



Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines

July 23, 2004

UNITED STATES ACCESS BOARD

A FEDERAL AGENCY COMMITTED TO ACCESSIBLE DESIGN



UNITED STATES ACCESS BOARD
A FEDERAL AGENCY COMMITTED TO ACCESSIBLE DESIGN

1331 F Street, N.W. Suite 1000 • Washington, D.C. 20004-1111
(800) 872-2253 (voice) • (800) 993-2822 (TTY) • Fax: (202) 272-0081
Website: www.access-board.gov • E-mail: ta@access-board.gov

Introduction

On July 23, 2004 the U.S. Access Board published new design guidelines that cover access for people with disabilities under the Americans with Disabilities Act (ADA). These guidelines update access requirements for a wide range of facilities in the public and private sectors covered by the law. They also include updated guidelines for Federal facilities covered by the Architectural Barriers Act (ABA). Both the ADA guidelines and the ABA guidelines, which the Board updated jointly to make them more consistent, address access in new construction and alterations and contain scoping provisions, which indicate what has to comply, and technical specifications, which spell out how compliance is to be achieved.

This new design document is the culmination of a comprehensive, decade-long review and update of the Board's ADA Accessibility Guidelines, which were first published in 1991. Revisions have been made so that the guidelines continue to meet the needs of people with disabilities and keep pace with technological innovations. For example, new provisions for ATMs specify audible output so that people with vision impairments are provided equal access, and reach ranges have been lowered to better serve people who use wheelchairs and persons of short stature. The guidelines also feature a new format and organization and have been extensively edited for greater clarity.

As part of this update, the Board has made its guidelines more consistent with model building codes, such as the International Building Code (IBC), and industry standards. It coordinated extensively with model code groups and standard-setting bodies throughout the process so that differences could be reconciled. As a result, a historic level of harmonization has been achieved which has brought about improvements to the guidelines as well as to counterpart provisions in the IBC and key industry standards, including those for accessible facilities issued through the American National Standards Institute (ANSI). The Board believes that this achievement will greatly facilitate compliance.

The Board's guidelines serve as the baseline for standards used to enforce the ADA and the ABA. These standards, which are maintained by other Federal agencies, such as the U.S. Department of Justice under the ADA, will be updated according to the new guidelines. It is these standards, not the Board's guidelines, which the public must follow.

Answers to Common Questions About the New ADA-ABA Guidelines

How were the guidelines developed?

The Board organized an advisory committee to review the original guidelines and to recommend changes in order to get input from a cross section of stakeholders at the outset of the process. The ADAAG Review Advisory Committee, which included representation from the design and construction industry, the building code community, and people with disabilities, among others, submitted a report to the Board that detailed recommended revisions to the substance, organization, and format of the guidelines. The finalized guidelines are based largely on these recommendations. The Board published the guidelines in proposed form in November, 1999 and made them available for public comment for six months. The Board received over 2,500 public comments on its proposal and finalized the guidelines based on this input.

Should the new guidelines be followed at this time?

No. The Board's guidelines are not mandatory on the public. They serve as the baseline for enforceable standards maintained by other Federal agencies. In this respect, they are similar to a model building code in that they are not required to be followed except as adopted by an enforcing authority. Under the ADA, the Department of Justice (DOJ) (and in the case of transit facilities, the Department of Transportation (DOT)) is responsible for enforceable standards based on the Board's guidelines. These agencies will update their ADA standards based on the new guidelines. In doing so, they will indicate when the new standards are to be followed. Several other agencies (the General Services Administration, Department of Defense, Department of Housing and Urban Development, and the U.S. Postal Service) hold a similar responsibility for standards under the ABA.

“Guidelines” ... “Standards” ... what’s the difference?

Guidelines versus standards ... it's an important distinction under the ADA and ABA. Guidelines are issued by the Board, standards by designated agencies such as DOJ and DOT. Standards are what the public must follow to comply with the laws; the guidelines are what these agencies must follow in setting or updating their standards. When the Board issues guidelines, it does not change compliance for the public until the standards are similarly changed and an effective date set.

What standards should be followed at this time under the ADA ... the ABA?

The existing standards are to be followed until the effective date of the updated standards. ADA standards issued by DOJ and DOT in 1991 based on the Board's original ADA Accessibility Guidelines (ADAAG) remain the standards to follow at this time. (DOJ's regulations permit state and local governments the option of using an earlier standard known as the Uniform Federal Accessibility Standards (UFAS) as an alternative.) Under the ABA, UFAS remains the applicable standard until its replacement by new standards based on the Board's updated guidelines (some Federal agencies have a policy of applying ADAAG in addition to UFAS).

- For public accommodations and commercial facilities subject to title III of the ADA, the enforceable standards are the ADA Standards for Accessible Design originally published by the Department of Justice on July 26, 1991 (28 CFR Part 36, Appendix A) www.ada.gov/stdspdf.htm
- Facilities subject to title II of the ADA may elect to use one of two standards; the Uniform Federal Accessibility Standards (UFAS) or, the ADA Standards for Accessible Design (above).
- Transportation Facilities, subject to titles II and III must comply with the Department of Transportation Standards for Accessible Design (49 CFR Part 37, Appendix A) www.fta.dot.gov/legal/regulations/us_dot/5598_ENG_HTML.htm
- Facilities subject to the Architectural Barriers Act must comply with the Uniform Federal Accessibility Standards (UFAS) www.access-board.gov/ufas/html/ufas.htm

When will the standards be updated?

DOJ and DOT will issue notices on the update of their ADA standards that will provide an opportunity for public comment. In doing so, these agencies will address application issues, such as how much lead time to allow in setting an effective date for the new standards. Gauging the turn-around time for this process, which may vary by agency, is often difficult due to the regulatory steps involved. Under the ABA, standard-setting agencies will follow a similar public comment process or an administrative process in updating their ABA standards. The Board will provide updates on the progress made by the ADA and ABA standard-setting agencies through its newsletter, e-mail updates, and its website.

Where can I get further assistance on the new guidelines?

Accessibility specialists at the Access Board are available to assist you by providing guidance on the use of the ADA and ABA Accessibility Guidelines. You can direct your questions to the Board by phone, fax, or e-mail:

(800) 872-2253 (voice)
 (800) 993-2822 (TTY)
 fax: (202) 272-0081
 e-mail: ta@access-board.gov
www.access-board.gov

The Access Board is an independent Federal agency committed to design that is accessible to persons with disabilities. Created in 1973 to ensure access to federally funded facilities, the Board is now a leading source of information on accessible design through its development of guidelines and standards.

