

## The 1991 Americans with Disabilities Act (ADA) Standards for Accessible Design

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**ABSTRACT:** Governments across the world have recognized the need to protect the interests of vulnerable individuals in society even as they pursue their overall development goals as this offers the only means to eliminate feelings of disenfranchisement among people who are not in a position to articulate their needs. In this regard, the Americans with Disabilities Act (ADA) of 1990 was passed to facilitate access to different built environments for people with disabilities. Historically, the 1990 ADA relates to the Civil Rights Act of 1964 that recognized the need to establish reforms to protect the African Americans after the abolition of slavery. Other acts signed to protect people with disabilities before the ADA 1990 law include the 1968 Architectural Barriers Act (ABA), 1973 Rehabilitation Act, 1984 Uniform Federal Accessibility Standards (UFAS) and the 1988 Fair Housing Amendments Act (FHAA) among other legislations. Passage of the Acts shows that the government values the needs of an often-ignored section of the populace, which then shows a prioritization of their human rights. In this case, the 1991 ADA Standards for Accessible Design was signed, seeking to protect the rights of individuals with disabilities against any form of discrimination while accessing public spaces and other state and local accommodation and transit sites. Nonetheless, the performance of the 1991 ADA legislation is underpinned by poor intersectoral coordination and inadequacy of institutional capacities.

**Keywords:** Americans with Disabilities Act, ADA Standards for Accessible Design, Civil Rights Act, Uniform Federal Accessibility Standards, Fair Housing Amendments Act.

### I. INTRODUCTION

Among other regulations, the Americans with Disabilities Act (ADA) of 1990 facilitates entry to constructed environments for persons with disabilities. ADA of 1990, after its implementation as a federal regulation, established the design requirements that constructors must comply with, which were subject to U.S. laws. The executable standards applied to public residences and accommodations, business facilities, and government institutions [1]. The ADA of 1990, in its extensive role, prohibited discrimination based on disability and established the design instructions to be followed during the construction of buildings for easy access by people with disabilities. In 1991, the U.S. government, through the Department of Justice (DOJ), signed the ADA Standards for Accessible Design that contained the accessibility scoping and technical prerequisites previously covered in the Americans with Disabilities Act of 1990 [2]. Included in the ADA Standards for Accessible Design were standard design requirements for transit facilities and vehicles. Accessibility scoping and the technical specifications within the transit facilities were necessitated to make the mobility of people with disabilities efficient and without constraints.

The development and successful implementation of ADA of 1990, and the ADA Standards for Accessible Design of 1991 can be traced to the Civil Rights Movement period and the signing of the Civil Rights Act of 1964. At the time, there were increased calls for equality among people and the need for black Americans to be offered similar opportunities as their white counterparts. The period began in the late 1940s and ended in the late 1960s [3]. The marginalized blacks staged nonviolent protests against the government of the time demanding the equality of rights and an end to the discrimination and mistreatment of specific populations. The signing of the Civil Rights Act in 1964 ended the discrimination of Americans in public spaces and the employment sector. Americans were not to be segregated based on their race, skin color, religion, sex, or nationality. The Civil Rights Act of 1964 was the foundation of the structure and implementation of the accessibility laws [3]. After the implementation of the law, there was also a growing concern that the majority of

the Americans and persons with disabilities were lacking entry into public spaces and other facilities within the state and local environments. Such needs prompted the signing of the Architectural Barriers Act (ABA) in 1968 that required facilities in the United States to be designed, constructed, altered, or leased with a consideration of the needs of the people with disabilities [3]. The 1968 legislation also established that federal funds be made accessible for people with disabilities.

In 1973, the federal government signed the Rehabilitation Act, which prohibited any form of discrimination against any person with a disability in all federally funded programs [3]. Specific guidelines were offered to finance sectors, employment domains, and federal contractors on the need to provide reasonable accommodation and program accessibility for workers with disabilities and to maintain active communication with people with hearing or visual impairment and ensure their accessibility to the workplace. The 1980s saw the signing of two landmark laws, including the Uniform Federal Accessibility Standards (UFAS) of 1984 and Fair Housing Amendments Act (FHAA) in 1988[3]. UFAS implemented the requirements of the Architectural Barriers Act of 1968 that established the accessibility scoping and technical specifications for people with disabilities. FHAA created adaptable features for people with disabilities in multi-family residences with four or more units. ADA was signed in 1990 before the signing of the ADA Standards for Accessible Design in 1991 [3]. As a form of barrier-free law, ADA outlawed any form of discrimination for people with disabilities and established the design requirements to be observed while altering or building facilities [4]. The accessibility of private and public accommodations for people with disabilities was a key provision of the ADA. Some of the details covered in the Act included accessibility to workplaces, government services in the local and state facilities, public residences and business facilities among other applicable federal regulations. In 1991, the US. Department of Justice signed the ADA Standards for Accessible Design, which expanded the provisions of the ADA [5]. The law specifically altered and stressed the requirements of Title III of ADA that focused on businesses and public accommodations.

## II. IMPLEMENTATION

The 1991 ADA Standards for Accessible Design borrows from the 1990 American with Disabilities Act (ADA). It was formulated with the primary objective of protecting the United States nationals with disabilities against any form of discrimination while accessing public spaces and other state and local accommodation and transit sites. The 1991 act was signed in a reaction to the endless segregated acts of people with disabilities in public spaces and areas of accommodation[6]. The federal government saw the need to revise the provisions of Title II and Title III of the ADA of 1990. Title II focused on the state and local government in terms of the public services offered to citizens [7]. Within this category, the ADA legislation outlawed the discrimination of people based on public facilities within the state and local jurisdictions[8]. It also directed public entities to ensure the accessibility of their services, programs, and functions for people with disabilities.

On the other hand, Title III of ADA, which was a significant component of the 1991 ADA Standards for Accessible Design, focused on revising public accommodation and service policies and ensuring that the institutions underscored equity when dealing with the public. A conceptualization of Title III, as contained in the 1991 ADA Standards for Accessible Design, reveals that public accommodation and places are prohibited from discriminating against people with disabilities. The legislation covered public accommodations that are privately owned and leased, or operated facilities such as hotels, restaurants, retail merchants, offices, private schools, daycare centers, sports stadia, movie theaters, and health clubs, among other institutions[9]. The law also directed businesses to reasonably renovate and modify their service provision strategies when dealing with the public, especially people with disabilities.

## III. SUMMARY

### IV. Summary/Critique of Benefits

One of the major benefits of the 1991 ADA Standards for Accessible Design is based on its emphasis on the equality of persons. Throughout the history of the United States, several laws have attempted to address the issue of discrimination and the marginalization of populations. For a better part of the historical conceptualization, African Americans and other individuals from minority communities have fallen victims of segregation. People with disabilities have also suffered the fate of the marginalized populations. The formulation and implementation of the ADA of 1990 created global concern for renewed treatment and perceptions of people with disabilities in the U.S.[10]. The revision of the same law in 1991 established a new platform in which people with disabilities were allowed equal and exceptional opportunities in public spaces. Prioritizing the necessities of persons with disabilities in the country was a landmark step in the fight against discrimination and the need to create a similar platform for all citizens regardless of their physical, emotional, or social characteristics. Apart from the specific considerations of the legislation included the restrictions on space allowances and reach ranges.

According to the 1991 Accessible Design Act, all public spaces with clear floor spaces with dimensions of at least 230 mm or the lower side reach and a maximum of 1370 mm for the high side for persons on wheelchairs[10]. The 1991 Act, under section 4.3.7, demands that all accessible routes should have a running slope of more than 1:20 and a 4.8 compliance metric[10]. The legislation directs that the accessible routes should not exceed 1:50. The wheelchair passage width under the law is determined at 815 mm and 915 mm at a point continuously. Doorways should also be 815 mm minimum and allow a 90 degrees movement when opened[10]. To assist individuals with disabilities, the 1991 Act also provides that individuals with disabilities be provided with automatic doors and power-assisted opening if possible. Apart from access to public spaces and the renovations needed at such points, the 1991 Accessible Design Act offers parking privileges for individuals with disabilities. The ADA standards mandate certain percentages for individuals with disabilities when they access public parking spaces with specifications on aisles[11]. Establishing the privileges and enforcing them through the federal organs in the department of justice addresses the marginalized rights and privileges of people with disabilities. However, from an assessment of the provisions under the 1991 ADA Standards for Accessible Design, the Act gives more powers and reserves more possibilities for people with disabilities, thus creating a vast distinction with other members of the public[12]. powers and concerns are offered to people with disabilities, which threaten the unilateral position of ensuring equality among people within public spaces.

### **V. Drawbacks**

One of the major disadvantages associated with the successful implementation of the provisions of the 1991 ADA Standards for Accessible Design is based on its complexity. The federal legislation provides for the rules and requirements that existing and newly created facilities should integrate while designing and implementing their architectural choices[13]. For instance, the ADA of 1991 entails regulations on safe harbor provisions requiring that any facility to be built or altered should strictly comply with all the safety regulations that ensure increased accessibility to public places for people with disabilities[14]. The regulations also provide provisions for facilities to follow when dealing with people with disabilities that focus on four principal areas, including access to public accommodation, making goods and services available to the public, making public restrooms accessible, and other measures that are deemed necessary for making public accommodation accessible to people with disabilities. Compliance with these rules for already existing public facilities and newly constructed and designed buildings proves difficult. In most cases, the complexity of the law and its diverse requirements make it challenging for the concerned entities to comply. Due to the challenges and complexity attributed to the adherence ADA requirements, there is a need for experts and existing public facilities to determine the best approach for meeting the requirements and fully integrating the provisions while designing and perfecting architectural spaces.

### **VI. Strengths**

The 1990 ADA legislation has played fundamental roles in creating a discrimination-free education system in the United States. For a better part of the 1900s, people with disabilities rights were not considered in the provision and access to public utilities, such as education. Although education was considered a fundamental right of all-American children, few legislations existed to fight for the social prerogatives of persons with disabilities. In the educational sector, the design of structures and entry into public buildings for students with disabilities was not taken seriously. However, following the implementation of the ADA in 1990 and subsequent ADA Standards for Accessible Design in 1991, more than ever, equality was integrated into the provision of education for all American students. Simon reports that the 1991 legislation, supported with other equality laws, extended to all programs, chances, functions, and activities to eradicate disability discrimination stemming from simple prejudice[15]. The legislation provided for equal access to aids and services to both those students with disabilities and those without. All the requirements of creating discrimination-free education systems were confined in Sections 504 of the 1990 Act and within the ADA provisions[16]. Moreover, Title II of the ADA directs public facilities, such as colleges and universities, to ensure their services are accessible for persons with disabilities by affirming that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by any such entity”[17]. The provisions emphasize the fact that education in the United States should be available for all, including persons with disabilities.

### **VII. Barriers of Policy Implementation**

The poor intersectoral coordination can suppress the effective implementation of the 1991 ADA Standards for Accessible Design and other subsequent policies among the involved stakeholders. The 1991 Act requires the coordination of functions and strategies among owners of private buildings, government ministries tasked with the development and management of public facilities, designers, and contractors, among other parties[13]. Each of the identified stakeholders has a role to play in ensuring that the provision of the ADA

Standards for Accessible Design Act is adequately implemented and instituted into the functions and management of public spaces and private utilities. For instance, government ministries and other sectors ensure that public spaces, such as hospitals, stadia, and transport networks, are designed in a way that both people with and without disabilities can move freely and access the services they desire. Private owners of facilities and buildings also ensure that their structures comply with the floor plan requirements and other additional requirements for free movement and access by people with disabilities. A failure by either of the parties to undertake its assigned role undermines the successful implementation of the ADA Standards for Accessible Design policy. Another significant barrier to the implementation of the 1991 ADA Standards for Accessible Design is the lack of adequate institutional capacity and legal frameworks to support policy implementation. The successful implementation of the policies requires the coordination of functions, availing of funds, and restructuring of management operations. Certain private and public institutions and facilities may lack the legal capabilities and financial backups to initiate the required changes. In such situations, the success of the policy may be hampered, which further impacts negatively on the operations and accessibility of private and public spaces by persons with disabilities. For effective implementation of policies on equality in the United States, there is a need for private and public institutions and management to coordinate their capabilities needed to support change.

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