



Fact Sheet

Highlights of the Final Rule to Amend the Department of Justice's Regulation Implementing Title III of the ADA

The Department of Justice (the Department) has amended its regulation implementing title III of the Americans with Disabilities Act (ADA), which applies to public accommodations and commercial facilities. The ADA requires the Department to publish ADA design standards that are consistent with the minimum guidelines published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). Therefore, the title III rule adopts the new 2010 Standards for Accessible Design. The final rule also amends the existing title III regulation to make it consistent with current policies and published guidance, to reflect the Department's experience since the regulation was first published in 1991, and to address and respond to comments received from the public in response to the Department's 2008 Notice of Proposed Rulemaking (NPRM). These revisions took effect on March 15, 2011.

SUMMARY OF CHANGES:

1. Adoption of the 2010 ADA Standards for Accessible Design. The Department has adopted revised ADA design standards that include the relevant chapters of the Access Board's 2004 ADA/ABA Accessibility Guidelines as modified by specific provisions of this rule. To minimize compliance burdens on entities subject to more than one legal standard, these design standards have been harmonized with the Federal standards implementing the Architectural Barriers Act and with the private sector model codes that are adopted by most States.
2. Effective Date. The rule became effective March 15, 2011. On March 15, 2012, compliance with the 2010 Standards will be required for new construction and alterations and barrier removal.
3. Element-by-Element Safe Harbor. The rule includes a general "safe harbor" under which elements in covered facilities that were built or altered in compliance with the 1991 Standards would not be required to be brought into compliance with the 2010 Standards until the elements were subject to a planned alteration. A similar safe harbor applies to elements associated with the "path of travel" to an altered area.
4. Ticketing. The rule provides guidance on the sale of tickets for accessible seating, the sale of season tickets, the hold and release of accessible seating to persons other than those who need accessible seating, ticket pricing, prevention of the fraudulent purchase of accessible seating, and the ability to purchase multiple tickets when buying accessible seating. It requires a venue to accommodate an individual with a disability who acquired inaccessible seating on the secondary ticket market only when there is unsold accessible seating for that event.
5. 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 that are 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. The final rule also clarifies that individuals with mental disabilities who use service animals that are trained to perform a specific task are protected by the ADA. The rule permits the use of trained miniature horses as alternatives to dogs, subject to certain limitations. To allow flexibility in situations where using a horse would not be appropriate, the final rule does not include miniature horses in the definition of "service animal."

6. Wheelchairs and 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 the class of devices cannot be operated in accordance with legitimate safety requirements. The rule also lists factors to consider in making this determination. This approach accommodates both the legitimate business interests in the safe operation of a facility and the growing use of nontraditional mobility devices, such as the Segway® PT by returning veterans with disabilities and other individuals with disabilities.

7. 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. To ensure that VRI is effective, the Department has established performance standards for VRI and requires training for users of the technology and other individuals involved with its use so that they may quickly and efficiently set up and operate the VRI system.
8. Reservations Made by Places of Lodging. The rule establishes requirements for reservations made by places of lodging, including procedures that will allow individuals with disabilities to make reservations for accessible guest rooms during the same hours and in the same manner as other guests, and requirements that will require places of lodging to identify and describe accessible features of a guest room, to hold back the accessible guest rooms for people with disabilities until all other guest rooms of that type have been rented, and to ensure that a reserved accessible guest room is removed from all reservations systems so that it is not inadvertently released to someone other than the person who reserved the accessible room. The final rule limits the obligations of third-party reservation operators that do not themselves own and operate places of lodging. In addition, to allow the hospitality industry appropriate time to change reservation systems, the final rule gives places of

lodging 18 months from the publication date, September 15, 2010, to come into compliance with these requirements.

9. Timeshares, Condominium Hotels, and Other Places of Lodging. The rule provides that timeshare and condominium properties that operate like hotels are subject to title III. The rule also provides guidance about the factors that must be present for a facility that is not an inn, motel, or hotel to qualify as a place of lodging. The final rule limits obligations for units that are not owned or substantially controlled by a public accommodation that operates a place of lodging. Such units are not subject to reservation requirements relating to the "holding back" of accessible units nor are they subject to the rule's barrier removal and alterations requirements if the physical features of the room are controlled by their individual owners rather than a third party operator.

For more information: Copies of the title III rule, the 2010 Standards, and this Fact Sheet are available in an accessible electronic format on the Internet at www.ada.gov. For additional information or to order print copies of these documents, call the ADA Information Line (800) 514-0301 (voice) or (800) 514-0383 (TTY). Copies of this notice will be available in accessible formats. Last updated May 26, 2011



Department of Justice

[ADA Home Page](#) | [ADA Publications](#) | [Enforcement](#)

Fact Sheet

Adoption of the 2010 Standards for Accessible Design The Department of Justice Has Adopted Revised ADA Standards

The Americans with Disabilities Act (ADA) requires the Department of Justice (the Department) to publish ADA design standards that are consistent with the guidelines published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). The Department has adopted revised ADA design standards that include the relevant chapters of the Access Board's 2004 ADA/ABA Accessibility Guidelines as modified by specific provisions of the Department's revised rules implementing title II and title III of the ADA. To minimize compliance burdens on entities subject to more than one legal standard, these design standards have been harmonized with the Federal standards implementing the Architectural Barriers Act and with the private sector model codes that are adopted by most States. The changes to the design guidelines were adopted by the Access Board as a series of separate rules that were combined in the 2004 ADA/ABA guidelines. These rules addressed recreation facilities, play areas, State and local government facilities (detention facilities and courthouses), and, finally, the revision of the Access Board's 1991 guidelines. These changes are adopted as the 2010 Standards for Accessible Design.

SUMMARY OF CHANGES

A. Recreation Facilities

1. Amusement Rides (Sections 234, 1002)

Many newly designed or newly constructed amusement rides must be accessible and

located on an accessible route to the ride. However, amusement rides designed primarily for children, amusement rides that are controlled or operated by the rider (e.g., bumper cars), and amusement rides without seats, are not required to provide wheelchair spaces, transfer seats, or transfer systems, and need not meet signage requirements.

2. Recreational Boating Facilities (Sections 235, 1003)

If boat slips are provided at a boating facility, the minimum number that must be accessible depends upon the size of the facility. Accessible boat slips must be dispersed throughout the various types of boat slips. Where boarding piers are provided at boat launch ramps, at least 5% (but no fewer than one) must be accessible. Gangways that are part of a required accessible route are to be accessible, subject to certain exceptions.

3. Exercise Machines and Equipment (Sections 206, 236, 1004)

At least one of each type of exercise equipment must be on an accessible route and must have a clear floor space to enable an individual with a disability to use the equipment.

4. Fishing Piers and Platforms (Sections 237, 1005)

Newly designed, newly constructed, or altered fishing piers must provide accessible routes, subject to the same exceptions permitted for gangways. At least 25% of guardrails or handrails must be no higher than 34 inches and must be dispersed. Clear floor or ground space must be provided at each accessible railing, and turning space must be provided on the pier.

5. Golf Facilities (Sections 238, 1006)

Newly constructed and altered golf facilities must have either an accessible route or golf car passages with a minimum width of 48 inches connecting accessible elements and spaces within the boundary of the golf course. An accessible route must be provided to the golf car rental area, bag drop-off areas, and other elements that are outside the boundary of the golf course. One or two teeing grounds (depending on the total number provided) per hole must be accessible. If weather shelters are provided, a golf cart must be able to enter and exit the shelters. Certain percentages of practice teeing grounds, practice teeing stations at driving ranges, and putting greens must be accessible.

6. Miniature Golf (Sections 239, 1007)

At least fifty percent of all holes on a miniature golf course must be accessible. These accessible holes must be consecutive, and they must be on an accessible route. The last accessible hole must be on an accessible route that connects to the course entrance or exit without going back through other holes.

7. Play Areas (Sections 240, 1008)

Play areas designed, constructed, and altered for children ages two and over in a variety of settings, including parks, schools, childcare facilities, and shopping centers, are covered. Accessible ground and elevated play components, accessible routes, ramps and transfer systems (typically a platform or transfer steps), and accessible ground surfaces must be provided.

8. Swimming Pools, Wading Pools, and Spas (Sections 242, 1009)

Accessible means of entry/exit are required for swimming pools. Such accessible means of entry include a pool lift or sloped entry, and either a transfer wall, transfer system, or

pool stairs. Wading pools must provide a sloped entry, and spas must provide a pool lift, transfer wall, or transfer system. Wave action pools, leisure rivers, and sand bottom pools where user access is limited to one area shall not be required to provide more than one accessible means of entry, either a pool lift, sloped entry, or a transfer system.

9. Saunas and Steam Rooms (Sections 241, 612)

Where provided, saunas and steam rooms must be accessible, having appropriate turning space, doors that do not swing into the clear floor space, and, where provided, an accessible bench. A readily removable bench is permitted to obstruct the turning space and the clear floor space.

B. Public Facilities

1. 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. Also, at least one of each type of central holding cells, court-floor holding cells, and visiting areas in a judicial facility must be accessible.

2. Judicial Facilities (Sections 231, 807, 808)

Each courtroom must be accessible. Jury boxes, witness stands, and jury deliberation areas must be accessible. Judges benches and other employee work stations must be accessible, but raised courtroom work stations are not required to provide ramps or lifts at the time of construction as long as the space has been designed to permit the future addition of a ramp or lift without substantial reconstruction.

3. Residential Dwelling Units (Sections 233, 809)

This section establishes requirements for dwelling units provided by public entities subject to title II. For residential units that are also subject to the section 504 regulations of the Department of Housing and Urban Development, the standards defer to the HUD regulation for the scoping requirements. For all other units, at least 5% must be accessible to individuals with mobility impairments. In addition, at least 2% must be accessible to individuals with communications related disabilities.

C. Changes to the 1991 Standards

The 2010 ADA Standards for Accessible Design contain more than incremental changes. These changes are addressed in detail in Appendix B to the title III regulation and the Department's regulatory impact analysis. A few examples of these changes are below.

1. 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.

2. 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.

3. 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.

The scoping of seating in large facilities has been reduced. The incremental scoping for wheelchair spaces and companion seats required in assembly areas with fixed seating has been reduced. Under the 1991 Standards, incremental scoping for assembly facilities with more than 500 seats was one additional wheelchair space and companion seat for each increase of 100 seats. Under the 2010 Standards, facilities with 501 to 5000 seats must provide one additional wheelchair space for each additional 150 seats (or fraction thereof) and facilities with more than 5001 seats must one additional space for each 200 seats over 5001.

4. 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.

5. 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.

6. 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.

7. 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.

8. Transient Lodging Guest Rooms (Sections 224, 806)

Overall scoping for guest rooms with accessibility features is unchanged, but the rules now limit the number of rooms where both communication access and mobility access features are provided. No more than 10% of the guest rooms (but not less than one

room) required to provide mobility features may also be equipped with communication features. In addition, guest rooms with mobility features and guest rooms with communication features must be dispersed among the various classes of guest rooms, and shall provide choices of types of guest rooms, number of beds, and other amenities comparable to the choices provided to other guests. When the minimum number of guest rooms required is not sufficient to allow for complete dispersion, guest rooms must be dispersed in the following order - guest room type, number of beds, and amenities.

For more information: The final rule and this fact sheet are available in electronic format on the Internet at www.ada.gov. For additional information or to order copies of any documents, call the ADA Information Line (800) 514-0301 (voice) or (800) 514-0383 (TTY). Copies will be available in accessible formats.

