

Achieving Accessible Courthouses

by Dave Yanchulis



Courthouse Access Advisory Committee.

Courthouses pose unique challenges to accessibility. Most courtrooms feature a variety of elevated spaces including witness stands and judges' benches within areas limited by the well of the court. Even in new construction, determining the best way to provide access to these and other spaces can be challenging. Although guidelines for courthouses were issued under the Americans with Disabilities Act (ADA) almost a decade ago and later made part of the *International Building Code*

(IBC), accessibility has been incremental at best and compliance issues remain common.

New guidance developed by an expert panel, the Courthouse Access Advisory Committee, is now available and provides effective strategies and solutions for integrating accessibility into the design of courthouses. The U.S. Access Board, which maintains the *ADA Accessibility Guidelines (ADAAG)*, chartered the committee to promote greater access to courthouses through the development of

Members of the Courthouse Access Advisory Committee: 2004–2006

Accessibility Equipment Manufacturers Association
Administrative Office of the U.S. Courts
American Institute of Architects
American Bar Association
Arizona State Bar Association
California Administrative Office of the Courts
Conference of State Court Administrators
Cook County (IL) Government
David Calvert, P.A.
Disability Rights Legal Center
District of Columbia Courts
Disabilities Law Project
Hearing Loss Association of America
HDR Architecture, Inc.
Hellmuth, Obata and Kassabaum, Inc.
International Code Council
Lift-U Division, Hogan Manufacturing
Michael Graves & Associates

Michigan Commission for the Blind
Montana Advocacy Program
National Association for Court Management
National Center for State Courts
National Fire Protection Association
New Hampshire Governor's Commission on Disability
Ninth Circuit for the U.S. Courts
Paralyzed Veterans of America
PSA-Dewberry, Inc.
Steven Winter Associates, Inc.
Superior Court of the District of Columbia
T.L. Shield & Associates
Tenth Judicial Circuit Court of Florida
U.S. Department of Justice
U.S. General Services Administration
U.S. Judicial Conference, Securities and Facilities Committee
United Spinal Association

such guidance. The 35-member committee represented an impressive cross-section of expertise and experience including courthouse architects, judges, court managers and representatives from ICC and other codes and standards-setting organizations, disability groups and the lift industry, among others.

Over a two-year period, the committee examined design issues, toured different types of courthouses across the country and crafted access solutions by consensus. Its recommendations were submitted to the Access Board last November and provide detailed guidance on achieving accessible courthouses without compromising traditional design features and requisites. The committee's report, "Justice for All: Designing Accessible Courthouses," includes best practice recommendations representing the state-of-the-art in accessible courthouse design. Following is a summary of several of the most widely applicable recommendations. The committee's full report and related information are available from the Access Board's website: www.access-board.gov.

Raised Areas

The leading issue in accessible courthouse design is wheelchair access to raised courtroom areas such as jury boxes, witness stands and judges' benches. For courts to function properly, these areas must be configured and sufficiently elevated to provide adequate sight lines, decorum and security.

Jury Boxes and Witness Stands

Jury boxes and witness stands are required to be fully accessible in all courtrooms so that people with disabilities can fulfill their responsibilities as jurors and witnesses. Witness stands are typically raised one step and can easily be served by ramps. Depending upon the configuration and elevations, one ramp can often serve both the witness stand and the jury box. Ramps must be permanent; therefore, portable ramps and flip-down or telescoping types are not permitted in new construction.

Wheelchair spaces are required within the defined area of witness stands and jury boxes (removable seats can also occupy these spaces). Sufficient turning space must be provided in witness stands and jury boxes that are accessed by ramps or lifts with entry ramps so that people using wheelchairs can exit in a forward manner. Vertical access to jury boxes can be avoided if front-row seating and the required spaces are provided at floor level, and a side approach is preferable because entrance from the front often requires that a gate in the rail or millwork be operated while maneuvering into and out of the area.

Judges' Benches and Clerks' Stations

Access is also required to judges' benches and stations for clerks and other court personnel. ADAAG permits vertical access to such areas to be provided after construction as needed. Under this "adaptability" option, the requisite space and other features that

Use of Lifts

Both the ADAAG and the IBC generally limit the use of platform lifts but allow them in courtrooms, and they have become a common means of providing access to witness stands and judges' benches. After examining in-service lifts, reviewing detailed input from the lift industry and consulting additional resources including a government survey of courtroom installations, the Courthouse Access Advisory Committee identified a number of important considerations.

Common issues affecting lift performance include platform deflection and downward settlement; interlock malfunctions; and operation requiring assistance such as the removal of steps, platforms or millwork. By design, most courtroom lifts require variances from applicable standards such as American Society of Mechanical Engineers A18.1, *Safety Standard for Platform Lifts and Stairway Chairlifts* (although it is anticipated that the 2008 edition of the standard will include new specifications for these and other types of low-rise lifts).

The committee's report describes available lift technologies and provides recommendations for improved performance and compliance. These include proper specification of the interface between lifts and any surrounding millwork, independent operation, the provision of back-up power (required for lifts that are part of an accessible means of egress), and appropriate maintenance. ♦

facilitate later installation of ramps or lifts must be included in courtroom design and construction.

It is important to note that the IBC does not recognize this option and requires full access to these areas, which the Courthouse Access Advisory Committee endorsed as a best practice. A secondary recommendation, intended to reduce the need for later retrofits, calls for full access to these spaces in at least one courtroom of each type within a courthouse and adaptable access in the rest.

For purposes of decorum and security, the committee's report recommends that vertical access be provided in a manner that allows judges to enter courtrooms at bench level. This can be achieved by locating ramps or lifts in the secured corridor outside the courtroom (which also frees-up space inside the courtroom). If ramps or lifts providing access to the judge's bench are located in the courtroom, walls or panels should be used to make them less visible.

Spectator Areas

Like other assembly areas, spectator areas in courtrooms must include wheelchair spaces integrated into the seating footprint. In addition, all courtrooms must be equipped with assistive listening systems. The Courthouse Access Advisory Committee's report provides information on available technologies and ways to accommodate spectators with significant hearing loss as well as those who are deaf. ♦

Dave Yanchulis is Coordinator of Public Affairs for the U.S. Access Board, an independent federal agency that develops and maintains accessibility guidelines and standards for the built environment, transportation vehicles, telecommunications equipment, and electronic and information technology under the ADA and several other laws, and enforces design standards that cover federally funded facilities.

Update on the New ADA and ABA Standards

In the coming months, the U.S. Department of Justice (DOJ) intends to publish a notice to adopt new standards based on updated guidelines issued by the U.S. Access Board which will apply to most facilities covered by the Americans with Disabilities Act (ADA), including places of public accommodation, commercial facilities, and state and local government facilities. New standards are already in place for transportation facilities under the ADA and for most federal facilities, which are covered by an earlier law, the Architectural Barriers Act (ABA).

The Access Board updated the ADA and ABA guidelines jointly to make them more consistent. In addition, the Access Board harmonized the guidelines with companion provisions in the *International Building Code* (IBC) and applicable referenced standard, ICC/ANSI A117.1, *Accessible and Usable Buildings and Facilities*, as well as with other model building codes and industry standards (see "2006 IBC 'Safe Harbor Update'" by Kimberly Paarlberg for more details on IBC and A117.1 harmonization). Once all of the new standards have been adopted, a highly uniform level of accessibility will be specified across the broad spectrum of facilities encompassed by the ADA and ABA.



The DOJ's upcoming notice regarding the update of the ADA standards will be available for public comment. In view of the comment period and other regulatory steps that must be completed, final action is likely at least a year away. Until the new standards take effect, the

current standards are to be followed. Under DOJ regulations, private sector facilities must meet the original ADA standards, which have changed little since their initial publication in 1991. State and local governments have the option of following either the ADA standards—although certain provisions do not apply—or the Uniform Federal Accessibility Standards (UFAS), which were issued earlier under the ABA.

The Future is Now

It is important to note that transportation facilities and most federally funded facilities are already covered by updated accessibility standards.

The U.S. Department of Transportation (DOT), the other standard-setting agency under the ADA, adopted new standards effective November 2006 which apply to transportation facilities covered by the ADA, including rail stations, bus stops and stations, and airports. These standards are essentially the same as the updated ADA guidelines but include some limited revisions or clarifications concerning provisions for accessible routes, bus

stops, rail station platforms and detectable warnings on curb ramps.

Under the ABA, which applies to facilities designed, built, altered or leased with federal funding, the General Services Administration (GSA) adopted new standards known as the *ABA Accessibility Standards*, which generally took effect in May 2006. These standards apply to most federally funded facilities except postal, military and residential facilities. The U.S. Postal Service (USPS) has updated the standards that apply to facilities under its jurisdiction, which became effective in October 2005. The Department of Defense (DOD) and Department of Housing and Urban Development (HUD) are still in the process of updating the standards for military facilities and housing. Until then, the UFAS—which all four agencies jointly adopted in 1984—governs the design of such facilities.

Copies of the current ADA and ABA guidelines and standards are available on the Access Board's website at www.access-board.gov. ♦

Current Accessibility Standards

ADA STANDARDS		
FACILITY TYPE	AGENCY	STANDARDS IN EFFECT
places of public accommodation and commercial facilities	DOJ	original ADA standards
state and local government	DOJ	original ADA standards or UFAS*
transportation	DOT	new standards took effect November 29, 2006
* Current DOJ regulations permit use of the ADA standards (although some provisions, such as the elevator exception, do not apply) or UFAS.		
ABA STANDARDS		
FACILITY TYPE	AGENCY	STANDARDS IN EFFECT
federally funded (except postal, military, and residential)	GSA	new standards took effect May 8, 2006 (February 6, 2007 for leased facilities)
postal	USPS	new standards took effect October 1, 2005
military	DOD	UFAS
residential	HUD	UFAS