



**BUREAU
VERITAS**

BV BUILDING & INFRASTRUCTURE

COMPLIANCE REGULATIONS AND TIPS: TOP ADA VIOLATIONS

WHAT CAN YOU DO TO AVOID AN ADA LAWSUIT? TWO THINGS: BE PROACTIVE, AND KNOW WHAT TO WATCH FOR.

Specific technical requirements described below can be found in the 2010 ADA Standards for Accessible Design, the current design standards enforced by the Department of Justice (DOJ). State and local accessibility regulations can override the federal standards for specific regulated elements only if they are stricter than the federal standards. Below are the areas with the most common barriers that BV documents during ADA/Accessibility Assessments.

1. PARKING

ADA Violation: Accessible parking with pavement slopes greater than 2% is the **number one exterior barrier nationally.**

Compliance Regulations and Tips:

- Make sure that accessible parking stalls and their adjacent access aisles have slopes no greater than 2.08% (1:48), measured in all directions on the accessible parking stall and adjacent access aisle pavement.
- While 1:48 (2.08%) is the maximum allowable slope of an accessible parking stall and adjacent access aisle, accessible parking pavement should not be designed to the maximum allowable slope.
- Pavement slopes can shift with temperature changes. A parking stall could be built to a 2% slope, but end up with parts of the stall sloping at 3% after a year in place, especially in areas of the
- country with temperatures ranging to very hot or very cold.
- Concrete is the easiest type of pavement in which to control the degree of slope, so
- some business organizations have decided to specify that all accessible parking stalls
- and aisles should be concrete, while the remainder of the parking lot is asphalt.
- Every parking facility must provide a minimum of one or more van accessible spaces,
- depending upon the total number of parking stalls in the facility. For each six or fraction of
- six accessible stalls, at least one must be a van accessible stall, and all parking facilities must have at least one van sized accessible stall. Without the required minimum number of van sized accessible spaces, you could be opening yourself up to litigation.



- A parking facility can be either a parking lot or a parking garage. The 2010 ADA Standards for Accessible Design advises that the minimum number of accessible parking stalls required should be calculated separately for each parking facility on a single site, and not be based on the total number of parking stalls provided on the entire site.
- Accessible parking must be located closest to each accessible facility entrance, so dispersion of accessible parking spaces is also required.

Note: A few states regulate the total allowable distance between accessible parking and accessible entrances.

2. CURB RAMPS

ADA Violation: The slope of curb ramp runs often are steeper than the maximum allowable 1:12 (8.33%) slope.

Compliance Regulations and Tips:

- Where a disabled user must turn a wheelchair at the top of the curb ramp, the top landing must be level.
- **If a curb ramp is not provided** where the accessible route crosses a curb, then the disabled user cannot reach the facility entrance.



3. DOORS AND DOORWAYS

ADA Violation: If the required maneuvering clearance area on both sides of a door or doorway opening is not level (maximum 2.08% slope), it creates a hazard for disabled users.

Compliance Regulations and Tips:

- **Pressures required to open and close** interior hinged doors and sliding or folding doors must be 5 pounds maximum.
- **Door control buttons** must not require more than 5 pounds maximum needed to operate the button.
- For **doors and gates with closers**, the time to move between the door/gate open 90 degrees and to within 12 degrees from the latch must not be less than 5 seconds.

4. PARKING SIGNAGE

ADA Violation: Accessible parking signage is very visible to the drive-by potential plaintiff, so it pays to make the signage compliant. Additionally, if accessible parking signage is not compliant, it can be a red flag indicating that the building has interior elements which are not compliant.

Compliance Regulations and Tips:

- Parking signage **must include** the International Symbol of Accessibility (ISA).
- **Van accessible stalls** must have a “van accessible” designation, which can be a separate sign.
- The 2010 ADA Standards for Accessible Design **require** that the ISA signage, and for van stalls the “van accessible” signage, must be minimum 60” above the pavement to the bottom of the signage.



5. SIDEWALK

ADA Violation: The running slope of a sidewalk that is part of the accessible route cannot be greater than 1:20 (5%).

Compliance Regulations and Tips:

- **Running slopes** are measured parallel with the dominant direction of travel.
- **Cross slopes** of sidewalks cannot be greater than 1:48 (2.08%). Cross slopes are measured perpendicular to the dominant direction of travel.
- A **compliant sidewalk must be provided** from the public access to the facility.

6. ACCESSIBLE ROUTE

ADA Violation: Accessible routes less than the minimum required width and height and with protruding objects are) common barriers. Additional items along an accessible route are often added after the Certificate of Occupancy (CO) has been issued, without considering the impact to accessibility.



Compliance Regulations and Tips:

- **Protruding objects** are common in the accessible route. If elements such as fire connections, ATM's or hand dryers protrude into the accessible route more than the maximum allowable 4", when located between 27" and 80" above the floor or pavement, the elements are considered protruding objects. If the bottom of the element is 27" or less above the floor or pavement, then the element is not considered a protruding object.
- At **stairways** open beneath the stair flight, a guardrail must be placed to prevent pedestrian passage to areas with less than 80" clear height.

7. RESTROOMS/LOCKER ROOMS/DRESSING ROOMS

ADA Violation: These spaces often have major accessibility issues, due to the number of regulated elements contained in restroom and locker room/dressing area spaces.

Compliance Regulations and Tips:

- **Wheelchair stalls:** size and water closet clearance
- **Water closets:** height and location
- **Grab bars:** location, height, and length
- **Lavatories:** height, and knee/toe clearance, and pipe insulation
- **Doors:** width, threshold, opening pressures, hardware and maneuvering clearance area
- **Dispensers:** height, location, operable parts
- **Mirrors:** height
- **Showers:** size and control placement
- **Locker room/dressing rooms:** accessible bench and locker, compliant operable parts



8. COUNTERS AND WORK SURFACES

ADA Violation: Items placed near counters and work spaces may seem small, but can limit the required clear space for wheelchairs, thereby creating a barrier. **Example:** a trash receptacle or planter placed in front of a narrow service counter may impede the required 30" wide clear space required for a forward approach to the counter by a wheelchair user. The trash receptacle or planter also may impede the required 48" wide clear space required for a parallel approach to the counter.

Compliance Regulations and Tips:

- Service counters must have a **compliant section** which is maximum 36" high, and at least as deep as the remainder of the counter.
- Service counters must comply with either a **forward or a parallel approach**.
 - For a **forward approach**, the compliant section of the counter must be minimum 30" long with knee and toe clearance.
 - For a **parallel approach**, the service counter must be minimum 36" long, with the following exception: if the entire counter is less than 36" long, the entire counter must meet the maximum height requirement.
- **Check-out counter heights** must be 38" maximum high.
- Work surfaces (including check writing surfaces) must be between 28" minimum and 34" maximum high and provide **knee and toe clearance**, with a forward wheelchair approach.

Service counters, check-out counters and work surfaces come in all shapes and sizes. Each type has different technical requirements under the Americans with Disabilities Act (ADA).

Have questions about this topic? For more information, please contact us at 1-800-733-0660, or e-mail your inquiry to usinfo@us.bureauveritas.com.

IMPLEMENTING THE FIX: BEYOND ADA VIOLATIONS

Through our work across the country, we encounter ADA violations every day. You can avoid such violations with awareness and proactivity. You can also recruit an unbiased, third-party consulting firm that knows what to look for, how to track barriers, how to address your budget concerns, and how to apply overall accessibility strategies to bring violations into compliance before a lawsuit occurs. Just make sure to choose an ADA Consultant familiar with your region, industry, type of facility, and level of detailed report required.

Note: Federal, State, and Local codes may apply to your facility.

Need Help Keeping Track of ADA Categories, Priorities, and Barriers?

BV's web-enabled database solution, AssetCALC™ stores, analyzes and prioritizes facility data across an entire range of facilities. AssetCALC™ includes a Master Cost Library, GPS-enabled photographs, Barrier Library per Federal, State, and Local ADA guidelines, and a Facility Condition Index, which provides a benchmark for repair and replace decisions. AssetCALC™ tracks the progress of barrier removal and serves as a living ADA Transition Plan.

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