

OSH/ADA Working Group Meeting

February 15, 2011
West Dining Room
James Madison Memorial Building
1:00 PM



Office of Compliance

advancing safety, health, and workplace rights in the legislative branch

OSH/ADA Working Group Meeting
February 15, 2011
ADA Presentation
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PUBLIC ACCESS RIGHTS UNDER THE CAA AND THE ADA

Under Section 210(b) of the CAA:

- (1) **RIGHTS AND PROTECTIONS.** - The rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12150, 12182, 12183, and 12189) shall apply to the entities listed in subsection (a).



PUBLIC ACCESS RIGHTS UNDER THE CAA AND THE ADA

- (2) **DEFINITIONS.** - For purposes of the application of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) under this section, the term “public entity” means any entity listed in subsection (a) that provides public services, programs, or activities.



Entities Listed in Section 210(a) of the CAA

- (1) each office of the Senate, including each office of a Senator* and each committee;
- (2) each office of the House of Representatives, including each office of a Member of the House of Representatives* and each committee;
- (3) each joint committee of the Congress;
- (4) the Office of Congressional Accessibility Services;

*Language in Section 210 is different than in Section 101(9) of the CAA where “employing office” is defined as including “the personal office of a Member of the House of Representatives or of a Senator.”



Entities Listed in Section 210(a) of the CAA

- (5) the Capitol Police;
- (6) the Congressional Budget Office;
- (7) the Office of the Architect of the Capitol (including the Botanic Garden);
- (8) the Office of the Attending Physician; and
- (9) the Office of Compliance .



Rights and Protections Provided by Section 202 of the ADA

Section 202 of the ADA:

“Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”



Rights and Protections Provided by Section 302(a) of the ADA

Section 302(a) of the ADA:

“No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.”



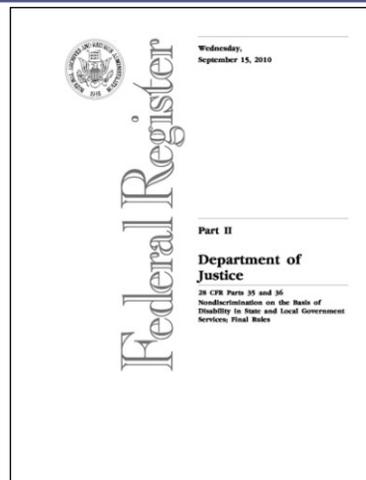
Other Sections of the ADA Incorporated by the CAA

- Section 204 requiring the Department of Justice to promulgate regulations and standards implementing the public access provisions of the ADA.
- Sections 221-230 relating to public transportation systems (including Section 229 requiring the DOT to issue regulations and standards).
- Section 303 requiring new construction and alterations to be designed and constructed to be “readily accessible to and usable by individuals with disabilities.”



New ADA Regulations (DOJ)

New regulations were published in the Federal Register on September 15, 2010. The revised regulations amend the Department’s Title II regulation, 28 C.F.R. Part 35, and the Title III regulation, 28 C.F.R. Part 36.



Highlights of New Regulations

Full text of Regulations can be found at
<http://www.ada.gov/regs2010/ADAregs2010.htm>

- Adopt the 2010 ADA Standards for Accessible Design.
- Set Effective Dates. The new regulations will become effective on March 15, 2011. On March 15, 2012, compliance with the 2010 Standards will be required for new construction and alterations.
- Provide for Element-by-Element Safe Harbor.
- Define Service Animals.
- Distinguish Between Wheelchairs and Other Power-Driven Mobility Devices.
- Expand the Effective Communication Rule to include use of new technologies.
- Clarify Requirements for Detention and Correctional Facilities.



2010 Standards For Accessible Design

1991 Standards:

“1991 Standards means the requirements set forth in the ADA Standards for Accessible Design, originally published on July 26, 1991, and republished as Appendix D to 28 CFR part 36.

2010 Standards:

“2010 Standards means the 2010 ADA Standards for Accessible Design, which consist of the 2004 ADAAG and the requirements contained in § 35.151.”



Highlights of the 2010 Standards for Accessible Design

Detention and Correctional Facilities (Sections 232, 807)

- At least one of each type of general holding cells, general housing cells, medical care facilities, and visiting areas must be accessible. In addition, at least one of each type of special holding cells or special housing cells also must be accessible.

Reach Range Requirements (Section 308)

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



Highlights of the 2010 Standards for Accessible Design

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

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

Assembly Areas (Sections 221, 802)

- The design requirements for assembly areas have been revised to provide more specific guidance about the appropriate vertical and horizontal dispersion of accessible seating, sightlines over standing spectators, and the provision of companion seating. In addition, lawn seating areas and exterior overflow areas without fixed seats must now connect to an accessible route.



Highlights of the 2010 Standards (Continued)

Common Use Circulation Paths in Employee Work Areas (Sections 203.9, 206.2.8)

- Under the 1991 Standards, it was necessary to design work areas to permit an employee using a wheelchair to approach, enter, and exit the area. Under the 2010 Standards, it will be necessary for new or altered work areas to include accessible common use circulation paths within employee work areas, subject to certain specified exceptions.

Location of Accessible Routes (Section 206)

- All accessible routes connecting site arrival points and accessible building entrances now must coincide with or be located in the same general area as general circulation paths. Also, where a circulation path is interior, the required accessible route must also be located in the interior of the facility.



Highlights of the 2010 Standards (Continued)

Location of Accessible Routes to Stages (Section 206)

- In situations where a circulation path directly connects a seating area and a stage (either a permanent or temporary stage), both title II and title III entities must now provide an accessible route that directly connects the accessible seating and the stage. However, where a direct circulation path from the seating area to the stage does not exist, a direct accessible route need not be constructed. This provision is in addition to the pre-existing requirement to provide an accessible route to connect the accessible seating and the stage and other ancillary spaces used by performers.

Direct Access Entrances from Parking Structures (Section 206)

- Where levels in a parking garage have direct connections for pedestrians to another facility, all of these direct entrances must now be accessible.



Guidance on 2010 Standards



http://www.ada.gov/regs2010/2010ADAStandards/Guidance_2010ADAStandards.pdf



Effective Dates

Regulations

March 15, 2011

Standards

APPENDIX TO § 35.151(c)

Compliance dates for new construction and alterations	Applicable standards
Before September 15, 2010.	1991 Standards or UFAS.
On or after September 15, 2010 and before March 15, 2012.	1991 Standards, UFAS, or 2010 Standards.
On or after March 15, 2012.	2010 Standards.



Element-By-Element Safe Harbor

The regulations include a general "safe harbor" under which elements in covered facilities that were built or altered in compliance with the 1991 Standards or the UFAS would not be required to be brought into compliance with the 2010 Standards until the elements were subject to a planned alteration. Similar safe harbors were adopted for elements associated with the "path of travel" to an altered area.



Service Animals

The rule defines "service animal" as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. The rule states that:

- Other animals, whether wild or domestic, do not qualify as service animals.
- Dogs not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals.
- Individuals with mental disabilities who use service animals trained to perform a specific task are protected.
- Trained miniature horses, as alternatives to dogs, may be used, subject to certain limitations, but miniature horses are not included in the definition of "service animal,"



Wheelchairs & Other Power-Driven Mobility Devices



The rule adopts a two-tiered approach to mobility devices, drawing distinctions between wheelchairs and "other power-driven mobility devices." "Other power-driven mobility devices" include a range of devices not designed for individuals with mobility impairments, such as the Segway® PT, but which are often used by individuals with disabilities as their mobility device of choice. Wheelchairs (and other devices designed for use by people with mobility impairments) must be permitted in all areas open to pedestrian use. "Other power-driven mobility devices" must be permitted to be used unless the covered entity can demonstrate that such use would fundamentally alter its programs, services, or activities, create a direct threat, or create a safety hazard. The rule also lists factors to consider in making this determination.



Effective Communication



The rule includes video remote interpreting (VRI) services as a kind of auxiliary aid that may be used to provide effective communication. VRI is an interpreting service that uses video conference technology over dedicated lines or wireless technology offering a high-speed, wide-bandwidth video connection that delivers high-quality video images. The Department has established performance standards for VRI and requires training for users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI system.



Detention and Correctional Facilities

The final rule clarifies the requirements that apply to correctional facilities. It requires three percent of newly constructed or altered cells to be accessible.



Advance Notice of Proposed Rulemaking (ANPRM)

On July 26, 2010, the Department published four advance notices of proposed rulemaking (ANPRMs) in the Federal Register seeking public comment.



Topics for Advance Notice of Proposed Rulemaking

- **Accessibility of Web Information and Services Provided by Entities Covered by the ADA**
- **Movie Captioning and Video Description**
- **Accessibility of Next Generation 9-1-1**
- **Equipment and Furniture**
 - **Medical Equipment & Furniture**
 - **Exercise Equipment & Furniture**
 - **Golf Carts**
 - **Beds**
 - **Electronic & Information Technology Equipment & Furniture**

<http://www.ada.gov/anprm2010/anprm2010.htm>



OOC ADA BIENNIAL INSPECTION FOR 112th CONGRESS

Four Areas of Concentration

- Survey of Exterior Accessible Pathways from Public Transportation Stops to Building Entrances
- Areas identified by those Requesting Inspections
- New Construction & Alterations
- Potential problems noted by inspectors during OSH inspections

“Barrier Survey” Approach

- Approach commonly used by most public and private entities conducting ADA inspections
- Identifies barriers to access based upon how existing elements deviate from the ADA Standards for Accessible Design
- Assesses severity of barrier
- Proposes solutions to barriers and estimates the cost of solutions



Barriers to Access

- **All barriers are not violations of the ADA *per se* but merely potential violations**
- **Surveys are conducted so that**
 - Those providing public services and accommodations within a facility are aware of potential access problems and can make reasonable modifications to their services & accommodations to provide access
 - Barrier removal is integrated into facility planning (transition planning)



Identification of Barriers

- To identify and track barriers we are using the software developed by Evan Terry Associates, PC
- This software allows us to:
 - Evaluate the severity of each barrier
 - Track photographs depicting each barrier
 - Propose solutions and estimate costs of solutions
 - Track status of steps taken to address the barrier



Severity Codes

- “A” - Safety Consideration
- “B” - Blocks Access
- “C” - Major Inconvenience
- “D” - Minor Inconvenience

Guidelines for Typical¹ Severity Codes for Existing (Pre-1/26/92) Facilities Version 2010

	A Safety Consideration	B Blocks Access	C Major Inconvenience	D Minor Inconvenience	Construction Tolerance	Notes
Ramps / Curb Ramps						
Ramp cross slope when main slope is over 5%**	x > 4%	x > 3.5%	x > 3.0%	x > 2.5%	0.50%	The worst measurement determines severity

** When measuring slopes, use a 24" long Smartlevel at regular intervals as directed on the survey forms. The worst measurement determines the severity.



DOJ Codes

- “1” - Access to the building from public sidewalks, parking or public transportation.
- “2” - Access to those areas of a building where services or goods are provided to the public.
- “3” - Access to restroom facilities.
- “4” - Other measures to provide access to the services, facilities, goods, privileges, advantages, or accommodations provided in the building (i.e., telephones, water fountains, ATMs, etc.)



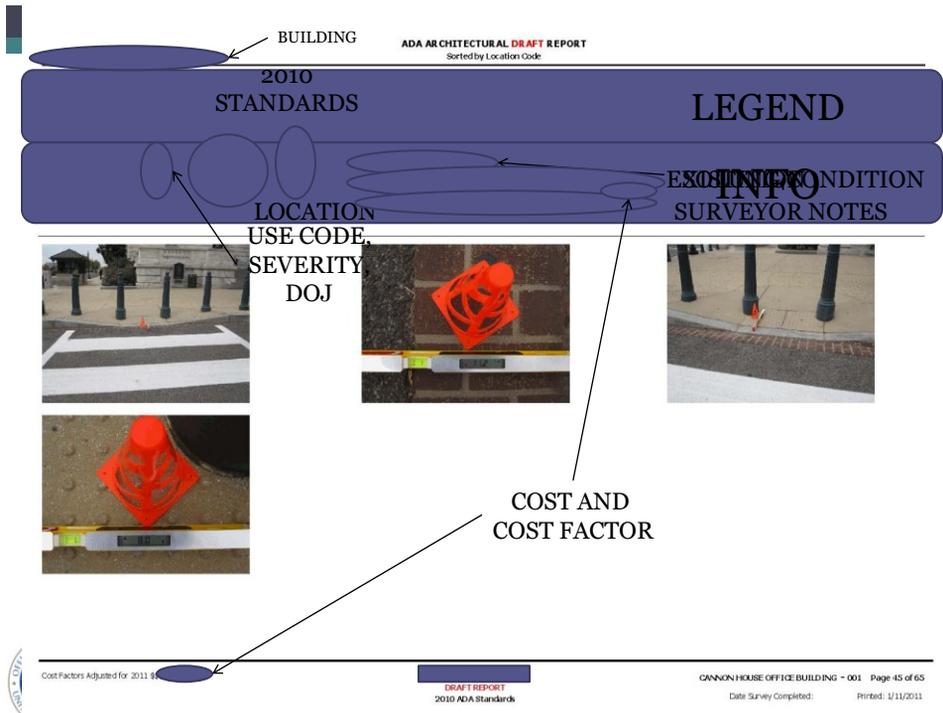
Example of Barrier Report

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Typical Barrier Report

- Description of Barrier
- Location of Barrier
- DOJ Code and Severity
- Suggested Solution for Barrier Removal
- Costs Related to the Solution
- Photos of the Current Condition
- Notes Related to Condition or Removal



Locations

- Site plans are included in report
 - Show location of curb ramps
 - We will submit more readable site and floor plans
- Worksheets and overall photos
 - Curb Ramps
 - Ramps
 - Parking Spaces

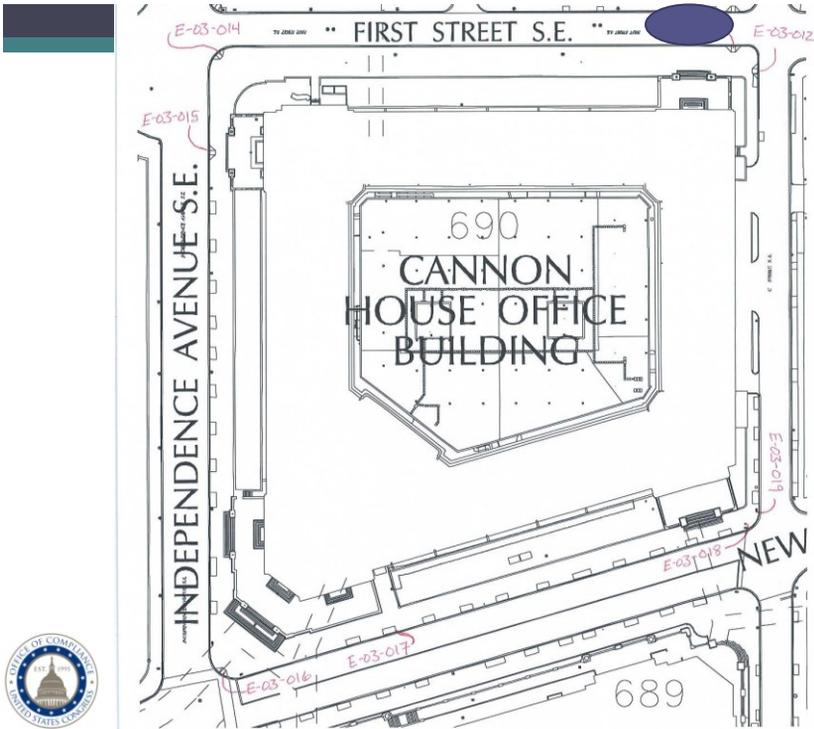


ADA ARCHITECTURAL DRAFT REPORT
Sorted by Location Code

Barrier #	USE	Location Code & Description	Reference & Figure(s) #	Barrier Text	# Units	Unit Type	Total Cost
Surveyor Name	SECT			Existing Condition			
Photo #	DOD			Proposed Solution Text			
	QUAD			Signature Code			
				Surveyor Notes			
FRCAN0-TBLT	EXP	E-02-690		DRAWINGS			
	X			SITE DRAWING			
Rob Judd	I	EXTERIOR-EXTERIOR		ADA2 SITE DRAWINGS			
	I	ROUTE-CRANCO-HOB		SOLUTION 1 - ADA2a3	1.00	Each	\$0.00

690 E-02-00 Site Plan

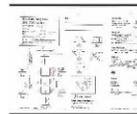




ADA ARCHITECTURAL DRAFT REPORT
Sorted by Location Code.

CANNON HOUSE OFFICE BUILDING

Barrier #	USE	Barrier Text	Existing Condition	Reference & Figure(s) #	# Units	Unit Type	Total Cost
Surveyor Name	SEV	DOJ	Possible Solution Text				
Photo #	QUAD	Location Code & Description	Solution Code	Surveyor Notes			
FRCANG-282	EXP	E-03-012	DRAWINGS				
	X		CURB RAMP DRAWING				
Rob Judd	1	EXTERIOR-CURB RAMP-CANNON HCB	ADD CURB RAMP DRAWINGS				
	1		SOLUTION 1 - ADA2a/c		1.00	Each	\$0.00
FR101019-0295; FR101019-0296; Canon E-03-012 Curb Ramp							



Barriers

- Some barrier numbers incorporate more than one barrier
 - If solution for one barrier fixes another

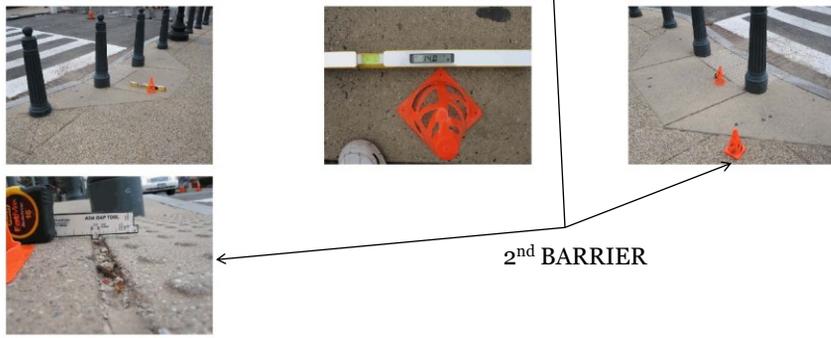


ADA ARCHITECTURAL DRAFT REPORT
Sorted by Location Code

CANNON HOUSE OFFICE BUILDING

Barrier #	USE	Location Code & Description	Reference S. Figure(s) #	Barrier Text	# Units	Unit Type	Total Cost
FRCAN0-27	EXP	E-03-012	405.1, 405.2	Slope of existing curb ramp in the direction of travel exceeds 1:12 (8.3%): CURB RAMP SLOPES 1:4.0%			
Survivor Name	SEV	DOD	QWAD	Existing Condition	Proposed Solution Text	Solution Code	Surveyor Notes
Photo #							
	A						
Rob Judd	1	EXTERIOR-CURB					
	1	JUMP-CANON HOB					

FR101019-0297; FR101019-0298;
FR101019-0299; FR101019-0300



2nd BARRIER

Barrier Photos

- If there is a measurement, it will be shown
- Most barriers will have ≥ 2 photos
- Low resolution
 - Clear enough to read measurement



ADA ARCHITECTURAL DRAFT REPORT
Sorted by Location Code

LIBRARY OF CONGRESS MADISON BUILDING

Barrier #	USE SECT DDJ QWAD	Location Code & Description	Reference & Figure(s) #	Barrier Text Existing Condition Proposed Solution Text Solution Code Surveyor Notes	# Units	Unit Type	Total Cost
FRCAING-281	TLP C	6-16-01	603.3	Bottom of mirror reflecting surface is greater than 35" AFF where not mounted above lavatory or countertop or 40" AFF where mounted above lavatory or countertop. MIRROR 40" AFF			
Rob Judd	J I	GROUND FLOOR-TOILET		Install additional mirror within required height in a location where 30" x 40" minimum clear floor space is available.			
FR101220-0097; FR101220-0098; FR101220-0099; FR101220-0100		RESTROOM CORRIDOR		SOLUTION 1 - A1732	1.00	Each	\$33.75



RUSSELL SENATE OFFICE BUILDING				ADA ARCHITECTURAL DRAFT REPORT			
				Sorted by Location Code			
Barrier #	USE SEV DDJ QWAD	Location Code & Description	Reference & Figure(s) #	Barrier Text Existing Condition Possible Solution Text Solution Code Severity Notes	# Units	Unit Type	Total Cost
FRCAING-271	ILP B 3	01-16-SR-IM-2	309.4	Soap dispenser control or operating mechanism requires greater than 5# force and/or tight grasping, pinching, or twisting of the wrist to operate, and/or cannot be operated with one hand. SOAP DISPENSER REQUIRES TWO HANDS TO OPERATE.			
Rob Judd	1	1ST FLOOR-TOILET ROOM, MULTI-USER, MENS/MENS-TOILET ROOM		Install additional compliant soap dispenser. Coordinate with reach range and clear floor space requirements. SOLUTION 1 - ALDIZ	1.00	each	\$295.00
FR101222-0144							



Cost Factors Adjusted for 2011 \$\$\$ = 5.93

www.draftreport.com
DRAFT REPORT
 2010 ADA Standards

RUSSELL SENATE OFFICE BUILDING - 018 Page 9 of 11

Date Survey Completed: Printed: 1/11/2011

Barrier Report

- Elements complying with 1991 or 2010 Standards can still hinder access
- Will be included in Report
 - Not assigned a Severity Code



LONGWORTH HOUSE OFFICE BUILDING **ADA ARCHITECTURAL DRAFT REPORT**
Sorted by Location Code

Barrier # Surveyor Name Photo #	USE SEV DOJ QUAD	Location Code & Description	Reference & Figure(s) #	Barrier Text Existing Condition Possible Solution Text Solution Code Surveyor Notes	# UNITS	UNIT Type	Total Cost
FRCANG-88 Rob Judd	1	E-02-609 EXTERIOR-EXTERIOR ROUTE-LONGWORTH (SOUTH)	303.1, 303.2, 303.3, 303.3 303.2, 303.3, 303.3	Existing Condition: Cracks greater than 1/8" wide and/or 1/4" deep in direction of travel: Repair and/or fill sidewalk cracks and/or expansion joints.			

CONDITION

**SEVERITY
CODE
X**



SUGGESTED ACTION

INSPECTION CALENDAR & ADDITIONAL INFORMATION

- Calendar on website:**
<http://www.compliance.gov>
- Other sources for information re: standards & regulations:**
- <http://www.ada.gov>
 - <http://www.access-board.gov>
 - <http://www.adainfo.org>
 - <http://www.fhwa.dot.gov/environment/sidewalk2/>



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OSH Presentation

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