



SESSION 16

ACCESSIBILITY CHECK

10710 S. SAM HOUSTON PKWY., W., #240
HOUSTON, TEXAS 77031
713-995-1993

TEXAS ACCESSIBILITY STANDARDS

DON'T PLAY IN THE GRAY AREAS

Chapter 469 of the Texas Government Code tells us what the Texas Legislature is trying to achieve. It clearly states the intent in the opening section.

This chapter is intended to further the policy of this state ...to eliminate, to the extent possible, unnecessary barriers encountered by persons with disabilities, whose ability to engage in gainful occupations or to achieve maximum personal independence is needlessly restricted.

Fax 713-995-1994

achek@accessibilitycheck.com

www.accessibilitycheck.com



LEARNING OBJECTIVES

- Acquire a more detailed knowledge of TAS through review and discussion of different situations
- Address TAS better during the design process contract negotiations to avoid some of the problems with compliance at the time of inspection
- Recognize areas of TAS that may not be clearly written or understood
- Recognize areas of TAS that may be controversial or where the interpretation has changed over time
- **MOST IMPORTANT - LET'S HAVE SOME FUN !!**



SITUATION:

An owner has hired an architect to design and provide construction documents for a small office renovation with a construction cost of more than \$50,000. The architect has not been hired for any other services and his contract is complete. Does the architect have to submit the project for a TAS plan review?

Per Administrative Rule 68.50(a) an architect, interior designer, landscape architect, or engineer with overall responsibility for the design of a building or facility subject to §469.101 of the Act, shall mail, ship, or hand-deliver the construction documents along with a Proof of Submission form to the department, a registered accessibility specialist, or a contract provider not later than the twentieth day after the plans and specifications are issued. In computing time under this subsection, a Saturday, Sunday or legal holiday is not included.

WHAT ARE THE GRAY AREAS?



• **Per 68.10 Definitions**

(15) Issue – To mail, deliver, transmit, or otherwise release plans or specifications to an owner, lessee, contractor, subcontractor, or any other person acting for an owner or lessee for the purpose of construction, applying for a building permit, or obtaining regulatory approval after such plans have been sealed by an architect, interior designer, landscape architect, or engineer. In the case of a state-funded or other public works project, it is the time at which plans or specifications are publicly posted for bids, after such plans or specifications have been sealed by an architect, interior designer, landscape architect, or engineer.



TEXAS DEPARTMENT OF LICENSING AND REGULATION
P.O. Box 12157 • Austin, Texas 78711
(512) 463-6500 • (800) 685-6022 • FAX: (512) 475-2971
architecturalbarriers@texas.gov • www.texas.gov

PROOF OF SUBMISSION

Per the Texas Architectural Barriers Act, Texas Government Code, Chapter 469, Section 469.101 "All plans and specifications for the construction of or for the substantial renovation or modification of a building or facility must be submitted to the department for review and approval if: (1) the building or facility is subject to this chapter; and (2) the estimated construction cost is at least \$50,000." In accordance with 16 Texas Administrative Code Texas Administrative Rules Chapter 68.50(a), "an architect, interior designer, landscape architect, or engineer with overall responsibility for the design of a building or facility subject to §601.101 of the Act, shall mail, ship, or hand-deliver the construction documents along with a Proof of Submission form to the department, a registered accessibility specialist, or a contract provider not later than the twelfth (12) day after the plans and specifications are issued."

The date that plans and specifications are issued shall be as defined in the following provisions of 16 Texas Administrative Code Texas Administrative Rule 68.10(3):

Issue - To mail, deliver, transmit, or otherwise release plans or specifications to an owner, lessee, contractor, subcontractor, or any other person acting for an owner or lessee for the purpose of construction, applying for a building permit, or obtaining regulatory approval after such plans have been sealed by an architect, interior designer, landscape architect, or engineer. In the case of a state-funded or other public works project, if it is the time at which plans or specifications are publicly posted for bids, after such plans or specifications have been sealed by an architect, interior designer, landscape architect, or engineer.

DESIGN PROFESSIONAL INFORMATION		PLEASE PRINT OR TYPE	
1. Last Name:	First Name:	Middle:	
2. <input type="checkbox"/> Architect <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Interior Designer <input type="checkbox"/> Engineer	3. License #:		
4. Address:	State:	Zip:	
City:	State:	Zip:	
5. Phone:	6. Fax:	7. E-mail:	

PROJECT INFORMATION		PLEASE PRINT OR TYPE	
8. Project Name:	9. EAS/PLUR # (optional):		
10. Project Address:	State:	Zip:	
City:	County:	Zip:	

11. I, the undersigned, certify that the design professional who is the author of the design of the project and whose seal is affixed to the construction documents, I am filing, issuing, transmitting, or otherwise releasing the construction documents to an owner, lessee, contractor, subcontractor or other person for the purpose of construction, applying for a building permit, or obtaining regulatory approval. In the case of a state-funded or other public works project, it is the time at which construction documents are publicly posted for bids.

Date Construction Documents Issued	To: <input type="checkbox"/> TDLR <input type="checkbox"/> Other
Date Construction Documents Submitted	To: <input type="checkbox"/> TDLR <input type="checkbox"/> Other
Signature of Design Professional:	Date of Signature: / /

TDLR USE ONLY DO NOT WRITE BELOW THIS LINE

TDLR FORM AB042 06-09	
-----------------------	--

NOTE: An individual who completes and files this form with the Texas Department of Licensing and Regulation (the Department) is authorized to be the design professional who is the author of the design of the project and whose seal is affixed to the construction documents. I am filing, issuing, transmitting, or otherwise releasing the construction documents to an owner, lessee, contractor, subcontractor or other person for the purpose of construction, applying for a building permit, or obtaining regulatory approval. In the case of a state-funded or other public works project, it is the time at which construction documents are publicly posted for bids.

SITUATION:

When the architect submits the construction documents he fails to submit the Proof of Submission form. Is the Proof of Submission form required for a complete submittal?

The Proof of Submission is required under Administrative Rule 68.50(a). It is a pass through document. TDLR sends the information to TBAE or the Engineering Licensing Board for their action. Note – it's not TDLR's or the RAS's responsibility to monitor the submittal of the Proof of Submission form and it will not delay the plan review process as long as the required items are in place.

WHAT ARE THE GRAY AREAS?



TEXAS DEPARTMENT OF LICENSING AND REGULATION
COMPLIANCE DIVISION - ARCHITECTURAL BARRIERS
P.O. Box 12157, Austin, Texas 78711 (512) 539-5699 • (877) 278-6999 • FAX: (512) 539-5690
architecturalbarriers@texas.gov • www.texas.gov

OWNER AGENT DESIGNATION

In accordance with the Texas Department of Licensing and Regulations (TDLR) Administrative Rules 68.10(10), individuals designated to act on the Owner's behalf must be designated in writing.

FORM MUST BE COMPLETED IN FULL PLEASE PRINT OR TYPE

Project Information		PLEASE PRINT OR TYPE	
1. Project Name:	2. EAS/PLUR #:		
3. Building or Facility Name:	State:	City:	Zip:
4. Address:	State:	City:	Zip:

Owner Agent Information		PLEASE PRINT OR TYPE	
5. Name:	6. Company/ Firm:		
7. Address:	City:	State:	Zip:
8. Phone:	9. Fax:	10. E-mail:	

Building or Facility Owner Name (Person or Entity That Holds Title to Property)		PLEASE PRINT OR TYPE	
11. Name:	12. Company/ Firm:		
13. Address:	City:	State:	Zip:
14. Phone:	15. Fax:	16. E-mail:	

Owner's Designated Agent	
If the owner chooses to designate an agent to act on the Owner's behalf, per 16 Texas Administrative Code, Chapter 68, Architectural Barriers Administrative Rules 68.10(10), the owner must do so in writing. The Owner Agent Designation Form must accompany the Project Registration Form and/or Request for Inspection Form if an agent will be designated.	
I, _____ designate _____ as my agent.	
Owner (Print)	Agent (Print)
In all responsibilities of ensuring compliance with the provisions of the Texas Architectural Barriers Act, Texas Government Code, Chapter 469.	
Owners Signature	Date

TDLR FORM 043AB 12-08

Is the Owner Agent Designation Form required for a complete submittal?

No. The Owner Agent Designation Form is required when the Owner chooses to designate another person or entity to act on his behalf.

Is the Owner Agent Designation Form valid if it is not signed by the Owner?

No.

Does this designation transfer the responsibilities of the Owner to the designated agent?

Not under the Act.

WHAT ARE THE GRAY AREAS?

**SITUATION:**

An architect is designing a new Sanctuary and Fellowship Hall for a church. Are they subject to TAS compliance?

Per Administrative Rule 68.30 (8) Exemptions only apply to places where the ritual of worship takes place. This exemption does not apply to common use areas. Examples of common use areas include, but are not limited to, the following: parking facilities, accessible routes, walkways, hallways, toilet facilities, entrances, public telephones, drinking fountains, and exits.

The RAS does not determine areas of religious ritual. The owner or occupant must clearly designate the areas of a church where the religious rituals occur. If designations are not made, then the exemption does not apply.

WHAT ARE THE GRAY AREAS?**SITUATION:**

An architect is designing a park, swimming pool, and community building in a residential subdivision. Are these areas subject to TAS compliance?

Per Administrative Rule 68.30 (11), exemptions only apply to residential areas used exclusively by the residents and their guests. Community buildings, parks, swimming pools, and amenity centers used by the general public are subject to compliance.

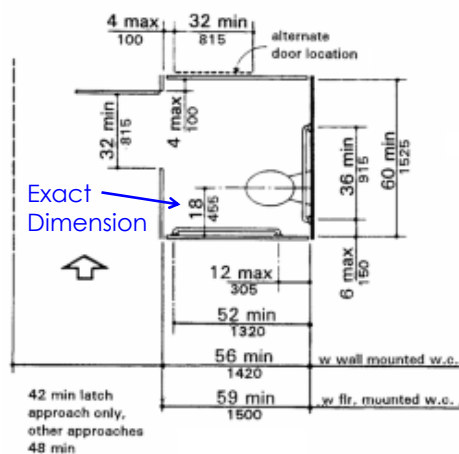
WHAT ARE THE GRAY AREAS?

**SITUATION:**

An architect is designing a public swimming pool with a restroom facility. What are the mounting heights that should be used for the restrooms?

Refer to TAS 2.1.2. The age of the predominant user in mixed use facilities should be determined in writing by the owner. When there is no predominant age group, the owner must contact TDLR for the mounting heights to be used.

WHAT ARE THE GRAY AREAS?

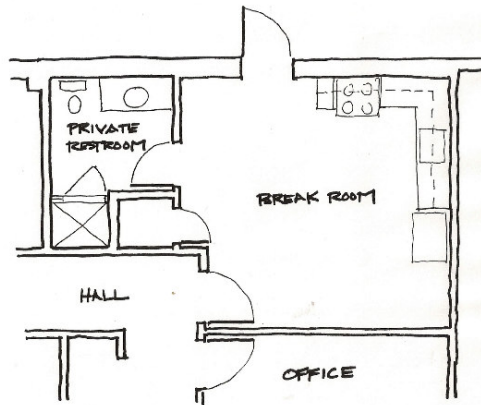
**SITUATION:**

At the time of construction is the dimension of the water closet placement allowed to exceed that given in the TAS Figure?

In accordance with TAS 3.2, all dimensions are subject to conventional building industry tolerances for field conditions.

Be careful when designing to the minimum or maximum dimension. Where there is a range the dimensional tolerances are built in. Consider dimensioning to the middle of the range.

WHAT ARE THE GRAY AREAS?

**SITUATION:**

An architect is designing a doctor's office. He has positioned a private toilet room for the doctor's use off the break room. The doctor is the only one that has a key to the toilet room. The toilet room has been designed to be adaptable. Is this design acceptable under TAS?

TDLR does not allow adaptable toilets to be off public use or common use spaces.

WHAT ARE THE GRAY AREAS?**SITUATION:**

At a law firm a toilet room is located between the President's office and the Vice President's office. Both offices have access to the toilet room. Can the toilet room be adaptable?

No. Adaptable toilet rooms are for the use of only one individual.

SITUATION:

A coach's office has a toilet room off the office where one coach occupies the office in the morning and another coach occupies the same office in the afternoon. Can the toilet room be adaptable?

No. Adaptable toilet rooms are for the use of only one individual.

SITUATION:

At a fire station a toilet room is located between the Fire Chief's office and the Assistant Fire Chief's office. Both offices have access to the toilet room. Can the toilet room be adaptable?

Yes. Toilet rooms used exclusively by fire fighting personnel may be adaptable per Administrative Rule 68.104.

WHAT ARE THE GRAY AREAS?



Typical areas that may be adaptable are:

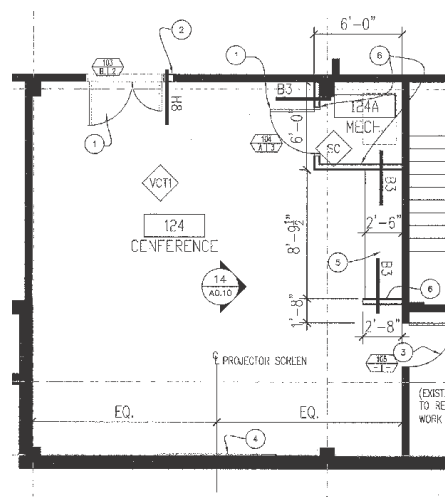
68.104. Elements, Spaces and Accessible Routes at Fire Stations.

At fire stations, common use spaces and elements accessed exclusively by fire-fighting personnel are only required to be adaptable. Additionally, at multi-level fire stations, levels accessed exclusively by fire-fighting personnel are not required to be served by an accessible route.

4.1.3(11) Toilet Facilities If toilet rooms are provided, then each public and common use toilet room shall comply with 4.22. Other toilet rooms provided for the use of occupants of specific spaces (i.e., a private toilet room for the occupant of a private office) shall be adaptable.

- **3.5.6 Adaptability** - The ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of individuals with or without disabilities or to accommodate the needs of persons with different types or degrees of disability.

The application of adaptability has changed over time. Design the space for clear fixture areas, turning space, door maneuvering clearances, plumbing fixture locations, and blocking. Provide easy modifications for the future accessibility.



SITUATION:

An existing storage room in an office facility is being converted into a conference room. The only alteration within the room is to enclose an existing mechanical unit with walls and a door. Is this considered an alteration in as much as the mechanical space is exempt?

This is considered an alteration since the conversion from storage to a conference room and the reduction in space due to enclosing the mechanical unit effects the usability of the room. See TAS 3.5.9 for a definition of Alterations.

WHAT ARE THE GRAY AREAS?



- 3.5.9 Alteration.** An alteration is a change to a building or facility made by, on behalf of, or for the use of a *public entity, a lease to or occupancy by a state agency, a public accommodation or commercial facility*, that affects or could affect the usability of the building or facility or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.


SITUATION:

At a park there are fixed in place picnic tables with benches at various locations. How many tables are required to be accessible?

In accordance with TAS 4.1.3(18) 5% but not less than 1 shall comply with 4.32. In addition compliance with 4.1.1(1)(b) is also considered. See Fig. 45.


SITUATION:

At the same park there are fixed benches along a path. Is an accompanying wheelchair space required? If so, how is it determined?

Parks are considered Assembly Areas and subject to 4.1.3(19)(a), Table 4. In addition compliance with 4.1.1(1)(b) is also considered. See Fig. 46.

WHAT ARE THE GRAY AREAS?



- **4.1.1(1)(a)** All newly designed or altered buildings or facilities shall be designed per TAS if required to be accessible.
- **4.1.1(1)(b)** ... In determining the appropriate number and location of a particular element, space, or fixture, the following factors shall be among those considered:
 - (i) population to be served;
 - (ii) availability to user;
 - (iii) location relative to distance and time;
 - (iv) location relative to isolation and separation;
 - (v) function of the building or facility; and
 - (vi) equal treatment and opportunity



- **3.5.11 Assembly Area.** A room or space accommodating a group of individuals for recreational, educational, political, social, or amusement purposes, or for the consumption of food and drink, or awaiting transportation.

Assembly Areas are applicable to bus stops, fixed park benches, restaurants, and classrooms; not just auditoriums, gymnasiums, or theaters. Fixed seating in these areas must comply with 4.33.2, 4.33.3, & 4.33.4 and as shown in Fig. 46.

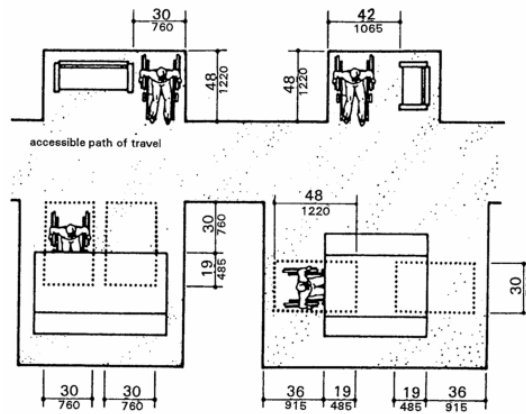


FIG. 45

4.32 FIXED SEATING AND TABLES

WHAT ARE THE GRAY AREAS?

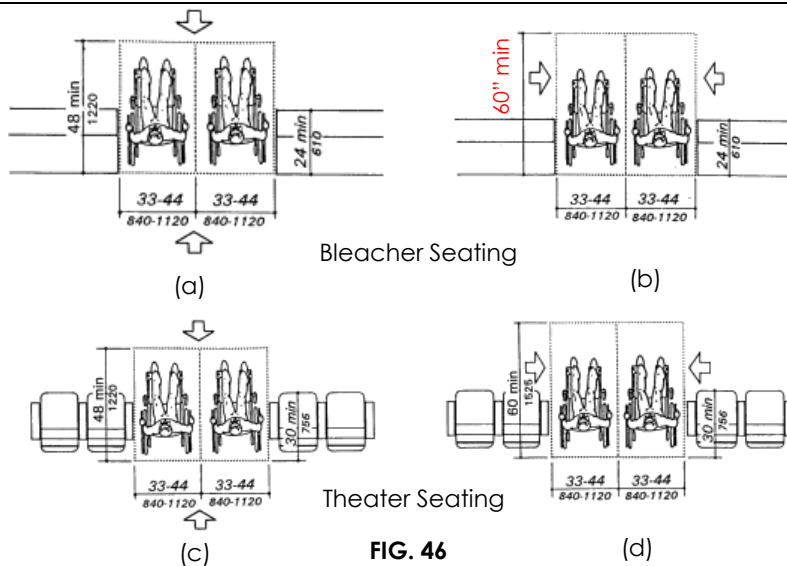


FIG. 46

4.33 ASSEMBLY AREAS

**SITUATION:**

Is an accessible route required to play areas and play equipment being provided at a new park?

There must be an accessible route to the playing surface but not to the play equipment.

**SITUATION:**

Is an accessible change in level required at the curb?

Yes. The surface of the accessible route must be accessible to the play surface.

WHAT ARE THE GRAY AREAS?

**SITUATION :**

As a first time tenant build-out, the tenant has built what they deem as play structures within the space. Are the play structures subject to compliance?

Yes. TDLR determined that there is not conclusive evidence that the areas in question would not be used for other purposes.



WHAT ARE THE GRAY AREAS?

**SITUATION:**

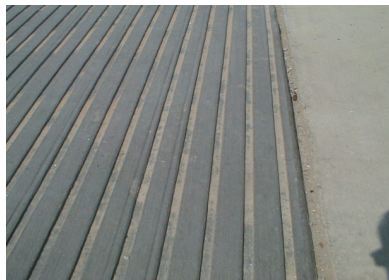
Is it acceptable to use grooves as the contrasting texture on curb ramps in Texas?

Although the use of grooves as a surface texture may be acceptable under TAS at certain locations, grooves are not acceptable under the current Federal Standards.

ADAAG 4.7.7 requires truncated domes compliant with 4.29 for the full width and depth of the curb ramp.

In Texas truncated domes are required at curb ramps in the public right of way in accordance with Administrative Rule 68.102.

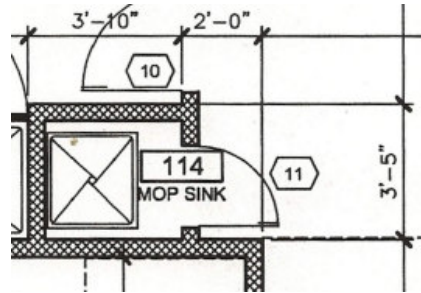
WHAT ARE THE GRAY AREAS?

**SITUATION:**

If grooves are used to meet TAS Standards, what is their size and spacing?

It's no longer defined. TM 08-01 eliminates TM 99-15 which previously set dimensional criteria for grooves. However, per TAS 4.7.4(2) the texture must significantly contrast with the adjoining pedestrian routes.

WHAT ARE THE GRAY AREAS?

**SITUATION:**

An architect has designed a small Janitor's closet. The door is only 2'-6" wide. Is the door subject to compliance?

A Janitor's closet is considered an employee work area and subject to TAS 4.1.1 (3) "Areas that are used only as work areas shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the areas." A complying door is required.

WHAT ARE THE GRAY AREAS?**SITUATION:**

A historical building is being renovated. The original corridor walls are 14" thick and the wood doors and frames are being replaced. Are the door maneuvering clearances subject to the latch side clearances?

If yes, where is the latch side clearance applied?

What's the maximum depth allowed for structure at recessed doors?

Under TAS there is no clear definition of what is allowed for the depth of the structure at recessed doors.

WHAT ARE THE GRAY AREAS?

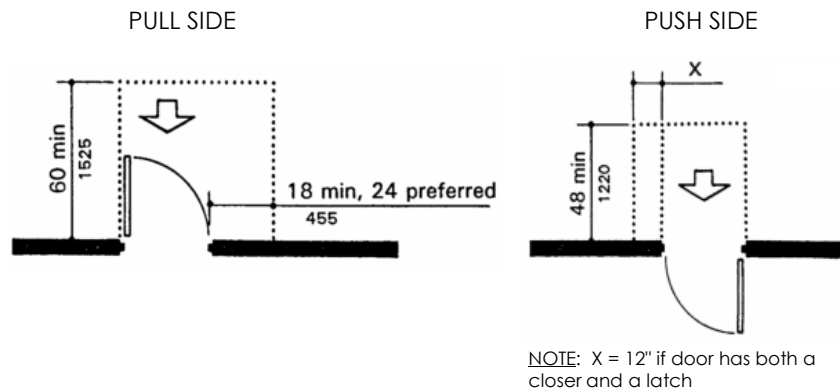


Fig. 25 (a)
Front Approaches Swinging Doors

NOTE: All doors in alcoves shall comply w/ clearances for front approaches

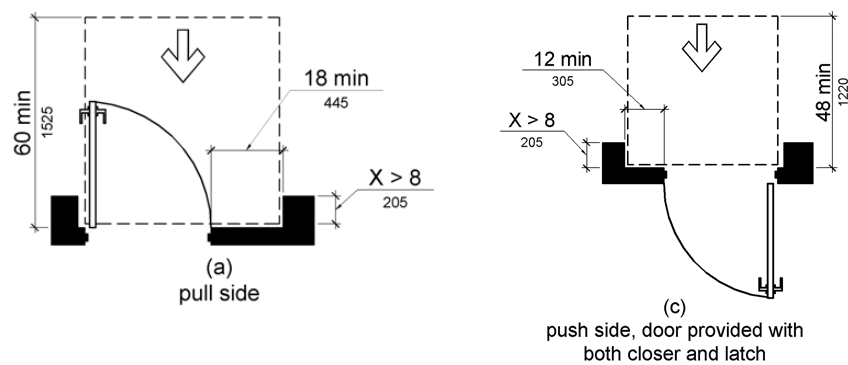


Fig. 404.2.4.3
Maneuvering Clearances at Recessed Doors and Gates

**SITUATION:**

An architect has designed a reception desk that is noncompliant with TAS 7.2(2)(i). The client has indicated that he is going to utilize equivalent facilitation. Is equivalent facilitation acceptable at the time of inspection?

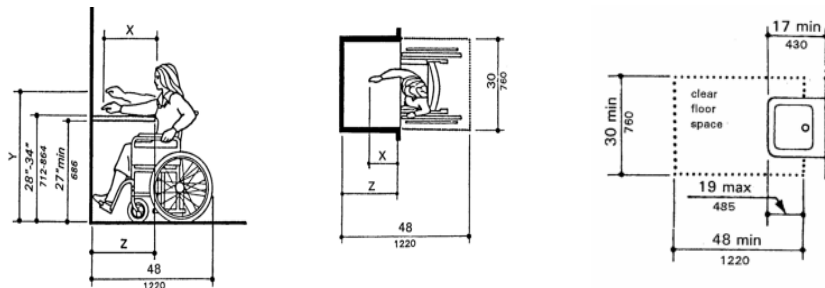
Yes, but it still has to follow the equivalent facilitation process. The request and supporting documentation must be submitted through the reviewer or inspector and must be approved by TDLR.

WHAT ARE THE GRAY AREAS?

**SITUATION:**

What is the maximum horizontal reach range for the faucets at lavatories and sinks used primarily by adults?

Faucets at lavatories are subject to TAS 4.19.5 and faucets at sinks are subject to TAS 4.24.7. In both instances they only reference TAS 4.27.4 which only addresses the operation of the controls.



NOTE: x shall be ≤ 25 in (635 mm); z shall be $\geq x$. When $x < 20$ in (510 mm), then y shall be 48 in (1220 mm) maximum. When x is 20 to 25 in (510 to 635 mm), then y shall be 44 in (1120 mm) maximum.

FIG. 5(b)

FIG. 32

WHAT ARE THE GRAY AREAS?

**SITUATION:**

In the new construction of a privately owned shopping center are the sidewalks and curb ramps built in the public right of way as part of the project subject to compliance since they are outside the boundary of the site?

Yes, Administrative Rule 68.102 applies.

WHAT ARE THE GRAY AREAS?**BEST PRACTICE**

This program is registered with the AIA/CES for continuing professional education. As such, it does not include content that may be deemed or construed to be an approval or endorsement by the AIA of any material of construction or any method or manner of handling, using, distributing, or dealing in any material or product. Questions related to specific materials, methods, and services will be addressed at the conclusion of this presentation.





ACCESSIBILITY CHECK

10710 S. SAM HOUSTON PKWY., #240
HOUSTON, TEXAS 77031
713-995-1993

Copyright Materials

This presentation is protected by US and International Copyright laws.
Reproduction, distribution, display and use of the presentation without
written permission of the speaker is prohibited.

© Accessibility Check 2010