

IAEM Special Needs Committee (v. 022309)

Below are the comments by consensus this committee wishes to offer the IAEM leadership for consideration when it, in turn, forwards comments to FEMA by the 2/28/09 deadline. Note, some of these comments are technical edits while others are content based. If further clarification is necessary, please contact me directly.

Elizabeth Davis
Chair

Americans with Disabilities Act (ADA) Access Requirements - DAP9525.5

Page 1, V Authority

In addition to the proper citation of the ADA listed here, the recent amendment should also be added as a citation.

Page 2, VII Policy

A. Definitions

1. ADA Restoration/Repair: end of first sentence term “disabled individuals” must be changed to the updated and proper term “individuals with disabilities”
- 3: change “Primary Function Areas” to “Primary Function Area”

B. New Facilities

- Will want to clarify “reasonable”; the ADA requires all new construction to comply fully, not reasonably.

C. Existing Facilities

End of first sentence and within the second sentence the term “disabled individuals” and “the disabled” both must be changed to the updated and proper term “individuals with disabilities”

1. insert the word “that” before “will”
2. ii.) (f) remove the word “other” and add a comma between “parking” and “storage”

Further: It might be suggested that programmatic work-arounds could be considered if that would assist in determining priorities when cost is an actual consideration. For example, (e) accessible drinking fountains are important but if bottles water and cups and straws can be made available, accessible parking locations may be more of a priority to even enabling individuals with disabilities to access the physical location in the first place. There needs to be guidance to assist when competing interests are involved.

3. "Function area" or "function areas" needs to be selected and consistently used. This will also guide the use of "require" or "requires" in this sentence. The same is true of "path of travel" in the document that appears both with and without hyphenation.

3. a) "Restorations/repairs made to damaged walls, stairs, corridors, restrooms, etc. that also provide access to and usability of the repaired primary function area are eligible costs but are not included in the 20-percent funding cap."

The above seems to contradict Section 36.403 (3) (f) Disproportionality.

(1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.

(2) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

(ii) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;

Page 4 D Exemptions

2. Installation of elevators is not required in a facility that is less than three stories or has less than 3,000 square feet per story, except for any facility that houses the professional office of a health care provider; a terminal, depot, or other station used for specified public transportation; or an airport terminal.

Title II entities do not get the elevator exemption. 35.151 (c).

"Accessibility standards. Design, construction or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) or the Americans with Disabilities Act Accessibility Guidelines for Building and Facilities shall be deemed to

comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at §4.13(5) and §4.16(1)(j) of ADAAG shall not apply.”

Further worth noting is that when an elevator is installed, that elevator itself must meet all accessibility requirements (i.e. placement of control buttons, floor tones, control panel specifications, signage, etc.).