

**Texas
Department
of
Licensing
and
Regulation**



**Architectural
Barriers**

Town Meeting

September 30, 2011

**Changes to
Administrative Rules
and
Accessibility Standards**

- ❖ This meeting is to discuss and take public questions and comments about proposed changes to Architectural Barriers Administrative Rules, including adoption of new accessibility standards that will replace the current 1994 Texas Accessibility Standards.

Changes to Accessibility Standards



16 Texas Administrative Code
Chapter 68.100
Technical Standards



Adoption of New Standards

The Texas Architectural Barriers Act, Texas Government Code, Elimination of Architectural Barriers, Chapter 469.052 establishes the following requirements for the adoption of new accessibility standards by the Texas Department of Licensing and Regulation:



Sec. 469.052. Adoption of Standards and Specifications; Rulemaking

(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.

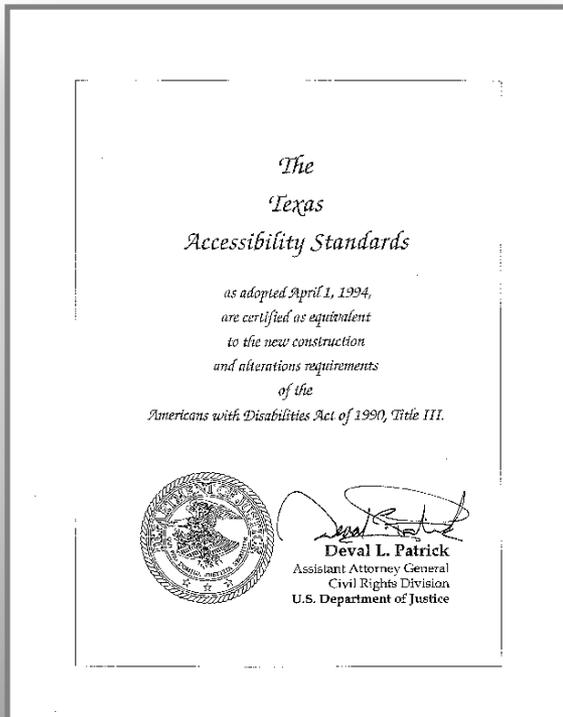
(b) The standards and specifications adopted by the commission under this chapter must be consistent in effect with the standards and specifications adopted by the American National Standards Institute or that entity's federally recognized successor in function.

(c) The department shall publish the standards and specifications in a readily accessible form for use by interested parties.

Texas Accessibility Standards (TAS)

The current TAS is based on the 1991 ADA Accessibility Guidelines (ADAAG). They were adopted by TDLR on December 17, 1993 and became effective April 1, 1994.

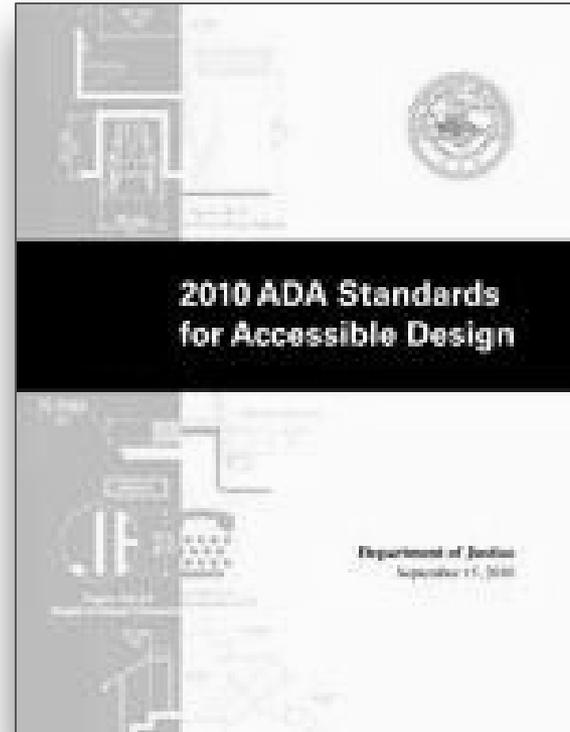
❖ On September 23, 1996, the U.S. Department of Justice certified that the TAS was equivalent to the new construction and alteration requirements of the ADA, 1990, Title III.





2010 ADA Standards for Accessible Design

- ❖ The 1991 ADAAG has now been replaced by the 2010 SAD.
- ❖ 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 SAD.

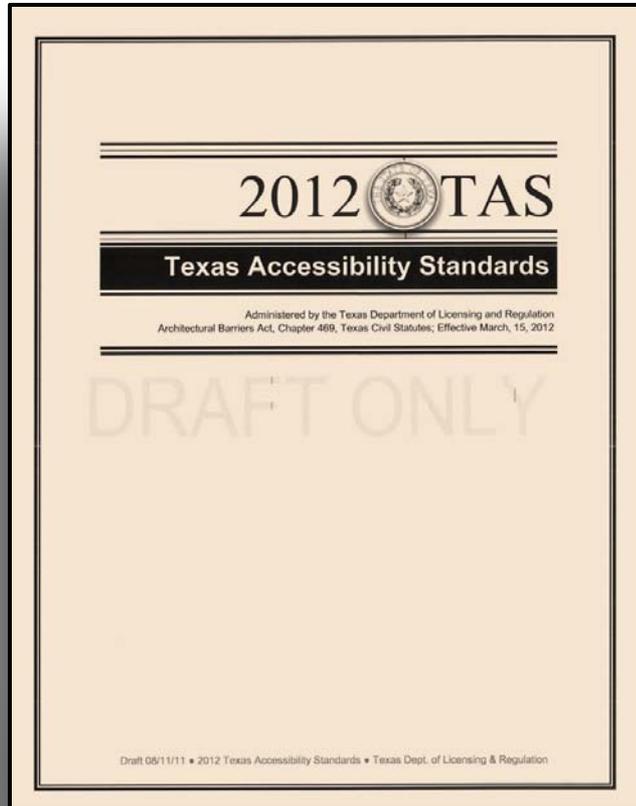


Public Accommodations and Commercial Facilities:

- ❖ Must follow both the Title III regulations 28 CFR Part 36, Subpart D; and the 2004 ADAAG to comply with the 2010 SAD.



2012 Texas Accessibility Standards



To comply with Chapter 469.052, TDLR is in the process of adopting new TAS standards that will be consistent with the 2010 SAD.

❖ The effective date is March 15, 2012.

2012 Texas Accessibility Standards

The 2012 TAS incorporates 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.



2012 Texas Accessibility Standards

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, have not been incorporated into the 2012 TAS.



SAFE HARBOR

ADA 2010 SAD

- ❖ Safe harbor is applicable to compliance with the ADA and the 2010 SAD.
- ❖ It waives compliance with the 2010 SAD 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:

§28 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.



§28 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.





SAFE HARBOR

Chapter 469 2012 TAS

- ❖ 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

The 1994 TAS will remain enforceable until the 2012 TAS is adopted and goes into effect and caution should be taken to design and construct subject buildings, facilities, elements, and spaces to comply with both state and federal accessibility standards.

Typically, compliance with the strictest standard will result in compliance with both.

Changes to Administrative Rules



16 Texas Administrative Code
Chapter 68

Elimination of Architectural Barriers



Administrative Rules

Amendments to the rules is 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 is proposed to comply with House Bill (HB) 1055, 81st Legislature, Regular Session (2009).

These proposed rule changes and repeals include the following:



68.10 Definitions

§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).~~]
- ❖ Removed since the definition will be provided in 2012 TAS, 106.5.21

2012 Texas Accessibility Standards

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.]
- ❖ Removed since the definition will be provided in 2012 TAS, 232.1

2012 Texas Accessibility Standards

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.]
- ❖ Removed since the definition will be provided in 2012 TAS, 106.5.28

2012 Texas Accessibility Standards

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.
- ❖ Definition expanded to reflect the one provided in 2012 TAS, 106.5.30
- ❖ Examples of facilities retained for clarity

2012 Texas Accessibility Standards

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.



§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.
- ❖ **Correction to reflect accurate reference of the 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.



§68.10 Definitions

- ❖ [~~(27) Space A definable area, such as a room, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.~~]
- ❖ Removed since the definition will be provided in 2012 TAS, 106.5.63

2012 Texas Accessibility Standards

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.



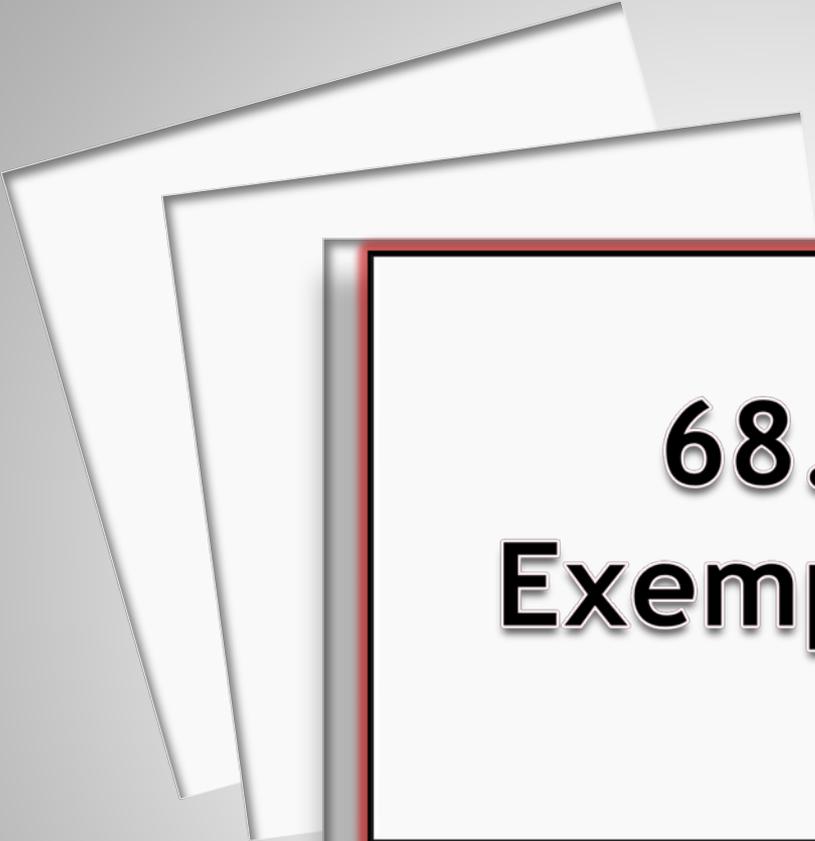
§68.10 Definitions

- ❖ (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.
- ❖ Revised to reflect the new standards and the new effective date

§68.10 Definitions

Other changes include the re-numbering of 68.10

- ❖ Former numbering 1-20
- ❖ Revised numbering 1-26



68.30 Exemptions

Proposed Amendments



§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;~~]
- ❖ Removed since an exception has been included in 2012 TAS, 203.2

2012 Texas Accessibility Standards

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.



§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;~~]
- ❖ Removed since an exception has been included in 2012 TAS, 203.3

2012 Texas Accessibility Standards

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.



§68.30 Exemptions

- ❖ [~~(4) Limited Access Spaces. Spaces accessed only by ladders, catwalks, crawl spaces, or very narrow passageways;~~]
- ❖ Removed since an exception has been included in 2012 TAS, 203.4

2012 Texas Accessibility Standards

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.



§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;~~]
- ❖ Removed since an exception has been included in 2012 TAS, 203.5

2012 Texas Accessibility Standards

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.



§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;~~]
- ❖ Removed since an exception has been included in 2012 TAS, 203.6

2012 Texas Accessibility Standards

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.



§68.30 Exemptions

- ❖ [~~(9) *Specific Employee Work Areas.* Employee work areas, or portions of employee work areas, that are less than 300 square feet (28m²) 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;~~]
- ❖ Removed since an exception has been included in 2012 TAS, 203.9

2012 Texas Accessibility Standards

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.



2012 Texas Accessibility Standards

203.9 Employee Work Areas, Continued.

Employee work areas, or portions of employee work areas, other than raised courtroom stations, that are less than 300 square feet (28 m²) 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.



2012 Texas Accessibility Standards

Advisory 203.9 Employee Work Areas.

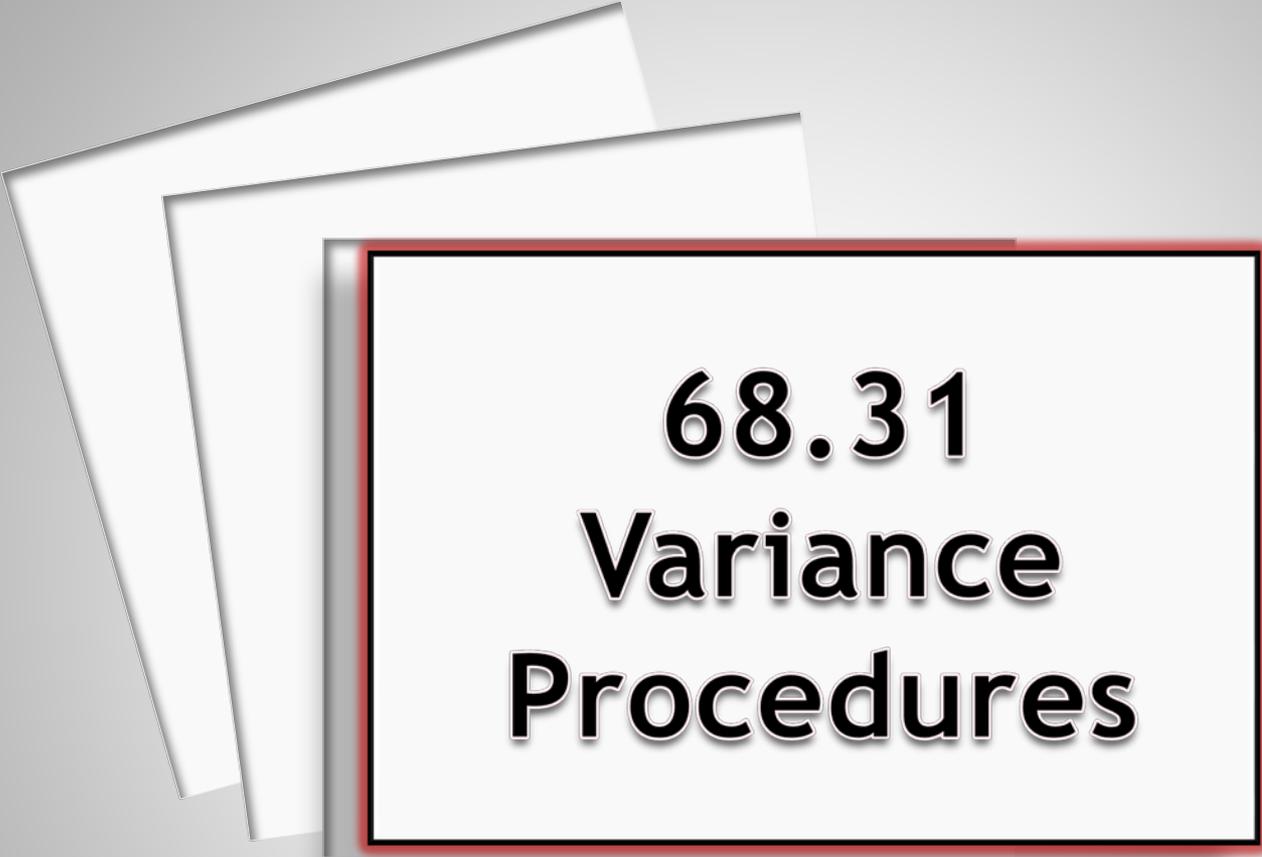
Although areas used exclusively by employees for work are not required to be fully accessible, consider designing such areas to include non-required turning spaces, and provide accessible elements whenever possible. Designing employee work areas to be more accessible at the outset will avoid more costly retrofits when current employees become temporarily or permanently disabled, or when new employees with disabilities are hired.



§68.30 Exemptions

Other changes include the re-numbering of 68.30

- ❖ Former numbering 1-11
- ❖ Revised numbering 1-5



**68.31
Variance
Procedures**

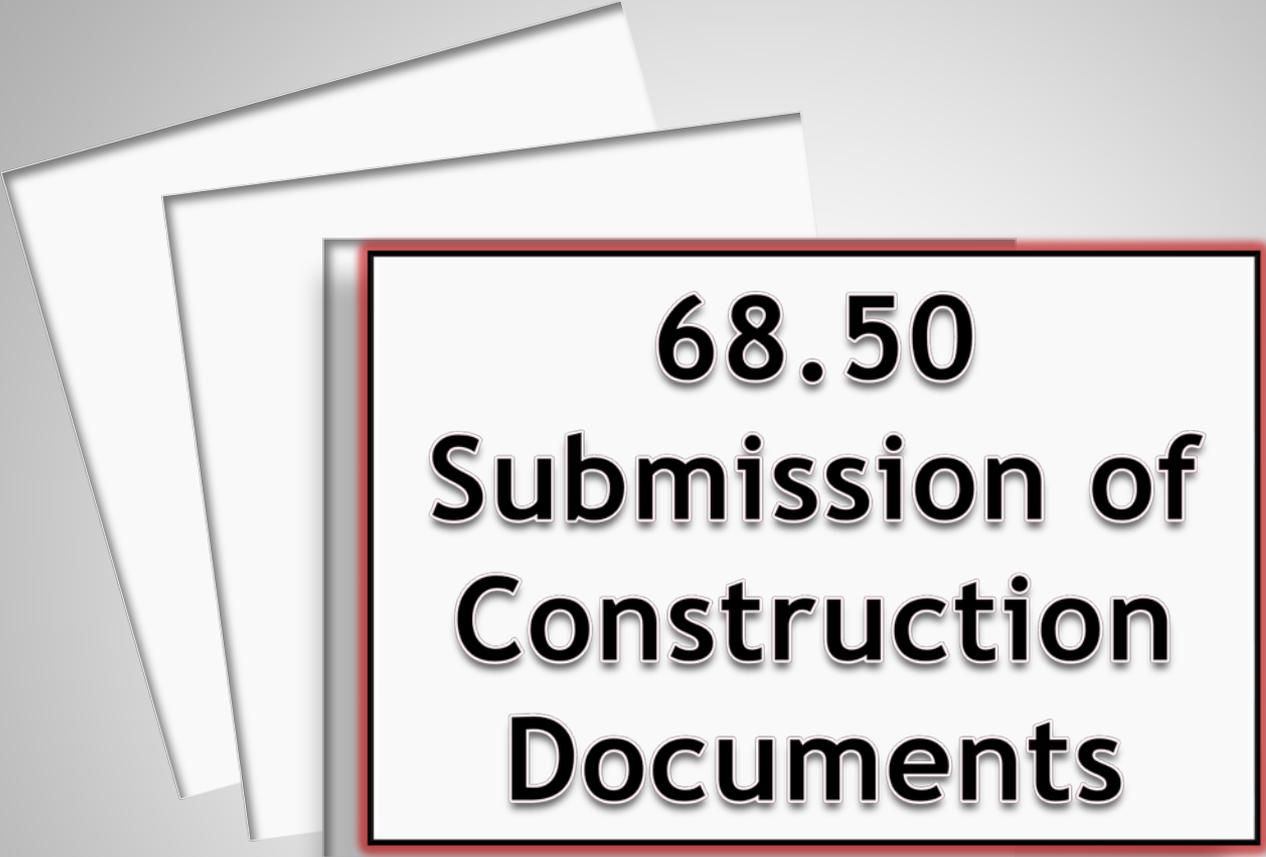
§68.31 Variance Procedures

- ❖ [~~(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.~~]
- ❖ Removed deadline for submitting Variance Applications

§68.31 Variance Procedures

Other changes include the re-numbering of 68.31

- ❖ Former numbering a-g
- ❖ Revised numbering a-f



68.50
Submission of
Construction
Documents

Proposed Amendments



§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.

❖ 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.



§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.
- ❖ Revised to be consistent with name of TDLR Form AB05

TDLR Form AB05



TEXAS DEPARTMENT OF LICENSING AND REGULATION

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 customer.service@license.state.tx.us • www.license.state.tx.us

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EABPRJ

IMPORTANT INSTRUCTIONS - PLEASE READ BEFORE BEGINNING
 This is only the REGISTRATION of the construction project. The building/facility owner is responsible for ensuring that the Project Registration Form, construction documents, and applicable fees are mailed, shipped, or hand delivered to TDLR or a Registered Accessibility Specialist (RAS) for the required review and inspection of the project. **Please print or type.**

ARCHITECTURAL BARRIERS PROJECT REGISTRATION FORM

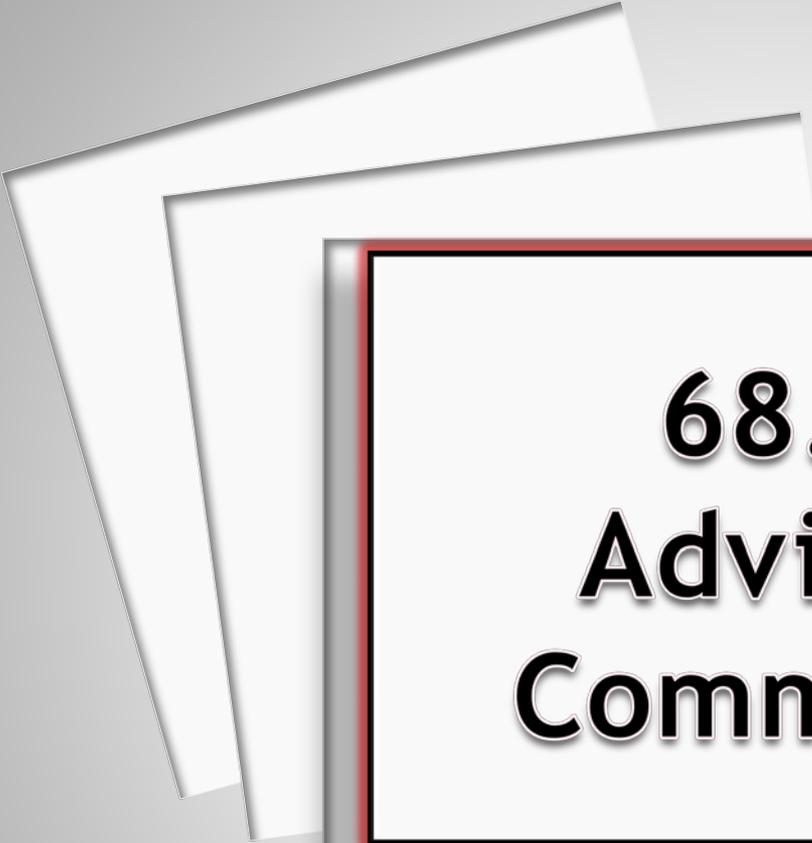
The required plan review will be performed by: (Check One) <input type="checkbox"/> TDLR <input type="checkbox"/> RAS (Name/Lic #):			
PERSON REGISTERING PROJECT			
1. Name			RAS # (if applicable)
2. Address	City	State	Zip
3. Phone ()	**Email		
PROJECT			
4. Project Name			
5. Building or Facility Name			
6. Address	City	Zip	County
TENANT (if other than owner)			
7. Tenant Contact Name			Phone ()
BUILDING OR FACILITY OWNER (person or entity that holds title to property)			
8. Name			Phone ()
9. Address	City	State	Zip
10. Owner Contact Name			
11. Address	City	State	Zip
12. Phone ()	**Email		
DESIGN FIRM			
13. Name			Phone ()
14. Address	City	State	Zip
15. Designer Name			
16. Type of License: (Check One) <input type="checkbox"/> Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Interior Designer <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Other (includes not licensed)			License Number (if applicable)
PROJECT DESCRIPTION			
17. Start Date (MM/YY):		18. Completion Date (MM/YY):	
19. Estimated Cost \$			
20. Type of Work (Check One) <input type="checkbox"/> New Construction <input type="checkbox"/> Renovation/Alterations <input type="checkbox"/> Additions to Existing Building <input type="checkbox"/> Historic Preservation			
21. Type of Funds: (Check One) <input type="checkbox"/> Public Funds, public land, or is a state lease <input type="checkbox"/> Privately funded, on private land for private use			
22. State Lease No. (if applicable)			
23. Does this building(s) have more than one level?		(Check One)	<input type="checkbox"/> Yes <input type="checkbox"/> No
24. Are there any elevators, escalators, or platform lifts in this building?		(Check One)	<input type="checkbox"/> Yes <input type="checkbox"/> No
25. Does this building(s) have any boilers?		(Check One)	<input type="checkbox"/> Yes <input type="checkbox"/> No
26. Scope of Work: _____			

TDLR FORM AB05 10-08

NOTE: An individual who completes and files this form with the Texas Department of Licensing and Regulation (the Dept.) is entitled to the following:
 1) to be informed about the information that the Dept. collects about the individual, upon their request and subject to a few exceptions,
 2) to receive and review the information, under Sections 552.021 and 552.023 of the Texas Gov. Code; and
 3) to have the Dept. correct information about the individual that is incorrect, under Section 559.004 of the Texas Gov. Code.

**The Department will add your address to the Architectural Barriers email notification list, which automatically provides Department information on matters affecting Architectural Barriers. Your email address is confidential pursuant to the Texas Public Information Act; the Department will not share it with the public. For additional information link to: <http://www.license.state.tx.us/newsletters/TDLRRegistrationList.asp>





**68.65
Advisory
Committee**

Proposed Amendments



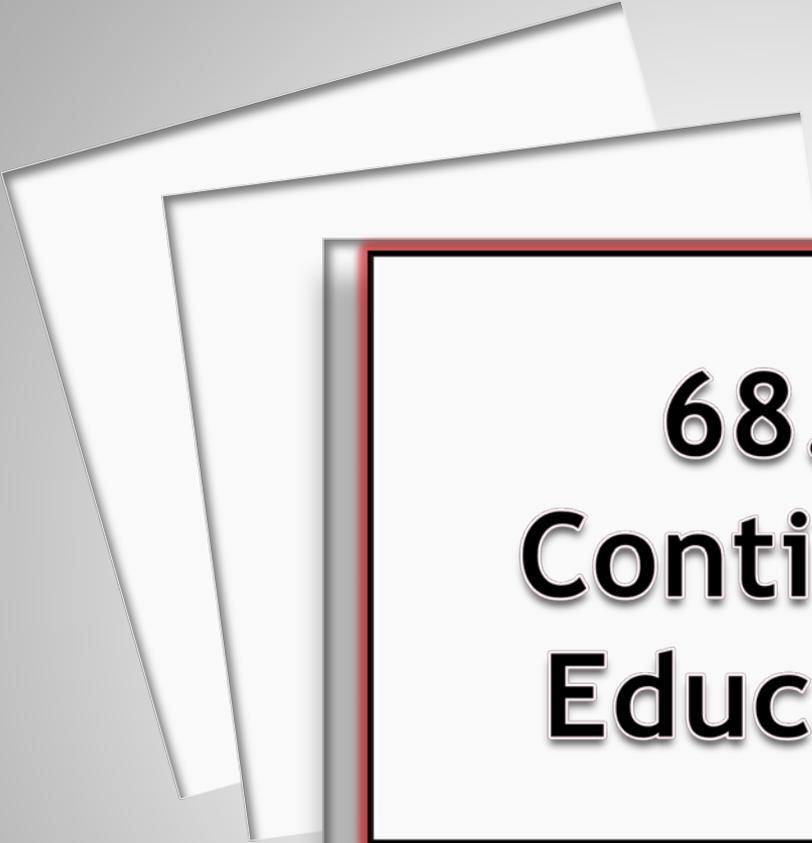
§68.65 Advisory Committee

- ❖ (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.
- ❖ Revised to allow the Advisory Committee and Department more flexibility in issuing Technical Memoranda

§68.65 Advisory Committee

Other changes include the re-numbering of 68.65

- ❖ Former numbering a-f
- ❖ Revised numbering a-g



68.74
Continuing
Education

§68.74 Continuing Education

- ❖ (A) [(1)] 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;
- ❖ Revised approved courses to include the law and rules specific to TAS

§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:

- ❖ Relocated 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 removed

§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).

§68.74 Continuing Education

- ❖ (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.
- ❖ Revised since retention of a copy of the certificate of completion is applicable to all courses

§68.74 Continuing Education

- ❖ (3) 2012 Texas Accessibility Standards;
- ❖ Revised to reflect new standards

§68.74 Continuing Education

- ❖ (3) 2012 Texas Accessibility Standards;
- ❖ (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;
- ❖ Revised to reflect new state and federal accessibility standards

§68.74 Continuing Education

- ❖ 9) Presentations on products related to accessibility.
- ❖ Addition of a new topic that could be eligible for an approved provider course

§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:]~~
- ❖ 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

§68.74 Continuing Education

- ❖ [~~(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).~~]

§68.74 Continuing Education

- ❖ (h) [~~(i)~~] 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~~].
- ❖ Revised date since the 2012 TAS will not go into effect until March 15, 2012

§68.74 Continuing Education

Other changes include the re-numbering of 68.64

68.76
Standards of Conduct
for the Registered
Accessibility
Specialist

§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;
- ❖ Removes restriction on the preparation of a variance application by a RAS

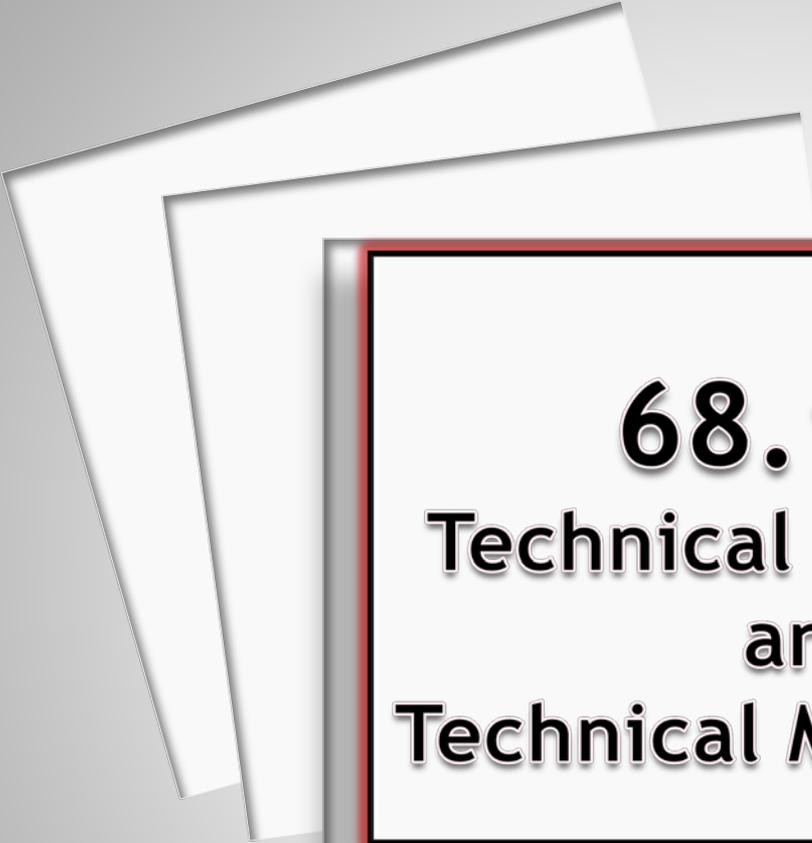
68.80
Fees

§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.

Fee Schedule:

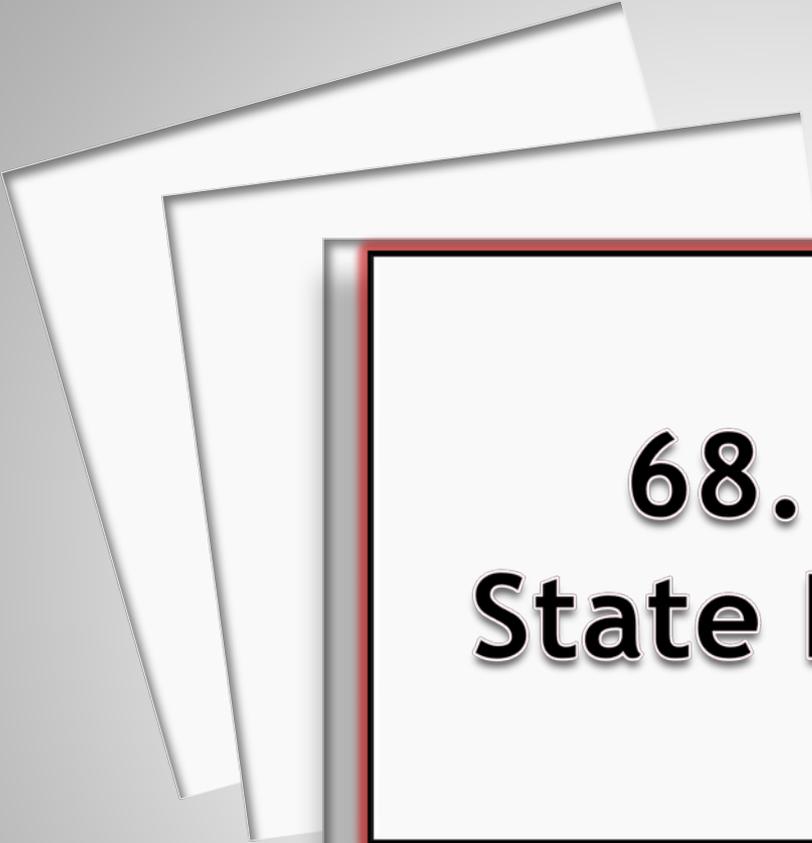
- ❖ Removes design and consulting fees from the calculating the estimated construction cost



68.100
Technical Standards
and
Technical Memoranda

§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.
- ❖ (a) Revised to reflect new standards
- ❖ (b) Revised to reflect accurate title



68.101
State Leases

§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~~].

§68.101 State Leases

(5) Existing buildings and facilities are 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~~].

§68.101 State Leases

(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~~].

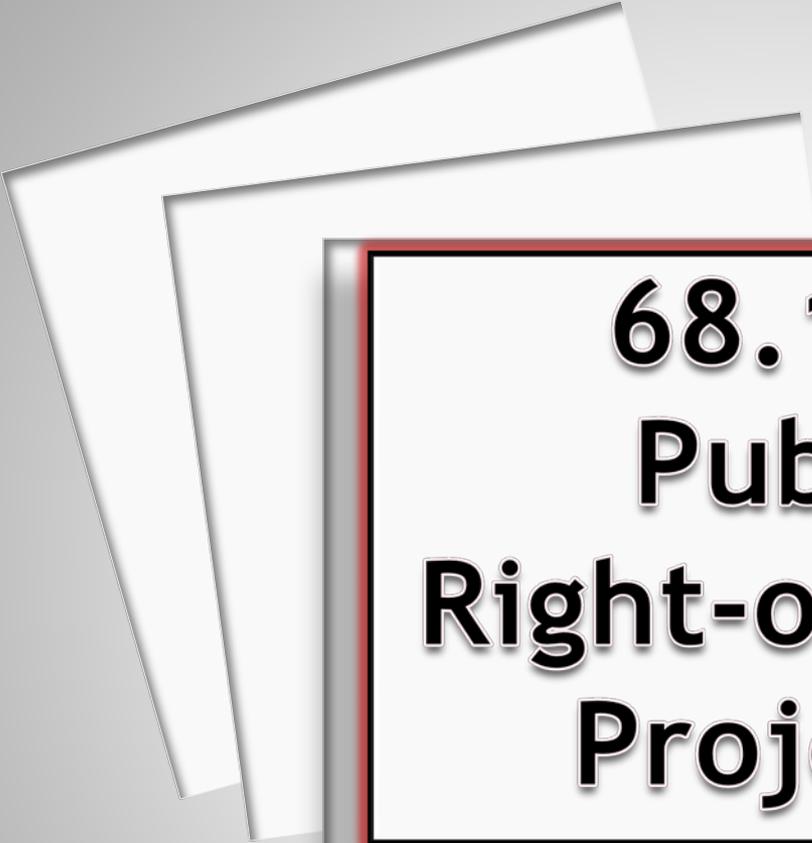
§68.101 State Leases

- (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~~].

§68.101 State Leases

(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~~].



**68.102
Public
Right-of-Ways
Projects**

Proposed Amendments



§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.

§68.102 Public Right-of-Ways Projects

(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~~].

§68.102 Public Right-of-Ways Projects

(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.

§68.102 Public Right-of-Ways Projects

(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.

§68.102 Public Right-of-Ways Projects

(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.



Questions?
