The Americans with Disabilities Act (ADA) requires state and local governments, businesses and non-profit organizations to provide goods, services and programs to people with disabilities on an equal basis with the rest of the public.

Some people think that only new construction and alterations need to be accessible and that older facilities are “grandfathered,” but that’s not true. Because the ADA is a civil rights law and not a building code, older facilities are often required to be accessible to ensure that people with disabilities have an equal opportunity to participate.

The ADA has different requirements for state and local governments and for places of public accommodation (businesses and non-profit organizations that serve the public).

Requirements for State and Local Governments

State and local governments must ensure that services, programs and activities, when viewed in their entirety, are accessible to people with disabilities. This is part of public entities’ program accessibility obligations. Alterations to older buildings may be needed to ensure program accessibility. Generally this is a greater obligation than “readily achievable barrier removal” the standard that applies to public accommodations. State and local governments are not required to take any action that would result in undue financial and administrative burdens.

State and local governments’ ADA obligations for program accessibility are in the Department of Justice’s ADA Title II regulations 28 CFR Part 35.150.
Requirements for Places of Public Accommodation

Businesses and non-profit organizations that serve the public must remove architectural barriers when it is “readily achievable” to do so; in other words, when barrier removal is “easily accomplishable and able to be carried out without much difficulty or expense.”

The decision of what is readily achievable is made considering the size, type, and overall finances of the public accommodation and the nature and cost of the access improvements needed. Barrier removal that is difficult now may be readily achievable in the future as finances change.

Public accommodations’ ADA obligations for barrier removal are in the Department of Justice’s ADA Title III regulations 28 CFR Part 36.304.

Priorities for Accessibility

The checklist follows the four priorities that are listed in the Department of Justice ADA Title III regulations. These priorities are equally applicable to state and local government facilities.

Priority 1 - Accessible approach and entrance
Priority 2 - Access to goods and services
Priority 3 - Access to public toilet rooms
Priority 4 - Access to other items such as water fountains and public telephones

Conduct the Survey

Start Outside

Start from site arrival points such as drop-off areas and sidewalks. Determine if there is an accessible route to an accessible entrance. If there is a parking lot or garage check for the correct number of accessible parking spaces, including van-accessible spaces. Is there an accessible route from the accessible parking spaces to an accessible entrance? Next survey the entrances. If there is an accessible entrance, determine if there are signs at inaccessible entrances directing people to the accessible entrance. Go inside and continue through the facility.

Keep Good Notes

Write on the front of each checklist where you are surveying. You may end up with six toilet room checklists. When you get back to your office you’ll want to know which one is the checklist for the first floor women’s room. If there isn’t an accessible entrance you’ll want to indicate how many steps there are and how much space is available to install a ramp or lift. This is a good time to take photographs.

Take Good Measurements

When in doubt write it down. It’s better to have too much information than not enough. Even if something is in compliance it’s helpful to have exact measurements.
2010 ADA Standards for Accessible Design

The checklist is based on the 2010 ADA Standards for Accessible Design (2010 Standards). The checklist does not include all sections of the 2010 Standards. For example there are no questions about patient rooms in hospitals or guest rooms in hotels. Consult the 2010 Standards for situations not covered in the checklist. Full compliance with the 2010 Standards is required only for new construction and alterations.

Safe Harbor – Construction Prior to March 15, 2012

Elements in facilities built or altered before March 15, 2012 that comply with the 1991 ADA Standards for Accessible Design (1991 Standards) are not required to be modified to specifications in the 2010 Standards. For example, the 1991 Standards allow 54 inches maximum for a side reach range to a control such as the operating part of a paper towel dispenser. The 2010 Standards lower that side reach range to 48 inches maximum. If a paper towel dispenser was installed prior to March 15, 2012 with the highest operating part at 54 inches, the paper towel dispenser does not need to be lowered to 48 inches.

Elements in the 2010 Standards that aren’t in the 1991 Standards

The 2010 Standards contain elements that are not in the 1991 Standards. These elements include recreation facilities such as swimming pools, team and player seating, accessible routes to court sports facilities, saunas and steam rooms, fishing piers, play areas, exercise machines, golf facilities, miniature golf facilities, amusement rides, shooting facilities with firing positions, and recreational boating facilities. Because these elements are not in the 1991 Standards, they are not subject to the safe harbor exemption. State and local governments must make these items accessible.
accessible if necessary to ensure program accessibility, unless an undue burden would result. Public accommodations must remove architectural barriers to these items.

**What this Checklist is Not**

The ADA Title II and III regulations require more than program accessibility and barrier removal. The regulations include requirements for nondiscriminatory policies and practices and for the provision of auxiliary aids and services, such as sign language interpreters for people who are deaf and material in Braille for people who are blind. This checklist does not cover those requirements.

Since this checklist does not include all of the 2010 Standards it is not intended to determine compliance for new construction or facilities being altered.

**What are Public Accommodations?**

Under the ADA public accommodations are private entities that own, lease, lease to or operate a place of public accommodation. This means that both a landlord who leases space in a building to a tenant and the tenant who operates a place of public accommodation have responsibilities to remove barriers.

A place of public accommodation is a facility whose operations affect commerce and fall within at least one of the following 12 categories:

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, sports arenas, and stadiums)

4) Places of assembly (e.g., churches, schools, and other places where meetings are held)

5) Places of recreation (e.g., bowling alleys, swimming pools)

6) Places of amusement (e.g., carnivals, circuses, museums)

7) Places of transportation (e.g., airports, bus depots, railroad stations)

8) Places of service (e.g., doctor's offices, banks, and other places where services are offered to the public)

9) Places of civic, social, and charitable organizations (e.g., community centers, public meeting places)

10) Places of business (e.g., offices, stores, and other places where goods are sold)

11) Places of camping (e.g., campgrounds, RV parks)

12) Places of fitness (e.g., gyms, health clubs)

**Accessible Slopes**

You can measure slope with a 24 inch level and a tape measure. Put the level on the surface in the direction you are measuring. Put one end at the high point of the surface and raise the other end so that the bubble is in the middle of the level’s gauge. The level is now level. Measure the distance between the end of the level at its bottom point and the surface.

For a ramp the maximum running slope allowed is 1:12. That means for every inch of height change there should be at least 12 inches of ramp run. If the distance between the bottom of the level and the ramp surface is 2 inches or less, then the slope is 1:12 or less (2:24 = 1:12 and 1.5:24 = 1:16 which is a more gradual slope than 1:12). If the distance is greater than 2 inches, the ramp is too steep. For example, if the distance is 3 inches, then the slope is 1:8 (3:24 = 1:8 which is a steeper slope than 1:12).

For the parts of an accessible route that aren’t a ramp, the maximum running slope allowed is 1:20. That means for every inch of height change there must be at least 20 inches of route run. The distance from the bottom edge of the level to the surface should be no more than 1.2 inches (1.2:24 = 1:20).
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)

12) Places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).

For the cross slope of an accessible route the maximum slope allowed is 1:48. The distance from the bottom edge of the level to the surface should be no more than ½ inch (0.5:24 = 1:48). The cross slope of an accessible route is the slope that is perpendicular to the direction of pedestrian travel.

Slopes may also be measured using a digital level. Be sure to read the instructions. Measure with the percent calculation rather than the degrees calculation. For a ramp the maximum running slope allowed is 8.33% (8.33% is a 1:12 slope). For an accessible route without a ramp the maximum running slope allowed is 5% (1:20). For the cross slope of an accessible route the maximum slope allowed is 2.083% (1:48).

**Check that You Got Everything** - Before you leave the site review all the checklists. Make sure you know which checklist goes with which entrance and which toilet room and that you’ve got all the information you need. It is better to do it now than to have to go back.

**After the Survey**

**List Barriers and Solutions** - Consider the solutions listed beside each question on the checklist and add your own ideas. Consult with building contractors and equipment suppliers to estimate the costs for making modifications.
Develop a Plan – State and local governments were required to develop a Transition Plan a few years after the ADA went into effect. Conducting a current survey is a good opportunity to update the plan.

Although places of public accommodation are not required to have a plan, the Department of Justice recommends one: “...Such a plan...could serve as evidence of a good faith effort to comply...”

Prioritize items, make a timeline, decide who is responsible to carry out the plan and develop a budget.

Make Changes - Use the 2010 ADA Standards for Accessible Design. Check whether local and state building codes require greater accessibility when alterations are undertaken.

Follow Up - Review the plan each year to evaluate whether more access improvements can be made.
Acknowledgements

Many of the illustrations are from the U.S. Department of Justice and the U.S. Access Board or are based on illustrations produced by the U.S. Access Board and the U.S. Department of Justice.