

City of Cambridge  
**Commission for Persons with Disabilities**  
51 Inman Street · Cambridge, MA · 02139-1732  
617-349-4692 voice · 492-0235 tty · 349-4766 fax

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Michael Muehe  
*Executive Director/ADA Coordinator*

Carolyn R. Thompson  
*Disability Project Coordinator*

Dear Cambridge Business Owner/Manager:

On March 3, 2008, the Cambridge City Council unanimously passed an amendment to the City's Human Rights Ordinance, requiring places of public accommodation to remove structural barriers that impede access by people with disabilities, when it is readily achievable to do so (the "Ordinance Amendment").<sup>1</sup> Examples of such barriers include narrow entry doorways, one step entrances without ramps, checkout counters that are too high and parking lots without designated accessible parking spaces. Pursuant to the Ordinance Amendment, "readily achievable" means easily accomplishable, and able to be done without much difficulty or expense. A business that provides goods and services to the public is considered to be a place of public accommodation.

The Ordinance Amendment mirrors existing federal law requirements as set forth in Title II of the Americans with Disabilities Act of 1990 (the "ADA"). Under the ADA, businesses that provide goods and services to the public are already required to remove structural barriers to access by people with disabilities when removal is readily achievable. The Ordinance Amendment authorizes the Cambridge Human Rights Commission to investigate an allegation that a place of public accommodation has failed to take action to remove a readily achievable structural barrier to access.

Some Cambridge businesses may be eligible for tax benefits and/or financial assistance to help pay for the cost of removing accessibility barriers. The Cambridge Community Development Department has a Façade Improvement Program which can provide matching grants of up to \$35,000 to independent Cambridge businesses for storefront improvements, including barrier removal. The Internal Revenue Code, as amended in 1990, may allow a deduction of up to \$15,000 per year for expenses associated with the removal of qualified architectural and transportation barriers and may permit eligible small businesses to receive a tax credit for certain costs of compliance with the ADA. Qualifying businesses may claim a credit of up to fifty percent (50%) of eligible access expenditures that exceed \$250 but do not exceed \$10,250. For more information, see the "Information Resources List" attached to this letter.

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<sup>1</sup> Ordinance Number 1314 amends Chapter 2.76 of the Cambridge Municipal Code entitled Human Rights Commission by adding Section 2.76.120 M. A copy of the Ordinance Amendment is attached.



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I have attached a document entitled “Common Questions: Readily Achievable Barrier Removal” by the U.S. Department of Justice, which contains additional information about the ADA's readily achievable barrier removal requirement and the potential tax benefit described above.

Thank you for your attention to this letter, and for your willingness to identify and remove barriers to access for your customers (and potential customers) with disabilities. If you have any questions or need any additional information, please do not hesitate to contact me.

Best regards,

Michael Muehe  
Executive Director/ADA Coordinator

Attachments

## Information Resources List

**For more information about the Cambridge Human Rights Ordinance (CHRO), contact:**

**Cambridge Commission for  
Persons with Disabilities**

(617) 349-4692 (Voice)

(617) 492-0235 (TTY)

[www.cambridgema.gov/DHSP2/disabilities.cfm](http://www.cambridgema.gov/DHSP2/disabilities.cfm)

**Cambridge Human Rights Commission**

(617) 349-4396 (Voice)

(617) 492-0235 (TTY)

[www.cambridgema.gov/HRC](http://www.cambridgema.gov/HRC)

**For more information about the Americans with Disabilities Act (ADA), contact:**

**New England ADA Center**

Adaptive Environments Center

(800) 949-4232 (Voice/TTY)

[www.adaptiveenvironments.org/neada](http://www.adaptiveenvironments.org/neada)

**U.S. Department of Justice**

ADA Information Line

(800) 514-0301 (Voice)

(800) 514-0383 (TTY)

[www.ada.gov](http://www.ada.gov)

**For more information about the Cambridge Façade Improvement Program, and  
about federal IRS Tax Credits and Deductions for barrier removal, contact:**

**Cambridge Community  
Development Department**

Façade Improvement Program

(617) 349-4601 (Voice)

(617) 349-4621 (TTY)

[www.cambridgema.gov/cdd/ed/cr/cr\\_facade.html](http://www.cambridgema.gov/cdd/ed/cr/cr_facade.html)

**U.S. Internal Revenue Service**

(800) 829-1040 (Voice)

(800) 829-4059 (TTY)

[www.irs.gov](http://www.irs.gov)

**For information about Massachusetts Architectural Access Board (MAAB) regulations,  
contact:**

**Massachusetts Architectural Access Board**

(617) 727-0660 (Voice)

(617) 727-0019 (TTY)

[www.mass.gov/AAB](http://www.mass.gov/AAB)

**For information about ADA & employment issues, contact:**

**Equal Employment Opportunity Commission**

(800) 669-4000 (Voice)

(800) 669-6820 (TTY)

[www.eeoc.gov](http://www.eeoc.gov)

**New England ADA Center**

Adaptive Environments Center

(800) 949-4232 (Voice/TTY)

[www.adaptiveenvironments.org/neada](http://www.adaptiveenvironments.org/neada)

**ORDINANCE NUMBER 1314**

**Final Publication Number 3158. First Publication in the Chronicle on February 14, 2008.**

**City of Cambridge**

**In the Year Two Thousand and Eight**

**AN ORDINANCE**

**In amendment to the Ordinance entitled “Municipal Code of the City of Cambridge”**

**Be it ordained that Cambridge Municipal Code Chapter 2.76 is hereby amended by adding to Section 2.76.120 entitled “Human Rights Commission” as follows:**

[The new language appears in *italics*.]

**Chapter 2.76 HUMAN RIGHTS COMMISSION**

Section 2.76.120 Acts deemed lawful and unlawful—Exemptions.

Subsection M.

1. It is an unlawful practice for any person directly or indirectly to withhold, deny, curtail or in any manner limit the full use of a public accommodation by any person, or discriminate against such person with respect to the use of such accommodation, because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, gender, marital status, family status, military status or source of income of such person.
  - a. *It is an unlawful practice for any person who owns, operates, leases, or leases to a place of public accommodation, to fail to take action to remove architectural barriers, and communication barriers that are structural in nature, in existing places of public accommodation, unless such barrier removal action is not readily achievable, i.e., easily accomplishable and able to be carried out without much difficulty or expense. For the purposes of this section, “barrier” means any physical element of a facility that impedes access by people with disabilities.*
  - b. *In determining whether an action is readily achievable, factors to be considered include—*
    - i. *the nature and cost of the action needed under this section;*
    - ii. *the overall financial resources of the public accommodation involved in the action; the number of persons employed at such public accommodation; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the public accommodation;*
    - iii. *the overall financial resources of the public accommodation; the overall*

*size of the business of a public accommodation with respect to the number of its employees; the number, type, and location of its facilities; and*

*iv. the type of operation or operations of the public accommodation, including the composition, structure, and functions of the workforce of such public accommodation; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the public accommodation.*

*c. Where a public accommodation can demonstrate that the removal of a barrier under clause 1.a. is not readily achievable, it is an unlawful practice for that public accommodation to fail to make such goods, services, facilities, privileges, advantages, or accommodations available through non-structural methods, if such methods are readily achievable.*

*d. These provisions shall not apply to entities other than those entities regulated by Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181-2189.*

2. It is an unlawful practice for any person directly or indirectly to advertise or otherwise publicize that any person is unwelcome to the full use of any public accommodation because of the race, color, disability or source of income of such person.

In City Council March 3, 2008.

Passed to be ordained by a yeas and nays vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk



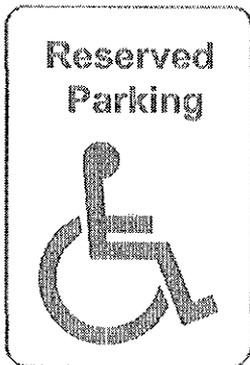
# Americans with Disabilities Act



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**

Reproduction of this document is encouraged.

## **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.

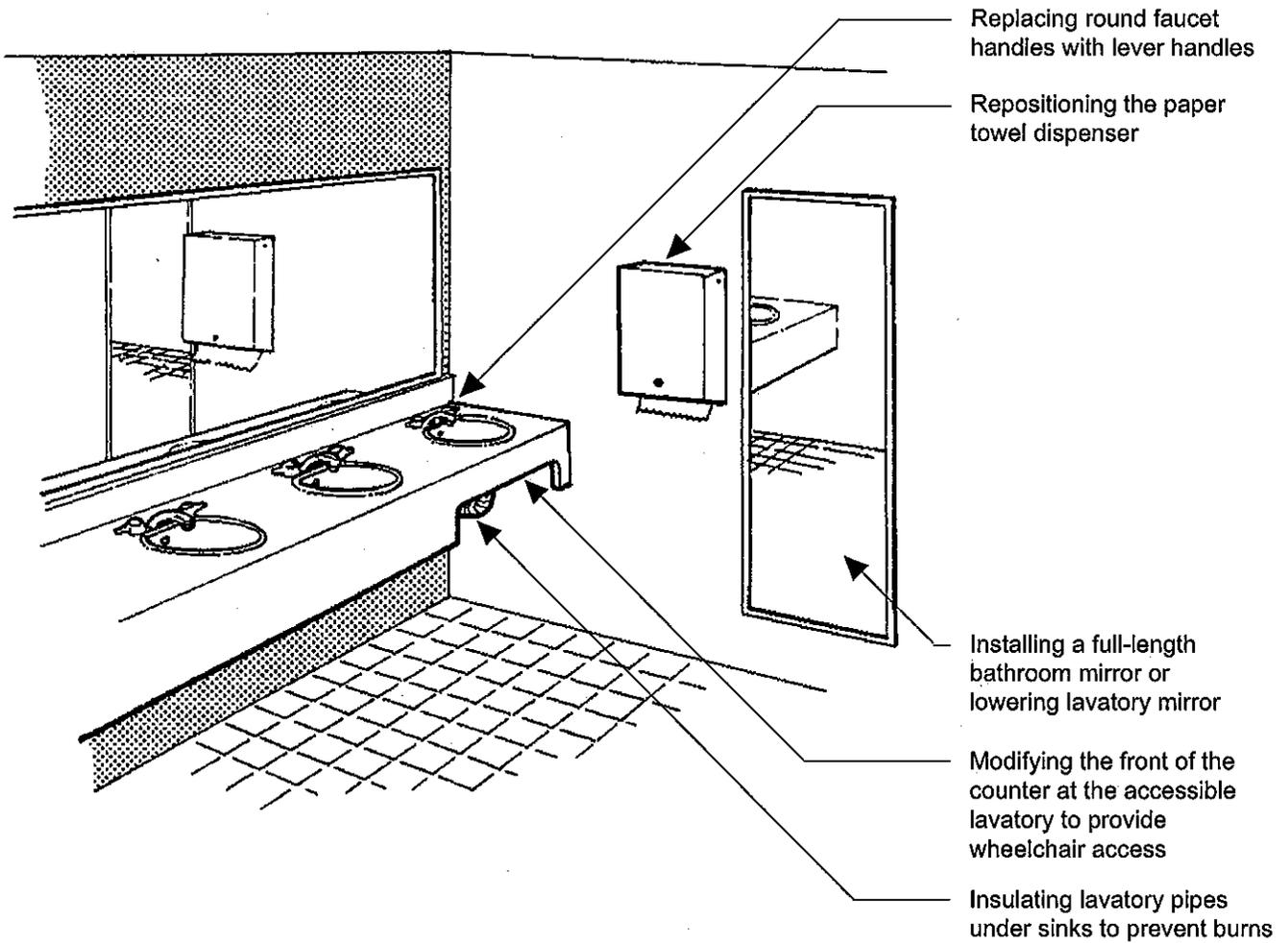
The Department's ADA publications are also available electronically, including ADA regulations and technical assistance materials, through the Internet or by calling the Department's electronic bulletin board (BBS). Materials can be accessed on the World Wide Web at <http://www.usdoj.gov/crt/ada/adahom1.htm> 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).

## Common Questions

*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.

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

*...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.*

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.

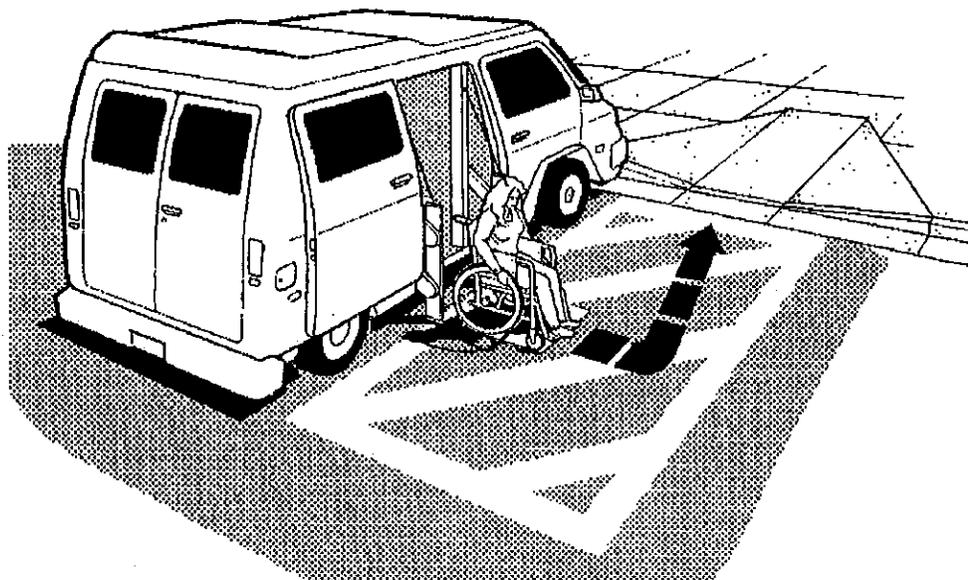
*Commercial facilities that do not contain places of public accommodation are not required to remove barriers in existing facilities except to provide access to employment.*



## 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:

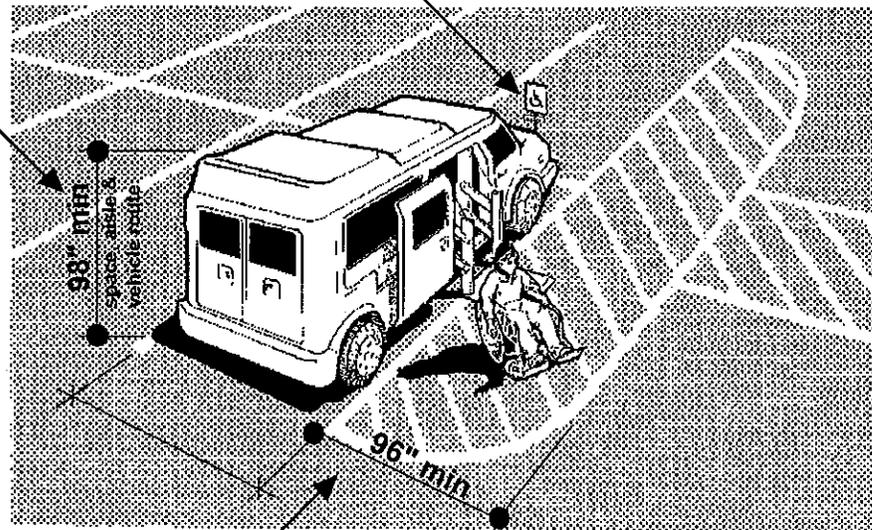
- the access aisle must be at least eight-feet wide (as opposed to five-foot wide) to accommodate a wheelchair lift mounted at the side of a van;
- vertical clearance of at least 98 inches is required along the vehicular route to the parking space, at the van parking space, and along the route from the 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

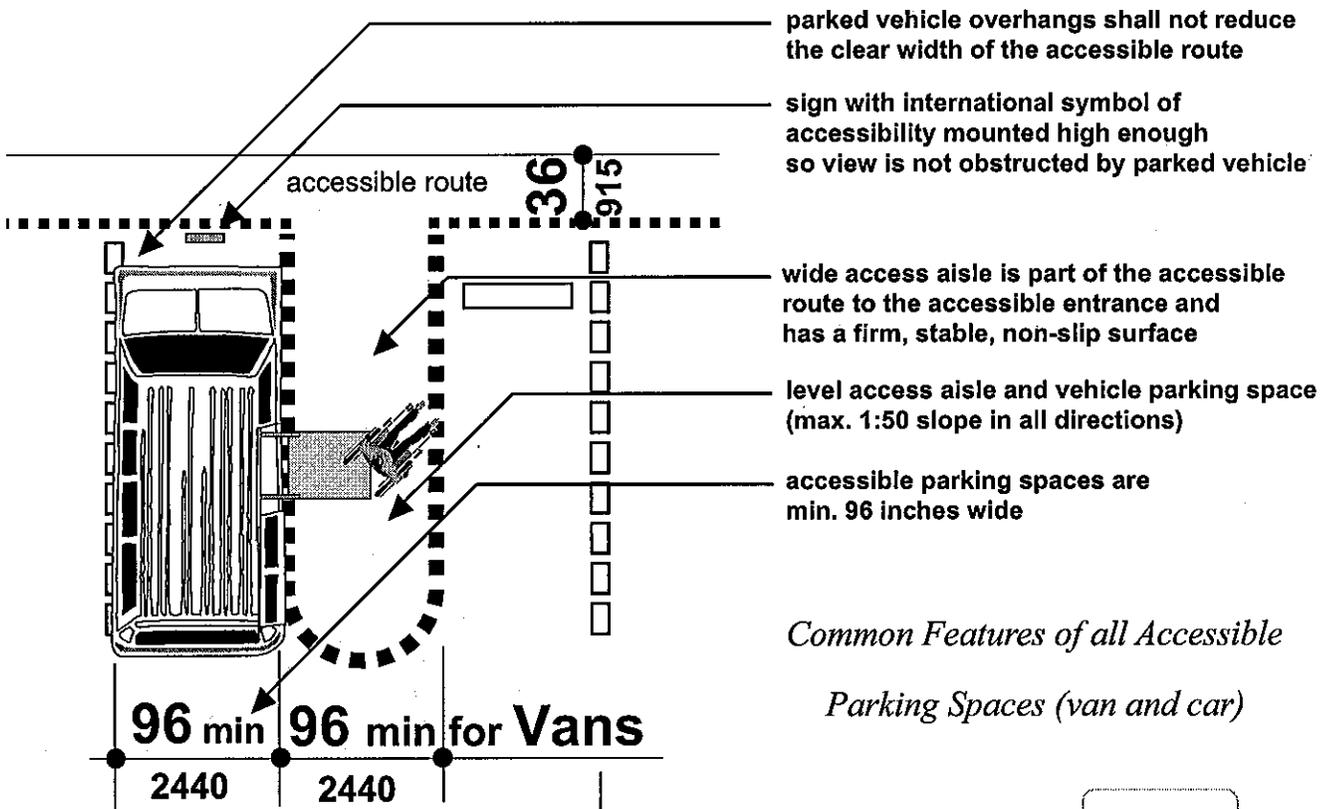


The other required features of van accessible parking spaces are the same as those for accessible parking spaces for cars. These include:

- 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*

## 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.

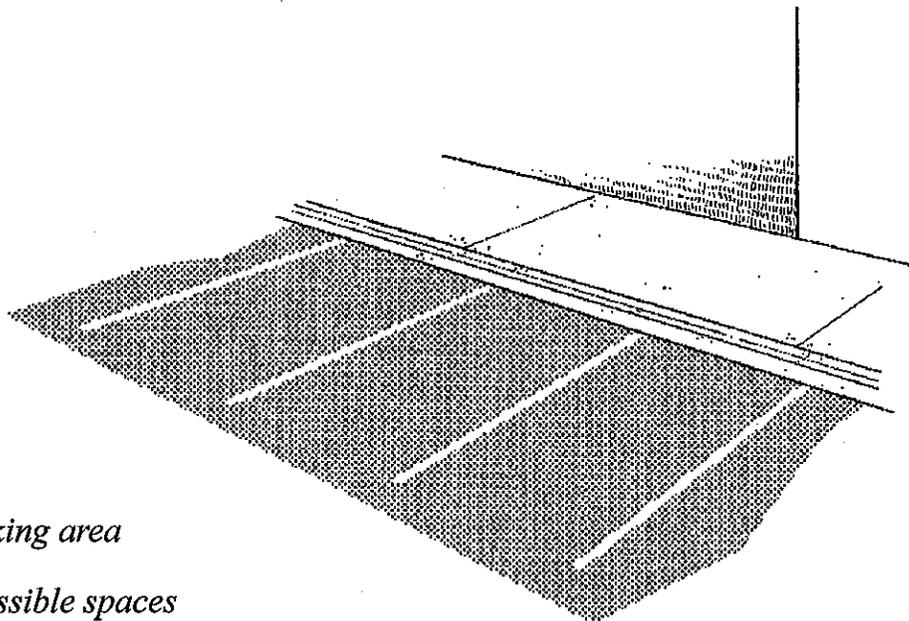
*When accessible spaces are required for new construction and during alterations, van accessible parking spaces must always be provided.*

## 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).

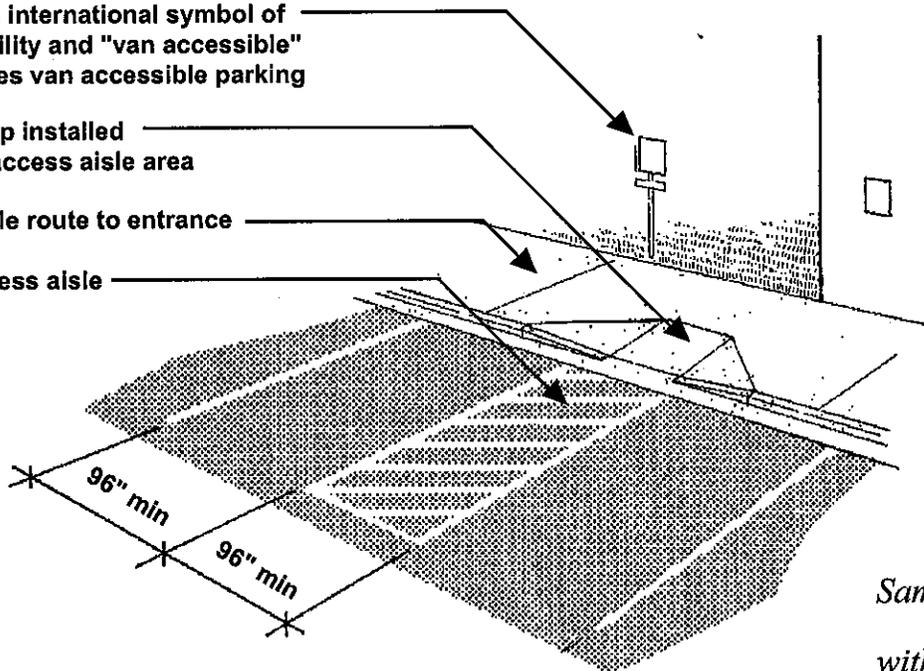
*If readily achievable, the first accessible parking space that is provided should be a van accessible space.*

sign with international symbol of accessibility and "van accessible" designates van accessible parking

curb ramp installed outside access aisle area

accessible route to entrance

level access aisle



*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 curb 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://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)