



# Texas Accessibility Standards: Changes and Compliance

1 P D H / 1 C E H o u r

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*Continuing Education for Architects and Engineers*

# Texas Accessibility Standards 2012: Changes and Compliance Final Exam

1. The 2012 Texas Accessibility Standards replaced the previous 1994 Texas Accessibility Standard effective:
  - a. January 1, 2012
  - b. March 15, 2012
  - c. July 15, 2012
  - d. December 31, 2012
2. The previous Texas Accessibility Standards (TAS) was based on the \_\_\_\_\_ ADA Accessibility Guidelines (ADAAG).
  - a. 1962
  - b. 2005
  - c. 1991
  - d. 1984
3. Safe harbor is applicable to comply with the ADA and the \_\_\_\_\_ Standards for Accessible Design.
  - a. 1991
  - b. 2010
  - c. 1984
  - d. 2001
4. Safe harbor does not apply to any elements or spaces that were not previously covered by the \_\_\_\_\_ ADAAG.
  - a. 2010
  - b. 1984
  - c. 2001
  - d. 1991
5. Corridors, toilet rooms, kitchenettes and \_\_\_\_\_ are not employee work areas.
  - a. storage rooms
  - b. offices
  - c. break rooms
  - d. closets
6. All plans and specifications for the construction of or for the substantial renovation or modification of a building or facility must be submitted to the department for review and approval if:
  - (1) the building or facility is subject to this chapter; and
  - (2) the estimated construction cost is at least \_\_\_\_\_.
    - a. \$10,000
    - b. \$50,000
    - c. \$5,000
    - d. \$75,000
7. Spaces accessed only by ladders, catwalks, crawl spaces, or very narrow passageways \_\_\_\_\_ to comply with these requirements or to be on an accessible route.
  - a. shall not be required
  - b. are considered
  - c. will be required
  - d. in some circumstances are required
8. Fees collected by the department will be assessed according to the \_\_\_\_\_.
  - a. plan examiner
  - b. fee schedule
  - c. cashier
  - d. Director
9. Regarding State Leases, if drinking fountains are required by the lease agreement, or are provided to serve the leased area, at least \_\_\_\_\_ shall comply with TAS 602.
  - a. two fountains
  - b. three fountains
  - c. one fountain
  - d. four fountains
10. With respect to *Public Right-of-Way Projects*, at sidewalks constructed within the public right-of-way:
  - a. handrails are always required
  - b. handrails will be required if the slope exceeds 1%.
  - c. handrails are only required if next to roadways.
  - d. handrails are not required

# Texas Accessibility Standards 2012: Changes and Compliance

**AIA CES Course Number: AIAPDH132**

## **Course Description:**

This 1 CE hour 2012 Texas Accessibility Standards course discusses some of the many highlights and changes from the previous 1994 Texas Accessibility Standard. Changes to the Accessibility Standards originate in 16 Texas Administrative Code, Chapter 68.100 Technical Standards. The 2012 Texas Accessibility Standards replaced the 1994 Texas Accessibility Standard as of March 15, 2012.

## **Learning Units:**

1 LU/HSW

## **Learning Objective 1:**

Upon completion of this course, the student will be aware of some of the key changes in the 2012 Standards from the previous 1994 Standards.

## **Learning Objective 2:**

The student will learn why some Standards sections were moved to other areas of the Texas Statutes.

## **Learning Objective 3:**

The student will know why some Standards sections were eliminated.

## **Learning Objective 4:**

The student will know how to apply the provisions of the 2012 Standards.

***From the Texas Department of Licensing and Regulation (TDLR) Architectural Barriers Town Meeting of September 30, 2011***

The 2012 Texas Accessibility Standards replaced the previous 1994 Texas Accessibility Standard effective March 15, 2012. Changes to the Accessibility Standards originate in 16 Texas Administrative Code, Chapter 68.100 Technical Standards.

The Texas Architectural Barriers Act, Texas Government Code, Elimination of Architectural Barriers, Chapter 469.052 (Adoption of Standards and Specifications; Rulemaking) establishes the following requirements for the adoption of new accessibility standards by the Texas Department of Licensing and Regulation:

- (a) The commission shall adopt standards, specifications, and other rules under this chapter that are consistent with standards, specifications, and other rules adopted under federal law.
- (b) The standards and specifications adopted by the commission under this chapter must be consistent in effect with the standards and specifications adopted by the American National Standards Institute or that entity's federally recognized successor in function.
- (c) The department shall publish the standards and specifications in a readily accessible form for use by interested parties.

The previous Texas Accessibility Standards (TAS) was based on the 1991 ADA Accessibility Guidelines (ADAAG). They were adopted by TDLR on December 17, 1993 and became effective April 1, 1994. On September 23, 1996, the U.S. Department of Justice certified that the TAS was equivalent to the new construction and alteration requirements of the ADA, 1990, Title III. The 1991 ADAAG has now been replaced by the 2010 Standards for Accessible Design. The U.S. Department of Justice published these revised standards in the Federal Register on September 15, 2010 and they become effective March 15, 2012.

State and local government facilities must follow both the **Title II regulations 28 CFR part 35.151**; and the 2004 ADAAG to comply with the 2010 Standards for Accessible Design

Public accommodations and commercial facilities must follow both the **Title III regulations 28 CFR Part 36, Subpart D**; and the 2004 ADAAG to comply with the 2010 Standards for Accessible Design.

To comply with Chapter 469.052, TDLR adopted new Texas Accessibility Standards that are consistent with the 2010 Standards for Accessible Design: the effective date was March 15, 2012. The 2012 Texas Accessibility Standards incorporate provisions of the CFR applicable to state & local government facilities as well as the CFR applicable to public accommodations & commercial facilities in addition to the 2004 ADAAG. Sections

of the CFR that conflict with the requirements of Chapter 469 and sections applicable only to the implementation of the new federal standards; as well as sections that are beyond the Department's authority and jurisdiction, however, were not incorporated into the 2012 TAS.

*Safe harbor* is applicable to comply with the ADA and the 2010 Standards for Accessible Design. It waives compliance with the 2010 Standards for Accessible Design for existing elements and spaces that are part of a path of travel and comply with the 1991 ADAAG unless they are modified on or after March 15, 2012. Safe harbor is addressed in the following CFR for both public and private entities:

**§CFR 35.151(b)(4)(ii) State and Local Government Facilities - (b) Alterations; (4) Path of travel**

**(ii)(C) Safe harbor.** If a public entity has constructed or altered required elements of a path of travel in accordance with the specifications in either the 1991 Standards or the Uniform Federal Accessibility Standards before March 15, 2012, the public entity is not required to retrofit such elements to reflect incremental changes in the 2010 Standards solely because of an alteration to a primary function area served by that path of travel.

**§CFR 36.403 Alterations: Path of Travel - Public Accommodations and Commercial Facilities**

**(a)(2)** If a private entity has constructed or altered required elements of a path of travel at a place of public accommodation or commercial facility in accordance with the specifications in the 1991 Standards, the private entity is not required to retrofit such elements to reflect the incremental changes in the 2010 Standards solely because of an alteration to a primary function area served by that path of travel.

TDLR has also incorporated safe harbor into the 2012 TAS. It waives compliance with the 2012 TAS for existing elements and spaces that are part of a path of travel and comply with the 1994 TAS unless they are modified on or after March 15, 2012. Safe harbor is addressed in the following sections of the 2012 TAS:

**106 Definitions**

**106.5.57 Safe Harbor.** Elements of a path of travel at a subject building or facility that have been previously constructed or altered in accordance with the April 1, 1994 Texas Accessibility Standards (TAS) are not required to be retrofitted to reflect the incremental changes in the 2012 TAS solely because of an alteration to a primary function area served by that path of travel. Those elements would be subject to compliance with the 2012 TAS only when the elements of a path of travel are being altered.

## 202 Existing Buildings and Facilities

### 202.4 Alterations Affecting Primary Function Areas.

If elements of a path of travel at a subject building or facility that have been previously constructed or altered in accordance with the April 1, 1994 Texas Accessibility Standards (TAS) are not required to be retrofitted to reflect the incremental changes in the 2012 TAS solely because of an alteration to a primary function area served by that path of travel. Those elements would be subject to compliance with the 2012 TAS only when the elements of a path of travel are being altered.

Safe harbor does not apply to any elements or spaces that were not previously covered by the 1991 ADAAG (or the 1994 TAS) including, but not limited to, the following:

- Amusement rides
- Recreational boating facilities
- Exercise machines and equipment
- Fishing piers and platforms
- Golf facilities
- Miniature golf facilities
- Play areas
- Saunas and steam rooms
- Swimming pools, wading pools, and spas
- Shooting facilities with firing positions
- Miscellaneous
  - Team and player seating
  - Accessible route to bowling lanes
  - Accessible route in court sports facilities
  - Vision lights
  - Windows

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## CHANGES TO ADMINISTRATIVE RULES

### 16 TEXAS ADMINISTRATIVE CODE CHAPTER 68

### ELIMINATION OF ARCHITECTURAL BARRIERS

Amendments to the rules were necessary to implement the adoption of the 2012 Edition of TAS and to align the existing administrative rules for the Elimination of Architectural Barriers program, 16 Texas Administrative Code (TAC), Chapter 68 with federal law. Additionally, a substantive change was undertaken to comply with House Bill (HB) 1055, 81st Legislature, Regular Session (2009).

These rule changes and repeals included the following:

**§68.10 Definitions** ~~[(4) Common Use—Refers to those interior and exterior rooms, spaces, or elements that are made available for the use of a restricted group of people (for example, occupants of a homeless shelter, the occupants of an office building, or the guests of such occupants).]~~

This was removed since the definition will be provided in 2012 TAS, 106.5.21

#### 106 Definitions

**106.5.21 Common Use.** Interior or exterior circulation paths, rooms, spaces, or elements that are not for public use and are made available for the shared use of two or more people.

**§68.10 Definitions** ~~[(11) Detention and Correctional Facilities—Facilities where occupants are under some degree of restraint or restriction for security reasons including, but not limited to, state prisons, county jails, city jails, detention centers, and substance abuse centers.]~~

This was removed since the definition will be provided in 2012 TAS, 232.1

#### 232 Detention and Correctional Facilities

**232.1 General.** Buildings, facilities, or portions thereof, in which people are detained for penal or correction purposes, or in which the liberty of the inmates is restricted for security reasons shall comply with 232.

*Advisory 232.1 General.* Detention facilities include, but are not limited to, jails, detention centers, and holding cells in police stations. Correctional facilities include, but are not limited to, prisons, reformatories, and correctional centers.

**§68.10 Definitions** ~~[(13) Employee Work Area—An area designated for employee use only and used only for work. Corridors, toilet rooms, kitchenettes and break rooms are examples of areas that are not employee work areas.]~~

This was removed since the definition will be provided in 2012 TAS, 106.5.28

#### 106 Definitions

**106.5.28 Employee Work Area.** All or any portion of a space used only by employees and used only for work. Corridors, toilet rooms, kitchenettes and break rooms are not employee work areas.

**§68.10 Definitions (11) [(14)] Facility.** All or any portion of buildings, structures, site improvements, elements, and pedestrian routes or vehicular ways located on a site: including complexes, equipment,

roads, walks, passageways, parking lots, or other real property subject to the Act.

The definition expanded to reflect the one provided in 2012 TAS, 106.5.30. Examples of facilities were retained for clarity.

## 106 Definitions

**106.5.30 Facility.** All or any portion of buildings, structures, site improvements, elements, and pedestrian routes or vehicular ways located on a site.

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**§68.10 Definitions (18) [(21)] Registered Building or Facility.** For the purposes of §469.101 [§469.102] of the Act, a registered building or facility is a construction project that has been assigned a project registration number by the department.

This correction was made to reflect accurate reference of Chapter 469.

**Elimination of Architectural Barriers Government Code, Chapter 469, Sec. 469.101. Submission for Review and Approval Required.** All plans and specifications for the construction of or for the substantial renovation or modification of a building or facility must be submitted to the department for review and approval if:

- (1) the building or facility is subject to this chapter; and
- (2) the estimated construction cost is at least \$50,000.

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**§68.10 Definitions [(27)] Space—**A definable area, such as a room, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.}]

This was removed since the definition was provided in 2012 TAS, 106.5.63.

## 106 Definitions

**106.5.63 Space.** A definable area, such as a room, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.

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**§68.10 Definitions (25) [(29)] TAS.** The 2012 Texas Accessibility Standards which were adopted by the Commission [December 17, 1993] and became effective [April 1, 1994] March 15, 2012.

This was revised to reflect the new standards and the new effective date. Other changes included the re-numbering of 68.10: former numbering 1-20 was revised to 1-26.

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**§68.30 Exemptions [(2)] Construction Sites.** Structures and sites directly associated with the actual processes of construction, including, but not limited to, scaffolding, bridging, materials hoists, materials storage, construction trailers, and portable toilet units provided for use exclusively by construction personnel on a construction site.}]

This was removed since an exception was included in 2012 TAS, 203.2.

## 203 General Exceptions

**203.2 Construction Sites.** Structures and sites directly associated with the actual processes of construction, including but not limited to, scaffolding, bridging, materials hoists, materials storage, and construction trailers shall not be required to comply with these requirements or to be on an accessible route. Portable toilet units provided for use exclusively by construction personnel on a construction site shall not be required to comply with 213 or to be on an accessible route.

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**§68.30 Exemptions [(3)] Raised Areas.** Areas raised primarily for purposes of security, life safety, or fire safety, including, but not limited to, observation or lookout galleries, prison guard towers, fire towers, or lifeguard stands.}]

This was removed since an exception was included in 2012 TAS, 203.3.

## 203 General Exceptions

**203.3 Raised Areas.** Areas raised primarily for purposes of security, life safety, or fire safety, including but not limited to, observation or lookout galleries, prison guard towers, fire towers, or life guard stands shall not be required to comply with these requirements or to be on an accessible route.

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**§68.30 Definitions [(4)] Limited Access Spaces.** Spaces accessed only by ladders, catwalks, crawl spaces, or very narrow passageways.}]

This was removed since an exception was included in 2012 TAS, 203.4.

## 203 General Exceptions

**203.4 Limited Access Spaces.** Spaces accessed only by ladders, catwalks, crawl spaces, or very narrow passageways shall not be required to comply with these requirements or to be on an accessible route.

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**§68.30 Exemptions [(5)] Machinery Spaces.** Spaces accessed primarily by service personnel for maintenance, repair, or occasional monitoring of equipment. Machinery spaces include, but are not limited to, elevator pits, elevator penthouses, mechanical, electrical, or communications equipment rooms, piping or equipment catwalks, water and sewage treatment pump rooms and stations, petroleum and chemical processing and distribution structures, electric substations and transformer vaults, environmental treatment structures, and highway and tunnel utility facilities.}]

This was removed since an exception was included in 2012 TAS, 203.5.

## 203 General Exceptions

**203.5 Machinery Spaces.** Spaces frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment shall not be required to comply with these requirements or to be on an accessible route. Machinery spaces include, but are not limited to, elevator pits or elevator penthouses; mechanical, electrical or communications equipment rooms; piping or equipment catwalks; water or sewage treatment pump rooms and stations; electric substations and transformer vaults; and highway and tunnel utility facilities.

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**§68.30 Exemptions** [(6) *Single Occupant Structures.* Single occupant structures accessed only by passageways below grade or elevated above standard curb height, including but not limited to, toll booths that are accessed only by underground tunnels;]

This was removed since an exception was included in 2012 TAS, 203.6.

## 203 General Exceptions

**203.6 Single Occupant Structures.** Single occupant structures accessed only by passageways below grade or elevated above standard curb height, including but not limited to, toll booths that are accessed only by underground tunnels, shall not be required to comply with these requirements or to be on an accessible route.

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**§68.30 Exemptions** [(9) *Specific Employee Work Areas.* Employee work areas, or portions of employee work areas, that are less than 300 square feet (28m<sup>2</sup>) in area and elevated 7 inches (180 mm) or more above the ground or finish floor where the elevation is essential to the function of the spaces; and dumpster pads/enclosures that are accessed exclusively by employees;]

This was removed since an exception was included in 2012 TAS, 203.9.

## 203 General Exceptions

**203.9 Employee Work Areas.** Spaces and elements within employee work areas shall only be required to comply with 206.2.8, 207.1, and 215.3 and shall be designed and constructed so that individuals with disabilities can approach, enter, and exit the employee work area. Employee work areas, or portions of employee work areas, other than raised courtroom stations, that are less than 300 square feet (28 m<sup>2</sup>) and elevated 7 inches (180 mm) or more above the finish floor or ground where the elevation is essential to the function of the space shall not be required to comply with these requirements or to be on an accessible route.

**Advisory 203.9 Employee Work Areas.** Although areas used exclusively by employees for work are not required to be fully accessible, consider designing such areas to include non-required turning spaces, and provide accessible elements whenever possible. Designing

employee work areas to be more accessible at the outset will avoid more costly retrofits when current employees become temporarily or permanently disabled, or when new employees with disabilities are hired.

Other changes include the re-numbering of 68.30: former numbering 1-11 was revised to 1-5.

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**§68.31 Variance Procedures** [(c) *Variance Applications* may not be submitted more than two hundred seventy (270) calendar days after the date of the inspection report. After two hundred seventy (270) calendar days, remaining deficiencies will be addressed as an enforcement issue as provided by §68.90.]

This removed the deadline for submitting Variance Applications. Other changes include the re-numbering of 68.31: the former numbering a-g was revised to a-f.

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## §68.50 Submission of Construction Documents

(a) An architect, interior designer, landscape architect, or engineer with overall responsibility for the design of a building or facility subject to §469.101 of the Act, shall mail, ship, or hand-deliver the construction documents along with a Proof of Submission form to the department, a registered accessibility specialist, or a contract provider not later than the twentieth [fifth] day after the plans and specifications are issued. In computing time under this subsection, a Saturday, Sunday or legal holiday is not included.

This was revised to be consistent with Chapter 469.102(b) and House Bill (HB) 1055, 81st Legislature, Regular Session (2009).

## Elimination of Architectural Barriers Government Code, Chapter 469, Sec. 469.102. Procedure for Submitting Plans and Specifications.

(b) The person shall submit the plans and specifications not later than the 20th day after the date the person issues the plans and specifications. If plans and specifications are issued on more than one date, the person shall submit the plans and specifications not later than the 20th day after each date the plans and specifications are issued. In computing time under this subsection, a Saturday, Sunday, or legal holiday is not included.

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## §68.50 Submission of Construction Documents

(c) An [Elimination of] Architectural Barriers Project Registration form or Architectural Barriers Project Registration Confirmation Page must be completed for each subject building or facility and submitted along with the applicable fees when the design professional or owner submits the construction documents.

This was revised to be consistent with name of TDLR Form AB05.

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### §68.65 Advisory Committee

- (a) The Elimination of Architectural Barriers Advisory Committee shall review rules ~~[and Technical Memoranda]~~ relating to the Elimination of Architectural Barriers program and recommend changes to the Commission.
- (b) The Elimination of Architectural Barriers Advisory Committee may review Technical Memoranda relating to the Elimination of Architectural Barriers program and recommend changes.

This was revised to allow the Advisory Committee and Department more flexibility in issuing Technical Memoranda. Other changes include the re-numbering of 68.65: the former numbering a-f was revised to a-g.

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### §68.74 Continuing Education

- (A) ~~[(+) Texas Government Code, Chapter 469, Elimination of Architectural Barriers [state laws or rules that regulate the conduct of registered accessibility specialists];~~
- (B) 16 Texas Administrative Code, Chapter 68 – Administrative Rules;

This revised approved courses to include the law and rules specific to TAS.

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### §68.74 Continuing Education

- (2) The continuing education hours may include up to four hours of instruction in courses that are not approved by the department under Chapter 59 of this title and that are offered by providers not registered with the department under Chapter 59 of this title, subject to the following conditions: ...

This relocated the section for courses that are not approved for clarity. The requirement for the courses to be offered by a college or university, professional organization, or government agency was removed.

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### §68.74 Continuing Education

- (A) The courses must be dedicated to instruction in one or more of the topics listed in subsection (f);
- (B) The registered accessibility specialist must certify at the time of renewal the number of hours completed under this subsection;
- (C) The department has final authority to deny any hours of credit claimed by a registered accessibility specialist under this subsection; and
- (D) The credit received under this subsection may not count toward the four hours of instruction required by subsection (b)(1).
- (e) A registered accessibility specialist shall retain a copy of the certificate of completion for a ~~[department-approved course for one year after the~~

~~date of completion and shall retain a copy of the certificate of completion for a] course [completed under Subsection (g)] for three years after the date of completion. In conducting any inspection or investigation of the registered accessibility specialist, the department may examine the registered accessibility specialist's records to determine compliance with this section.~~

This was revised since retention of a copy of the certificate of completion is applicable to all courses.

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### §68.74 Continuing Education

- (3) 2012 Texas Accessibility Standards;

This was revised to reflect the new standards.

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### §68.74 Continuing Education

- (A) 2010 Standards for Accessible Design [Americans with Disabilities Act Accessibility Guidelines (ADAAG)] or any other accessibility guidelines proposed or adopted by the Access Board or United States Department of Justice;

This was revised to reflect new state and federal accessibility standards.

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### §68.74 Continuing Education

- 9) Presentations on products related to accessibility.

This was the addition of a new topic that could be eligible for an approved provider course.

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### §68.74 Continuing Education

- ~~[(g) A registered accessibility specialist may receive up to four hours of continuing education credit per renewal for completing courses that are not approved by the department under Chapter 59 of this title and that are offered by providers not registered with the department under Chapter 59 of this title, subject to the following conditions:]~~

~~[(1) the courses must be dedicated to instruction in one or more of the topics listed in subsection (f);]~~

~~[(2) the courses must be offered by a college or university, professional organization, or government agency;]~~

~~[(3) the registered accessibility specialist must certify at the time of renewal the number of hours completed under this subsection;]~~

~~[(4) the department has final authority to deny any hours of credit claimed by a registered accessibility specialist under this subsection; and]~~

~~[(5) credit received under this subsection may not count toward the four hours of instruction required by Subsection (b).]~~

This section for courses that are not approved was

relocated in Rule 68.74 for clarity. The requirement for the courses to be offered by a college or university, professional organization, or government agency removed.

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### §68.74 Continuing Education

(h) [(†)] This section shall apply to certificates of registration, issued under §469.201 of the Act, that expire on or after July 1, 2012 [~~March 1, 2009~~].

This was revised date since the 2012 TAS did not go into effect until March 15, 2012. Other changes include the re-numbering of 68.64.

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### §68.76 Standards of Conduct for the Registered Accessibility Specialist

4) submit [~~or prepare~~] a variance application for a project in which the RAS has provided review or inspection services;

This removes the restriction on the preparation of a variance application by a Registered Accessibility Specialist.

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### §68.80 Fees

(a) Fees collected by the department will be assessed according to the fee schedule. Plan review and inspection fees collected by the department shall be determined by the estimated cost of construction for the project, not including site acquisition, architectural, engineering or consulting fees, furnishings, or equipment that is not part of the building mechanical systems.

This removes design and consulting fees from the calculation of the estimated construction cost.

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### §68.100 Technical Standards and Technical Memoranda

(a) The Texas Commission [~~Department~~] of Licensing and Regulation adopts by reference the 2012 Edition of the Texas Accessibility Standards (TAS), effective March 15, 2012 [~~April 1, 1994 edition~~].

(b) The Texas Commission [~~Department~~] of Licensing and Regulation may publish Technical Memoranda to provide clarification of technical matters relating to the Texas Accessibility Standards, if such memoranda have been reviewed by the Elimination of Architectural Barriers Advisory Committee.

This was revised to reflect the new standards and to reflect an accurate title.

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**§68.101 State Leases:** All references in 68.101 to sections of the 1994 TAS have been revised to reflect the applicable sections of the 2012 TAS:

(1) New construction shall comply with TAS 201.1 [~~4.1.2 and 4.1.3~~].

(2) Additions shall comply with TAS 202.2 [~~4.1.5~~].

(3) Alterations shall comply with TAS 202.3 and 202.4 [~~4.1.6~~].

(4) Historic buildings or facilities shall comply with TAS 202.5 [~~4.1.7~~].

(5) Existing buildings and facilities were ones that have not been constructed, renovated, or modified since April 1, 1994. In an existing building or facility, where alterations are not planned or the planned alterations will not affect an area containing a primary function, the following minimum requirements shall apply:

(A) If parking is required as part of the lease agreement or is provided to serve the leased area, accessible parking spaces shall comply with TAS 208 and 502 [~~4.6~~].

(B) An accessible route from the parking area(s) shall comply with TAS 206 and 402 [~~4.3~~].

(C) At least one entrance serving the leased space shall comply with TAS 206.4.5 and 404 [~~4.14~~].

(D) If toilet rooms or bathrooms are required by the lease agreement or are provided to serve the leased area, at least one set of men's and women's toilet rooms or bathrooms or at least one unisex toilet room or bathroom serving the leased area shall comply with TAS 213 and 603 [~~4.22 or 4.23~~].

(E) Signage at toilet rooms or bathrooms shall comply with TAS 703 [~~4.30~~]. Toilet rooms or bathrooms serving the leased area which are not accessible shall be provided with signage complying with TAS 703.1, 703.2.4, 703.2.5, 703.6.2 [~~4.30.1, 4.30.2, 4.30.3, 4.30.5~~] and 703.7, [~~4.30.7~~] indicating the location of the nearest accessible toilet room or bathroom within the facility.

(F) If drinking fountains are required by the lease agreement, or are provided to serve the leased area, at least one fountain shall comply with TAS 602 [~~4.15~~]. If more than one drinking fountain is provided, at least 50% shall comply with TAS 602 [~~4.15~~].

(G) If public telephones are required by the lease agreement, or are provided to serve the leased area, at least one public telephone shall comply with TAS 704 [~~4.31~~].

(H) If an element or space of a lease is not specified in this subsection but is present in a state leasehold, that element or space shall comply with TAS 201.1 [~~4.1.6~~].

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**§68.102 Public Right-of-Ways Projects:** All references in 68.102 to sections of the 1994 TAS have been revised to reflect the applicable sections of the 2012 TAS:

(b) Application of TAS shall be limited to those

pedestrian elements being constructed, renovated, modified, or altered as part of the project scope. The pedestrian elements shall comply with applicable sections of TAS [4.1 through 4.35] except as modified by this section.

- (1) Sidewalks—At sidewalks constructed within the public right-of-way, handrails are not required; however, if provided they must comply with TAS 405.8 [4.8.5]. Where the adjacent roadway has running slopes of 5% or greater, the pedestrian access route shall not exceed the grade established for the adjacent roadway.

- **EXCEPTION:** The running slope of a pedestrian access route is permitted to be steeper than the grade of the adjacent roadway provided that the pedestrian access route complies with TAS 405 [4.8].

- (2) Curb Ramps—At curb ramps constructed within the public right-of-way, handrails are not required; however, if provided they must comply with TAS 405.8 [4.8.5]. For purposes of this section, non-signalized driveways are not considered to be hazardous vehicular areas.

- (A) At perpendicular curb ramps constructed within the public right of way, detectable warnings complying

with TAS 705 [4.29.2] at a minimum of 24" in depth (in the direction of pedestrian travel) and extending the full width of the curb ramp shall be provided where the pedestrian access route enters a crosswalk or other hazardous vehicular area.

- (B) At parallel curb ramps constructed within the public right-of-way, detectable warnings complying with TAS 705 [4.29.2] at a minimum of 24" in depth (in the direction of pedestrian travel) and extending the full width of the landing shall be provided where the pedestrian access route enters a crosswalk or other hazardous vehicular area.

- (C) At diagonal curb ramps constructed within the public right-of-way, detectable warnings complying with TAS 705 [4.29.2] at a minimum of 24" in depth (in the direction of pedestrian travel) and extending the full width of the curb ramp or landing, shall be provided where the pedestrian access route enters a crosswalk or other hazardous vehicular area. Additionally, the department will allow the detectable warning to be curved with the radius of the corner. The detectable warning shall be located so that the edge nearest the curb line is 6" minimum and 10" maximum from the curb line.