

Multifamily housing means a project containing five or more dwelling units.

Operable part means a part of equipment or an appliance used to insert or withdraw objects, to activate or deactivate equipment, or to adjust the equipment (e.g., coin slot, push button, handle).

Physically handicapped person means an individual who has a physical impairment, including impaired sensory, manual, or speaking abilities, which results in a functional limitation in access to and use of a building or facility.

Power-assisted door means a door—

(1) Used for human passage; and

(2) With a mechanism that helps to open the door, or relieve the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself.

Public use means any interior and exterior rooms or spaces made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

Ramp means a walking surface that has a running slope greater than 1:20.

Reconstruction means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

Restoration means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later works or by replacement of missing earlier work.

Running slope means the slope that is parallel to the direction of travel (see *cross slope*).

Section 502 of the Rehabilitation Act or section 502 means section 502 of the Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. 792, as amended.

Service entrance means an entrance intended primarily for delivery or service.

Shall denotes a mandatory requirement.

Signage means the display of written, symbolic, tactile, or pictorial information.

Site means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

Site improvements means landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and similar site additions.

Sleeping accommodations means rooms in which people sleep (for example, dormitory and hotel or motel guest rooms).

Space means a definable area, e.g., toilet room, hall, assembly area, parking area, entrance, storage room, alcove, courtyard, or lobby.

Standard means any standard for accessibility issued under the Architectural Barriers Act.

Standard-setting agency means one of the four agencies required to issue standards under the Architectural Barriers Act, i.e., the General Services Administration, the Department of Housing and Urban Development, the Department of Defense, and the United States Postal Service.

Structural impracticability means having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50 percent or more of the value of the element of the building or facility involved.

Tactile means perceptible through the sense of touch.

Temporary means elements are not permanent (i.e., installed for less than six months) and are not required for safety reasons.

Walk means an exterior pathway or space with a prepared surface intended for pedestrian use and having a slope of 1:20 or less. It includes general pedestrian areas such as plazas and courts.

[47 FR 33864, Aug. 4, 1982, as amended at 54 FR 5444, Feb. 3, 1989]

§ 1190.4 Issuance of Architectural Barriers Act standards by standard-setting agencies.

(a) These guidelines and requirements are the minimum guidelines and requirements for standards issued under the Architectural Barriers Act by the Administrator of General Services, Secretary of Housing and Urban Development, Secretary of Defense, and Postmaster General.

(b) Standards which conform to or exceed the provisions of the guidelines

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shall be deemed in compliance with the guidelines and requirements.

(c) Each standard-setting agency is encouraged to issue standards which follow the format of these guidelines and requirements. However, standards which differ in format from these guidelines and requirements but are otherwise consistent with the guidelines and requirements shall be deemed in compliance with these guidelines and requirements.

§ 1190.5 Guidelines: Other uses.

These minimum guidelines and requirements and those standards published by the four standard-setting agencies under the Architectural Barriers Act of 1968, as amended, may be used by other governmental and non-governmental entities, along with other sources, to develop their own standards.

§ 1190.6 Interpretation of guidelines.

(a) These guidelines and requirements shall be liberally construed to carry out the purposes and provisions of the Architectural Barriers Act and section 502 of the Rehabilitation Act.

(b) Words importing the singular number may extend and be applied to the plural and vice versa. However, unless otherwise specified in the guidelines and requirements, each element or space of a particular building or facility shall comply with the guidelines and requirements.

(c) Use of the imperative mood, *e.g.*, “provide,” means the provision is mandatory. This form is being used to avoid wordiness and monotony but means the same as if the word “shall” had been included.

(d) The provisions in the minimum guidelines and requirements are based upon adult dimensions and anthropometrics.

(e) Dimensions that are not marked “minimum” or “maximum” are absolute, unless otherwise indicated in the text or captions. All dimensions are subject to conventional building tolerances for field conditions.

§ 1190.7 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of these guidelines and requirements is declared

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invalid for any reason, the remaining portions of these guidelines and requirements that are severable from the invalid part shall remain in full force and effect. If a part of these guidelines and requirements is invalid in one or more of its applications, the part shall remain in effect in all valid applications that are severable from the invalid applications.

[47 FR 33864, Aug. 4, 1982. Redesignated at 54 FR 5444, Feb. 3, 1989]

Subpart B—Scope

§ 1190.30 Scope. [Reserved]

§ 1190.31 Accessible buildings and facilities: New construction.

Except as otherwise provided in this part, all new construction of buildings and facilities shall comply with the minimum requirements set forth below. The citations beginning with “ANSI” in the provisions which follow refer to the sections of the American National Standard, ANSI A117.1–1986, “Providing Accessibility and Usability for Physically Handicapped People” by the American National Standards Institute, Inc. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. Copies may be inspected at the office of the U.S. Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(a) Accessible route. At least one accessible route shall comply with ANSI A117.1–1986, section 4.3, Accessible Routes (Incorporated by reference, see this paragraph (a).)

(1) Required accessible route(s) shall connect an accessible building entrance with:

(i) Transportation facilities located within the property line of a given site, including passenger loading zones, public transportation facilities, taxi stands, and parking;

(ii) Public streets and sidewalks;