

CHAPTER 1: APPLICATION AND ADMINISTRATION

101 Purpose

101.1 General. This document contains scoping and technical requirements for accessibility to sites, facilities, buildings, and elements by individuals with disabilities. The requirements are to be applied during the design, construction, additions to, and alteration of sites, facilities, buildings, and elements to the extent required by regulations issued by *the Texas Department of Licensing and Regulation under the authority of Texas Government Code, Chapter 469. These standards are intended to be consistent to those contained in the 2010 Standards of Accessible Design, and are generally the same except as noted in italics.*

Advisory 101.1 General. In addition to these requirements, covered entities must comply with the regulations issued by *federal agencies, the U. S. Department of Justice and the U. S. Department of Transportation under the Americans with Disabilities Act. There are issues affecting individuals with disabilities which are not addressed by these requirements, but which are covered by federal agencies, the U. S. Department of Justice and the U. S. Department of Transportation regulations.*

101.2 Effect on Removal of Barriers in Existing Facilities. This document does not address existing facilities unless altered at the discretion of a covered entity. The *Texas Department of Licensing and Regulation* has authority over existing facilities that are subject to the requirement for removal of barriers under *Texas Government Code, Chapter 469. In addition, the U. S. Department of Justice* has authority over existing facilities that are subject to the requirement for removal of barriers under title III of the ADA. *Applicability of standards for removal of barriers under Title III of the ADA is solely within the discretion of the U. S. Department of Justice and is effective only to the extent required by regulations issued by the U. S. Department of Justice.*

102 Dimensions for Adults and Children

The technical requirements are based on adult dimensions and anthropometrics. In addition, this document includes technical requirements based on children's dimensions and anthropometrics for drinking fountains, water closets, toilet compartments, lavatories and sinks, dining surfaces, and work surfaces.

103 Equivalent Facilitation

Nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability.

Advisory 103 Equivalent Facilitation. The responsibility for demonstrating equivalent facilitation in the event of a challenge rests with the covered entity. *For purposes of ensuring compliance with requirements of Texas Government Code, Chapter 469 all determinations of equivalent facilitation are made by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.*

104 Conventions

104.1 Dimensions. Dimensions that are not stated as "maximum" or "minimum" are absolute.

104.1.1 Construction and Manufacturing Tolerances. All dimensions are subject to conventional industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points.

Advisory 104.1.1 Construction and Manufacturing Tolerances. Conventional industry tolerances recognized by this provision include those for field conditions and those that may be a necessary consequence of a particular manufacturing process. Recognized tolerances are not intended to apply to design work.

It is good practice when specifying dimensions to avoid specifying a tolerance where dimensions are absolute. For example, if this document requires "1 inches," avoid specifying "1 inches plus or minus X inches."

Where the requirement states a specified range, such as in Section 609.4 where grab bars must be installed between 33 inches and 36 inches above the floor, the range provides an adequate tolerance and therefore no tolerance outside of the range at either end point is permitted.

Where a requirement is a minimum or a maximum dimension that does not have two specific minimum and maximum end points, tolerances may apply. Where an element is to be installed at the minimum or maximum permitted dimension, such as "15 inches minimum" or "5 pounds maximum", it would not be good practice to specify "5 pounds (plus X pounds) or 15 inches (minus X inches)." Rather, it would be good practice to specify a dimension less than the required maximum (or more than the required minimum) by the amount of the expected field or manufacturing tolerance and not to state any tolerance in conjunction with the specified dimension.

Specifying dimensions in design in the manner described above will better ensure that facilities and elements accomplish the level of accessibility intended by these requirements. It will also more often produce an end result of strict and literal compliance with the stated requirements and eliminate enforcement difficulties and issues that might otherwise arise. Information on specific tolerances may be available from industry or trade organizations, code groups and building officials, and published references.

104.2 Calculation of Percentages. Where the required number of elements or facilities to be provided is determined by calculations of ratios or percentages and remainders or fractions result, the next greater whole number of such elements or facilities shall be provided. Where the determination of the required size or dimension of an element or facility involves ratios or percentages, rounding down for values less than one half shall be permitted.

104.3 Figures. Unless specifically stated otherwise, figures are provided for informational purposes only.

Convention	Description
	dimension showing English units (in inches unless otherwise specified) above the line and SI units (in millimeters unless otherwise specified) below the line
	dimension for small measurements
	dimension showing a range with minimum – maximum
min	minimum
max	maximum
>	greater than
≥	greater than or equal to
<	less than
≤	less than or equal to
	boundary of clear floor space or maneuvering clearance
	centerline
	a permitted element or its extension
	direction of travel or approach
	a wall, floor, ceiling or other element cut in section or plan
	a highlighted element in elevation or plan
	location zone of element, control or feature

Figure 104
Graphic Convention for Figures

105 Referenced Standards

105.1 General. The standards listed in 105.2 are incorporated by reference in this document and are part of the requirements to the prescribed extent of each such reference. Copies of the referenced standards may be *obtained from the referenced publishers / distributors.*

105.2 Referenced Standards. The specific edition of the standards listed below are referenced in this document. Where differences occur between this document and the referenced standards, this document applies.

105.2.1 ANSI/BHMA. Copies of the referenced standards may be obtained from the Builders Hardware Manufacturers Association, 355 Lexington Avenue, 17th floor, New York, NY 10017 (<http://www.buildershardware.com>).

ANSI/BHMA A156.10-1999 American National Standard for Power Operated Pedestrian Doors (see 404.3).

ANSI/BHMA A156.19-1997 American National Standard for Power Assist and Low Energy Power Operated Doors (see 404.3, 408.3.2.1, and 409.3.1).

ANSI/BHMA A156.19-2002 American National Standard for Power Assist and Low Energy Power Operated Doors (see 404.3, 408.3.2.1, and 409.3.1).

Advisory 105.2.1 ANSI/BHMA. ANSI/BHMA A156.10-1999 applies to power operated doors for pedestrian use which open automatically when approached by pedestrians. Included are provisions intended to reduce the chance of user injury or entrapment.

ANSI/BHMA A156.19-1997 and A156.19-2002 applies to power assist doors, low energy power operated doors or low energy power open doors for pedestrian use not provided for in ANSI/BHMA A156.10 for Power Operated Pedestrian Doors. Included are provisions intended to reduce the chance of user injury or entrapment.

105.2.2 ASME. Copies of the referenced standards may be obtained from the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016 (<http://www.asme.org>).

ASME A17.1- 2000 Safety Code for Elevators and Escalators, including ASME A17.1a-2002 Addenda and ASME A17.1b-2003 Addenda (see 407.1, 408.1, 409.1, and 810.9).

ASME A18.1-1999 Safety Standard for Platform Lifts and Stairway Chairlifts, including ASME A18.1a-2001 Addenda and ASME A18.1b-2001 Addenda (see 410.1).

ASME A18.1-2003 Safety Standard for Platform Lifts and Stairway Chairlifts, (see 410.1).

Advisory 105.2.2 ASME. ASME A17.1-2000 is used by local jurisdictions throughout the United States for the design, construction, installation, operation, inspection, testing, maintenance, alteration, and repair of elevators and escalators. The majority of the requirements apply to the operational machinery not seen or used by elevator passengers. ASME A17.1 requires a two-way means of emergency communications in passenger elevators. This means of communication must connect with emergency or authorized personnel and not an automated answering system. The communication system must be push button activated. The activation button must be permanently identified with the word "HELP." A visual indication acknowledging the establishment of a communications link to authorized personnel must be provided. The visual indication must remain on until the call is terminated by authorized personnel. The building location, the elevator car number, and the need for assistance must be provided to authorized personnel answering the emergency call. The use of a handset by the communications system is prohibited. Only the authorized personnel answering the call can terminate the call. Operating instructions for the communications system must be provided in the elevator car.

Advisory 105.2.2 ASME (Continued). The provisions for escalators require that at least two flat steps be provided at the entrance and exit of every escalator and that steps on escalators be demarcated by yellow lines 2 inches wide maximum along the back and sides of steps.

ASME A18.1-1999 and ASME A18.1-2003 address the design, construction, installation, operation, inspection, testing, maintenance and repair of lifts that are intended for transportation of persons with disabilities. Lifts are classified as: vertical platform lifts, inclined platform lifts, inclined stairway chairlifts, private residence vertical platform lifts, private residence inclined platform lifts, and private residence inclined stairway chairlifts.

This document does not permit the use of inclined stairway chairlifts which do not provide platforms because such lifts require the user to transfer to a seat.

ASME A18.1 contains requirements for runways, which are the spaces in which platforms or seats move. The standard includes additional provisions for runway enclosures, electrical equipment and wiring, structural support, headroom clearance (which is 80 inches minimum), lower level access ramps and pits. The enclosure walls not used for entry or exit are required to have a grab bar the full length of the wall on platform lifts. Access ramps are required to meet requirements similar to those for ramps in Chapter 4 of this document.

Each of the lift types addressed in ASME A18.1 must meet requirements for capacity, load, speed, travel, operating devices, and control equipment. The maximum permitted height for operable parts is consistent with Section 308 of this document. The standard also addresses attendant operation. However, Section 410.1 of this document does not permit attendant operation.

105.2.3 ASTM. Copies of the referenced standards may be obtained from the American Society for Testing and Materials, 100 Bar Harbor Drive, West Conshohocken, Pennsylvania 19428 (<http://www.astm.org>).

ASTM F 1292-99 Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment (see 1008.2.6.2).

ASTM F 1292-04 Standard Specification for Impact Attenuation of Surfacing Materials Within the Use Zone of Playground Equipment (see 1008.2.6.2).

ASTM F 1487-01 Standard Consumer Safety Performance Specification for Playground Equipment for Public Use (see 106.5).

ASTM F 1951-99 Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment (see 1008.2.6.1).

Advisory 105.2.3 ASTM. ASTM F 1292-99 and ASTM F 1292-04 establish a uniform means to measure and compare characteristics of surfacing materials to determine whether materials provide a safe surface under and around playground equipment. These standards are referenced in the play areas requirements of this document when an accessible surface is required inside a play area use zone where a fall attenuating surface is also required. The standards cover the minimum impact attenuation requirements, when tested in accordance with Test Method F 355, for surface systems to be used under and around any piece of playground equipment from which a person may fall.

Advisory 105.2.3 ASTM (Continued). ASTM F 1487-01 establishes a nationally recognized safety standard for public playground equipment to address injuries identified by the U.S. Consumer Product Safety Commission. It defines the use zone, which is the ground area beneath and immediately adjacent to a play structure or play equipment designed for unrestricted circulation around the equipment and on whose surface it is predicted that a user would land when falling from or exiting a play structure or equipment. The play areas requirements in this document reference the ASTM F 1487 standard when defining accessible routes that overlap use zones requiring fall attenuating surfaces. If the use zone of a playground is not entirely surfaced with an accessible material, at least one accessible route within the use zone must be provided from the perimeter to all accessible play structures or components within the playground.

ASTM F 1951-99 establishes a uniform means to measure the characteristics of surface systems in order to provide performance specifications to select materials for use as an accessible surface under and around playground equipment. Surface materials that comply with this standard and are located in the use zone must also comply with ASTM F 1292. The test methods in this standard address access for children and adults who may traverse the surfacing to aid children who are playing. When a surface is tested it must have an average work per foot value for straight propulsion and for turning less than the average work per foot values for straight propulsion and for turning, respectively, on a hard, smooth surface with a grade of 7% (1:14).

105.2.4 ICC/IBC. Copies of the referenced standard may be obtained from the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041 (www.iccsafe.org).

International Building Code, 2000 Edition (see 207.1, 207.2, 216.4.2, 216.4.3, and 1005.2.1).

International Building Code, 2001 Supplement (see 207.1 and 207.2).

International Building Code, 2003 Edition (see 207.1, 207.2, 216.4.2, 216.4.3, and 1005.2.1).

Advisory 105.2.4 ICC/IBC. International Building Code (IBC)-2000 (including 2001 Supplement to the International Codes) and IBC-2003 are referenced for means of egress, areas of refuge, and railings provided on fishing piers and platforms. At least one accessible means of egress is required for every accessible space and at least two accessible means of egress are required where more than one means of egress is required. The technical criteria for accessible means of egress allow the use of exit stairways and evacuation elevators when provided in conjunction with horizontal exits or areas of refuge. While typical elevators are not designed to be used during an emergency evacuation, evacuation elevators are designed with standby power and other features according to the elevator safety standard and can be used for the evacuation of individuals with disabilities. The IBC also provides requirements for areas of refuge, which are fire-rated spaces on levels above or below the exit discharge levels where people unable to use stairs can go to register a call for assistance and wait for evacuation.

The recreation facilities requirements of this document references two sections in the IBC for fishing piers and platforms. An exception addresses the height of the railings, guards, or handrails where a fishing pier or platform is required to include a guard, railing, or handrail higher than 34 inches (865 mm) above the ground or deck surface.

105.2.5 NFPA. Copies of the referenced standards may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, (<http://www.nfpa.org>).

NFPA 72 National Fire Alarm Code, 1999 Edition (see 702.1 and 809.5.2).

NFPA 72 National Fire Alarm Code, 2002 Edition (see 702.1 and 809.5.2).

Advisory 105.2.5 NFPA. NFPA 72-1999 and NFPA 72-2002 address the application, installation, performance, and maintenance of protective signaling systems and their components. The NFPA 72 incorporates Underwriters Laboratory (UL) 1971 by reference. The standard specifies the characteristics of audible alarms, such as placement and sound levels. However, Section 702 of these requirements limits the volume of an audible alarm to 110 dBA, rather than the maximum 120 dBA permitted by NFPA 72-1999.

NFPA 72 specifies characteristics for visible alarms, such as flash frequency, color, intensity, placement, and synchronization. However, Section 702 of this document requires that visual alarm appliances be permanently installed. UL 1971 specifies intensity dispersion requirements for visible alarms. In particular, NFPA 72 requires visible alarms to have a light source that is clear or white and has polar dispersion complying with UL 1971.

106 Definitions

106.1 General. For the purpose of this document, the terms defined in 106.5 have the indicated meaning.

106.2 Terms Defined in Referenced Standards. Terms not defined in 106.5 or in regulations issued by the *Texas Department of Licensing and Regulation* to implement *Texas Government Code, Chapter 469*, but specifically defined in a referenced standard, shall have the specified meaning from the referenced standard unless otherwise stated.

106.3 Undefined Terms. The meaning of terms not specifically defined in 106.5 or in regulations issued by the *Texas Department of Licensing and Regulation* to implement the *Texas Government Code, Chapter 469*, or in referenced standards shall be as defined by collegiate dictionaries in the sense that the context implies.

106.4 Interchangeability. Words, terms and phrases used in the singular include the plural and those used in the plural include the singular.

106.5 Defined Terms.

106.5.1 Accessible. A site, building, facility, or portion thereof that complies with this part.

106.5.2 Accessible Means of Egress. A continuous and unobstructed way of egress travel from any point in a building or facility that provides an accessible route to an area of refuge, a horizontal exit, or a public way.

106.5.3 Addition. An expansion, extension, or increase in the gross floor area or height of a building or facility.

106.5.4 Administrative Authority. A governmental agency that adopts or enforces regulations and guidelines for the design, construction, or alteration of buildings and facilities.

106.5.5 Alteration. A change to a building or facility that affects or could affect the usability of the building or facility or portion thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.

106.5.6 Amusement Attraction. Any facility, or portion of a facility, located within an amusement park or theme park which provides amusement without the use of an amusement device. Amusement attractions include, but are not limited to, fun houses, barrels, and other attractions without seats.

106.5.7 Amusement Ride. A system that moves persons through a fixed course within a defined area for the purpose of amusement.

106.5.8 Amusement Ride Seat. A seat that is built-in or mechanically fastened to an amusement ride intended to be occupied by one or more passengers.

106.5.9 Area of Sport Activity. That portion of a room or space where the play or practice of a sport occurs.

106.5.10 Assembly Area. A building or facility, or portion thereof, used for the purpose of entertainment, educational or civic gatherings, or similar purposes. For the purposes of these requirements, assembly areas include, but are not limited to, classrooms, lecture halls, courtrooms, public meeting rooms, public hearing rooms, legislative chambers, motion picture houses, auditoria, theaters, playhouses, dinner theaters, concert halls, centers for the performing arts, amphitheaters, arenas, stadiums, grandstands, or convention centers.

106.5.11 Assistive Listening System (ALS). An amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency, infrared, or direct-wired equipment.

106.5.12 Boarding Pier. A portion of a pier where a boat is temporarily secured for the purpose of embarking or disembarking.

106.5.13 Boat Launch Ramp. A sloped surface designed for launching and retrieving trailered boats and other water craft to and from a body of water.

106.5.14 Boat Slip. That portion of a pier, main pier, finger pier, or float where a boat is moored for the purpose of berthing, embarking, or disembarking.

106.5.15 Building. Any structure used or intended for supporting or sheltering any use or occupancy.

106.5.16 Catch Pool. A pool or designated section of a pool used as a terminus for water slide flumes.

106.5.17 Characters. Letters, numbers, punctuation marks and typographic symbols.

106.5.18 Children's Use. Describes spaces and elements specifically designed for use primarily by people 12 years old and younger.

106.5.19 Circulation Path. An exterior or interior way of passage provided for pedestrian travel, including but not limited to, walks, hallways, courtyards, elevators, platform lifts, ramps, stairways, and landings.

106.5.20 Closed-Circuit Telephone. A telephone with a dedicated line such as a house phone, courtesy phone or phone that must be used to gain entry to a facility.

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.

106.5.22 Cross Slope. The slope that is perpendicular to the direction of travel (see running slope).

106.5.23 Curb Ramp. A short ramp cutting through a curb or built up to it.

106.5.24 Detectable Warning. A standardized surface feature built in or applied to walking surfaces or other elements to warn of hazards on a circulation path.

106.5.25 Disproportionality. *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. Costs that may be counted as expenditures required to provide an accessible path of travel may include:*

- (i) 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;*
- (ii) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;*
- (iii) 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*
- (iv) Costs associated with relocating an inaccessible drinking fountain.*

All determinations of disproportionality are made by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.

106.5.26 Element. An architectural or mechanical component of a building, facility, space, or site.

106.5.27 Elevated Play Component. A play component that is approached above or below grade and that is part of a composite play structure consisting of two or more play components attached or functionally linked to create an integrated unit providing more than one play activity.

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.

106.5.29 Entrance. Any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibule if provided, the entry door or gate, and the hardware of the entry door or gate.

106.5.30 Facility. All or any portion of buildings, structures, site improvements, elements, and pedestrian routes or vehicular ways located on a site.

106.5.31 Gangway. A variable-sloped pedestrian walkway that links a fixed structure or land with a floating structure. Gangways that connect to vessels are not addressed by this document.

106.5.32 Golf Car Passage. A continuous passage on which a motorized golf car can operate.

106.5.33 Ground Level Play Component. A play component that is approached and exited at the ground level.

106.5.34 Key Station. Rapid and light rail stations, and commuter rail stations, as defined under criteria established by the Department of Transportation in 49 CFR 37.47 and 49 CFR 37.51, respectively.

106.5.35 Mail Boxes. Receptacles for the receipt of documents, packages, or other deliverable matter. Mail boxes include, but are not limited to, post office boxes and receptacles provided by commercial mail-receiving agencies, apartment facilities, or schools.

106.5.36 Marked Crossing. A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

106.5.37 Maximum Extent Feasible. *Applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).*

All determinations of maximum extent feasible are made by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.

106.5.38 Mezzanine. An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located. Mezzanines have sufficient elevation that space for human occupancy can be provided on the floor below.

106.5.39 Occupant Load. The number of persons for which the means of egress of a building or portion of a building is designed.

106.5.40 Operable Part. A component of an element used to insert or withdraw objects, or to activate, deactivate, or adjust the element.

106.5.41 Path of Travel. *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. 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. The term "path of travel" also includes the restrooms, telephones, and drinking fountains serving the altered area.*

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. 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. Also see definition of "Disproportionality".

106.5.42 Pictogram. A pictorial symbol that represents activities, facilities, or concepts.

106.5.43 Play Area. A portion of a site containing play components designed and constructed for children.

106.5.44 Play Component. An element intended to generate specific opportunities for play, socialization, or learning. Play components are manufactured or natural; and are stand-alone or part of a composite play structure.

106.5.45 Primary Function. *A major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, 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 accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function. Alterations that affect the usability of or access to an area containing a primary function include, but are not limited to:*

- (i) Remodeling merchandise display areas or employee work areas in a department store;*
- (ii) Replacing an inaccessible floor surface in the customer service or employee work areas of a bank;*
- (iii) Redesigning the assembly line area of a factory; or*
- (iv) Installing a computer center in an accounting firm.*

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.

106.5.46 Private Building or Facility. A place of public accommodation or a commercial building or facility subject to *Texas Government Code, Chapter 469*.

106.5.47 Professional Office of a Health Care Provider. *A location where a person or entity regulated by Texas to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility housing the "professional office of a health care provider" only includes floor levels housing at least one health care provider, or any floor level designed or intended for use by at least one health care provider.*

106.5.48 Public Building or Facility. A building or facility or portion of a building or facility designed, constructed, or altered by, on behalf of, or for the use of a public entity subject to *Texas Government Code, Chapter 469*.

106.5.49 Public Entrance. An entrance that is not a service entrance or a restricted entrance.

106.5.50 Public Use. Interior or exterior rooms, spaces, or elements that are made available to the public. Public use may be provided at a building or facility that is privately or publicly owned.

106.5.51 Public Way. Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet (3050 mm).

106.5.52 Qualified Historic Building or Facility. A building or facility that is listed in or eligible for listing in the National Register of Historic Places, or designated as a *Recorded Texas Historic Landmark or State Archeological Landmark*.

106.5.53 Ramp. A walking surface that has a running slope steeper than 1:20.

106.5.54 Residential Dwelling Unit. A unit intended to be used as a residence that is primarily long-term in nature. Residential dwelling units do not include transient lodging, inpatient medical care, licensed long-term care, and detention or correctional facilities.

106.5.55 Restricted Entrance. An entrance that is made available for common use on a controlled basis but not public use and that is not a service entrance.

106.5.56 Running Slope. The slope that is parallel to the direction of travel (see cross slope).

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.*

106.5.58 Self-Service Storage. Building or facility designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

106.5.59 Service Entrance. An entrance intended primarily for delivery of goods or services.

106.5.60 Shopping Center or Shopping Mall. *A building housing five or more sales or rental establishments; or a series of buildings on a common site, either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. For purposes of this standard, places of public accommodation of the types listed in the definition of "place of public accommodation" in Chapter 68, Texas Administrative Code are considered sales or rental establishments. The facility housing a "shopping center or shopping mall" only includes floor levels housing at least one sales or rental establishment, or any floor level designed or intended for use by at least one sales or rental establishment.*

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

106.5.62 Soft Contained Play Structure. A play structure made up of one or more play components where the user enters a fully enclosed play environment that utilizes pliable materials, such as plastic, netting, or fabric.

106.5.63 Space. A definable area, such as a room, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.

106.5.64 Story. That portion of a building or facility designed for human occupancy included between the upper surface of a floor and upper surface of the floor or roof next above. A story containing one or more mezzanines has more than one floor level.

106.5.65 Structural Frame. The columns and the girders, beams, and trusses having direct connections to the columns and all other members that are essential to the stability of the building or facility as a whole.

106.5.66 Structural Impracticability. *In new construction, full compliance with the requirements of these standards is not required where an entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features. If full compliance with these standards would be structurally impracticable, compliance with these standards is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable. If providing accessibility in conformance with these standards to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with these standards. All determinations of structural impracticability are made by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.*

106.5.67 Tactile. An object that can be perceived using the sense of touch.

106.5.68 Technically Infeasible. With respect to an alteration of a building or a facility, something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or

because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements. *All determinations of technical infeasibility are made by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.*

106.5.69 Teeing Ground. In golf, the starting place for the hole to be played.

106.5.70 Transfer Device. Equipment designed to facilitate the transfer of a person from a wheelchair or other mobility aid to and from an amusement ride seat.

106.5.71 Transient Lodging. A building or facility containing one or more guest room(s) for sleeping that provides accommodations that are primarily short-term in nature. Transient lodging does not include residential dwelling units intended to be used as a residence, inpatient medical care facilities, licensed long-term care facilities, detention or correctional facilities, or private buildings or facilities that contain not more than five rooms for rent or hire and that are actually occupied by the proprietor as the residence of such proprietor.

106.5.72 Transition Plate. A sloping pedestrian walking surface located at the end(s) of a gangway.

106.5.73 TTY. An abbreviation for teletypewriter. Machinery that employs interactive text-based communication through the transmission of coded signals across the telephone network. TTYs may include, for example, devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. TTYs are also called text telephones.

106.5.74 Use Zone. The ground level area beneath and immediately adjacent to a play structure or play equipment that is designated by ASTM F 1487 (incorporated by reference, see "Referenced Standards" in Chapter 1) for unrestricted circulation around the play equipment and where it is predicted that a user would land when falling from or exiting the play equipment.

106.5.75 Vehicular Way. A route provided for vehicular traffic, such as in a street, driveway, or parking facility.

106.5.76 Walk. An exterior prepared surface for pedestrian use, including pedestrian areas such as plazas and courts.

106.5.77 Wheelchair Space. Space for a single wheelchair and its occupant.

106.5.78 Work Area Equipment. Any machine, instrument, engine, motor, pump, conveyor, or other apparatus used to perform work. As used in this document, this term shall apply only to equipment that is permanently installed or built-in in employee work areas. Work area equipment does not include passenger elevators and other accessible means of vertical transportation.