



On September 15, 2010, the [United States Department of Justice](#) (DOJ) published revised Americans with Disabilities Act (ADA) regulations in the [Federal Register](#) that update and amend some of the provisions in the original 1991 ADA regulations. These changes include revised accessibility standards, called the [2010 Standards for Accessible Design](#) (2010 Standards), which establish minimum criteria for accessibility in design and construction.

This tipsheet highlights some of the revisions that have a specific effect on cultural venues, such as theaters or museums. It is not intended to be comprehensive. To view the revised regulations in their entirety with guidance, please see these two definitive resources:

U.S. Department of Justice at www.ada.gov/regs2010/ADAregs2010.htm

U.S. Access Board at www.access-board.gov/ada-aba/ada-standards-doj.cfm

The material contained herein was drawn from or excerpted from both of these resources.

The revised regulations apply to the following entities, which have until March 15, 2011, to comply:

State and Local Governments (ADA Title II, [28 CFR, Part 35](#))

This includes any non-federal department, agency, district, or instrumentality of a State or local government. For example: State arts commissions and councils, city-owned or -operated cultural centers, recreational venues and parks, libraries, state colleges, and universities.

Places of Public Accommodation (ADA Title III, [28 CFR, Part 36](#))

This includes any facility operated by a private, non-governmental entity and open to the public. For example: Theaters, museums, concert halls, arts and performing arts centers, stadiums, private colleges and universities, lecture halls, galleries, parks, zoos, other places of exhibition or entertainment, and assembly areas.


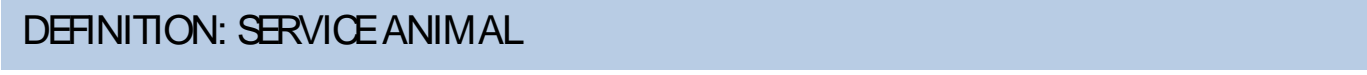


At least two areas in the revised regulations merit attention from cultural arts administrators:

1) Policies, Procedures, and Practices

- i) Service animals
- ii) Mobility devices
- iii) Ticketing

2) Physical Access and Barrier Removal

- i) 2010 Standards
 - ii) Safe Harbor
 - iii) Reduction of Elements
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A “service animal” is now defined as any **dog*** individually trained to do work or perform tasks benefitting an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

* There is a limited exception for miniature horses.

State and Local Governments: [§35.104 definition](#) and [§35.136 service animals](#)

Places of Public Accommodation: [§36.104 definition](#) and [§36.302 \(c\) service animals](#)

The revised regulations include a new eight-part section devoted exclusively to the regulation of ticketing for wheelchair spaces and companion seats. The highlights of the new ticketing regulations include, but are not limited to, the following requirements:

- 1) Tickets for accessible seating must be available for purchase during the same times and in the same ways as the purchase of other tickets;
- 2) Accessible seating must be identified to the same level of specificity as other seats on maps, seating charts, and brochures, and, if asked, the location of all available accessible seating must be identified;
- 3) Tickets for accessible seating must be available at all price levels;
- 4) A wheelchair user may purchase up to three companion seats that are contiguous and in the same row so long as such seats are available and all patrons may purchase that number of seats;
- 5) Accessible seating may only be released when all other tickets are sold out or all other tickets in a specific price range or area are sold out;
- 6) Individuals with disabilities must be able to transfer their tickets to others under the same terms and conditions as other ticket holders;
- 7) Venues must honor tickets for non-accessible locations purchased on the secondary market (i.e. tickets that are re-sold by the original purchaser) by a wheelchair user so long as comparable accessible seats are available at the time the ticket is presented;
- 8) Venues may not ask for proof of disability or ask what the individual's specific disability is, but may ask if the individual is purchasing tickets for someone with a mobility disability. The venue may investigate if it has reason to believe fraud has been committed.

State and Local Governments: [§35.138](#) ticketing

Places of Public Accommodation: [§36.302 \(f\)](#) ticketing

The [2010 ADA Standards for Accessible Design](#) (*2010 Standards*) were published in the Federal Register on September 15, 2010, and will become mandatory after 18 months.

In the period between September 15, 2010, and March 15, 2012:

Places of public accommodation may choose between compliance with the 1991 ADA Standards or the 2010 Standards.

State and local governments may choose between compliance with the 1991 ADA Standards, the Uniform Federal Accessibility Standards (UFAS), or the 2010 Standards.

On and after March 15, 2012, the standards mentioned above will be replaced by the 2010 Standards, which become mandatory and enforceable, and must be applied to all new construction, renovations, modifications, alterations, and barrier removal.

A non-profit theater is planning two major renovations. The first renovation is currently in the design phase, is scheduled to start construction April 2011, and will be completed in April 2012. The theater is not going to start the design process on the second renovation until June 2012 for completion in June 2013. The theater can use either the 1991 Standards or the 2010 Standards on the first renovation but can only use the 2010 Standards on the second renovation.

Assembly areas include spaces such as classrooms, lecture halls, meeting rooms, movie theaters, auditoriums, theaters, concert halls, performing arts centers, amphitheaters, arenas, and stadiums.

Most of these changes can be found in sections [221](#) and [802](#) of the [2010 Standards](#). The following are some of the relevant standards for arts and cultural organizations:

Dimensions: A single wheelchair space must be **36 inches** wide, while **two wheelchair spaces adjacent** to one another need only be **33 inches** wide each.

Path of Travel: Wheelchair spaces **must be on an accessible route** but may not overlap another wheelchair space or the circulation path.

Note: This means that access to a wheelchair space cannot be through another wheelchair space, nor can the wheelchair space stick out into the aisle.

You can find most of these changes in sections [219](#) and [706](#) of the [2010 Standards](#).

Requirements: ALSs are required **where audible communication is integral** to the use of the space, but are not required where audio amplification is not provided.

Hearing Aid Compatibility: 25% of the receivers must be hearing aid compatible, which means that the ALS receiver must be usable with an induction neckloop that interfaces with the telecoil in an individual's personal hearing aid or cochlear implant.

Technical Requirements

Receivers **must have a 1/8 inch (3.5 mm) standard monojack.**

ALSs must be capable of providing sound pressure levels of 110 dB minimum and 118 dB maximum with a dynamic volume control range of 50 dB; the signal-to-noise ratio for internally generated noise must be 18 dB minimum; and the peak clipping must not exceed 18 dB of clipping relative to the peaks of speech.

Number of Receivers Required: Use the following table to calculate how many receivers must be provided.

2010 ADA Standards Receivers for Assistive Listening Systems		
Capacity of Seating in Assembly Area	Minimum # of Required Receivers	Minimum # of Receivers Required to be Hearing-aid

Theater A has a maximum seating capacity of 2225. Per the previous chart, they are required to have 55 receivers (the minimum) plus 1 per 100 seats over 2000 seats or fraction thereof (the additional receivers).

Calculate the additional receivers using the chart above. Always round up.

1. Calculate additional seats: 2225 (total seats) $- 2000 = 225$
2. Divide by 100: $225/100 = 2.25$
3. Round up: 3
4. Add the number of additional receivers to the minimum number required:
 $55+3= 58$ receivers

Calculate the number of hearing-aid compatible receivers. (1 out of 4, or 25%).

Always round up.

1. Take the number of required receivers calculated above: 58
2. Divide by 4: $58/4 = 14.5$.
3. Round up: 15 receivers.

Theater A is required to have 58 receivers, 15 of which must be hearing-aid compatible.

State and Local Governments: [Title II regulations at 28 CFR 35.151 and the 2004 ADAAG at 36 CFR part 1191, appendices B and D](#)

Places of Public Accommodation: [Title III regulations at 28 CFR part 36, subpart D; and the 2004 ADAAG at 36 CFR part 1191, appendices B and D](#)

The 2010 regulations have incorporated an element-by-element “safe harbor” which exempts elements (which can be anything from a door knob to an entire room) that are currently in compliance with the 1991 ADA Standards from compliance or any immediate retrofit obligations under the 2010 Standards until the facility engages in a renovation, modification, alteration, or barrier removal. If an element never complied with the 1991 ADA Standards then there is no safe harbor for that element. Additionally, there is no safe harbor for elements not covered in the 1991 Standards including, but not limited to, swimming pools, amusement rides, play areas, and recreational boating facilities.

In 2005 a museum renovated restrooms and installed paper towel dispensers at 54 inches from the floor in order to be in compliance with the 1991 ADA Standards. The 2010 Standards require paper towel dispensers to be a maximum of 48 inches from the floor. Are they out of compliance?

No. Because the installed dispensers were in compliance with the 1991 ADA Standards, they are in a safe harbor under the new 2010 Standards. The museum will not need to re-install the paper towel dispensers in order to comply with the lower reach range in the 2010 standards until they renovate, alter, or modify the restroom.

State and Local Governments: [§35.150 \(b\)\(2\)\(i\) safe harbor](#)

Places of Public Accommodation: [§36.304 \(d\)\(2\)\(i\) safe harbor](#)

