
usce shopping center 63FR1999 Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; State and Local Government Facilities, Part 1/2

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Part II Architectural and Transportation Barriers Compliance Board

36 CFR Part 1191

Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; State and Local Government Facilities; Final Rule] ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD 36 CFR Part 1191 RIN 3014-AA12 Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; State and Local Government Facilities AGENCY: Architectural and Transportation Barriers Compliance Board. ACTION: Final rule.

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Archive-Name: gov/us/fed/nara/fed-register/1998/jan/13/63FR1999/part2 Posting-number: Volume 63, Issue 8, Page 1999, Part 1] raised witness stands and jury boxes in alterations where a ramp or platform lift poses a hazard by restricting or projecting into necessary circulation paths. The reference to technical infeasibility has been removed as that exception is already provided in ADAAG 4.1.6(j). 11.2.1(1)(c) Judges' Benches and Courtroom Stations. This provision requires that judges' benches, clerks' stations, bailiffs' stations, deputy clerks' stations, court reporters' stations, and litigants' and counsel stations comply with ADAAG 4.32 (Fixed or Built-in Seating and Tables). An exception permits designs that allow later installation of a means of vertical access without substantial reconstruction of the space. This exception has been clarified in the final rule. Comment. A few commenters recommended that only a percentage of raised judges' benches and clerks' stations be adaptable or accessible. Response. Due to the complexity of courtroom design and the difficulty of accommodating subsequent alterations, the Access Board believes that requiring either accessible or adaptable judges' benches and clerks' stations will significantly facilitate a reasonable accommodation for an employee in the future. 11.2.1(2) Assistive Listening Systems. This section requires each courtroom in a judicial facility to have a permanently installed assistive listening system complying with 4.33. This provision specifies the minimum number of receivers for assistive listening systems. This number must be equal or greater than four percent of the room occupant load, but in no case less than two. This requirement is consistent with ADAAG requirements for assembly areas in 4.1.3(19). Comment. The interim rule provided that a permanently installed assistive listening system was required in only 50 percent of certain areas in judicial, legislative and regulatory facilities. Several commenters recommended a requirement for 100 percent permanently installed assistive listening systems in State and local government facilities. These commenters cited operational problems such as scheduling and the inability of staff to locate and set up portable systems. Other commenters preferred portable systems because they believe them to be more flexible, cost effective and easier to replace as technology evolves. Two commenters requested that smaller hearing rooms be allowed to provide portable systems. The commenters stated that the majority of hearing rooms are not utilized exclusively for adjudicatory proceedings but for other purposes a disproportionate percentage of the time. Response. The Access Board has revised the final rule to require a permanently installed assistive listening system in each courtroom. A requirement in the interim rule requiring permanently installed assistive listening systems in 50 percent of hearing rooms, jury deliberation rooms, and jury orientation rooms has been removed as these areas are addressed in ADAAG 4.1.3(19)(b). The definition of "assembly area" in ADAAG 3.5 has been clarified as applying to those rooms or spaces accommodating a group of individuals for "civic" purposes. Comment. Information was submitted which addressed the incompatibility of some receivers with hearing aids. People who wear hearing aids often need them while using an assistive listening system. Ear buds require removal of hearing aids. Headsets that cover the ear can produce disruptive interference due to hearing aid T-coils. It was recommended that neckloops and headsets that can be worn as neckloops be specified over other receiver types since they are compatible with hearing aids. Response. The compatibility of hearing aids and assistive listening receivers is an issue that pertains not only to facilities covered in section 11 but to other assembly areas as well. The Access Board intends to consider this issue in future rulemaking which would address assembly areas in general. An appendix note has been added to the final rule recommending receivers that are compatible with hearing aids. Section 11.8 of the interim rule required electrical outlets and appropriate wiring, conduit, or raceways in various areas, including courtrooms, to support communication equipment for persons with disabilities. This requirement has been removed as it may be too vague for purposes of design without further specification on the type of equipment to be supported. Such equipment often is portable and not appropriately addressed by ADAAG. 11.2.2 Jury Assembly Areas and Jury Deliberation Areas. This provision requires that where provided, refreshment areas and drinking fountains in jury assembly areas and jury deliberation rooms must be

accessible. References in the interim rule to fixed seating and tables and vending machines have been removed as ADAAG sections 4.1.3(18) and 5.8 address access to these elements. In addition, the requirement for access to drinking fountains for people who may have difficulty bending or stooping has been removed. The final rule requires that where drinking fountains are provided, at least one comply with ADAAG 4.15.

11.2.3 Courthouse Holding Facilities.

Section 11.2.3(1) applies a scoping requirement to courthouse holding facilities including central holding cells and court-floor holding cells serving courtrooms. Where provided, at least one adult male, juvenile male, adult female, and juvenile female central holding cell must comply with the requirements in this section. Central holding facilities are typically designed with sight and sound separation between men, women and juveniles. Where such cell separation is provided, the guidelines require at least one of each type of cell to be accessible. While there may be additional "types" of cells (i.e., isolation, group or individual cells) the definition of "type" is limited to adult male, juvenile male, adult female, and juvenile female holding facilities. Court-floor holding cells, however, are not necessarily designed with sight and sound separation between adult males, juvenile males, adult females, and juvenile females. For example, some courthouses have numerous courtrooms with two court-floor holding cells provided between every two courtrooms. Detainees are escorted through a secured route directly from the central holding cell to the court-floor holding cell. In such instances, this provision would require only one accessible court-floor holding cell. Such a cell may serve more than one courtroom. A clarification has been added that cells may serve more than one courtroom. No other changes have been made to this provision.

Section 11.2.3(2) contains the minimum requirements for accessible cells. In the interim rule, 11.2.3(2)(a) (Doors and Doorways) exempted doors and doorways operated only by security personnel from ADAAG 4.13.6. However, since ADAAG 4.13.6 also contains specifications for maneuvering space, which is essential for passage through doors, including those operated by security personnel, the exemption from 4.13.6 has been removed. The requirements in ADAAG 4.13 are not known to pose any conflict with security requirements for doors. This provision has also been modified to require fixed benches to provide back support (e.g., attachment to the wall).

Comment. One commenter requested that the term "maximum extent feasible" be applied to situations where altering the facility would require substantial demolition of the existing components of the facility in order to come into compliance.

Response. If compliance with alterations requirements is technically infeasible, ADAAG 4.1.6(1)(j) requires that the alteration provide accessibility to the maximum extent feasible. Technically infeasible means, with respect to an alteration of a building or a facility, that it has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility. Any elements or features of the building or facility that are being altered and can be made accessible are required to be made accessible within the scope of the alteration.

Comment. Several combination stainless steel water closet and lavatory units are available that cannot incorporate a 36 inch grab bar behind the water closet. One manufacturer of combination fixtures stated that the two main reasons such units are specified is to reduce costs and minimize vandalism. Combination units reduce the square footage needed in cell design and reduce costs by only requiring one wall opening for plumbing connections, rather than two wall openings if separate fixtures are provided. The commenter further stated that there is a reduction in vandalism by having one large fixture mounted to the wall which makes it much more difficult to remove or destroy than a single lavatory or toilet. The commenter stated that major retooling and redesign of the units would defeat the reasons why the units are currently preferred and proposed that a 24 inch grab bar behind the water closet be allowed instead of a 36 inch grab bar.

Response. Although the use of combination units are preferred for space efficiency and security, they are generally not mandatory. An exception for the length of the rear grab bar on combination units has not been provided since separate, accessible lavatories and toilets are readily available.

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