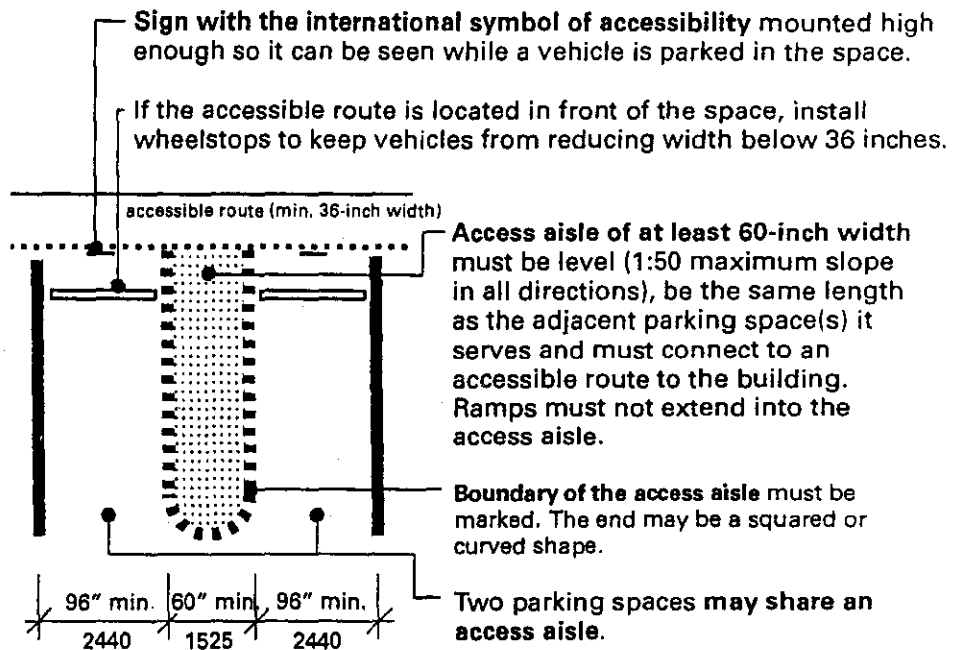
## Free Technical Assistance

Answers to technical and general questions about restriping parking lots or other ADA requirements are available by telephone on weekdays. You may also order the ADA Standards for Accessible Design and other ADA publications, including regulations for private businesses, at any time day or night. Information about ADA-related IRS tax credits and deductions is also available from the ADA Information Line.

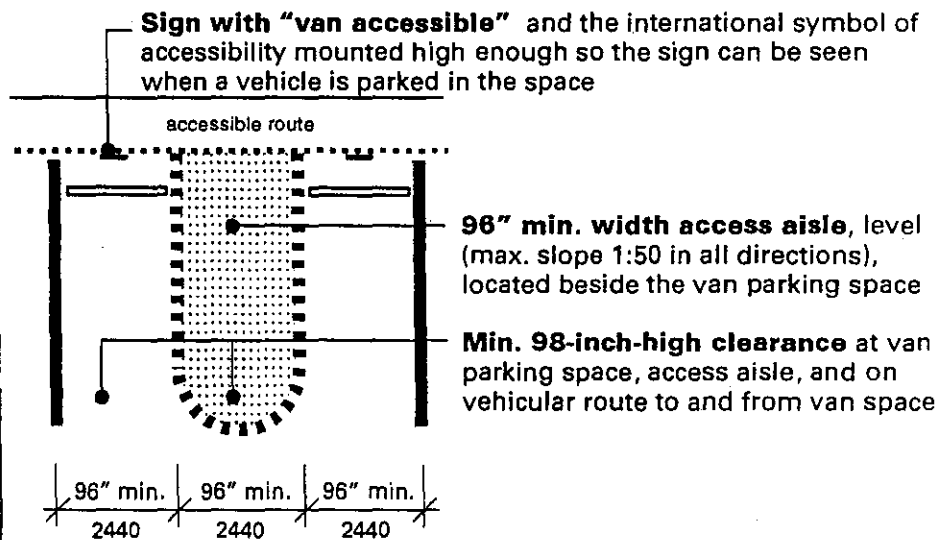
Department of Justice  
ADA Information Line

800-514-0301 (voice)  
800-514-0383 (TTY)

## Features of Accessible Parking Spaces for Cars



## Three Additional Features for Van-Accessible Parking Spaces



## ADA Website and ADA Business Connection

You may also view or download ADA information on the Department's ADA website at any time. The site provides access to the **ADA Business Connection** and the ADA design standards, ADA regulations, ADA policy letters, technical assistance materials, and general ADA information. It also provides links to other Federal agencies, and updates on new ADA requirements and enforcement efforts. [www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

## Reference:

ADA Standards for Accessible Design (28 CFR Part 36):  
§ 4.1.6 Alterations; § 4.1.2 Accessible Sites and Exterior Facilities: New Construction; § 4.6.1 Parking and Passenger Loading Zones, and § 4.3 Accessible Route.





# Americans with Disabilities Act



**Technical Assistance**  
**Updates from the U.S. Department of Justice**

Common Questions:  
**Readily Achievable Barrier Removal**

Design Details:  
**Van Accessible Parking Spaces**



Number 1.

August 1996

## **Reproduction**

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## **Disclaimer**

The ADA authorizes the Department of Justice to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulation.

However, this technical assistance does not constitute a legal interpretation of the statute.

## Introduction



**ADA-TA**, a series of technical assistance (TA) updates from the Disability Rights Section of the Civil Rights Division of the Department of Justice, provides practical information on how to comply with the Americans with Disabilities Act (ADA). Each ADA-TA highlights specific topics of interest to business owners and managers, State and local government officials, architects, engineers, contractors, product designers and manufacturers, and all others who seek a better understanding of accessible design and the ADA. The goal of the series is to clarify potential misunderstandings about the requirements of the ADA, and to highlight its flexible, common sense approach to accessibility.

Each ADA-TA has two standard features: **Common Questions** and **Design Details**. **Common Questions** answers questions that have been brought to our attention through complaints, compliance reviews, calls to our information line, or letters from the public. **Design Details** provides supplemental information and illustrations of specific design requirements.

ADA-TA complements the Department's ADA documents, including the regulations issued under titles II and III of the ADA and the Department's technical assistance manuals. ADA-TA is not a legal interpretation of the ADA. Instead it provides practical solutions on how to comply with the ADA while avoiding costly and common mistakes.

Obtaining additional ADA information may be as easy as a trip to your local library. The Department of Justice has sent an ADA Information File containing 70 technical assistance documents to 15,000 libraries across the country. Most libraries maintain this file at the reference desk.

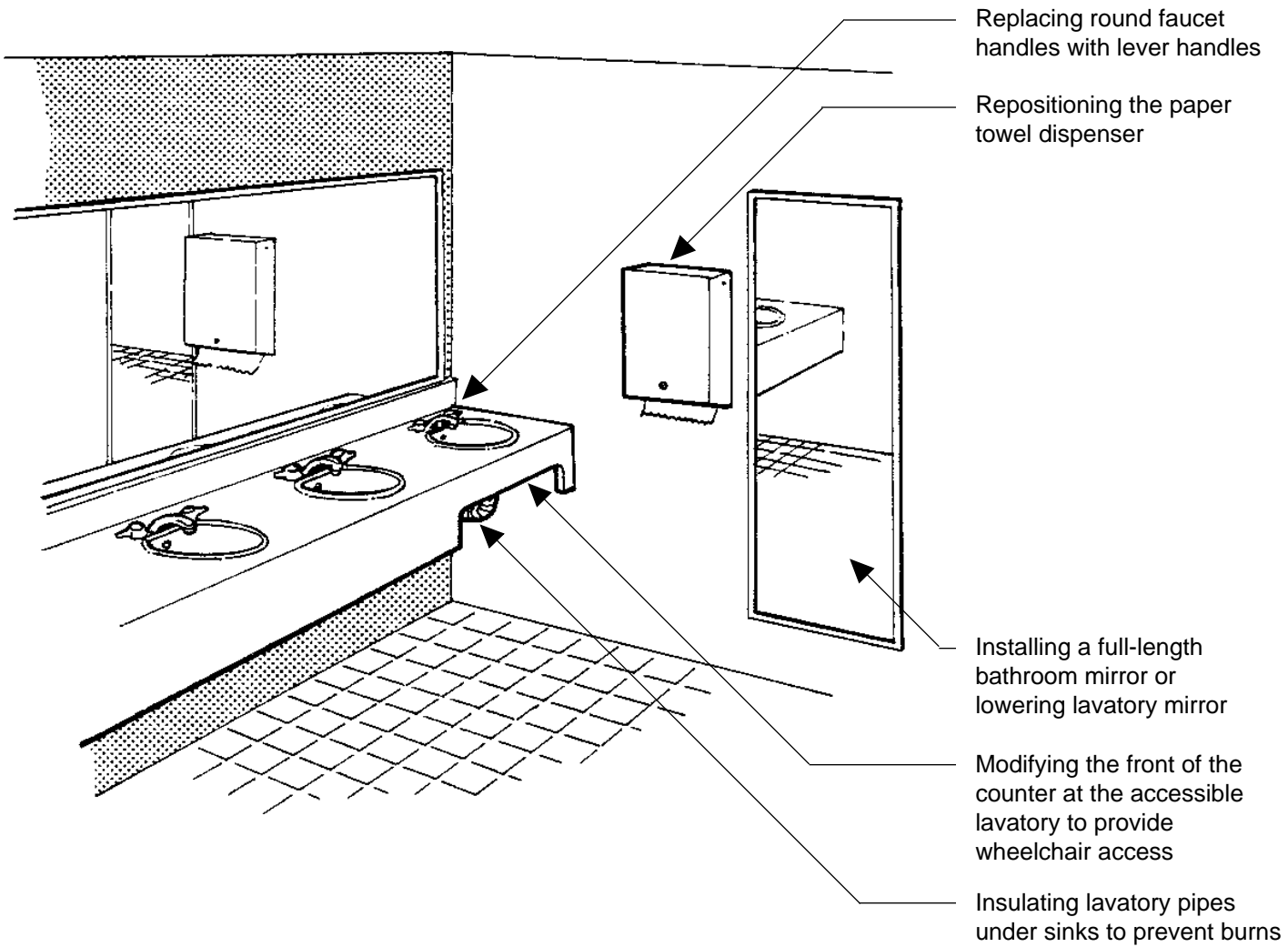
The Department's ADA publications are also available electronically, including ADA regulations and technical assistance materials, through the Internet or by calling the Department's electronic bulletin board (BBS). Materials can be accessed on the World Wide Web at <http://www.usdoj.gov/crt/ada/adahom1.htm> or by using gopher client software (`gopher://justice2.usdoj.gov:70/11/crt/ada`). The materials can be also downloaded from the Department of Justice ADA-BBS by dialing (202) 514-6193. You can also reach this BBS through the Internet using the telenet fedworld gateway (`telenet fedworld.gov`). At the main menu, choose "U" (Utilities/Files/Mail), then choose "D" (gateway system) followed by "D" (connect to gov't sys/database) and then #9 ADA-BBS (DOJ).

*To order copies of the Department's regulations, technical assistance manuals and other publications, or obtain answers to specific questions,*

**CALL:**

*(800) 514-0301 (voice)*

*(800) 514-0383 (TDD).*



*Selected Examples of Barrier Removal*

## Common Questions: Readily Achievable Barrier Removal

The ADA requires companies providing goods and services to the public to take certain limited steps to improve access to existing places of business. This mandate includes the obligation to remove barriers from existing buildings when it is readily achievable to do so. Readily achievable means *easily accomplishable and able to be carried out without much difficulty or expense*.

Many building features that are common in older facilities such as narrow doors, a step or a round door knob at an entrance door, or a crowded check-out or store aisle are barriers to access by people with disabilities. Removing barriers by ramping a curb, widening an entrance door, installing visual alarms, or designating an accessible parking space is often essential to ensure equal opportunity for people with disabilities. Because removing these and other common barriers can be simple and inexpensive in some cases and difficult and costly in others, the regulations for the ADA provide a flexible approach to compliance. This practical approach requires that barriers be removed in existing facilities only when it is readily achievable to do so. The ADA does not require existing buildings to meet the ADA's standards for newly constructed facilities.

The ADA states that individuals with disabilities may not be denied the full and equal enjoyment of the “goods, services, facilities, privileges, advantages, or accommodations” that the business provides -- in other words, whatever type of good or service a business provides to its customers or clients. A business or other private entity that serves the public must ensure equal opportunity for people with disabilities.

In the following section, we answer some of the most commonly asked questions we receive from our toll-free ADA Information Line about the barrier removal requirement and how it differs from those requirements that apply to new construction and alteration of buildings.

*Individuals with disabilities may not be denied the full and equal enjoyment of the “goods, services, facilities, privileges, advantages, or accommodations”*

*The ADA establishes different requirements for existing facilities and new construction.*

*The types of facilities listed in each category are examples — they are not intended to be an exhaustive list of all covered facilities.*

■ ***I own three buildings, two of which were designed and constructed prior to the enactment of the ADA. I have been told I have to make them all accessible. Is this true? Does the ADA require me to make them all accessible?***

The ADA establishes different requirements for existing facilities and new construction. In existing facilities where retrofitting may be expensive, the requirement to provide access through barrier removal is less than it is in new construction where accessibility can be incorporated in the initial stages of design and construction without a significant increase in cost.

The requirement to remove barriers in existing buildings applies only to a private entity that owns, leases, leases to or operates a “place of public accommodation.” Further, barriers must be removed only where it is “readily achievable” to do so. Readily achievable means *easily accomplishable and able to be carried out without much difficulty or expense.*

■ ***Is my business required to remove barriers?***

If your business provides goods and services to the public, you are required to remove barriers if doing so is readily achievable. Such a business is called a public accommodation because it serves the public. If your business is not open to the public but is only a place of employment like a warehouse, manufacturing facility or office building, then there is no requirement to remove barriers. Such a facility is called a commercial facility. While the operator of a commercial facility is not required to remove barriers, you must comply with the ADA Standards for Accessible Design when you alter, renovate or expand your facility.

■ ***What is a “place of public accommodation”?***

A place of public accommodation is a facility whose operations affect commerce and fall within at least one of the following 12 categories set out in the ADA:

- 1) Places of lodging (e.g., inns, hotels, motels) (except for owner-occupied establishments renting fewer than six rooms);
- 2) Establishments serving food or drink (e.g., restaurants and bars);
- 3) Places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums);
- 4) Places of public gathering (e.g., auditoriums, convention centers, lecture halls);
- 5) Sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers);
- 6) Service establishments (e.g., laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services,

- funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals);
- 7) Public transportation terminals, depots, or stations (not including facilities relating to air transportation);
  - 8) Places of public display or collection (e.g., museums, libraries, galleries);
  - 9) Places of recreation (e.g., parks, zoos, amusement parks);
  - 10) Places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private schools);
  - 11) Social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies); and
  - 12) Places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

■ ***I operate a restaurant that opened in 1991. The city required that the restaurant comply with the local accessibility code. Is the restaurant "grandfathered" and not required to remove barriers as required by the ADA?***

No. A restaurant is a public accommodation and a place of public accommodation must remove barriers when it is readily achievable to do so. Although the facility may be "grandfathered" according to the local building code, the ADA does not have a provision to "grandfather" a facility. While a local building authority may not require any modifications to bring a building "up to code" until a renovation or major alteration is done, the ADA requires that a place of public accommodation remove barriers that are readily achievable even when no alterations or renovations are planned.

*...the ADA does not have a provision to "grandfather" a facility...*

■ ***Do I, as the owner, have to pay for removing barriers?***

Yes, but tenants and management companies also have an obligation. Any private entity who owns, leases, leases to, or operates a place of public accommodation shares in the obligation to remove barriers.

■ ***If I do remove barriers, is my business entitled to any tax benefit to help pay for the cost of compliance?***

As amended in 1990, the Internal Revenue Code allows a deduction of up to \$15,000 per year for expenses associated with the removal of qualified architectural and transportation barriers (Section 190).

*To learn more about tax credits and deductions for barrier removal and providing accessibility contact the IRS at (800) 829-1040 (voice) or (800) 829-4059 (TDD) or call the Department of Justice ADA Information Line (800) 514-0301 voice, (800) 514-0383 TDD.*

*Copies of the regulations, which include the Standards can be ordered 24 hours a day from the Department's ADA Information line.*

The 1990 amendment also permits eligible small businesses to receive a tax credit (Section 44) for certain costs of compliance with the ADA. An eligible small business is one whose gross receipts do not exceed \$1,000,000 or whose workforce does not consist of more than 30 full-time workers. Qualifying businesses may claim a credit of up to 50 percent of eligible access expenditures that exceed \$250 but do not exceed \$10,250. Examples of eligible access expenditures include the necessary and reasonable costs of removing architectural, physical, communications, and transportation barriers; providing readers, interpreters, and other auxiliary aids; and acquiring or modifying equipment or devices.

■ **What design standards apply when I'm removing barriers?**

When you undertake to remove a barrier, you should use the alterations provisions of the ADA Standards for Accessible Design (Standards). These Standards were published in Appendix A to the Department of Justice's Title III regulations, 28 CFR Part 36, *Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities*. Deviations from the Standards are acceptable when full compliance with those requirements is not "readily achievable". In such cases, barrier removal measures may be taken that do not fully comply with the Standards, so long as the measures do not pose a significant risk to the health or safety of individuals with disabilities or others.

*ILLUSTRATION: As a first step toward removing architectural barriers, the owner of a small shop decides to widen the shop's 26-inch wide front door. Because of space constraints the shop owner can only widen the door to provide a 30-inch clear width, not the full 32-inch clearance required for alterations under the Standards. Full compliance with the Standards is not in this case readily achievable. The 30-inch clear width will allow most people who use crutches or wheelchairs to get through the door and will not pose a significant risk to their health or safety.*

■ **How can I get a copy of the ADA Standards for Accessible Design?**

Copies of the regulations, which include the Standards, are available from the Department of Justice's ADA Information Line and may also be available in your local library. The Department of Justice distributed an ADA Information File containing regulations and technical assistance materials to over 15,000 libraries nationwide. Copies of the regulations can be ordered 24 hours a day from the Department's ADA Information line (1-800-514-0301 Voice or 1-800-514-0383 TDD).



■ ***How do I determine what is readily achievable?***

“Readily achievable” means easily accomplishable and able to be carried out without much difficulty or expense. Determining if barrier removal is readily achievable is, by necessity, a case-by-case judgment. Factors to consider include:

- 1) The nature and cost of the action;
- 2) The overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site;
- 3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;
- 4) If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and
- 5) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

*...readily achievable will have to be determined on a case-by-case basis in light of the nature and cost of the barrier removal and the resources available.*

If the public accommodation is a facility that is owned or operated by a parent entity that conducts operations at many different sites, you must consider the resources of both the local facility and the parent entity to determine if removal of a particular barrier is “readily achievable.” The administrative and fiscal relationship between the local facility and the parent entity must also be considered in evaluating what resources are available for any particular act of barrier removal.

■ ***Can you tell me what barriers it will be “readily achievable” to remove?***

The Department’s regulation contains a list of 21 examples of modifications that may be readily achievable. These include installing ramps, making curb cuts in sidewalks and at entrances, repositioning telephones, adding raised markings on elevator control buttons, installing visual alarms, widening doors, installing offset hinges to widen doorways, insulating lavatory pipes under sinks, repositioning a paper towel dispenser, installing a full-length mirror, rearranging toilet partitions to increase maneuvering space or installing an accessible toilet stall. The list is not exhaustive and is only intended to be illustrative. Each of these

modifications will be readily achievable in many instances, but not in all. Whether or not any of these measures is readily achievable will have to be determined on a case-by-case basis in light of the nature and cost of the barrier removal and the resources available.

■ ***Does the ADA permit me to consider the effect of a modification on the operation on my business?***

Yes. The ADA permits consideration of factors other than the initial cost of the physical removal of a barrier.

*ILLUSTRATION: CDE convenience store determines that it would be inexpensive to remove shelves to provide access to wheelchair users throughout the store. However, this change would result in a significant loss of selling space that would have an adverse effect on its business. In this case, the removal of all the shelves is not readily achievable and, thus, is not required by the ADA. However, it may be readily achievable to remove some shelves.*

■ ***If an area of my store is reachable only by a flight of steps, would I be required to add an elevator?***

Usually no. A public accommodation generally would not be required to remove a barrier to physical access posed by a flight of steps, if removal would require extensive ramping or an elevator. The readily achievable standard does not require barrier removal that requires burdensome expense. Thus, where it is not readily achievable to do so, the ADA would not require a public accommodation to provide access to an area reachable only by a flight of stairs.

■ ***I have a portable ramp that we use for deliveries - can't I just use that?***

Yes, you could, but only if the installation of a permanent ramp is not readily achievable. In order to promote safety, a portable ramp should have railings, a firm, stable, nonslip surface and the slope should not exceed one to twelve (one unit of rise for every twelve units horizontal distance). It should also be properly secured and staff should be trained in its safe use.

■ ***Because one of my buildings is very inaccessible, I don't know what to fix first. Is guidance available?***

Yes. The Department recommends priorities for removing barriers in existing facilities because you may not have sufficient resources to remove all existing barriers at one time. These priorities are not mandatory. You are free to exercise discretion in determining the most effective "mix" of barrier removal measures for your facilities.

The **first priority** is enabling individuals with disabilities to enter the facility. This priority on “getting through the door” recognizes that providing physical access to a facility from public sidewalks, public transportation, or parking is generally preferable to any alternative arrangements in terms of both business efficiency and the dignity of individuals with disabilities.

The **second priority** is providing access to those areas where goods and services are made available to the public. For example, in a hardware store these areas would include the front desk and the retail display areas of the store.

The **third priority** is providing access to restrooms (if restrooms are provided for use by customers or clients).

The **fourth priority** is removing any remaining barriers, for example, lowering telephones.

■ ***What about my employee areas? Must I remove barriers in areas used only by employees?***

No. The “readily achievable” obligation to remove barriers in existing facilities does not extend to areas of a facility that are used exclusively by employees. Of course, it may be necessary to remove barriers in response to a request for “reasonable accommodation” by a qualified employee or applicant as required by Title I of the ADA. For more information, contact the Equal Employment Opportunity Commission (EEOC) which enforces Title I of the ADA.

■ ***How can a public accommodation decide what needs to be done?***

One effective approach is to conduct a “self-evaluation” of the facility to identify existing barriers. While not required by the ADA, a serious effort at self-assessment and consultation can save resources by identifying the most efficient means of providing required access and can diminish the threat of litigation. It serves as evidence of a good faith effort to comply with the barrier removal requirements of the ADA. This process should include consultation with individuals with disabilities or with organizations representing them and procedures for annual reevaluations.

*Our priorities for barrier removal are not mandatory. Public accommodations are free to exercise discretion in determining the most effective “mix” of barrier removal measures to undertake in their facilities.*

*...public accommodations are urged to establish procedures for an ongoing assessment of their compliance with the ADA’s barrier removal requirements.*

*...when barrier removal is not readily achievable, then goods and services must be made available through alternative methods, if such methods are readily achievable.*

- ***If a public accommodation determines that its facilities have barriers that should be removed, but it is not readily achievable to undertake all of the modifications now, what should it do?***

The Department recommends that a public accommodation develop an implementation plan designed to achieve compliance with the ADA's barrier removal requirements. Such a plan, if appropriately designed and executed, could serve as evidence of a good faith effort to comply with the ADA's barrier removal requirements.

- ***What if I'm not able to remove barriers at this time due to my financial situation? Does that mean I'm relieved of current responsibilities?***

No, when you can demonstrate that the removal of barriers is not readily achievable, you must make your goods and services available through alternative methods, if undertaking such methods is readily achievable. Examples of alternative methods include having clerks retrieve merchandise located on inaccessible shelves or delivering goods or services to the customers at curbside or in their homes. Of course, the obligation to remove barriers when readily achievable is a continuing one. Over time, barrier removal that initially was not readily achievable may later become so because of your changed circumstances.

- ***If the obligation is continuing, do you mean there are no limits on what I must do to remove barriers?***

No. There are limits. In removing barriers, a public accommodation does not have to exceed the level of access required under the alterations provisions contained in the Standards (or the new construction provision where the Standards do not provide specific provisions for alterations).

**ILLUSTRATION 1:** An office building that houses places of public accommodation is removing barriers in public areas. The alterations provisions of the Standards explicitly state that areas of rescue assistance are not required in buildings that are being altered. Because barrier removal is not required to exceed the alterations standard, the building owner need not establish areas of rescue assistance.

ILLUSTRATION 2: A grocery store has more than 5000 square feet of selling space and prior to the ADA had six inaccessible check-out aisles. Because the Standards do not contain specific provisions applicable to the alteration of check-out aisles one must look to the new construction provisions of the Standards for the upper limit of the barrier removal obligation. These provisions require only two of the six check-out aisles to be accessible. Because the store found it readily achievable in 1993 and 1994 to remove barriers and make two of check-out aisles accessible, the store has fulfilled its obligation and is not required to make more check-out aisles accessible.

■ ***What is the difference between barrier removal and alterations?***

***Aren't they both very similar?***

Not really . Under the ADA, barrier removal is done by a place of public accommodation to remove specific barriers that limit or prevent people with disabilities from obtaining access to the goods and services offered to the public. This is an ongoing obligation for the business that has limits determined by resources, size of the company and other factors (see pages 7 & 8). An alteration is replacement, renovation or addition to an element or space of a facility. Generally alterations are done to improve the function of the business, to accommodate a change or growth in services, or as part of a general renovation. The requirements for alterations are greater than those for barrier removal because the alteration is part of a larger construction or replacement effort.

■ ***One of the buildings that I own is a small factory with offices.***

***Do I have to make that accessible?***

No, commercial facilities such as factories, warehouses, and office buildings that do not contain places of public accommodation are considered “commercial facilities” and are not required to remove barriers in existing facilities. They are, however, covered by the ADA’s requirements for accessible design in new construction or alterations.

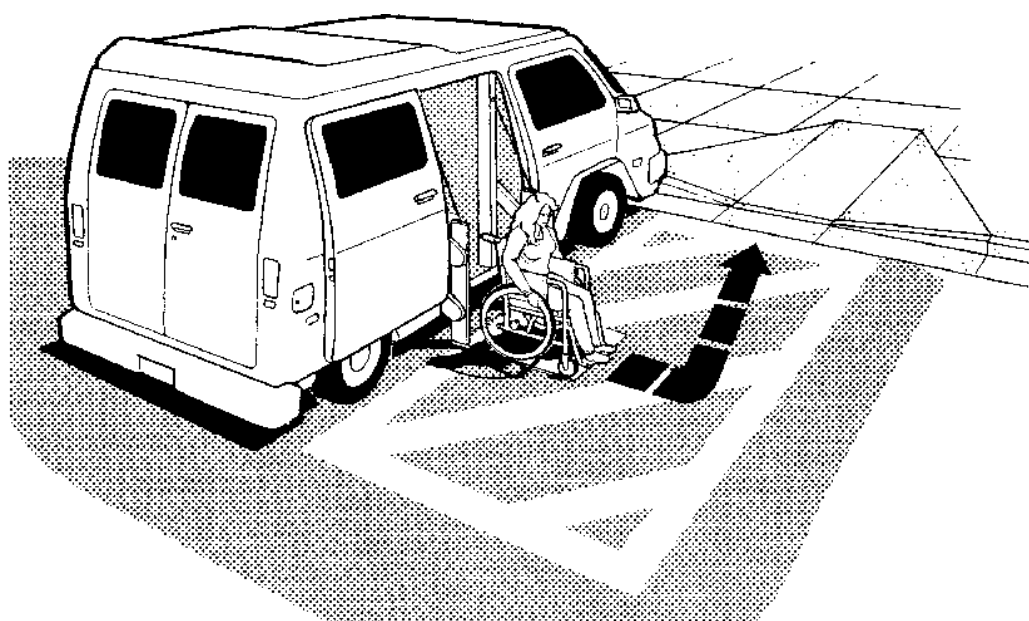
*Commercial facilities that do not contain places of public accommodation are not required to remove barriers in existing facilities except to provide access to employment.*



## Design Details: Van Accessible Parking Spaces

Vans equipped with lifts are an essential mode of transportation for many people who use wheelchairs and three-wheeled scooters. The lift-equipped van permits people to enter and exit the vehicle independently without having to leave their wheelchair.

The ADA creates new requirements for van accessible parking spaces. The ADA Standards for Accessible Design or Standards cover public accommodations, commercial facilities and certain State and local governments. State and local governments may choose between these Standards and the Uniform Federal Accessibility Standards (UFAS). Because UFAS does not specify how many van accessible parking spaces are required, only those State and local governments that have chosen the Standards as their ADA accessibility standard have specific, numerical requirements for van accessible parking. Requirements for State and local government agencies that have chosen the Uniform Federal Accessibility Standard (UFAS) are not addressed by this document.



*A Van Accessible  
Parking Space always  
has a minimum 96-inch  
wide access aisle next  
to the van*

The new requirement for van accessible parking spaces is an important one for van users but its implementation has caused some confusion among people responsible for providing parking.

The following section provides information about the design requirements for van accessible parking spaces and explains when these spaces are required, what features are required, and where to locate them on a site.

## Design Requirements for Van Accessible Parking Spaces

Van accessible parking spaces are identical to accessible parking spaces for cars except for the following:

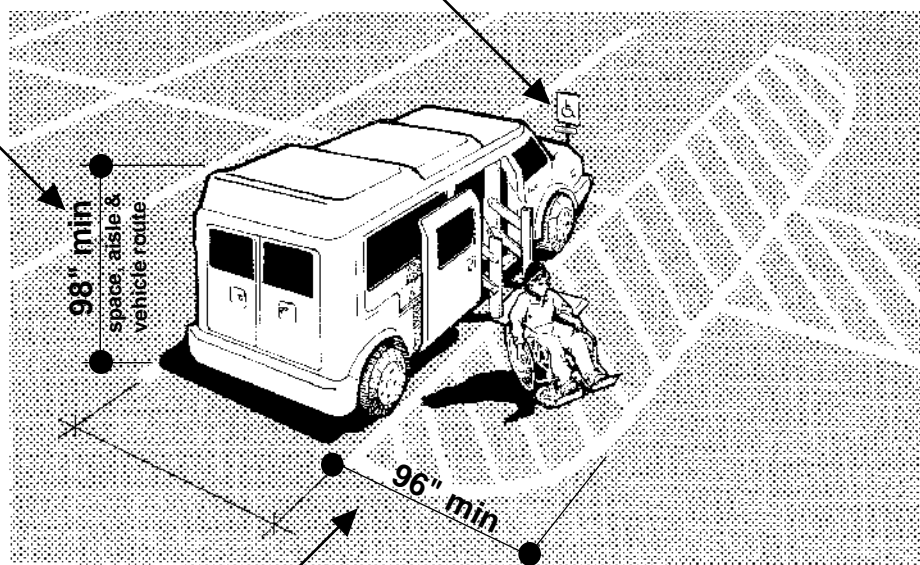
- the access aisle must be at least eight-feet wide (as opposed to five-foot wide) to accommodate a wheelchair lift mounted at the side of a van;
- vertical clearance of at least 98 inches is required along the vehicular route to the parking space, at the van parking space, and along the route from the space to the exit to accommodate the height of most vans; and
- the required sign must have the words “van accessible” below the international symbol of accessibility (see 4.6.4 of the Standards).

Sign with symbol of access and "Van Accessible"

98 inch min. vertical clearance for vans along route to space, at the parking space and along route to exit the site

*Unique Features of a Van Accessible Parking Space*

96 inch min. width access aisle provides space for lift



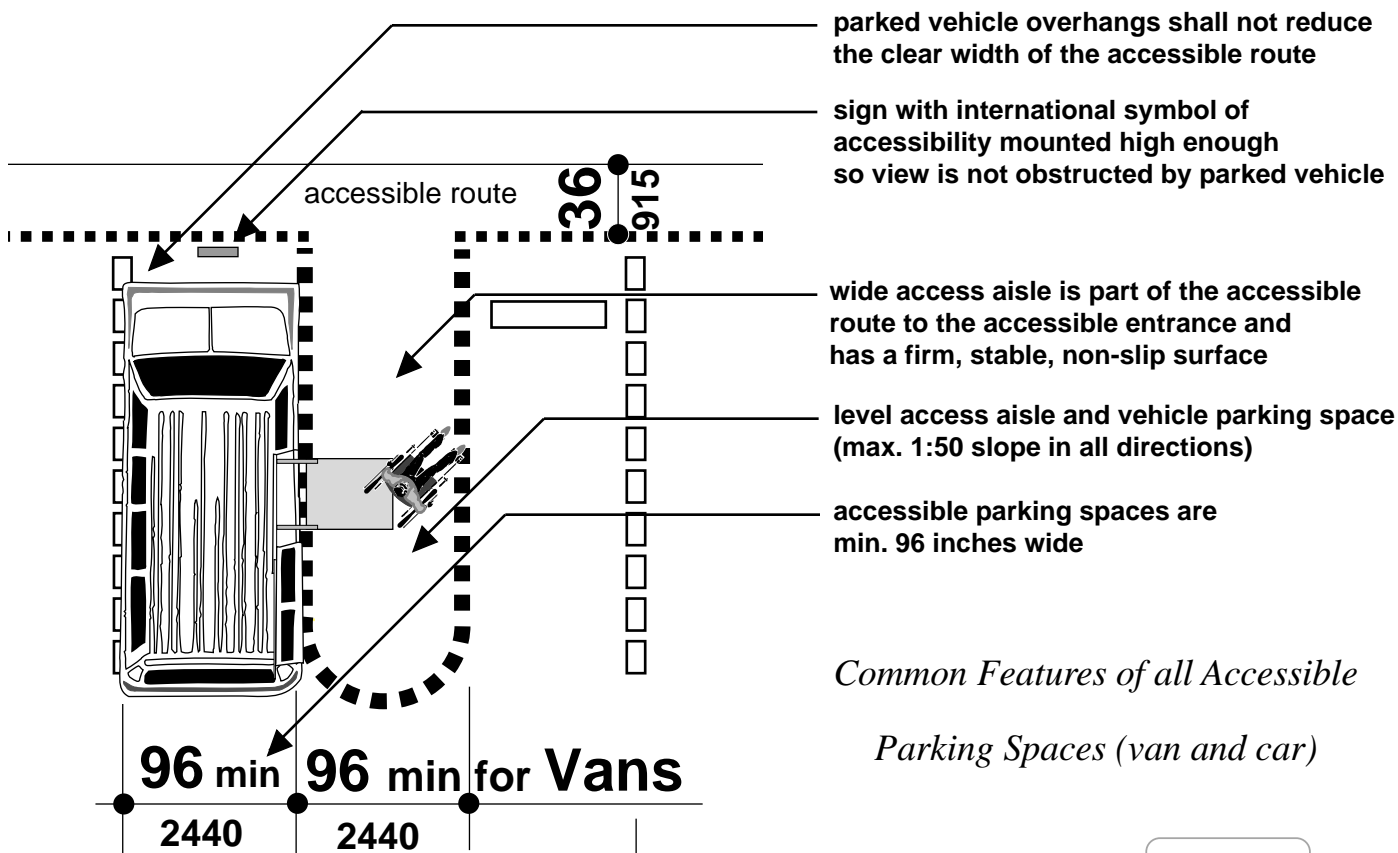
The other required features of van accessible parking spaces are the same as those for accessible parking spaces for cars. These include:

- the parking space for the vehicle must be at least 96 inches wide;
- the parking space for the vehicle and the entire access aisle must be level (with a maximum slope of 1:50<sup>1</sup> in all directions);
- the access aisle must have a firm, stable, non-slip surface;

<sup>1</sup> A 1:50 slope is nearly level and is usually adequate for drainage. The ratio means that a change in vertical height of no more than one unit can occur for every fifty units of distance. For example, a change of one inch in height over a distance of fifty inches.



- the access aisle must be part of an accessible route to a facility or building entrance(s), and
- a sign that complies with 4.6.4 of the Standards must be mounted high enough in front of where the vehicle parks to designate the accessible parking space.



The access aisle must be located on a 36-inch-wide accessible route to the building entrance(s). Section 4.3 of the Standards contains requirements for accessible routes and includes specifications for width, passing space to permit two people using wheelchairs to pass, head room, ground surfaces along the route, slope, changes in levels, and doors. The accessible route must not be obstructed by any objects including vehicles that may extend into the accessible route, a curb, outdoor furniture, or shrubbery.

If an accessible route crosses a curb, a curb ramp must be used. However, a built-up curb ramp may not project into the minimum required space for the access aisle at an accessible parking space. When an accessible route crosses a vehicular way, a marked crosswalk may be part of the accessible route.



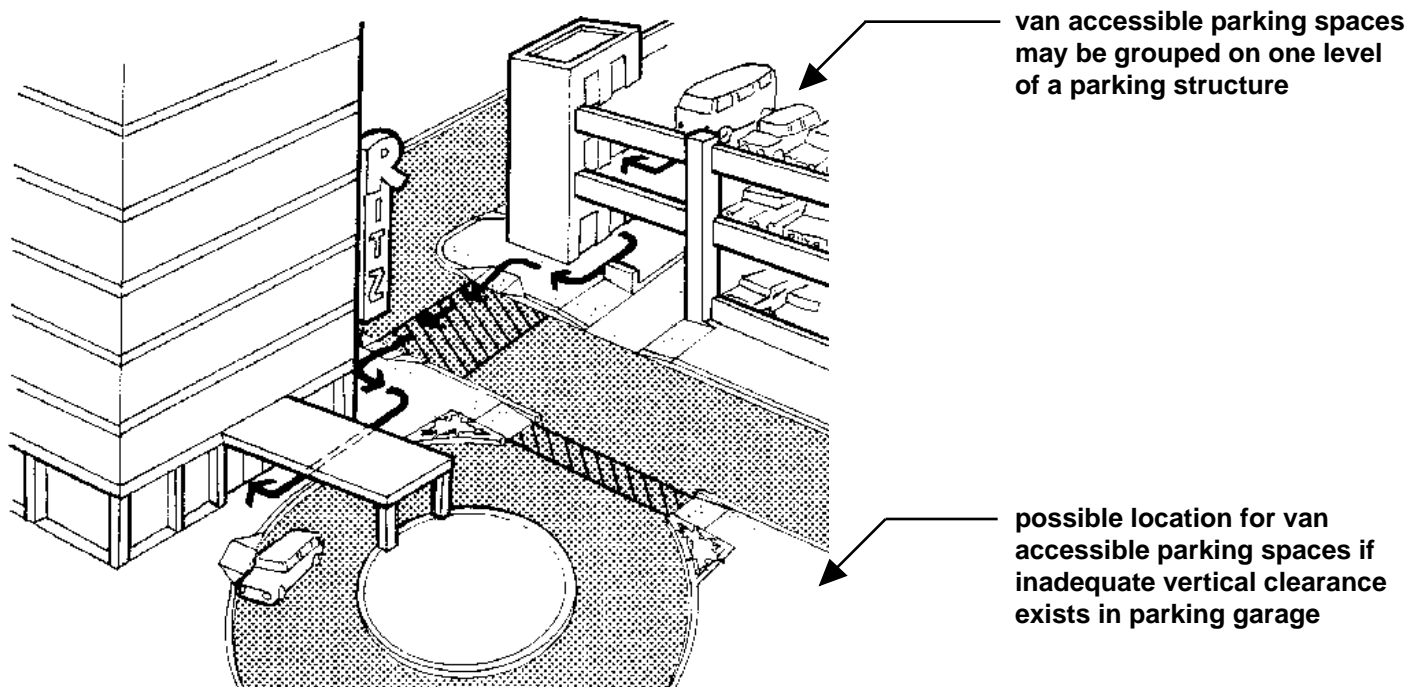
*Sample sign*

*for a van accessible parking space*

## Location and Dispersion of Parking Spaces

Section 4.6.2 of the Standards requires that accessible parking spaces, including van accessible spaces, be located on the shortest accessible route from adjacent parking to the accessible entrance of the building or facility. Accessible parking spaces and the required accessible route should be located where individuals with disabilities do not have to cross a vehicular lane. When parking cannot be located immediately adjacent to a building and the accessible route must cross a vehicular route, then it is recommended that a marked crossing must be used where the accessible route crosses the vehicular route. In facilities that have multiple accessible entrances with adjacent parking spaces, the accessible parking spaces must be dispersed.

When parking spaces are located in a parking garage, the Standards permit the van accessible parking spaces to be grouped on one floor (Standards 4.1.2 (5) (b)).



## When Van Accessible Spaces are Required

When you provide parking at a newly constructed place of public accommodation or at a commercial facility you must provide accessible parking spaces including van accessible parking spaces.

When you alter or renovate a parking lot or facility the following may apply.

- If you repave or otherwise alter the parking lot, you must add as many accessible parking spaces, including van spaces, as needed to comply.
- If you restripe the parking area, you must restripe so that you provide the correct number of accessible parking spaces, including van accessible parking.
- Existing physical site constraints may make it “technically infeasible” to comply fully with the Standards. However, in most cases a “technically infeasible” condition exists only in a portion of a lot, and other suitable locations for accessible parking spaces are often available.

## Number of Van Accessible Spaces Required

Section 4.1.2 (5) of the Standards specifies the minimum number of accessible parking spaces to be provided including van accessible parking spaces. One out of every eight accessible spaces provided must be a van accessible space. When only one accessible parking space is required, the space provided must be a van accessible parking space. Van accessible spaces can serve vans and cars because they are not designated for vans only.

In larger parking lots, both van accessible and accessible car spaces must be provided. For example, in a parking lot for 250 spaces where seven accessible parking spaces are required, one van accessible space would be required along with six accessible car parking spaces. In a parking lot for 450 spaces where nine accessible spaces are required, then two van accessible spaces would be required along with seven accessible car parking spaces.

Two van accessible parking spaces may share an access aisle.

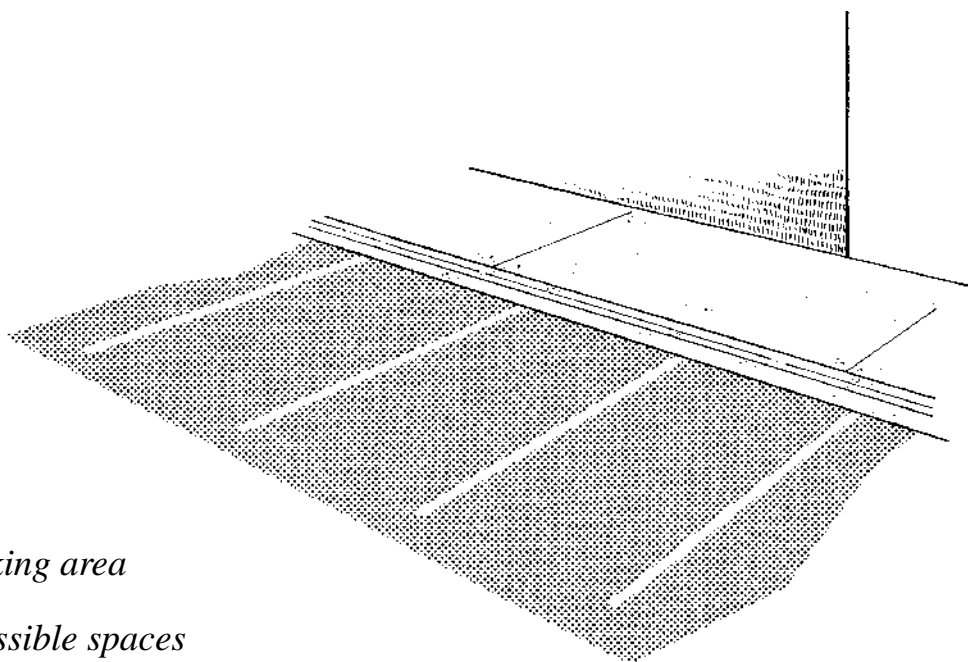
*When accessible spaces are required for new construction and during alterations, van accessible parking spaces must always be provided.*

## Readily Achievable Barrier Removal: Van Accessible Parking Spaces

Public accommodations must remove architectural barriers that are structural in nature in existing facilities when it is “readily achievable” to do so. Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense.

The ADA provides flexibility for public accommodations undertaking barrier removal and does not require that the ADA Standards for Accessible Design (Standards) be complied with fully if it is not readily achievable to do so. Rather, the Standards serve as guidelines for barrier removal that should be met if physical conditions and cost permit. Deviation from the Standards is permitted unless it results in a safety hazard to people with disabilities or others.

Because removing barriers to accessible parking generally involves relatively low cost, it may be readily achievable for many public accommodations.



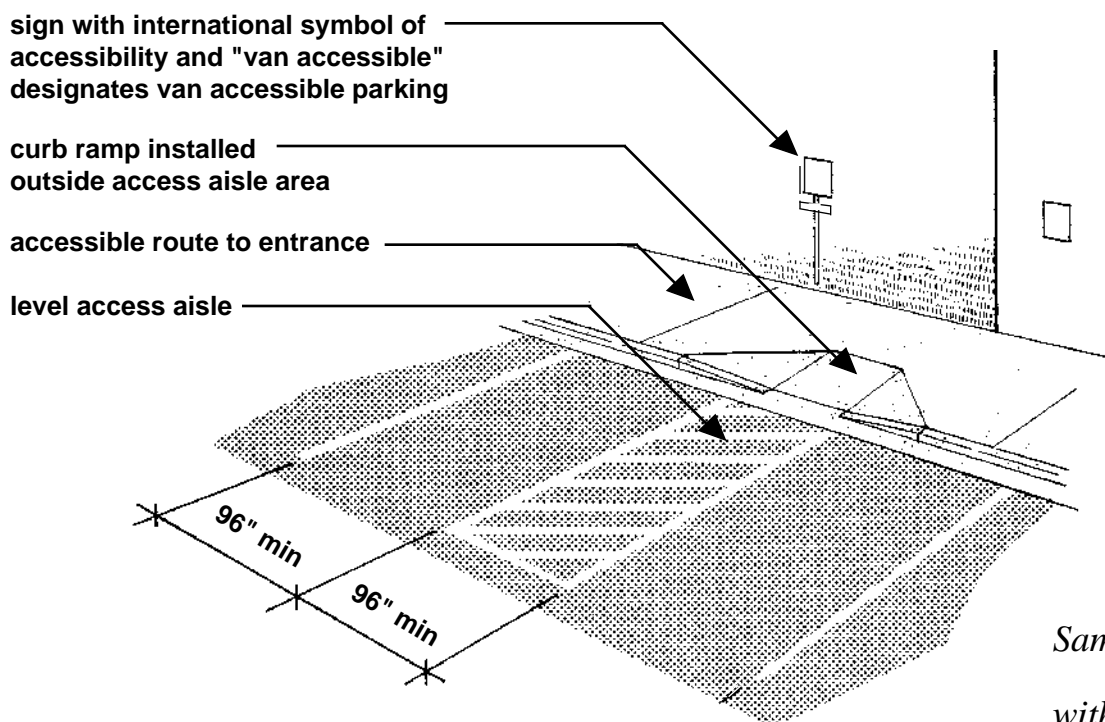
*Existing parking area  
without accessible spaces*

If readily achievable, the first accessible parking space that is provided as part of barrier removal activities should be a van accessible space. This type of parking space can be used by both vans and by cars and can be used by anyone who needs accessible parking.

Examples of barrier removal related to accessible parking may include restriping a section or sections of a parking lot to provide accessible parking spaces with designated access aisles, installing signs that designate accessible parking spaces, providing an accessible route from the accessible parking spaces to the building entrance, and providing a marked crossing where the accessible route crosses a vehicular way.

Where parking lot surfaces slope more than 1:50, select the most nearly level area that is available for the accessible parking spaces. When selecting the area for the accessible parking spaces, consider the location of the accessible route that must connect the access aisle to the facility's accessible entrance(s).

*If readily achievable, the first accessible parking space that is provided should be a van accessible space.*



*Same area with van accessible parking space added*

*Requirements for readily achievable barrier removal permit businesses to consider the effect of barrier removal on the operation of their business.*

Requirements for readily achievable barrier removal permit businesses to consider the effect of barrier removal on the operation of their businesses.

For example, a small independently owned store has only three parking spaces for its customers. It determines that restriping the parking area to provide an accessible parking space could be easily accomplished without significant expense. However, to provide a fully complying van accessible parking space would reduce the available parking for other customers who do not have disabilities from three spaces to one. This loss of parking (not just the cost of the paint for restriping) can be considered in determining whether the barrier removal is readily achievable.

The ADA provides flexibility for the store to implement a solution that complies with the law but does not result in loss of business. For example, if it is not readily achievable to provide a fully compliant van accessible parking space, one can provide a space that has an access aisle that is narrower than required by the Standards if the result does not cause a safety hazard. Or, the store may provide the service (to a customer with a disability) in an alternative manner, such as curbside service or home delivery. In some cases, providing a van accessible parking space that does not fully comply with the Standards will often be the preferred alternative approach, if doing so is readily achievable, because many people with disabilities will benefit from having a designated accessible parking space, even if it is not usable by everyone. If an accessible parking space is provided with a narrow access aisle, then a “Van Accessible” sign should not be provided and the store should be prepared to offer service in an alternative manner, if it is readily achievable to do so, to van users who cannot park in the space.

## Information Sources ADA Technical Assistance

The Department of Justice, through the Disability Rights Section, has responsibility for coordinating government-wide ADA technical assistance activities. Information and direct technical assistance are available from the agencies listed below. Use the list to select the agency responsible for ADA requirements in your area of interest. Some provide free publications in addition to other information services.

For State and local government programs, privately-operated businesses and services, access to facilities, design standards enforceable under the ADA, and information on tax credits and deductions contact:

**U.S. Department of Justice  
ADA Information Line**

(800) 514-0301  
(800) 514-0383 (TDD)

ADA-BBS:

(202) 514-6193

Internet:

<http://www.usdoj.gov/crt/ada/adahom1.htm>  
[gopher://justice2.usdoj.gov:70/11/crt/ada](http://gopher://justice2.usdoj.gov:70/11/crt/ada)

For information about Tax Credits and Deductions, contact:

**Internal Revenue Service**

(800) 829-1040  
(800) 829-4059 (TDD)

For employment issues, contact:

**Equal Employment Opportunity  
Commission (EEOC)**

(800) 669-4000  
(800) 669-6820 (TDD)

For transportation, contact:

**U.S. Department  
of Transportation**

(202) 366-1656  
(202) 366-4567 (TDD)

Internet:

<http://www.fta.dot.gov>

For information on the ADA Accessibility Guidelines, contact:

**Access Board**

(800) 872-2253  
(800) 993-2822 (TDD)

Internet:

<http://www.access-board.gov/>

For additional ADA information and referral sources from Federally funded grantees, contact:

**Job Accommodation Network**

(800) 526-7234 (V/TDD)

Internet:

<http://www.janweb.icdi.wvu.edu/>

**Disability and Business  
Technical Assistance Centers**

(800) 949-4232 (V/TDD)

**Disability Rights Education  
and Defense Fund (DREDF)**

(800) 466-4232 (V/TDD)

# **Making Places of Public Accommodations Accessible to All**

**A STEP BY STEP GUIDE**



Please note that this is not to be construed as a legal document. If you have questions involving legal issues, please contact an attorney.

This handbook is available in alternative formats on request.



# INTRODUCTION

This new handbook, “Making Places of Public Accommodations Accessible to All,” will help businesses deal with provisions of the Americans with Disabilities Act (Title III) that require virtually every business to provide “reasonable accommodations” to persons with disabilities.

In the context of this part of the ADA, the term “disability” mostly applies to persons with mobility and sensory impairments. Perhaps they use a wheelchair or cannot hear well or have a visual or communication impairment.

There are several good reasons for accommodating people with disabilities. Certainly, one reason is that if a business chooses not to provide an accommodation, it is subject to lawsuits and fines. While that is reason enough to comply, it is the least persuasive. The law is the “stick,” or compliance document. Let’s be more interested in “carrots,” or incentives.

What are the incentives to provide customers reasonable accommodation?

**Your bottom line.** There are more than 49.7 million people with disabilities in the United States. This group of potential customers has more than \$250 billion in discretionary income. Why would any business choose to exclude or limit access to their business for a large number of people, especially when accommodation of such persons is usually an inexpensive *investment*?

The word *investment* is used deliberately. Businesses regularly make investments in advertising to get more people into their stores. Most accommodation investments are low cost when compared to the very high cost of advertising and they have the same effect as advertising: getting more people through the door.

**Your business reputation.** We live in a small community, one in which tolerance and generosity are highly valued attributes. And, because we are small, “the word” gets around quickly. Why would any business risk being branded as mean spirited, or worse, by not cheerfully making every reasonable effort to accommodate people with disabilities? And people with disabilities typically have family, friends and associates who may be more likely to patronize your business because of your attitude towards accessibility.

**Your other customers.** If your business is more accessible to customers with disabilities, it is also more accessible to other customers. Ah, we’re back to the bottom line; more people in the door, more money in your pocket!

**You!** How do you want to feel about yourself and your personal reputation and place in the community? The best reason to provide reasonable accommodation to people with disabilities is that it’s the right thing to do! Put yourself (or someone you really care about) in the place of a blind person or a person who uses a walker or wheelchair. How would you feel if you (they) couldn’t get into your business?

Hopefully, you will learn two important things from this handbook:

- The ADA is not a harsh act; it uses words like “reasonable” and “common sense.”
- Providing reasonable accommodation usually is not expensive.

Let this handbook serve as your guide to doing the right thing and, as a byproduct, achieving compliance with federal and state standards of accessibility.

If you have questions, please call us at SOCIL (740) 689-1494 or toll free (888) 957-6245

## ADA Myths and Truths

**Myth #1:** It costs too much to make an existing business accessible.

**TRUTH:** The ADA, contrary to what you might have heard, is based on common sense. As explained elsewhere in this handbook, existing businesses have to make only “readily achievable” steps to improve accessibility. Readily achievable means, essentially, affordable. If you can’t afford it, you don’t have to do it. Remember, there are federal tax credits and deductions available to help offset the costs of making accessibility improvements. These are described later in this handbook.

**Myth #2:** The ADA has led to a litigation explosion, with businesses being sued over trivial matters.

**TRUTH:** In the first five years after the ADA was passed, there were about 650 lawsuits. Given that the ADA applies to tens of thousands of businesses, employees and units of government, that’s not exactly an explosion.

**Myth #3:** Restaurants, even restaurants that have never had a blind customer, have to provide Braille menus.

**TRUTH:** Restaurants have to provide equal service to people with disabilities, including blind customers. Having a server read the menu to a blind customer is perfectly acceptable. Making it clear that you are willing to do so may result in your having more customers in general, including blind customers. Maybe you haven’t had any blind customers because you don’t provide this service. If you want to have your menus printed in Braille, Access USA in New York, 1-800-263-2750 or [www.access-usa.com](http://www.access-usa.com), provides this service.

**Myth #4:** Accessibility doesn’t benefit very many people and thus it is not worth the expense.

**TRUTH:** Again, making accessibility improvements does not often cost that much, and if it costs more than you can afford, you don’t have to do it. Second, accessibility benefits more people than you might think. It benefits people who meet the legal definition of having a disability, of course, and that alone justifies the expense. But accessibility also benefits people who have temporary impairments — people, for example, who may be using a cane for only a short time. Accessibility benefits parents who are pushing strollers. It benefits people who do not have legal disabilities, but because of their size, can put the extra space in a restroom to good use. Watch at the main Post Office sometime, and you will notice that most people choose to use the ramp rather than the stairs.

**Myth #5:** If a person with a disability requests an accommodation, I have to do what they want, even if there’s a cheaper way to accommodate the person.

**TRUTH:** The law requires you to make reasonable accommodations for a person with a disability, but not necessarily the exact accommodation the person requests. Let’s say you run a dry cleaning business with steps at the main entrance. A customer with a disability requests that you pick up and deliver his clothes to him. If pick up and delivery is not a standard service, you don’t have to do that for him. Instead, you could install a ramp, post a sign to direct customers to another, accessible entrance or have an employee meet the customer at the door.

## What the ADA Requires

Title III of the Americans with Disabilities Act prohibits the exclusion of people with disabilities from places of public accommodation and requires that businesses remove barriers to accessibility when it is affordable to do so. This handbook addresses how businesses can attract this often overlooked customer base.

### What is a “public accommodation?”

Public accommodations include stores, restaurants, bars, theaters, hotels, recreation facilities, museums and schools. Nearly all types of private businesses that serve the public are covered, regardless of size.

Many older businesses were built without features to accommodate people with disabilities. This lack of accessibility makes it impossible for many people with disabilities to take part in everyday activities such as eating in a restaurant or shopping in a store.

Different responsibilities apply, depending on whether you operate an existing facility, you’re remodeling an existing facility or you’re constructing a new building. Contrary to a common

assumption, existing facilities are not exempted by “grandfather provisions.”

While it may not be possible for some businesses, especially small businesses, to make their facilities fully accessible, there usually is much that can be done to make the business more accessible. Under the ADA, you must remove barriers to accessibility if doing so is “readily achievable”. The readily achievable requirement is based on the size and resources of the business. So businesses with more resources are expected to do more to remove barriers than businesses with fewer resources. Barrier removal is an ongoing obligation — you need to remove additional barriers in the future as you have the funds to do so.

### What are architectural barriers?

Architectural barriers are physical features that limit or prevent people with disabilities from obtaining the goods or services that the public accommodation offers. They can include parking spaces that are too narrow to accommodate people who use wheelchairs; steps at the entrance or to part of the selling space of a store; round doorknobs or door hardware that are difficult

to grasp; aisles that are too narrow for a person using a wheelchair; a high counter or narrow checkout aisles at a cash register; and fixed tables in dining areas that are too low to accommodate a person using a wheelchair.

In evaluating what barriers need to be removed, a helpful general resource is the ADA Guide for Small Businesses, available at <http://www.usdoj.gov/crt/ada/smbusgd.pdf>. It's also a good idea to seek input from people with disabilities; they can make valuable contributions to the barrier-removal process. Members of the **Southeastern Ohio Center for Independent Living** are available for consultations. Call 740-689-1494 or toll free 888-957-6245 for information. Finally, for detailed technical assistance, you should consult the ADA Standards for Accessible Design. These can be found at [www.usdoj.gov/crt/ada/stdspdf.htm](http://www.usdoj.gov/crt/ada/stdspdf.htm). Most public libraries also have copies of the Standards.

Sometimes, existing conditions, limited resources or both will make it not readily achievable to follow the Standards fully. When this happens, your accessibility improvements may deviate from the Standards so long as the measures do not pose a significant health or safety risk.

When deciding which barriers to remove first, the Standards require that you do the following:

- First, provide access to the business from public sidewalks, parking and public transportation.
- Second, provide access to the areas where goods and services are made available to the public.
- Third, once these barriers are removed, provide access to public rest rooms. When these barriers have been removed, it may be necessary to remove any remaining barriers, such as those that limit use of public telephones and drinking fountains.

The following examples illustrate common barriers and suggest solutions that may be readily achievable. Inserted in this handbook is a checklist that will help you evaluate your business's accessibility.

### **Step One: Making Parking Accessible**

When parking is provided for the public, designated accessible parking spaces must be provided, if doing so is readily achievable. Restriping a parking lot is usually considered affordable, or readily achievable. An accessible parking space must have space for the vehicle and an additional space that serves as an access aisle. A sign with the international symbol of accessibility must be located in front of the parking space and mounted high enough so it is not hidden by a vehicle parked in the space. The space must be marked as accessible on the pavement as well. On signs, it's better to use the term "accessible parking" rather than "handicapped parking."

Accessible parking spaces should be the spaces closest to the accessible entrance that is on level ground. An accessible route must be provided between the access aisle and the accessible entrance. This route must have no steps or steep slopes and it

must have a slip-resistant surface. Van accessible spaces must be at least eight feet wide, must have an access aisle that is at least eight feet wide and must be designated by a sign with the international accessibility symbol and which says "van accessible." Other accessible parking spaces for cars must have an access aisle that is at least five feet wide; other features are the same as for vans, but omitting the "van accessible" sign.

The number of accessible parking spaces that must be provided is based on the total number of parking spaces that you provide. For example, if your parking lot has 25 or fewer spaces, then at least one must be an accessible parking space. If it has 50 or fewer spaces, it must have at least two accessible parking spaces. If you provide only one accessible parking space, it must be a van accessible space. Where more than one accessible parking space is required, one of eight accessible parking spaces must be van accessible.

For more information about accessible parking, visit [www.usdoj.gov/crt/ada/business.htm](http://www.usdoj.gov/crt/ada/business.htm) and click on "Restriping Parking Lots."

### **Step Two: Making the Entrance Accessible**

Providing physical access to a facility's entrance is basic. Having even one step at the front door can prevent access by a person using a wheelchair and can make entry difficult for many people with other mobility disabilities.

You may make it accessible by using an alternate accessible entrance or by adding a ramp. When a business has two public entrances, in most cases, only one must be accessible. When one entrance is not accessible but another entrance is, a sign must provide direction to the accessible entrance. The alternate entrance should be safe and open during store hours. If the accessible entrance is locked due to security concerns, you must provide a way for customers to notify staff to open the door, such as a buzzer, and you must train your staff to respond appropriately. Make sure that there's a clear path to this accessible entrance and that it's not littered with trash or obstructed by equipment. Do what you can to make sure this entrance doesn't look like a back door. On all of your paths for customers, take care to avoid overhangs or protruding elements that a person with visual impairments can't see.

When a ramp is added to provide an accessible entrance, the slope of the ramp should be as shallow as possible, no more than one inch of height for every foot of length. For details about slope requirements, review the Standards. It is best to grade the area that is adjacent to the ramp to avoid an abrupt drop-off. If a drop-off exists, then a barrier such as a raised edge or railing must be installed. Edge protection is important because it prevents people from rolling off the edge of the ramp.

Another way to provide access at an entrance is to use a platform or folding lift. A lift may be a good solution where little space exists for a ramp or when an entrance serves more than one level. Lifts require periodic maintenance and must meet

safety codes but are worthwhile considerations when a ramp is not feasible.

When it is not readily achievable for you to provide an accessible entrance, you must provide the goods and services in some other way, if doing so is readily achievable. For example, if a restaurant has steps at the entrance and no accessible entry is possible, providing home delivery or some alternative service may be required. Or, it may be possible to receive an order by telephone and to have a clerk bring the order to the customer outside. If you provide alternative service, you should publicize this, so customers know about your commitment to meeting their needs.

### **Step Three: Making Doors Accessible**

Most entrances to stores and businesses use 36-inch wide doors that are wide enough to be accessible for people who use wheelchairs. However, some older doors are narrow. It may be possible to use special “swing clear” hinges that provide more clearance without replacing the door and door frame. Door openings can sometimes be enlarged.

Inaccessible door hardware also can prevent access. Many people with mobility disabilities find some types of handles difficult to use. Round door knobs (which require tight grasping and twisting to operate) or handles with a thumb latch are very difficult to use and are thus inaccessible. These must be modified or replaced, if doing so is readily achievable. Such a modification is usually relatively easy and inexpensive. A round doorknob can be replaced with a lever handle or modified by adding a clamp-on lever. In some cases, a thumb latch can be made inoperative so the customer may pull the door open without depressing the latch. A flat panel-type pull handle can be replaced with a loop-type handle.

### **Step Four: Making the Shopping Area Accessible**

After ensuring that your parking and entrance are accessible, you must next make sure that people with disabilities will be able to get to the items that you are selling. When sale items are displayed on shelves, the store must provide an accessible route to fixed shelves and displays, if doing so is readily achievable.

If the maneuvering space adjacent to shelves and displays is too narrow, the space should be widened. In general, a 36-inch wide accessible route is needed, with a slightly larger space required at corners. Be sure the path is not obstructed by sale items, vending machines or other obstacles.

Some businesses will have difficulty providing enough maneuvering space between all displays and shelving without reducing selling space and substantially affecting profitability. This may be considered in determining if it is readily achievable to provide access to all sales areas. If access is not provided to all sales areas, then alternative services, such as having staff available to retrieve items, must be provided, if doing so is readily achievable.

It is not necessary to locate all merchandise within reach of people who use wheelchairs, crutches or walkers. Items can be placed at any height but staff should be available to assist customers who may have difficulty reaching or viewing items. Again, this service should be publicized with appropriate notices.

### **Step Five: Making Counters Accessible**

When sales or service counters are provided, the counters must be accessible, if doing so is readily achievable.

At counters having a cash register, a section of counter at least 36 inches long and not more than 36 inches above the floor is required. This provides a lowered surface where goods and money may be exchanged. An alternative solution is to provide an auxiliary counter nearby.

In addition to not being higher than 36 inches, all accessible counters must have a clear floor space in front of the accessible surface that permits a customer using a wheelchair to pull alongside. This space needs to be at least 30 inches by 48 inches. If you cannot provide an accessible sales or service counter or auxiliary counter nearby, such as a table or desk, you may provide a clip board or lap board for use until you can find a more permanent solution.

Checkout aisles have different requirements. An accessible checkout aisle must provide a minimum of a 36-inch-wide access aisle and it must be identified by a sign with the international symbol of accessibility mounted over the aisle. The counter adjacent to the accessible checkout aisle cannot be higher than 38 inches. If a lip is provided between the counter and the checkout aisle, its maximum height is 40 inches.

### **Step Six: Making Tables Accessible**

If you provide tables, then at least five percent of the tables (or at least one) must be accessible, if doing so is readily achievable. Accessible seating must be provided at each accessible table to accommodate people using wheelchairs. Movable chairs may be used for these tables and the chairs may be removed when customers using wheelchairs use the table. The same requirements apply to fixed tables in outdoor areas such as picnic areas.

An accessible table is between 28 and 34 inches high. At least 27 inches of knee clearance must be provided. An accessible route must provide access to each accessible table and a clear floor area 30 inches by 48 inches must be provided at each accessible seating location. This clear floor area must extend 19 inches under the table to provide leg and knee clearance.

If it is not readily achievable to provide the minimum number of accessible tables in all areas where fixed tables are provided, then the services must be provided in another accessible location, if doing so is readily achievable. However, these alternate location(s) must be available for all customers and not just people with disabilities.

### **Step Seven: Making Restrooms Accessible**

If you provide public restrooms, you need to make them accessible to people with disabilities, if doing so is readily achievable. For specific details, consult the Standards. One popular solution is to transform the men's restroom into a unisex, accessible, family restroom.

### **Step Eight: Making Policies and Procedures Accessible**

**Policies:** Businesses must review their policies and procedures for serving customers and change those that exclude or limit participation by people with disabilities. For example, if a store has a policy to exclude all animals, the policy must be changed to permit people who use service animals, such as seeing-eye dogs, to enter the store with their service animals.

**Communicating with Customers:** Customers who have hearing or speech disabilities may need to communicate with sales staff without using speech. Some people who are deaf are able to use speech but unable to understand words spoken by others, while other deaf people are not able to use speech. People with such disabilities may require extra time to complete their message or extra attention by staff to understand what is being said. When speech communication is not possible, simple questions, such as the price of an item, may be handled with pen and paper or a mixture of speech and written notes. Staff should be aware of the need to use notes or both speech and notes. It is appropriate to ask the customer how he prefers to communicate. Be sure to address your conversation to your customer with a disability and not to his companion or interpreter.

When more complex or lengthy communications are needed, it may be necessary to provide a sign language interpreter in, for example, negotiating the purchase of an automobile or home. But most business communications with customers involve only simple communications that can be done using pen and paper.

Many people with hearing or speech disabilities use a telecommunications device for the deaf (TDD) instead of a standard telephone. This device has a keyboard for entering messages and a visual display to view the content of a conversation from another person using a TDD. To make it easier for people who use a TDD to communicate with people who do not have a TDD, there is a national network that handles voice-to-TDD and TDD-to-voice calls. Customers who use a TDD may telephone your business using a relay network. The relay's operator has a TDD and translates TDD and voice messages. The caller using a TDD calls the relay operator, who then calls your business. The caller types the message into the TDD and the operator reads the message to you. You respond by talking to the operator, who then enters your message into the TDD, verbatim.

### **Step Nine: Making Your Web Site Accessible**

When people think about making their businesses accessible, they tend to think of doorways and parking. Often overlooked is that growing business portal, websites. Make sure that

your company website is accessible to people with visual impairments. A good source of tools, checklists and guidelines is available from the Web Accessibility Initiative, <http://www.w3.org/WAI/References/QuickTips/>.

### **Step Ten: Finding Financial Help to Improve Accessibility**

To help businesses comply with the ADA, Section 44 of the IRS Code allows a tax credit for small businesses and Section 190 of the IRS Code allows a tax deduction for all businesses.

The tax credit is available to businesses with total revenues of \$1,000,000 or less in the previous tax year or with 30 or fewer full-time employees. This credit can cover 50% of the eligible access expenditures in a year up to \$10,250 (current maximum credit of \$5000). The tax credit can be used to offset the cost of undertaking barrier removal and alterations to improve accessibility; providing accessible formats such as Braille, large print and audio tape; making available sign language interpreters or readers for customers, and for purchasing certain adaptive equipment.

The tax deduction is available to all businesses, with a maximum deduction of \$15,000 per year. The tax deduction can be claimed for expenses incurred in barrier removal and alterations.

To learn more about the tax credit and tax deduction provisions, contact the Department of Justice ADA Information Line listed in the Resources section. Also, there's a tax incentive resource kit for businesses available at [www.usdoj.gov/crt/ada/taxpack.htm](http://www.usdoj.gov/crt/ada/taxpack.htm).

### **New Construction and Alterations**

The ADA and the Ohio Building Code require that newly constructed facilities meet or exceed the minimum requirements of the ADA Standards. Alterations to facilities, spaces or elements (including renovations) also must comply with the Standards. If you build a new facility or modify an existing one, (for example, restriping the parking area, replacing the entry door or renovating the sales counter), make sure to consult the Standards and the regulations for the specific requirements. Renovations or modifications are considered to be alterations when they affect the usability of the element or space; for example, installing a new display counter or moving walls in a sales area. However, simple maintenance, such as repainting a wall, is not considered an alteration by these laws.

### **Accessibility Checklist**

What follows is an accessibility checklist. You may use this to evaluate your business yourself. Once your business is found to be accessible, you will be entitled to a SOCIL decal that you may display to let potential customers know you're accessible. The Chamber will then be able to identify your business as being accessible in the Chamber's business directory.

# Accessibility Project Screening Form

<b>PARKING</b>	YES	NO	N/A	COMMENTS
1. If parking is provided, is at least 1 per 25 spaces reserved for accessible parking? Appropriate eye-level signs?				
2. Are accessible parking spaces at least 96" wide with access aisle along side an additional 60" wide?				
3. Is at least 1 (per 8) accessible parking space "van accessible": with 96" wide access aisle?				
4. Easy wheelchair access from parking space to sidewalk?				
<b>ACCESS ROUTE (TO GET TO ENTRANCE, COMMON AREAS, ETC.)</b>	YES	NO	N/A	COMMENTS
1. Are all parts of facility connected by access routes that are at least 36" wide (except doors); clear of protruding objects between 27" and 80" from ground; vertical changes in level over 1/4" beveled?				
2. Ramps/cutaways: Slope does not exceed 1:12" and at least 36" wide? Ramps longer than 6' must have railings 34" - 38" high and uninterrupted slope cannot exceed 30'. A ramp that is 30' or more requires a 5' x 5' level area for passage and resting.				
<b>ENTRANCE &amp; INTERIOR DOORS; ELEVATORS &amp; STAIRS</b>	YES	NO	N/A	COMMENTS
1. Is there clear signage to the accessible entrance?				
2. Hinged, not revolving, easy-opening (can be opened with a closed fist) doors with at least one 32" clear opening?				
3. Are all thresholds no higher than 3/4" with beveled edge and a slope no greater than 1:2?				
4. If there are ELEVATORS: wheelchair accessible and serving all levels not ramped?				
5. Car controls no higher than 48", closed fist operable and marked with raised characters and both visual and audible floor indicators?				
<i>*To measure the grade of a ramp, determine the height (the difference between the highest and lowest points) in inches, then measure the length of the ramp. 1:12 means 12" of length for every inch of height</i>				
<b>COMMON AREAS (INTERIOR AND EXTERIOR)</b>	YES	NO	N/A	COMMENTS
1. Are all the appropriate accommodations and facilities of your business or operation usable by persons with physical disabilities, with 36" wide accessible routes free of protrusions from 27" to 80" high?				
<b>PUBLIC RESTROOMS AND DRINKING FOUNTAINS</b>	YES	NO	N/A	COMMENTS
1. If there are public restrooms, does at least one per floor have at least a 32" clearance at the door and accessibility signage?				
2. Is there unobstructed space 5' x 5' (including the sink and toilet)? If a stall is provided, is it 5' x 5'?				
3. Are there grab bars at the back and side of the toilet; toilet height 17-19"?				
4. Are fixtures reachable from a seated position and operable with a closed fist?				
<b>MERCHANDISE DISPLAY, SERVICE COUNTERS, DRESSING ROOMS</b>	YES	NO	N/A	COMMENTS
1. Is a portion of the service counter space no more than 36" high or is there lower space to the counter's side (minimum: 36" wide)?				
2. Are accessible service counter spaces distributed throughout the space?				
3. Is a portion of the merchandise counter space no more than 36" high or is there lower space to the counter's side (minimum: 36" wide)?				
4. Is a portion of the merchandise space within the reach ranges of: Forward reach: 15" - 48" Side reach: 9" - 54"				
5. If there are public dressing rooms, are the following provided in an accessible dressing room area? Unobstructed space 5' x 5'? Hinged, easy-opening (can be opened with a closed fist) doors with at least a 32" clear opening? Bench, 24" x 48", fixed to wall along the long dimension, 17" - 19" high Clear floor space for a parallel transfer (36" x 48") Full-length mirror, 18" wide x 54" high, viewable from bench and while standing				
<b>CUSTOMER SERVICE AND EMPLOYMENT</b>	YES	NO	N/A	COMMENTS
1. Does your staff receive information during orientation on how to serve customers with disabilities?				
2. Do you have materials available in alternative formats for people with visual disabilities?				
3. Do you provide additional support to customers with disabilities? If so, how do you let them know support is available?				
4. Do you employ people with disabilities?				
5. Are you familiar with the resources available in case an employee with a disability needs an accommodation?				

# Resources

## Organizations

### **Southeastern Ohio Center for Independent Living (SOCIL)**

A non-profit 501(C)(3), non-residential, consumer-controlled organization that serves a wide range of people with significant disabilities throughout Fairfield & Hocking Counties.

(740) 689-1944

(888) 957-6245

[www.socil.org](http://www.socil.org)

### **ADA - Ohio**

ADA-OHIO provides information, referral, technical assistance, and training to businesses and people with disabilities regarding the Americans with Disabilities Act of 1990 (ADA).

The staff at ADA-OHIO is committed to quality customer service by providing you with accurate information and resources in a timely manner.

(614) 844-5410

(800) ADA-OHIO

[www.ada-ohio.org](http://www.ada-ohio.org)

### **Access Board**

Offers technical assistance on the ADA Accessibility Guidelines.

(800) 872-2253 (Voice)

(800) 993-2822 (TTY)

[www.access-board.gov](http://www.access-board.gov)

### **Department of Justice ADA Information Line**

The ADA Information Line is available during weekdays to provide technical assistance on the ADA Standards for Accessible Design and other ADA provisions. It also provides a 24-hour automated service for ordering ADA materials.

(800) 514-0301 (Voice)

(800) 514-0383 (TDD)

[www.usdoj.gov/disabilities.htm](http://www.usdoj.gov/disabilities.htm)

### **Great Lakes Disability and Business Technical Assistance Center**

One of ten regional centers funded by the Department of Education to provide technical assistance on the ADA. They're an excellent resource for getting up-to-date information about business questions and access to free publications. One toll-free number connects to the center in your region.

(800) 949-4232 (Voice & TDD)

[www.adagreatlakes.org](http://www.adagreatlakes.org)

### **Ohio Legal Rights**

The Ohio Legal Rights Service (OLRS) is an independent state agency and the federally and state designated Protection and Advocacy system and Client Assistance Program for children and adults with disabilities in the State of Ohio. The mission of the OLRS is to protect and guarantee the human, civil, and legal rights of Ohioans with disabilities.

(800) 282-9181 (Voice)

(800) 858-3542 (TTY)

<http://olrs.ohio.gov/ASP/HomePage.asp>

## Publications

### **ADA Guide for Small Business**

### **ADA Tax Incentives for Businesses**

### **Common ADA Errors and Omissions in New Construction and Alterations**

### **Readily Achievable Barrier Removal and Van-Accessible Parking Spaces**

### **Restriping Parking Lots**

These and many other publications are available for free at

[www.usdoj.gov/crt/ada/publicat.htm](http://www.usdoj.gov/crt/ada/publicat.htm)



Our thanks to The Greater Bloomington Chamber of Commerce for allowing us to use this booklet to educate our community.

Southeastern Ohio Center for Independent Living, 418 South Broad Street, Lancaster, OH 43130

(740) 689-1494 (Voice/TTY) - (888) 957-6245

[www.socil.org](http://www.socil.org)