**State of Kansas – Path of Travel**

Department of Administration, OFPM-DCC

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| --- | --- | --- |
| A- |  |  |
| DCC Project No. |  | Agency and Project Name |

**Project Architect/Engineer is responsible for compliance to federal (28 CFR Part 35) and state accessibility laws (K.S.A. 58-1301 et seq.) 2010 ADA Standards for Accessible Design (2010 ADA Standards) are the effective federal and state accessibility requirements for 28 CFR Part 35 and K.S.A 58.1301 et seq. Specific requirements for alterations and path of travel can be found in (28 CFR 35.151 (b) alterations. See below for additional information.**

**DCC staff and State ADA Coordinator (per KSA 58-1301 et seq.) will review the Architect/Engineers information on the form.**

**Items to be completed by Project Architect/Engineer:**

Total construction cost of alterations: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_. 20% of alteration costs $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Priority shall be as follows:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Check if not Accessible |  | Cost to make Accessible |  | Cost of accessible items provided in this project |
| 1. Entrance | [ ]  | 1. |  |  |  |
| 2. Route to the altered area (interior and/or exterior) including vertical access | [ ]  | 2. |  |  |  |
| 3. Restroom(s) for each gender or single unisex restroom(s)  | [ ]  | 3. |  |  |  |
| 4. Telephones | [ ]  | 4. |  |  |  |
| 5. Drinking Fountain(s) | [ ]  | 5. |  |  |  |
| 6. Additional accessible elements such as parking, storage, alarms, signage | [ ]  | 6. |  |  |  |
| **Path of Travel Cost** (zero if all elements are accessible) | **Total** |  |  |  |

 Architect/Engineer

 Seal/Signed/Dated Architect/Engineer Name (printed)

**Attach additional information with descriptions of non-accessible items and outline of work required to make accessible.**

**2010 ADA Standards for Accessible Design Requirements for Alterations to Primary Function Area/Path of Travel**

***28 CFR 35.151 (b)*****Alterations.**

(1) Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

(2) The path of travel requirements of § 35.151(b)(4) shall apply only to alterations undertaken solely for purposes other than to meet the program accessibility requirements of § 35.150.

(3) (i) Alterations to historic properties shall comply, to the maximum extent feasible, with the provisions applicable to historic properties in the design standards specified in § 35.151(c).

(ii) If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of § 35.150.

(4) *Path of travel.* An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

(i) *Primary function.* A “primary function” is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public entity using the facility are carried out.

(A) Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, and corridors are not areas containing a primary function. Restrooms are not areas containing a primary function unless the provision of restrooms is a primary purpose of the area, *e.g.*, in highway rest stops.

(B) For the purposes of this section, alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of or access to an area containing a primary function.

(ii) A “path of travel” includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

(A) An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.

(B) For the purposes of this section, the term “path of travel” also includes the restrooms, telephones, and drinking fountains serving the altered area.

(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.

(iii) *Disproportionality.*

(A) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 % of the cost of the alteration to the primary function area.

(B) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

*(1)* Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;

*(2)* Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;

*(3)* Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a text telephone (TTY); and

*(4)* Costs associated with relocating an inaccessible drinking fountain.

(iv) *Duty to provide accessible features in the event of disproportionality.*

(A) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

(B) In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order— (*1*) An accessible entrance; (*2*) An accessible route to the altered area; (*3*) At least one accessible restroom for each sex or a single unisex restroom; (*4*) Accessible telephones; (*5*) Accessible drinking fountains; and (*6*) When possible, additional accessible elements such as parking, storage, and alarms.

(v) *Series of smaller alterations.*

(A) The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.

(B) *(1)* If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three-year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.

*(2)* Only alterations undertaken on or after March 15, 2011, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations.