

TAKEN TO ACCESS



Question of the month:

Q. If OSHPD or any Agency Having Jurisdiction (AHJ) has approved a specific condition, and if the project has been reviewed by an access specialist or a CASp is that condition guaranteed to be in full compliance with the CBC and ADA?

R. Unfortunately not always. AHJ's plan review is intended to ensure compliance with applicable codes. However, sometimes items are overlooked or misinterpreted during plan review and non-compliant conditions get approved and constructed. When we become aware of such deficiencies the correct course of action is remediation. We must remember that ADA laws are enforced by the Department of Justice—DOJ or the Department of Transportation—DOT and not by the local building officials. Therefore, even if we have obtained acceptance by all parties involved in the review process, if a complaint is filed and the built condition is in violation of the ADA laws, then it should be fixed.

Announcements:

2013 CBC has been published. Remind your design professionals to obtain their copy. It will become effective January 2014.

BACK TO SCHOOL!

Every month the US Access Board facilitates an accessibility webinar for the purpose of reviewing in detail specific accessibility topics. The webinars are held the first Thursday of every month—with the exception of this month when it will be held on Wednesday September 4th—and last 1 1/2 hours. For more information or participation click on this link: <http://www.accessibilityonline.org/>

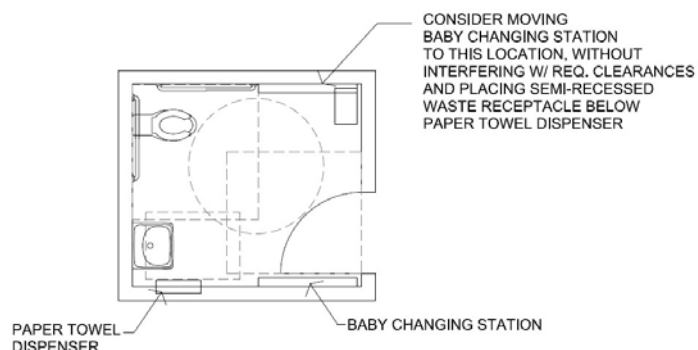
The focus of the August webinar was on Accessible Transportation Facilities and issues related to path of travel, parking, detectable warnings and cross slope requirements were addressed.

One discussion that triggered inquiries was the requirement for cross slope at ramps, landings and floor and ground surfaces. The 2010 ADAS state that the maximum cross slope permitted is 1:48 or 2.08%. The 2010 CBC requirement is 1:50 or 2%. During the seminar the presenter stated that the two requirements were essentially the same and a 2.08% would be considered compliant. Considering that the 2013 CBC will use the exact language as the 2010 ADA, we concur that cross slope of 1:48 is compliant and in barrier removal scope may allow us to keep existing conditions where we marginally exceed the 2% requirement. Both the CBC and ADAS state that *"All dimensions are subject to conventional industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points"*. One may argue that 2% maximum implies a range of 0% to 2% but since no minimum end point is defined, then one can conclude that no range has been stated and the industry tolerances exception applies. However, in new construction it's best not to design to exact minimum or maximum dimensions or percentages.

Another topic discussed was 2010 ADA Title III Section 36.211 (a) which establishes that *"a place of public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities"*. This essentially mandates that facilities continue to maintain accessibility after occupancy. Access specialist during plan reviews will comment on conditions that on paper appear to comply with applicable requirements but that once in use will fail to comply with the requirement to maintain accessibility.

An example is the single occupancy toilet room shown below. A baby changing station is shown to be installed behind the door and without obstructing any required clearances when in the closed position. However if after use the changing station is left in the down position, the next user would not be able to fully open the door to enter the room.

While Sutter Health has offered barrier-free maintenance guidelines, the likelihood that public toilet rooms would be continually monitored for compliance by staff is low. As such, it may be difficult to guarantee that they will be maintained in a compliant fashion. In this example, by placing the station on a different wall, this conflict could potentially be avoided.



SINGLE OCCUPANCY TOILET EXAMPLE N.T.S.