

Fairs and Accessibility: The Americans with Disabilities Act (ADA) Basics

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Northwest  Center

Agenda

- **The Americans with Disabilities Act (ADA) and the basic legal obligations to provide access at State Fairs & Festivals**
- **Best practices and helpful tips in planning & improving accessibility**
- **Where to find ADA-related resources for additional information**



Congressional Purpose ADA

"The purpose of the ADA ... is to provide a clear and comprehensive national mandate to end discrimination against individuals with disabilities and to bring those individuals into the economic and social mainstream of American life."

- A CIVIL RIGHTS ACT!

What does the ADA do for people with disabilities?

- Guarantees equal opportunity for individuals with disabilities in public accommodations (businesses), employment, transportation, state and local government services, and telecommunications.
- Also have related federal and state laws – e.g., Washington Law Against Discrimination.



Who and what does the ADA cover?

- Title I - Employment
- Title II - State and Local Governments and Transportation
- Title III - Public Accommodations (“Businesses”)
- Title IV - Telecommunications
- Title V - Miscellaneous

What are the ADA requirements that affect Fairs, Festivals, and Temporary Events?

- Operate in a nondiscriminatory manner - same opportunity to participate in and benefit from the services, activities, and goods offered as all other customers, guests, or clients
- Provide programs and services in an integrated setting.
- Reasonable modifications in policies, practices, and procedures.
- Furnish auxiliary aids and services - effective communication.
- Ensure that individuals with disabilities are not excluded because buildings are inaccessible (program accessibility).

Example of formal settlement agreement with the Dept. of Justice

Mid-America Festivals, Shakopee, Minnesota

The agreement resolved a complaint filed by a wheelchair user who alleged that he was unable to visit many of the shops and booths at the festival because they were not accessible and because some shops had ramps that were dangerously steep. Under the agreement, Mid-America will provide an accessible ticket window, as well as remove all barriers to access at several food booths and shops. They will also provide accessible portable restroom facilities and accessible telephones, and pay a civil penalty of \$4,000.

www.usdoj.gov/crt/ada/janmar97.pdf⁸

Does the ADA place any “limits” on a business’ obligations?

Businesses are not required to change their policies and procedures in any way that would cause a “fundamental alteration” in the nature of their goods or services, would undermine safe operation of the business, or would cause a “direct threat” to the health or safety of others.

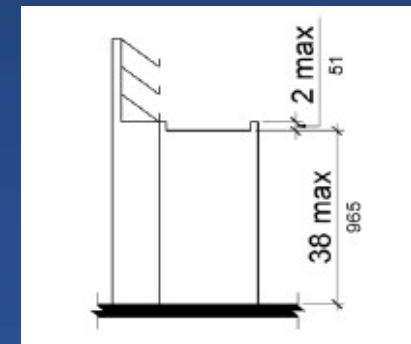
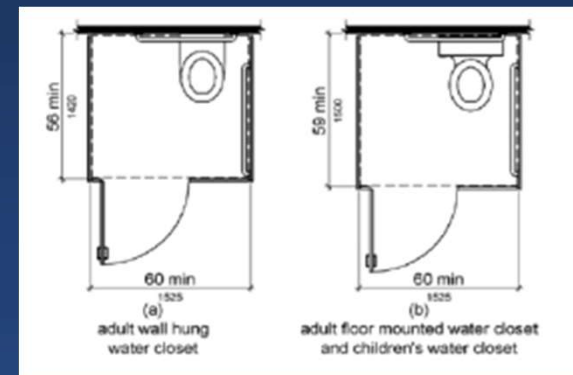
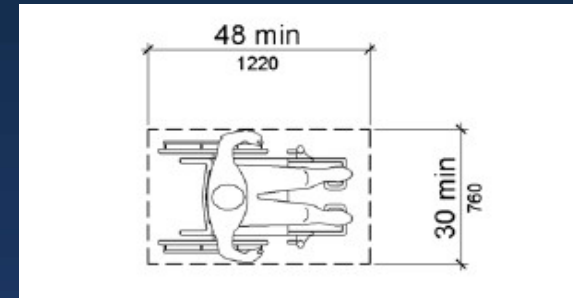
Considerations:

- Fundamentally alter...nature of goods and services
- Safe operation
- Direct threat
- Undue burden



Two Major “Types” of Accessibility

- physical (architectural) accessibility - design and layout of a facility
- communication accessibility - methods of information delivery



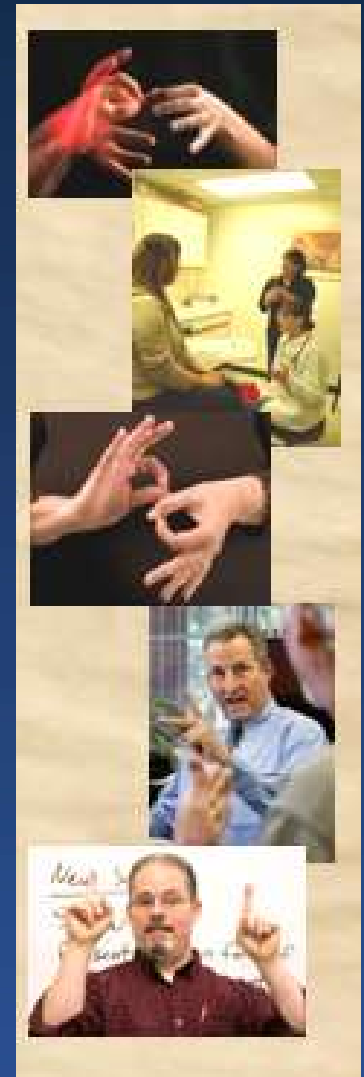
Effective Communication

- Disabilities that affect hearing, seeing, speaking, reading, writing, or understanding may use different ways to communicate.
- Information must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.



Effective Communication

- The means used to provide effective communication is determined on a case-by-case basis – person's needs and situation.
- “Auxiliary aids and services” are devices or services that enable effective communication for people with disabilities.
- Consult with the individual to determine what communication method or technology will be effective for him or her.



Communication - Simple situations

- Brief or simple face-to-face exchanges - very basic aids are usually appropriate and effective.
- For example, exchanging written notes may be effective when a deaf person asks for a copy of a form to fill out.
- Using a “smart phone” to write and exchange messages.



Communication - Complex situations

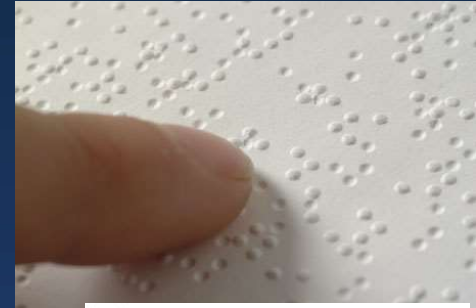
Complex or lengthy exchanges

- sign language interpreter
- CART (Communication Access Real-time Translation)
- Examples – music shows, guest speakers, etc.
- Written transcripts or captions on video for pre-scripted situations such as speeches, presentations, etc.



Communication - Print materials

- Alternative formats - Braille, large print text, thumb drive, audio recordings.
- If little time to have it produced in an alternative format, reading the information aloud may be effective (Qualified Reader).
- Example – reading what services you provide, etc.



**Large
Print**

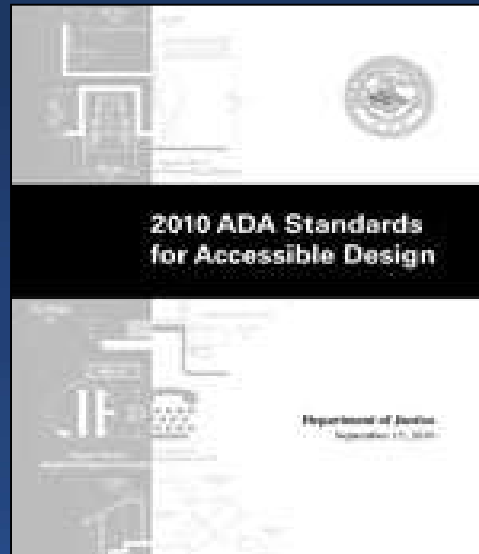


Planning Ahead to Provide Effective Communication

- Identify local resources for auxiliary aids and services.
- Find out how you can produce documents in Braille or acquire other aids or services when needed.
- Contract with qualified interpreter services and other providers.
- Train employees about effective communication and using simple approaches (writing notes, reading menus)



Architectural Barriers to Accessibility in Permanent and Temporary Buildings or Facilities at Fairs



2010 ADA Standards for Accessible Design
www.ada.gov/2010ADASTandards_index.htm

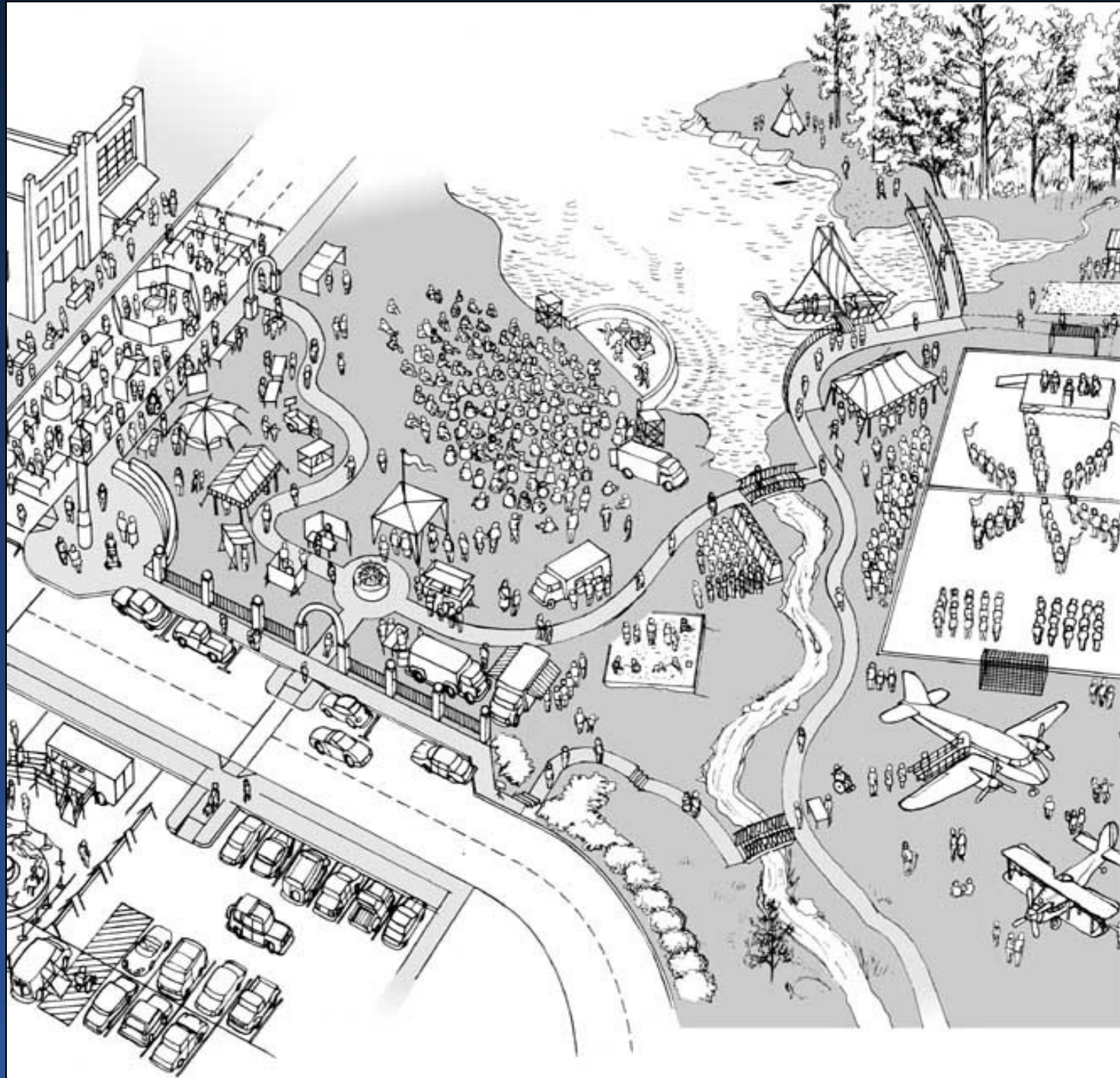
Priorities in Barrier-Removal

The checklist is based on the four priorities recommended by the ADA Title III regulations:

- **Priority 1: Accessible approach and entrance (including parking)**
- **Priority 2: Access to goods and services**
- **Priority 3: Access to restrooms**
- **Priority 4: Any other measures necessary**

A Planning Guide for Making Temporary Events Accessible to People With Disabilities

<https://adata.org/publication/temporary-events-guide>



Parking

Parking

- Is designated parking available and marked with signage?
- Vertical sign
- Close to accessible entrance
- Level surface
- Minimum number of spaces required
- Width of access aisles – 5 feet
- Curb ramps

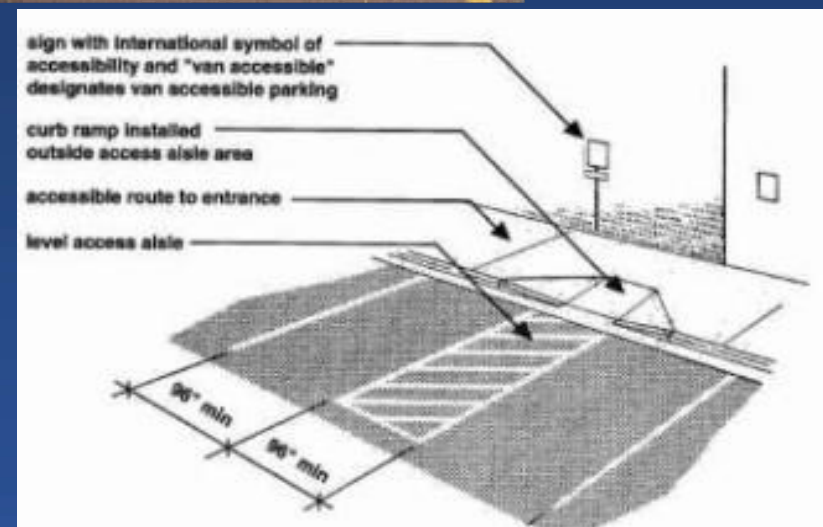


Accessible Parking

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

Van Accessible Parking

- At least one van space for every 6 accessible spaces
- “Van Accessible” sign
- Minimum = one van space
- 8 foot wide access aisle



Accessible Parking



Accessibility for Guests with Disabilities

APPROACH AND ENTRANCE

- Ground, walk and floor surfaces - stable, firm and slip-resistant.
- Mats and rugs
- Ground and floor surfaces – not rough or bumpy - free of abrupt changes level
- Low, beveled thresholds



Accessibility for Guests with Disabilities

APPROACH AND ENTRANCE

- Over ½ inch “bump” – ramp it
- Maximum slope of all ramps 1:12
- Ramps have level landing at top and bottom?
- Minimum ramp width - 36 inches

Note: Ramps shall not extend into pedestrian way.



Exhibits



Restroom Access



APPROACH AND ENTRANCE



Do passageways, aisles or other circulation spaces have a minimum head clearance of 80 inches?

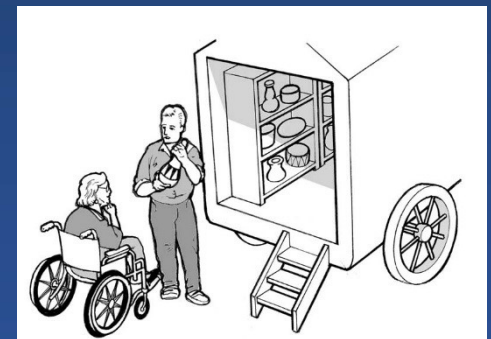
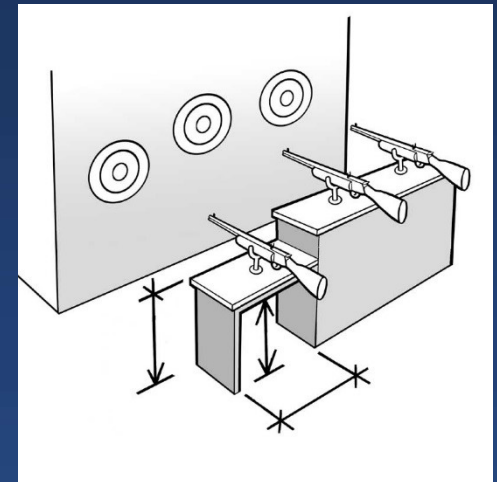
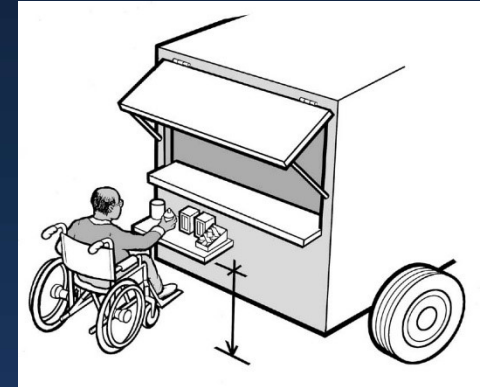
- **Do protruding and hanging objects (such as merchandise, signs, etc.) with their leading edge 27 inches to 80 inches above the floor, protrude no more than 4 inches into the path of travel?**



Accessibility for Guests with Disabilities

Accessible Sales/Service Counters

- Is there a portion of the counter(s) that is at least 36 inches long and no more than 36 inches high,
- or is there space at the side for passing items to customers who have difficulty reaching over a high counter? – OR
- In alterations, where it is technically infeasible to provide an accessible counter, is an auxiliary counter meeting the above requirements provided? – OR
- Is equivalent facilitation provided? (e.g. might consist of: (1) the provision of a folding shelf attached to the main counter on which a person with a disability can write, and (2) use of the space at the side of the counter for handing materials back and forth.)
- Is the check-out aisle wide enough to accommodate a wheelchair?



Accessibility for Guests with Disabilities

FOOD VENDORS

- **Staff is able to make reasonable accommodations for guests such as minor menu changes, reading menus, and assistance with trays.**
- **Has the staff received special instructions or training for providing access to guests who have disabilities, particularly if assistance is requested in acquiring your goods or services?**
- **When in operation, is there an effective way to communicate with guests who are deaf or hard of hearing?**
- **For example, having pen and paper or a piece of technology available to exchange written notes with guest.**
- **When in operation, are there alternate formats available for basic written materials/advertisements for guests who have vision impairments?**

Vendor - Snacks



2009 - Ramped, but displays still limited access

2010 - Eliminated ramp/
created accessible front counter



- Additional benefits gained more product & service space and visually appealing

Food Vendor

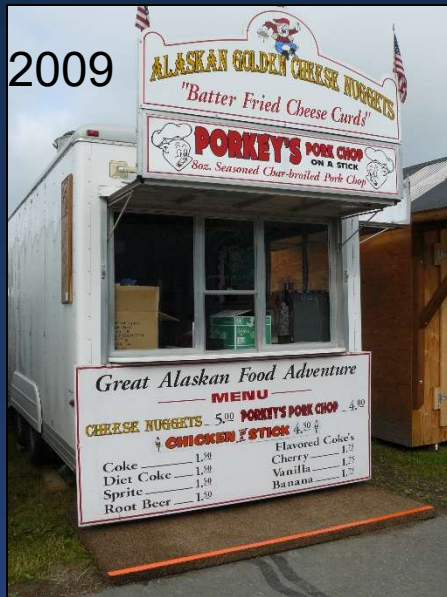


2009 – One step platform up to service counter

2010 – Added ramp and landing to side 36 inch high service window counter



Food Vendor



2009 – ¾ inch plywood boardwalk and service window greater than 36 inches above the floor

- Booth is permanently mounted on wheeled trailer.

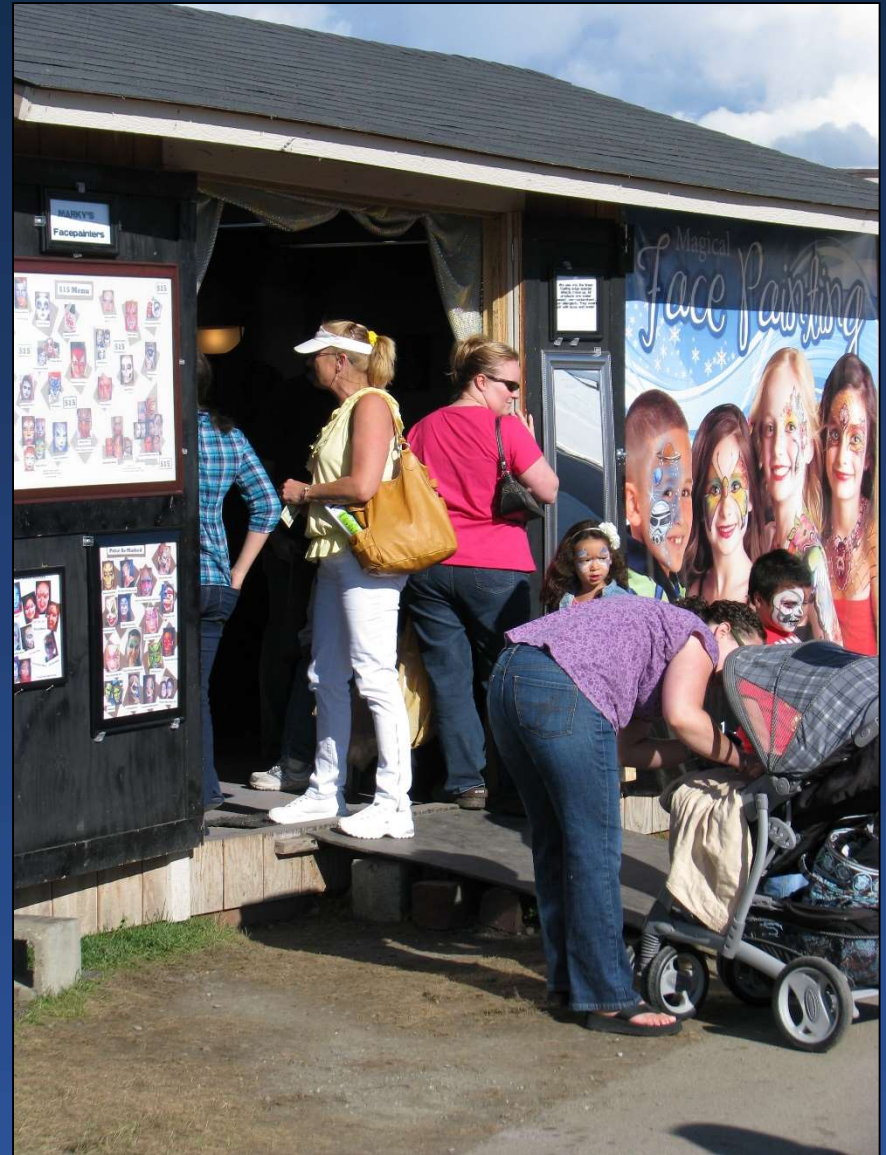
2010 - Added front signage pointing to adjacent ramped/raised platform floor with customer access to two additional side window counters. Small table surface added.



Ramp Access



Safety and Usability



Accessible Service Counters



Folding shelf



Wheelchairs and Other Power-Driven Mobility Devices

Other Power-Driven Mobility Device (OPDMD)

An OPDMD is any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, whether or not it was designed primarily for use by individuals with mobility disabilities.

May include golf cars/carts, electronic personal assistance mobility devices, such as the Segway® Personal Transporter (PT), or any mobility device that is not a wheelchair and is designed to operate in areas without defined pedestrian routes.



<https://www.ada.gov/opdmd.htm>

Questions to Consider:

- Have people with disabilities been involved with the event planning?
- Will the event information/advertising be disseminated in various formats and through different kinds of media? Website?
- Will all flyers/advertisements contain information about how to obtain needed accommodations for people with disabilities?
 - Name and contact information of person in charge of arranging accommodations
 - Specified time line for requesting accommodations



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ADA Center**

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Barrier-Free Employment



Strategies Promoting Barrier-Free Employment

1. Provide equal opportunity for persons with disabilities to participate in job registration process and be considered for a job.
2. Interviewers trained in ADA and disability issues.
3. Reasonable accommodations provided for qualified applicants and employees with disabilities.
4. Employee medical records kept confidential and separate from other personnel files.
5. Policies, practices, and procedures reasonably modified to allow equal access (e.g., no pet policy).
6. Accessible employee rosters.
7. Application and employment materials offered in alternate formats (e.g., large print, Braille).
8. Accessible parking, route, and entrance for workplace.
9. Online applications and employment materials accessible to everyone.
10. Accommodation and ADA resources.
11. Ongoing disability awareness training for employees and supervisors.

For detailed ADA information, call 800-949-4232 or visit www.adainformation.org

Upcoming Events

Reasonable
Accommodation Process
for Vocational
Rehabilitation Counselors
webinar series
12/08/2015 to
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Coin: Aging and
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Thank You!

Questions?

Comments?

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