

Applying the 2012 TAS In Existing and Altered Facilities: Case Studies



Abadi Accessibility

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Learning Objectives

- 1) Learn the history of TAS and how it differs from ADA
- 2) Learn how to apply the standards on existing buildings
- 3) Learn how to apply the standards in altered buildings
- 4) Understand any exceptions

History of ADA



ADA- American with Disabilities Act

Title I – Employment

Title II – State and Local Gvt. Programs

Title III – Public Accommodations and Commercial Buildings

Title IV – Telecommunications

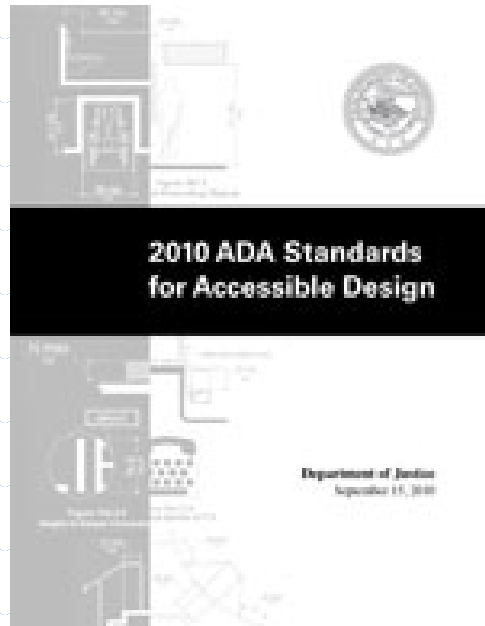
Title V – Miscellaneous (Equivalent facilitation of States)

Continued Timeline

- ◆ Accessibility Guidelines (ADAAG) - 1991
 - TAS - 1994 Equivalent to ADAAG
- ◆ 2004 ADAAG by the Access Board
- ◆ 2010 - ADA Standards for Accessible Design passed by the DOJ (adopts the 2004 ADAAG)
 - Effective date was be March 15, 2011
 - Mandatory on March 15, 2012

2012 TAS also became mandatory
March 15, 2012

2012 TEXAS ACCESSIBILITY STANDARDS



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Architectural Barriers Administrative Rules

You can download the entire Architectural Barriers Rules document (734s) as an Adobe PDF file, suitable for printing. Acrobat Reader is necessary to view pdf files. If you need to obtain a copy of this program it is available as a free download for Windows or Macintosh operating systems.

ELIMINATION OF ARCHITECTURAL BARRIERS

Administrative Rules of the Texas Department of Licensing and Regulation/16 Texas Administrative Code, Chapter 68
 Effective March 15, 2012

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2012 TAS

Texas Accessibility Standards

Elimination of Architectural Barriers
 Texas Government Code, Chapter 469
 Administered by the Texas Department of Licensing and Regulation

Effective March 15, 2012

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TAS vs. ADA

◆ ADA= Civil Rights Law

◆ TAS= Construction Law



Existing Buildings



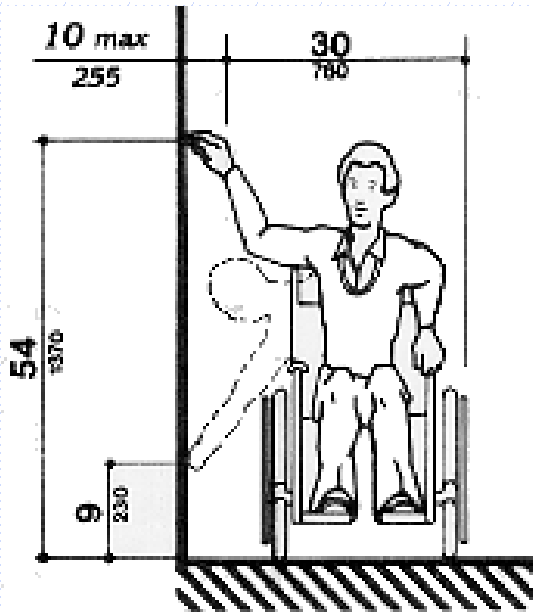
Barrier Removal

- ◆ Existing elements that do not comply with the 1991 ADAAG is considered a “barrier.”
- ◆ Barriers must be removed “as it is readily achievable”



Existing buildings

- ◆ Existing facility that meets the 1994 Standards requirements,



“safe harbor”

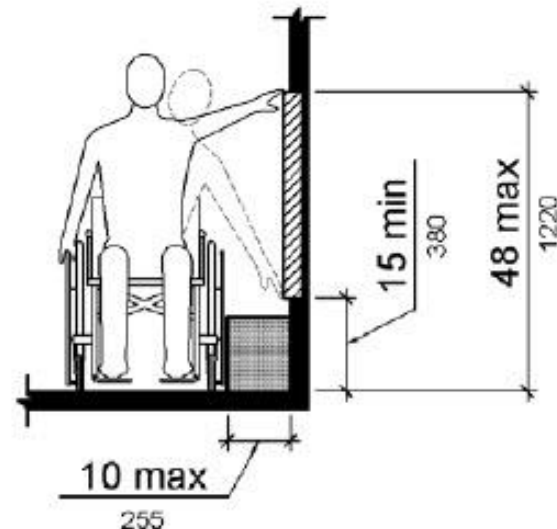


Figure 308.3.1
Unobstructed Side Reach

Those elements do not have to be modified in order to meet the 2012 Standards, just for barrier removal purposes.

Not a Safe Harbor

- ◆ safe harbor does not apply to elements for which there are no standards in the 1991 Standards, such as residential facilities and dwelling unit, play areas, and swimming pools.
 - DOJ lists these in the 2010 Regulation at section 36.304(d)(2)(iii).



Scoping 202 Alterations

◆ What are alterations?

- ◆ Changing in structural elements
- ◆ Installing new elements that affect usability
- ◆ Maintenance, roofing, changes in Mechanical and Electrical systems are NOT alterations

◆ Alterations require all new elements to comply



Scoping 202 Alterations

- ◆ Alterations don't have a min. \$ amount to have to comply



Scoping 202 Alterations

◆ Areas that CONTAIN a primary function

- ◆ New elements must comply
- ◆ *Path of travel* to the altered area
- ◆ Restrooms
- ◆ Telephones
- ◆ Drinking fountains

That serve the altered area

Texas added Parking

Path of Travel

◆ **106.5.41 Path of Travel.**

- *A continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited,*
- *and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.*

Path of Travel

- ◆ *An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.*
- ◆ *The term "path of travel" also includes the restrooms, telephones, and drinking fountains serving the altered area.*

Path of Travel

- ◆ *The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.*

Scoping 202 Alterations

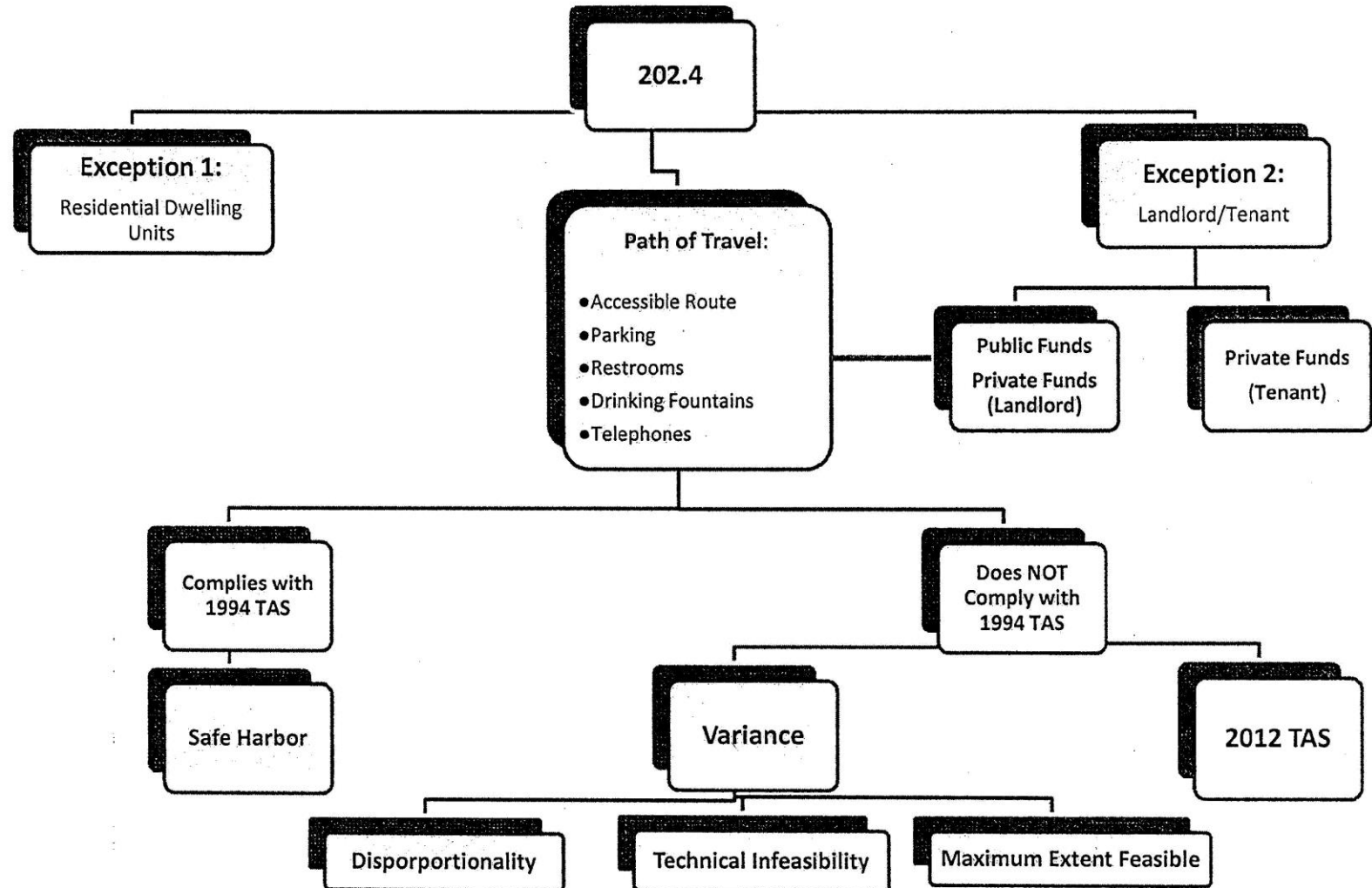
◆ EXCEPTION

A tenant finish out where ONLY tenant pays for the finish out, only the finish out must comply

- Landlord path of travel are not required to be upgraded



2012 TAS • Alterations Affecting Primary Function Areas



•Exception 1: Alterations to primary function areas in social service establishments, grad and student housing, and other buildings and facilities subject to the residential requirements of 233 and 809 do not trigger compliance with 202.4.

•Exception 2 / Private Funds: Alterations to primary function areas funded by the tenant in public accommodations and commercial buildings and facilities triggers compliance with 202.4; however, compliance is limited to the path of travel elements under the tenant's authority or if altered by the tenant.

Path of Travel

When fixing things that are not compliant along the path of travel:

Disproportionality (20% Rule)

◆ When cost to upgrade or remove barriers exceed 20% of the cost of alteration

◆ Prioritize by:

- An accessible entrance
- An accessible route to the altered area
- An accessible restroom for each sex
- Accessible telephones
- Accessible drinking fountains
- Additional element such as parking, storage and alarms

Disproportionality

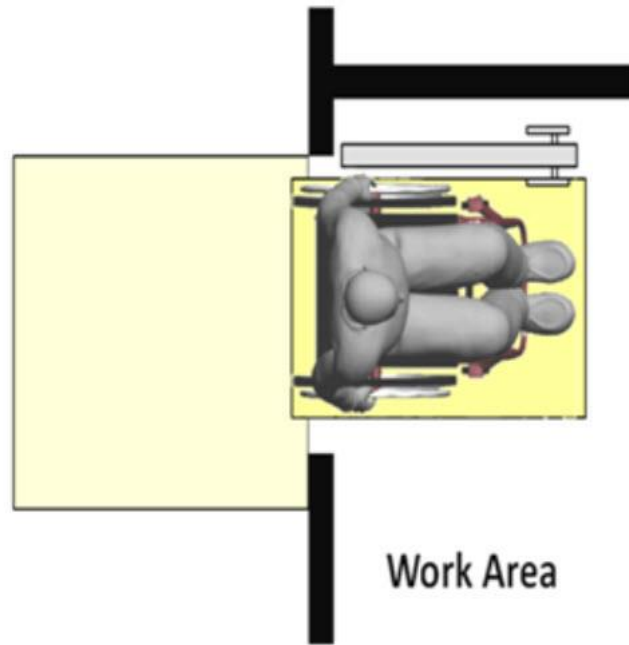
- ◆ *If an area containing a primary function has been altered without providing an accessible path of travel to that area, are undertaken **within three years** of the original alteration,*
- ◆ *the total cost of alterations to the primary function areas on that path of travel during the **preceding three year** period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.*

Scoping 203 General Exceptions

- ◆ Construction sites
- ◆ Raised security or sports areas, referee and judging areas
- ◆ Machinery spaces
- ◆ Single occupant spaces

Work Areas

- ◆ Limited exception- approach enter exit



- ◆ Employee areas are not necessarily work areas

Work areas Vs. Employee Areas

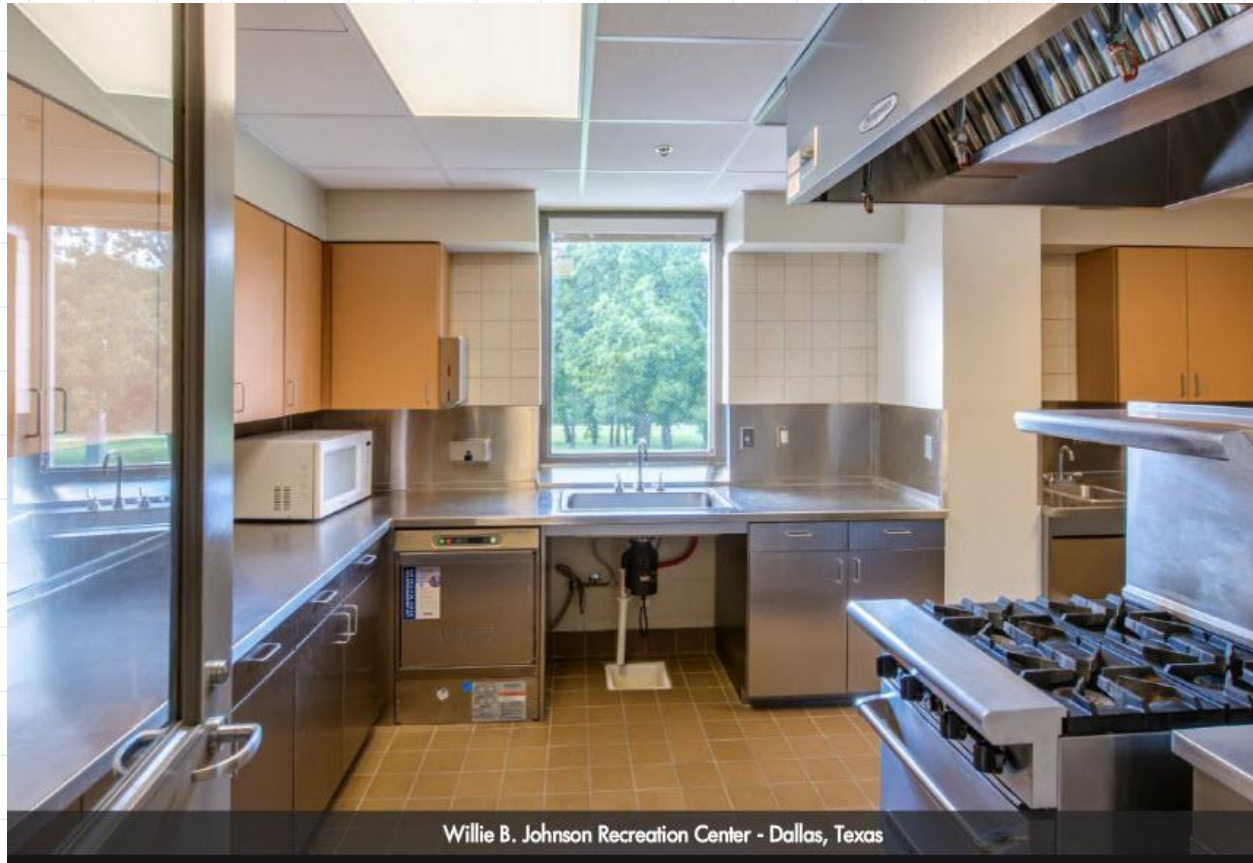
- Work Areas= Where work is performed by employees
- Employee Areas=not for public use, but for common use by employees



Work Area



Work Area



Willie B. Johnson Recreation Center - Dallas, Texas

- **Employee Areas=** Other areas in a work space that are not for work related activities



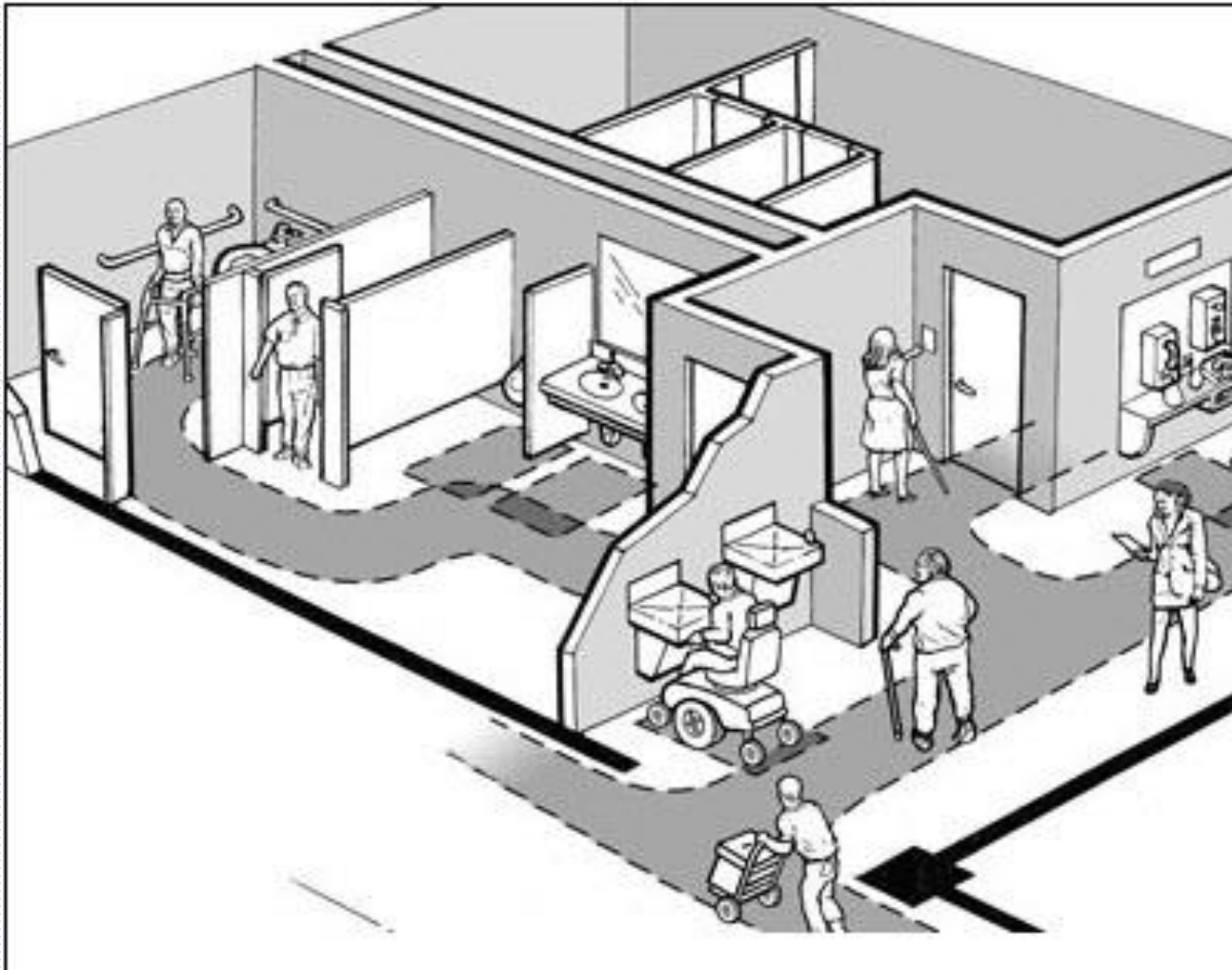
Employee area-Not Work Areas



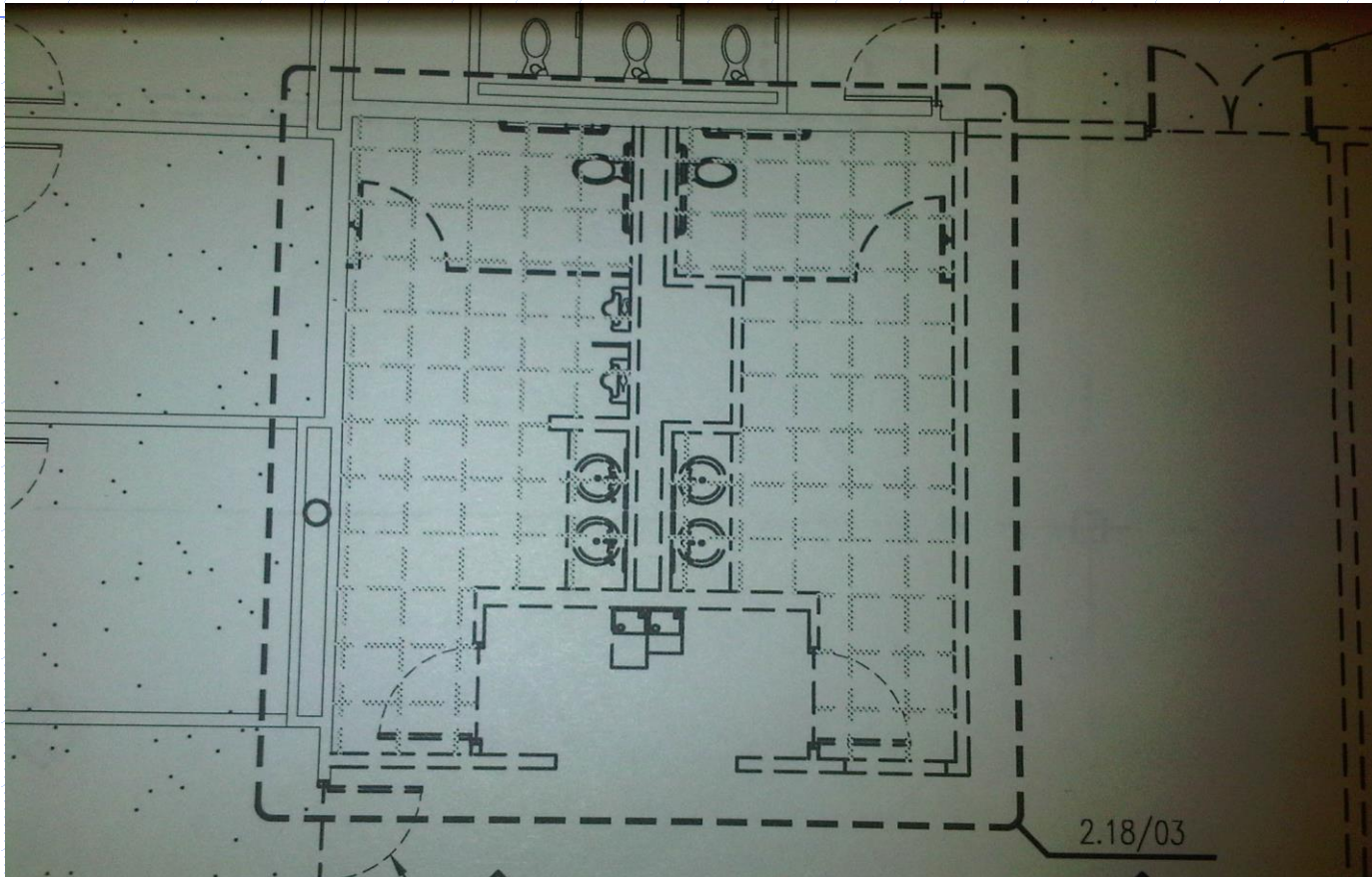
Employee area-Not Work Areas



Common spaces at Work Areas



Case study: Restrooms

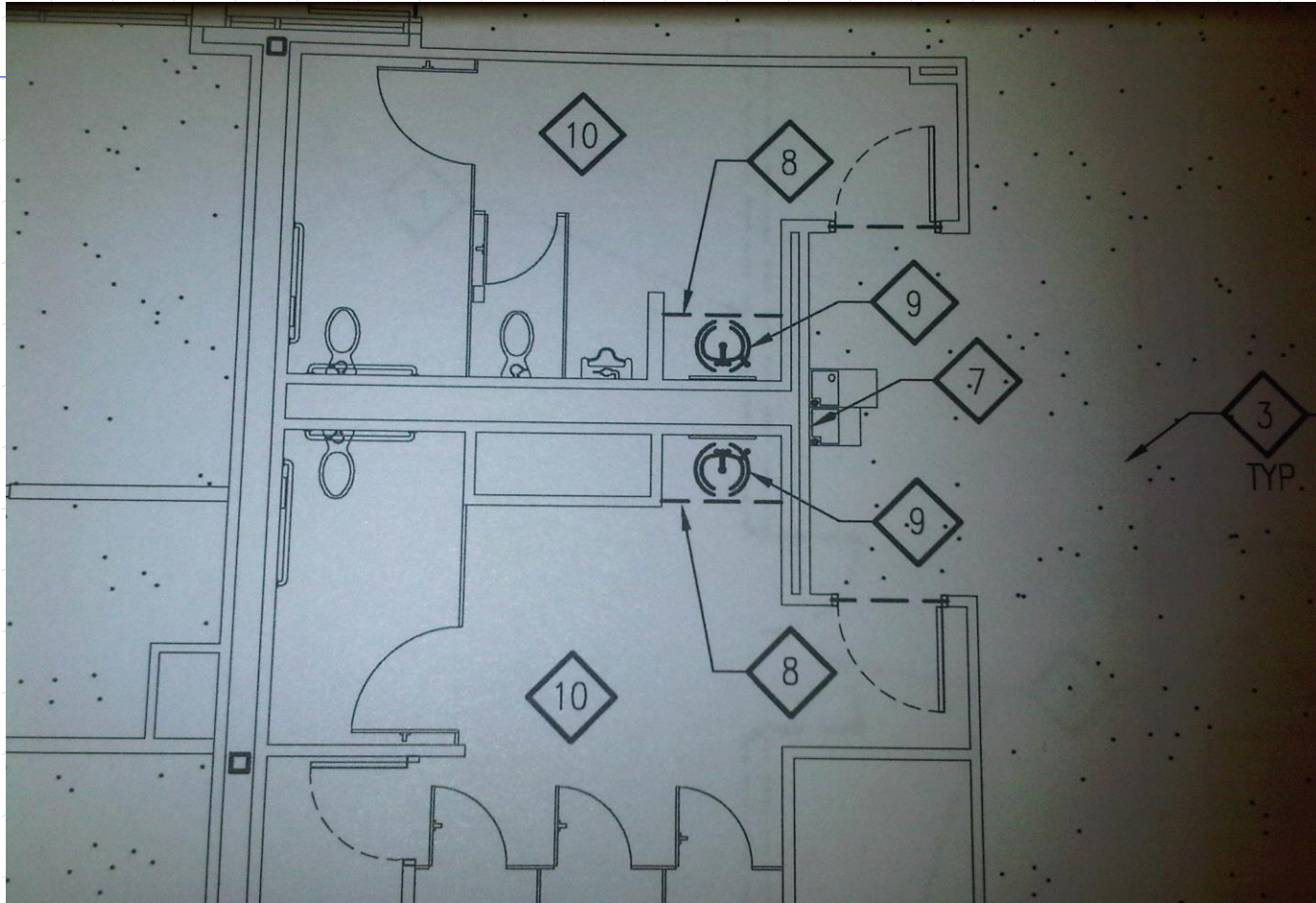


- This restroom is a complete gut and remodel
- The restroom is not a primary function



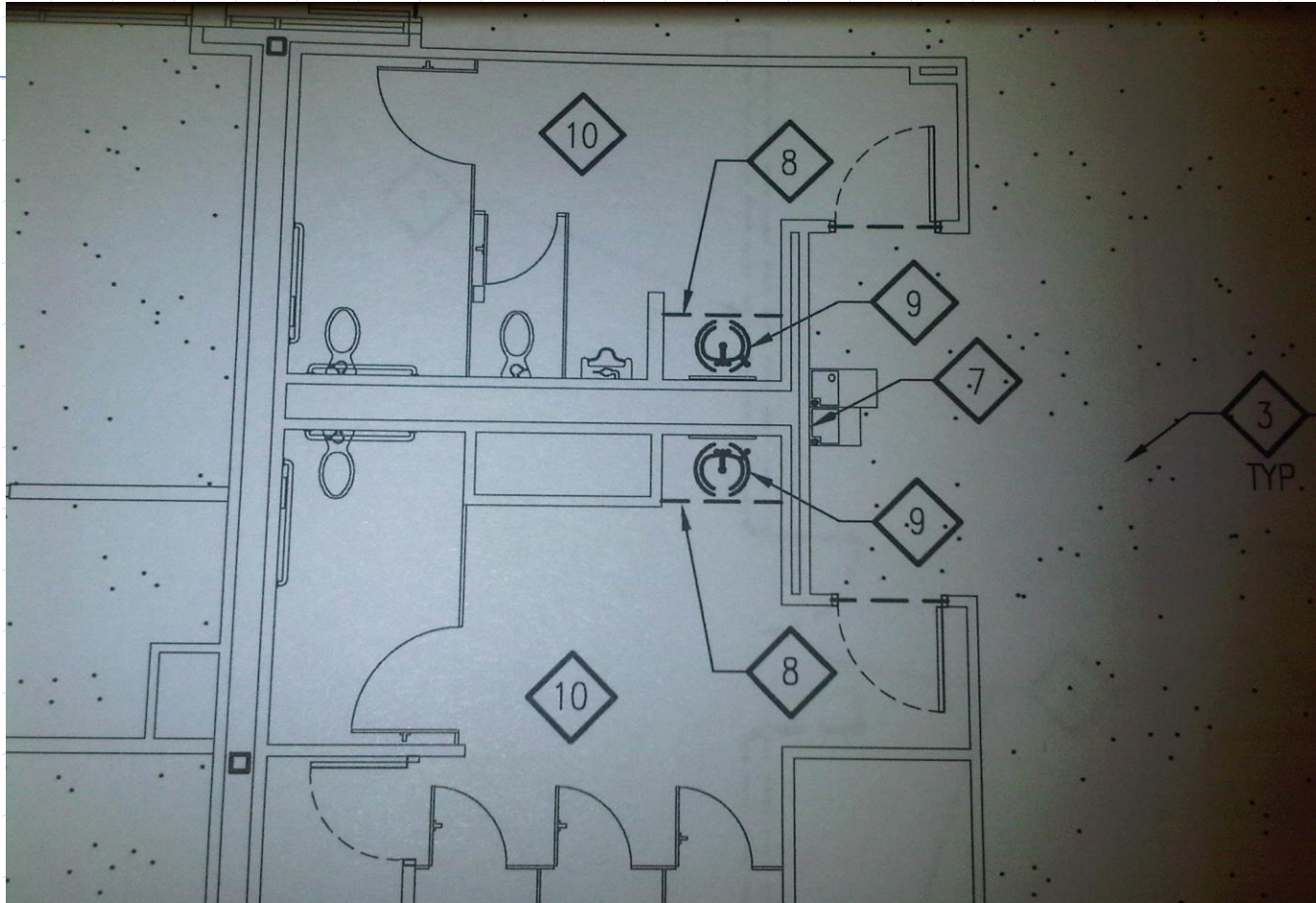
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Case study: Restrooms



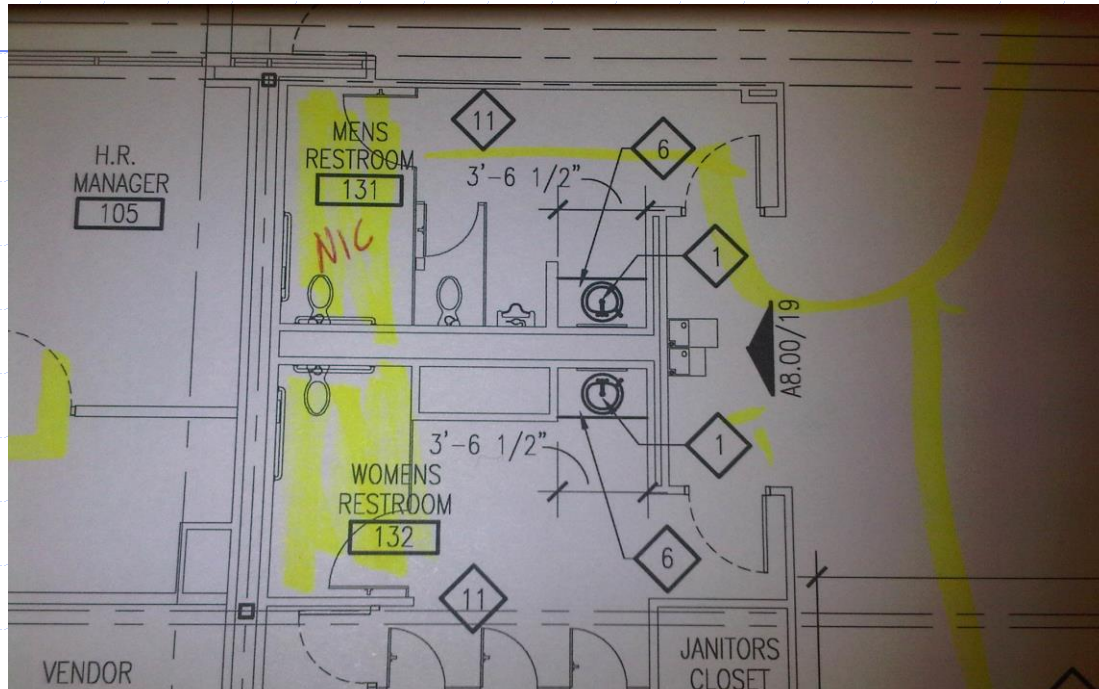
- Lavatory only altered
- Lavatories are not in an area of primary function

Case study: Restrooms-Before



- Lavatory only altered
- Lavatories are not in an area of primary function

Case study: Restrooms-After



- Only lavatories must comply
- Nothing else needs to be brought up to compliance
- The door does not have to comply

What happens if we just remove the toilet

- Toilets must comply for height and distance from the side wall
- Grab bars must be provided whenever possible
- Distance from the lavatory will have to comply if possible

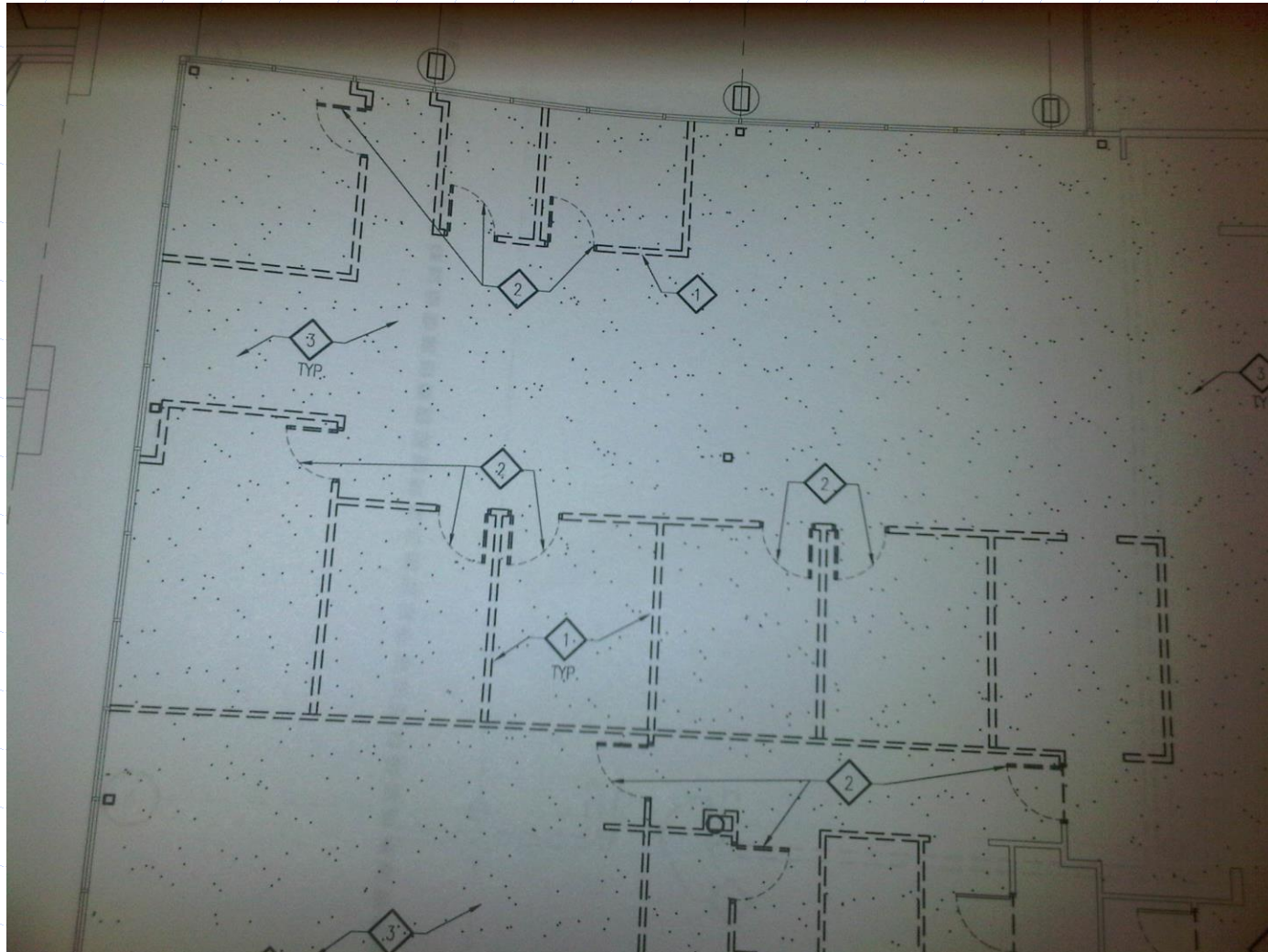
Case Study: Auditorium



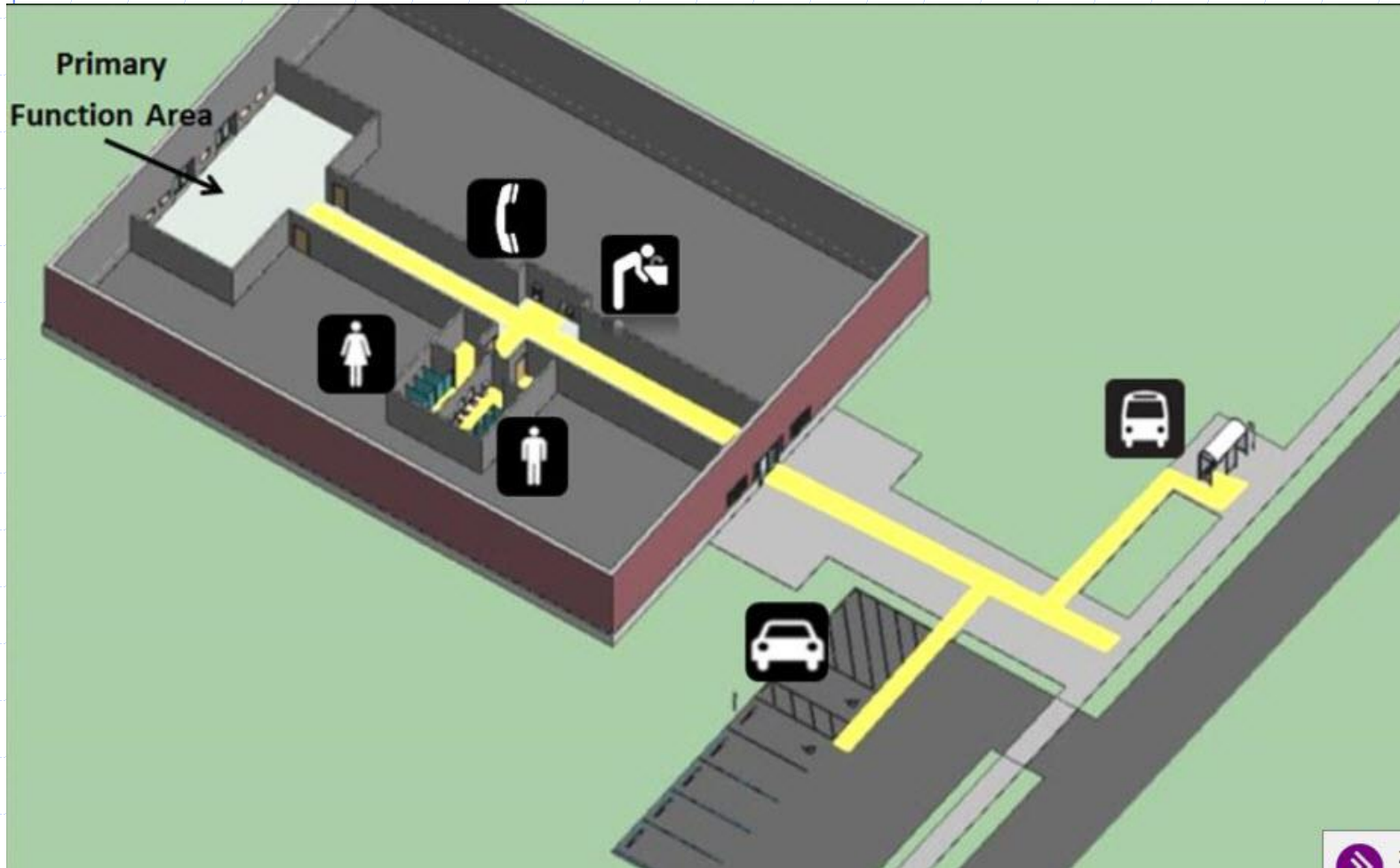
Case Study: Auditorium

- What happens if we remove broken seats and repair them and re-install them?
 - MAINTENANCE
- What happens if we remove all the seats in order to upgrade them?
 - ALTERATION

Case Study: Tenant finish out with tenant improvement \$



Case Study: Tenant finish out with tenant improvement \$



Case Study: Tenant finish out paid by Tenant



Case Study: Church Sanctuary



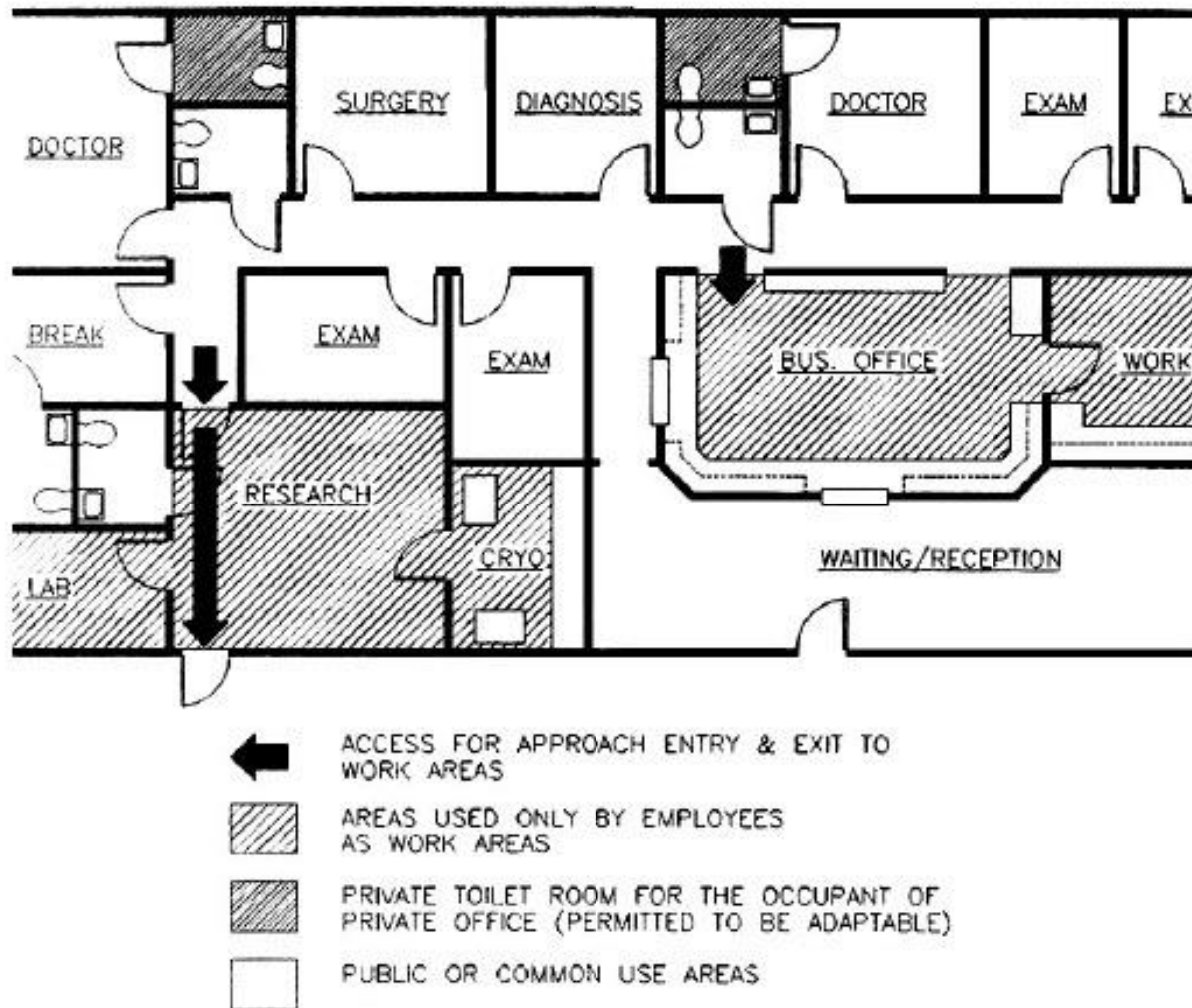
Case Study: Church Sanctuary

- The sanctuary is exempted-area of religious ritual, even though it is a primary function
- Not an alteration

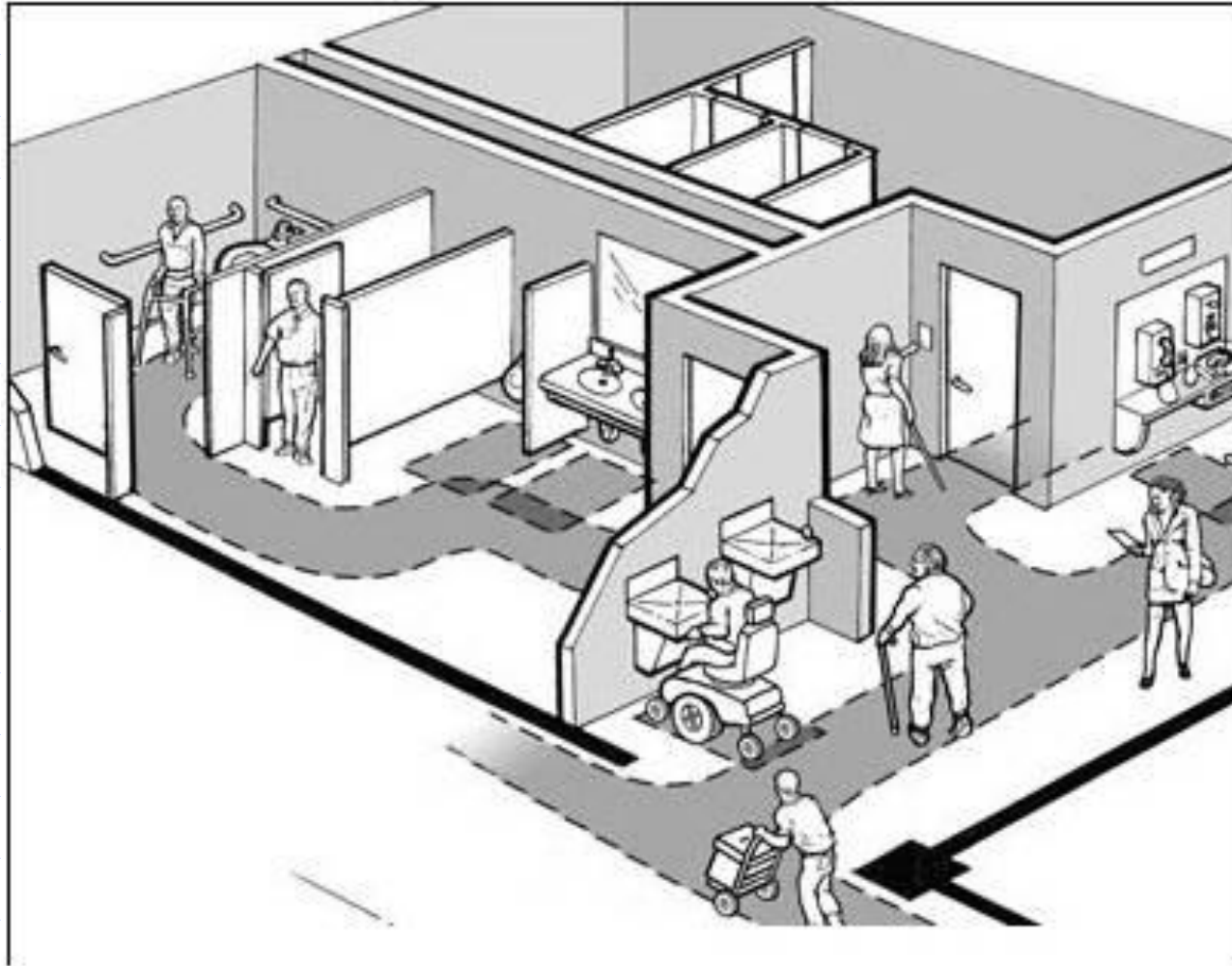
Case Study: Work Area



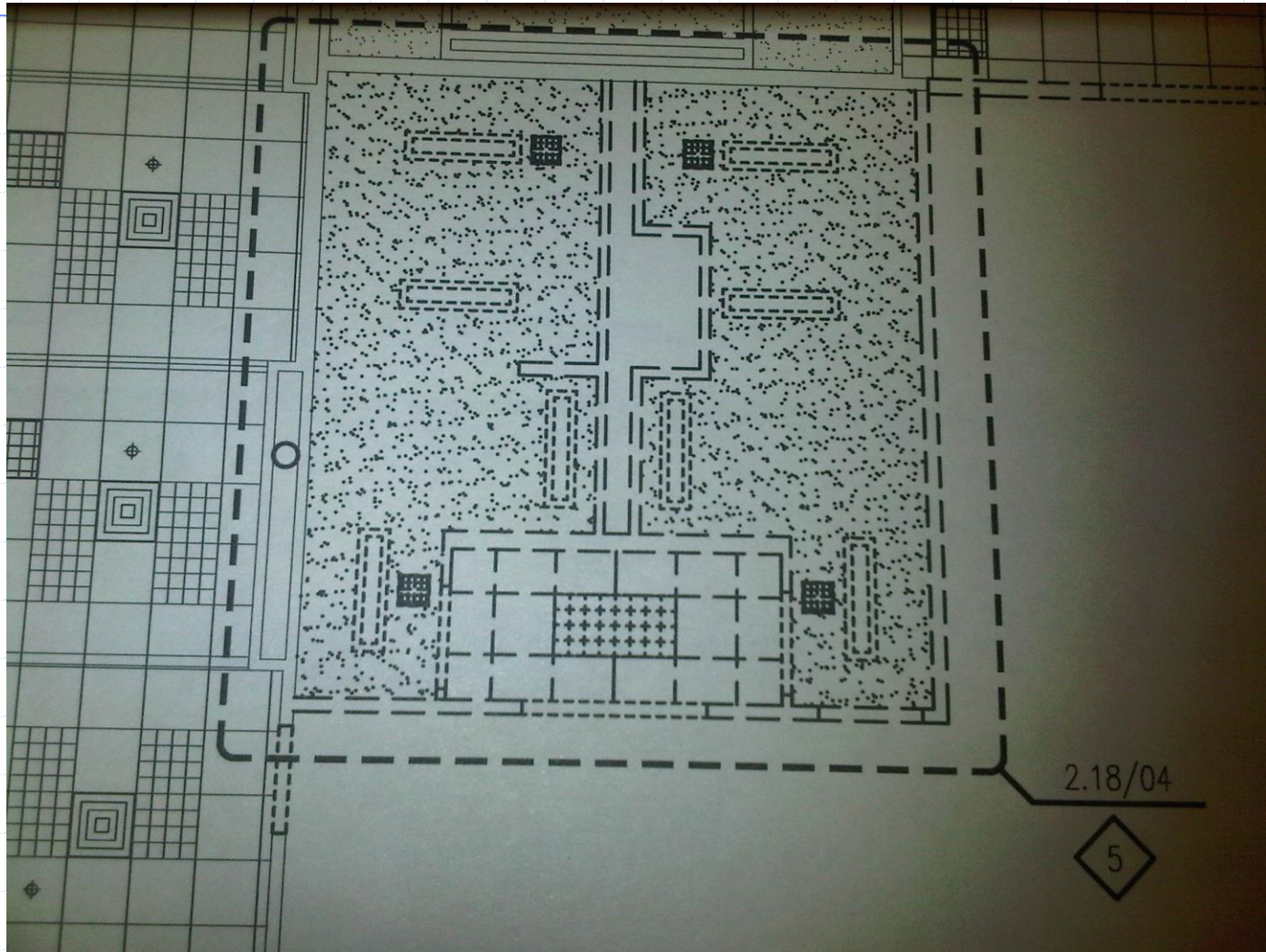
Case Study: Work Area



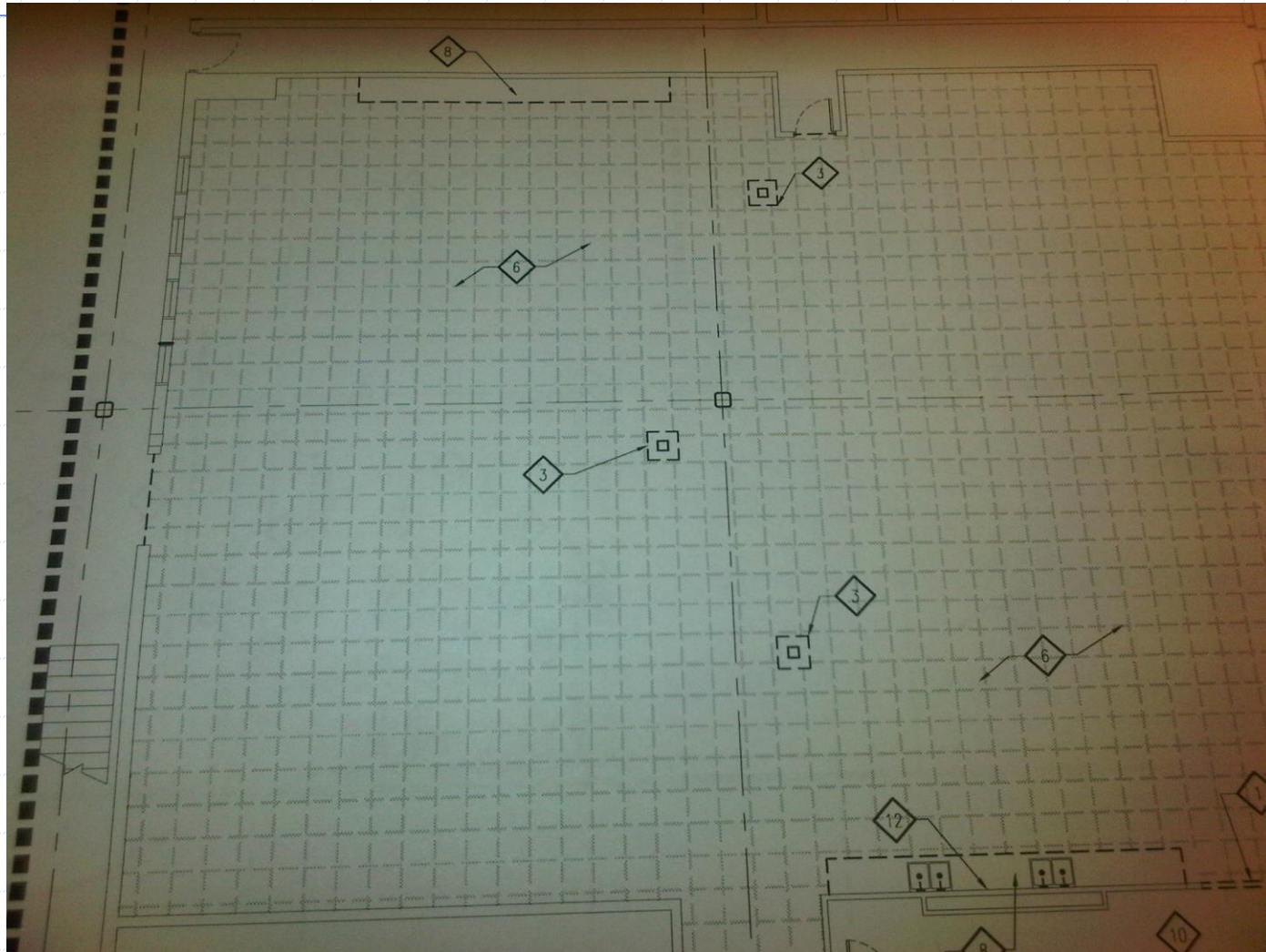
Case Study: Work Area-Path of Travel



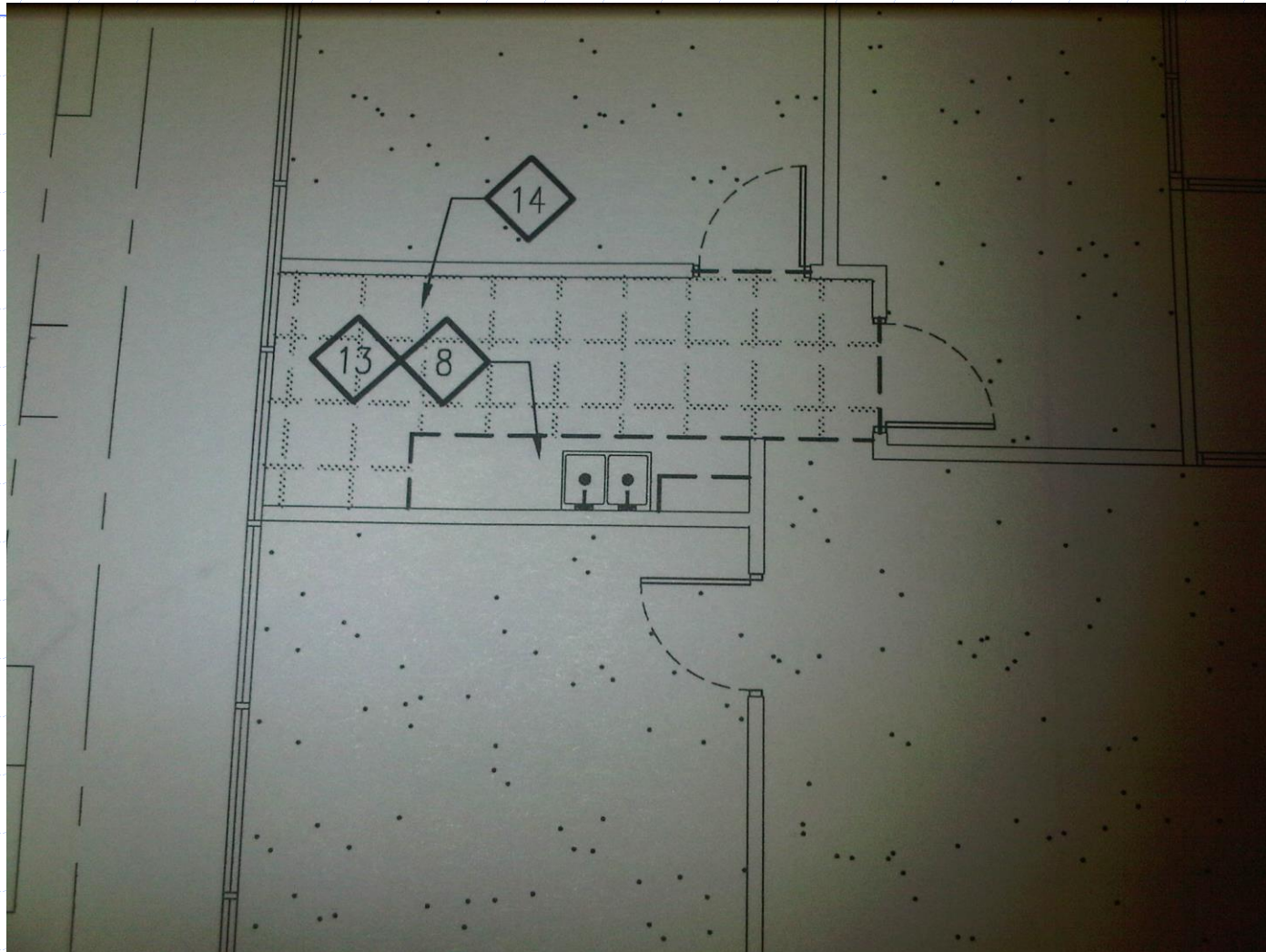
Case Study: Ceiling work



Case Study: Floor work



Case Study: Non-Primary area



1990 ADA- American with Disabilities Act

What was the purpose of passing the ADA in 1990?

1. To encourage and promote the rehabilitation of persons with disabilities
2. To eliminate unnecessary architectural barriers for persons with disabilities.
3. To not restrict the ability to engage in gainful occupation
4. To not restrict the ability to achieve maximum personal independence

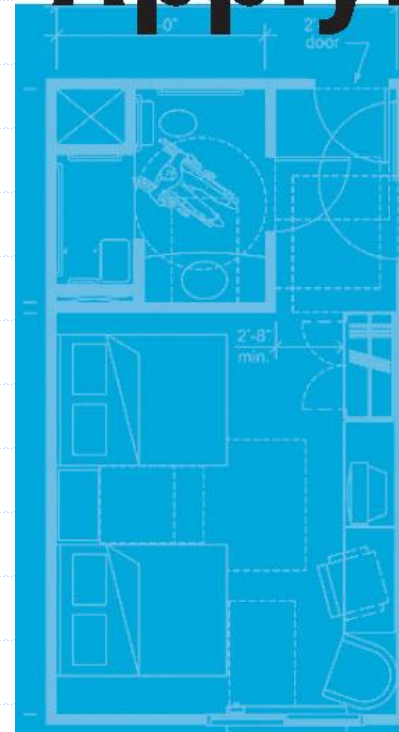
The ADA Companion Guide

*Understanding The Americans with Disabilities Act
Accessibility Guidelines (ADAAG) and
The Architectural Barriers Act (ABA)*



MARCELA ABADI RHOADS

Applying the ADA



*Designing for
The Americans with
Disabilities Act Standards
for Accessible Design
in Multiple Building Types*

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