
BURN REHABILITATION FORUM

Editor

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Like most urban and rural settings in our country, Albemarle County is a jungle of barriers to persons with disabilities. Many parking lots have no assigned parking spaces for individuals with disabilities. Van-accessible parking places are a rarity. After parking the car, the individual in a wheelchair may find himself or herself on a sidewalk without a curbcut, making it impossible to cross the street. Access to businesses is another challenge. Many businesses have stairs without an accessible ramp. Carrying the individual in his or her wheelchair is often offered as a solution in obtaining access to the store. The aisles in the stores are so narrow that they prevent access to an individual in a wheelchair. The products sold in stores are positioned on shelves that cannot be reached by individuals with disabilities. Even the check-out aisles in the stores are usually not accessible. Public restrooms for individuals in wheelchairs are often not accessible. Without an elevated toilet and grab bars, persons with disabilities cannot transfer to the toilet without assistance. People with disabilities find that restaurants and businesses try to accommodate them in some way, but they charge more for it. When grocery stores have steps, they often provide a home delivery service at an additional charge.

The Americans with Disabilities Act calls people with disabilities a discreet insular minority. They have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society. Our nation's

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proper goals are to ensure quality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities. The law itself notes that the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous. This denial costs the United States billions of dollars in unnecessary expenses, resulting in dependency and nonproductivity. The purpose of the Americans with Disabilities Act is to provide a clear and comprehensive national mandate for the elimination of discrimination for individuals with disabilities. Since the implementation of this act, most large businesses have complied with the law. For smaller businesses, there is still a disinterest in compliance and an indifference to the plight of the disabled. These attitudes can be changed by individuals with disabilities as well as by those with no noticeable disability who encourage the businesses to comply with the law. These good-faith efforts, complemented by compassion, will cause most businesses to remove architectural barriers and to comply with the law and avoid litigation. If lawsuits do occur they will usually occur because the business perceives that it is too expensive to remove the architectural barrier. Faced with this impasse, the consumer should file a formal complaint to Dr. John Wodatch, Office on the ADA, Civil Rights Division, U.S. Department of Justice, P.O. Box 66738, Washington, D.C. 20035-9998.

Architectural Barriers to Persons With Disabilities in Businesses in an Urban Community

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It is the purpose of this study to determine the frequency of architectural barriers to persons with disabilities in businesses in a small urban community in central Virginia. The survey was conducted by a trained volunteer using a one-page checklist. Only 27% of the businesses had no architectural barriers to individuals with disabilities. The most common architectural barrier for individuals with disabilities was the interference with parking and entrance into the business (65%). Faced with these architectural barriers, all individuals are encouraged to identify the architectural barriers in businesses and to file letters of complaints to the Department of Justice requesting their removal. (J BURN CARE REHABIL 1994;15:176-9)

On July 26, 1990, President Bush signed into law the Americans with Disabilities Act (ADA).¹ This is the world's first comprehensive civil rights legislation for people with disabilities, and it was a historic benchmark and milestone in America's commitment to full and equal opportunity of all of its citizens. The president's directive on the day, "Let the shameful walls of exclusion finally come tumbling down," welcomed the 43 million Americans with disabilities as full-fledged citizens who are entitled to legal protection that ensures them equal opportunity and access to the mainstream of American life.

The purpose of the Americans with Disabilities Act is to provide a national mandate for the elimination of discrimination against individuals with disabilities. The Act has five parts. Title III forbids discrimination by public accommodations and services, affecting all the businesses in our country and becoming effective January 26, 1992. As a public accommodation, the business must not discriminate against a person with a disability in the goods, services, facilities, and accommodations provided by the business. The Act

also states that any newly constructed place of public accommodation or commercial facility as well as any facility undergoing structural alteration must be accessible to and usable by people with disabilities.

The ADA is geared to the future. Its goal is that over time, access will be the rule rather than the exception. Thus the Act requires modest expenditures to provide access to existing facilities not otherwise being altered but requires all new construction and alterations to be accessible.

For new construction and alterations, state, county, or local government building inspectors mandate compliance with the law. For facilities built before 1992 the Department of Justice ensures that patrons and employees of places of public accommodations and employees of commercial facilities are able to go to, enter, and use the facility. Consequently, complaints about architectural barriers to persons with disabilities in existing facilities built before 1992 must be sent to the Department of Justice to ensure compliance with the law.

The U.S. Department of Justice, which is responsible for the enforcement of Title III, has established the following three suggested priorities for barrier removal. First, remove barriers from parking areas, sidewalks, and entrances to the public accommodations so that a person with a disability can get through the door (Table). Second, remove barriers where goods and services are provided. Third, remove barriers to restroom facilities when they are open to the public. When readily achievable, all bar-

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Readily Achievable Checklist

PARKING AND ENTRANCE:

- | | | |
|---|---|---|
| (a) <input type="checkbox"/> No parking for people with disabilities. | (b) <input type="checkbox"/> Designated space is too small. | (c) <input type="checkbox"/> Designated space lacks above grade sign. |
|---|---|---|

ACCESS TO ENTRANCE:

- | | | |
|--|---|---|
| (a) <input type="checkbox"/> No curb ramp to sidewalk. | (b) <input type="checkbox"/> Existing curb ramp is too small. | (c) <input type="checkbox"/> Step(s) to entry door. |
|--|---|---|

ENTRY DOOR:

- | | | | |
|---|--|--|--|
| (a) <input type="checkbox"/> Door provides less than 32" clearance. | (b) <input type="checkbox"/> Door is hard to open. | (c) <input type="checkbox"/> Door handle requires grasping, pinching or twisting of wrist (i.e. a knob). | (d) <input type="checkbox"/> Threshold exceeds 1/2" and/or is not beveled. |
|---|--|--|--|

ACCESS TO GOODS/SERVICES:

- | | | | |
|---|---|---|---|
| (a) <input type="checkbox"/> Interior door(s) lack 32" clearance. | (b) <input type="checkbox"/> Door handle requires grasping, pinching or twisting of wrist (for example a knob). | (c) <input type="checkbox"/> Aisles are less than 36" wide. | (d) <input type="checkbox"/> Goods are located on high shelves. |
|---|---|---|---|

- (e) ☐ Services (i.e. food, drink) are provided at bars or inaccessible levels.

INTERIOR FEATURES:

- | | | |
|--|---|--|
| (a) <input type="checkbox"/> Signage at elevators and other permanent signage identifying rooms or spaces is not raised. | (b) <input type="checkbox"/> Fire Alarm does not give visual as well as audible signal. | (c) <input type="checkbox"/> Water Fountain is mounted too high. |
| (d) <input type="checkbox"/> Floor Surface is slippery. | (e) <input type="checkbox"/> Carpet is high pile or has thick padding. | |

TELEPHONES:

- (a) ☐ Public pay telephone is not accessible.

RESTROOM:

- | | | |
|---|--|---|
| (a) <input type="checkbox"/> Door does not provide 32" clearance. | (b) <input type="checkbox"/> Vestibule too small. | (c) <input type="checkbox"/> Door is hard to open. |
| (d) <input type="checkbox"/> Door handle requires grasping, pinching, or twisting of wrist (i.e. a knob). | (e) <input type="checkbox"/> Threshold exceeds 1/2" and/or is not beveled. | (f) <input type="checkbox"/> Toilet seat is too low. |
| | | (g) <input type="checkbox"/> No grab bars at toilet. |
| (h) <input type="checkbox"/> Toilet partitions limit access to toilet. | (i) <input type="checkbox"/> No sink has grippable faucets. | (j) <input type="checkbox"/> Hot water and drain lines at sink are not insulated. |
| (k) <input type="checkbox"/> Soap and towel dispensers are mounted too high. | (l) <input type="checkbox"/> Mirror is mounted more than 40" above floor. | |

Figure 1. Accessibility check list.

COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

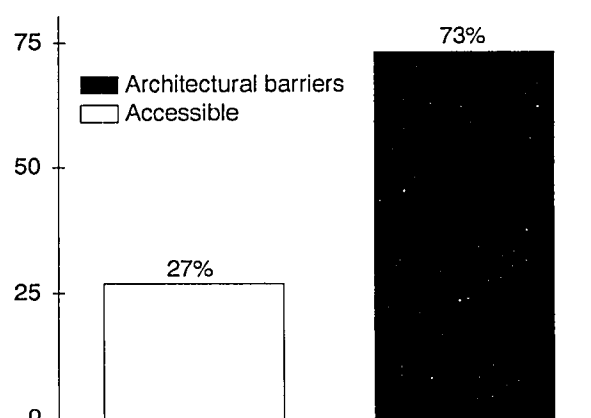


Figure 2. Majority of 250 businesses surveyed in Albemarle County did not comply with Americans with Disabilities Act.

ARCHITECTURAL BARRIERS

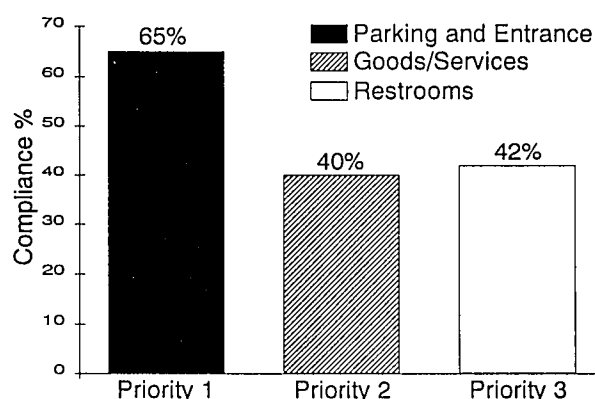


Figure 3. Most common architectural barrier was located in parking or entrance of business.

rier removal must comply with the Americans with Disabilities Act Accessibility Guidelines issued by the Architectural Barrier and Compliance Board.²

It was the purpose of this report to determine the frequency of architectural barriers to persons with disabilities in businesses in a small urban community in central Virginia. The survey was conducted by a trained volunteer using a one-page checklist (Figure 1). The results of this survey of 250 businesses provide insight into the relative degree of accessibility

Table 1.

Total parking in lot	Required minimum no. of accessible 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% of total
1001 and over	20 plus 1 for 100 over 1000

of public accommodations to persons with disabilities. It was our expectation that persons with disabilities should be able to get to a store, get into a store, get to areas where goods are being provided, and use the public restrooms.

RESULTS

The majority of the 250 businesses in Albemarle County did not comply with the Americans with Disability Act. Only 27% of the businesses had no architectural barriers to individuals with disabilities (Figure 2). The most common architectural barrier for individuals with disabilities was interference with parking and entrance (65%), followed by those in goods and services (40%), and then by those in restrooms (42%) (Figure 3). The majority (57%) of businesses with architectural barriers had only one type of architectural barrier that was present in either the parking entrance area, goods/services, or restrooms. Two or more types of architectural barriers were present in 35% of the businesses with architectural barriers (Figure 4). Eight percent of the businesses with architectural barriers had the barriers in parking and entrance, goods/services, or restrooms.

DISCUSSION

Title III went into effect on January 26, 1992. However, smaller businesses received an additional grace period for compliance. For businesses with 25 or more employees and gross annual receipts of under \$1 million, the date for compliance was July 26, 1992. For businesses with 10 or fewer employees and gross receipts of \$500,000, the date for compliance was January 26, 1993.

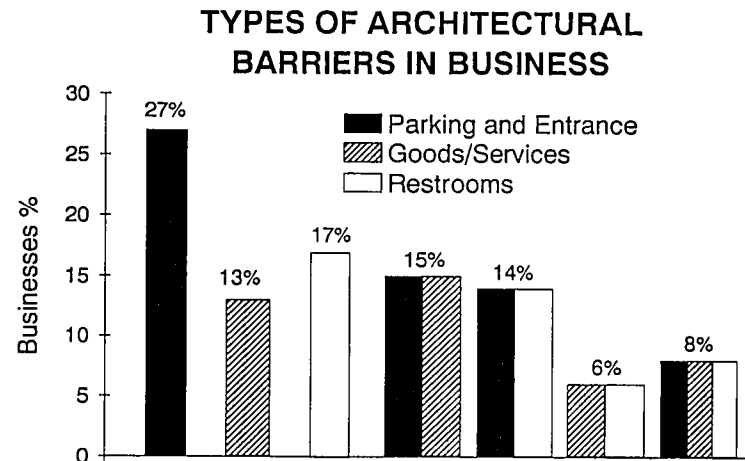


Figure 4. Majority (57%) of businesses with architectural barriers had one type of barrier either in parking and entrance, good/services, or restrooms.

The ADA requires the business to remove architectural barriers to access when it is "readily achievable" to do so. The ADA defines readily achievable as easily accomplishable and able to be carried out without much difficulty or expense. The standard does not require businesses to remove barriers when extensive restructuring or burdensome expense is involved. Required barrier removal for a particular business will depend on its financial resources and on other resources. The readily achievable standard is intended to be a flexible one on a case-by-case basis.

The Department of Justice rules allow a landlord and tenant to work out, in terms of their contract, which of the two will be responsible for taking the readily achievable steps to ensure access. The Department of Justice suggests that the landlord can be expected to make readily achievable changes and provide auxiliary and services in common areas that all tenants use. The tenant would be responsible for changes needed within his or her place of public accommodation. If you offer service to the public but do not have a fixed place of accommodation, the space that you lease must be accessible. It would be

up to you to provide auxiliary aids and services (e.g., training materials in braille or an interpreter).

This lack of compliance of businesses in our community came as a surprise to us. Despite news reports, educational campaigns, and conferences, America remains anesthetized to the plight of the disabled. Most businesses have architectural barriers that do not allow disabled individuals access to products and services. Faced with the architectural barriers, all individuals are encouraged to identify architectural barriers in businesses and to file letters of complaints to the Department of Justice requesting their removal. Letters of complaint should be addressed to Mr. John Wodatch, Office of the ADA, Civil Rights Division, U.S. Department of Justice, P.O. Box 66738, Washington, D.C. 20035-9998.

REFERENCES

1. Walk EE, Ahn HC, Lampkin PM, Nabizadeh SA, Edlich RF. Americans with Disabilities Act. *J BURN CARE REHABIL*. 1993;14:91-8.
2. Americans with disabilities act handbook. U.S. Equal Employment Opportunity Commission and Department of Justice, Washington, D.C., December 1991.