

FYI No. 8

BARRIER-FREE ACCESS IN HISTORIC BUILDINGS

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The Architectural Barriers Act of 1968 (Public Law 90-480, as amended), the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 set forth the federal mandate for making buildings and facilities more accessible.

The Americans with Disabilities Act regulations (36 CFR Part 1191, proposed rules published in the Federal Register, 22 January 1991) cite the Uniform Federal Accessibility Standards (UFAS) (49 FR 31528; published in the Federal Register on 7 August 1984) as the minimum standards for alterations, restorations, or rehabilitations to historic buildings. These regulations are as follows:

4.1.7 ACCESSIBLE BUILDINGS: HISTORIC PRESERVATION

1. APPLICABILITY.

- a. As a general rule, the accessibility provisions of Part 4 shall be applied to "qualified" historic buildings and facilities. "Qualified" buildings and facilities are those buildings that are eligible for listing in the National Register of Historic Places, or such properties designated under a statute of the appropriate state or local government body. Comments of the Advisory Council on Historic Preservation shall be obtained when required by Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 and 36 CFR Part 800, before any alteration to a qualified historic building.
- b. The Advisory Council shall determine, on a case-by-case basis, whether provisions required by Part 4 for accessible routes, (exterior or interior), ramps, entrances, toilets, parking, and displays and signage, would threaten or destroy the historic significance of the building or facility.
- c. If the Advisory Council determines that any of the accessibility requirements for features listed in 4.1.7(1) would threaten or destroy the historic significance of a building or facility, then the special application provisions of 4.1.7(2) for that feature may be

utilized. The special application provisions listed under 4.1.7(2) may only be utilized following a written determination by the Advisory Council that application of a requirement contained in part 4 would threaten or destroy the historic integrity of a qualified building or facility.

HISTORIC PRESERVATION: MINIMUM REQUIREMENTS

- a. At least one accessible route complying with 4.3 from a site access point to an accessible entrance shall be provided.

EXCEPTION: A ramp with a slope no greater than 1:6 for a run not to exceed 2 ft (610 mm) may be used as part of an accessible route at an entrance.

- b. At least one accessible entrance which is used by the public complying with 4.14 shall be provided.

EXCEPTION: If it is determined that no entrance used by the public can comply with 4.14, then access at any entrance not used by the general public but open (unlocked) with directional signs at the primary entrance may be used.

- c. If toilets are provided, then at least one toilet facility complying with 4.22 and 4.1.6 shall be provided along an accessible route that complies with 4.3. Such toilet facility may be "unisex" in design.
- d. Accessible routes from an accessible entrance to all publicly used spaces on at least the level of the accessible entrance shall be provided. Access should be provided to all levels of a building or facility in compliance with 4.1 whenever practical.
- e. Displays and written information, documents, etc., should be located where they can be seen by a seated person. Exhibits and signage displayed horizontally, e.g. books, should be no higher than 44 in (1120 mm) above the floor surface.

UFAS says all alterations to historic buildings for handicapped accessibility have to go through the Advisory Council. The Advisory Council recommends UFAS be altered to give reviewing authority to SHPO, and not just for federal projects, but for all public projects. Also, to acknowledge that some buildings and structures (such as historic lighthouses) cannot be made accessible without destroying their integrity. UFAS does include an exception for "structural impracticality" in alterations.

ADA, section 4.1.7, deals with historic preservation. It references the UFAS minimum standards. Section 504 of ADA requires that, in review of proposed alterations to historic buildings, the UFAS guidelines be used, providing for comments by the Advisory Council, and allowing consideration of whether proposed alterations, interior and exterior, would threaten or destroy the historic significance of the building or facility.

This federal mandate does not contradict the similar Federal mandate for preservation of historic

properties, as defined by the National Historic Preservation Act of 1966 (Public Law 89-665, as amended.) However, the implementation of these mandates may be difficult.

Supplementary guidance for the Advisory Council regarding Handicapped Access to Historic Buildings, published in the Federal Register on 13 February 1980, provide procedures for applying the UFAS standards to historic buildings. In part:

In the case of historic properties, program accessibility shall mean that, when viewed in their entirety, programs are accessible to and usable by handicapped persons. After all other methods of providing access have been examined and found unsatisfactory in achieving access, recipients of Federal assistance may find it necessary to make alterations to historic properties. Certain alterations may cause substantial impairment of significant historic features. Historic properties are those that are listed or eligible for listing in the National Register of Historic Places. Substantial impairment occurs when a permanent alteration is made which results in a significant loss of the integrity of finish materials, design quality or spatial character.

Where access cannot be achieved without causing a substantial impairment of significant historic features, the recipient may seek a modification or waiver of access standards from the responsible Federal agency. A decision to seek a modification or waiver should be based on consideration of the following factors:

- a. Scale of the structure, reflecting its ability to absorb alterations;
- b. Use of the structure, whether primarily for public or private purposes;
- c. Importance of the historic features of the structure to the conduct of the program; and,
- d. Costs of alterations in comparison to the increase in accessibility.

The decision by the responsible Federal agency to grant a modification or waiver of access is subject to Section 106 of the National Historic Preservation Act and shall be made in accordance with 36 CFR Part 800. Where the structure is federally owned or where Federal funds may be used for alterations, the comments of the Council shall be obtained pursuant to 36 CFR Part 800 prior to the approval of such work by the responsible Federal agency.

Program Revisions: It is important to realize that the concepts of barrier-free access focus on access to *functions*, rather than access to specific spaces. If the functions of a facility can be planned so that mobility-impaired persons have ready access to the functions without requiring physical alterations to the building, there should be no conflict with preservation concerns. This approach is often the most efficient and the least expensive.

In some buildings, such as house museums, the actual physical spaces are the functions, precluding the possibility of relocating the functions. However, physical alterations to these spaces, in order to provide barrier-free access, would have great potential to diminish or destroy both the spaces and the functions. Destruction of the function does not serve either the accessibility mandate or the preservation mandate. In some cases, it may not be possible to provide equal access to the functions for all persons.

Because one of the primary benefits of a historic preservation program is the experience of the historic properties themselves, rehabilitation programs for historic buildings should give priority to those access measures that make the properties, or portions thereof, physically accessible. Where program accessibility cannot be achieved without substantial impairment of historic features, . .

The interior stairways at Monticello, for example, are extremely narrow, and the upper floors of the house cannot be reached by persons who use canes, walkers, crutches, wheelchairs, or other physical supports. Alterations to the stairs would destroy these significant features, which help the visitors understand more of the mind of Thomas Jefferson. It was evident that other measures for providing paths of accessibility, such as elevators, lifts, ramps, or alterations to the stairs would radically diminish the building's historic integrity. The issue was resolved by acknowledging that mobility-restricted persons cannot gain access to Monticello's upper floors, and the property's museum function limits all public access to the first floor, basement, and grounds.

Alternative Entrances: Where excessive rises must be overcome, a possible solution is the use of alternative points of entry for barrier-free access. Access by side or rear elevations, or via basement entrances, may be more practical than efforts to adapt a primary entrance. Access by such alternative portals may also be less destructive of a building's historic character.

Walkways: In some cases, walkways and other surfaces may present access problems. Cobblestones, brick sidewalks, etc. . . .

The proper approach in resolving such access problems is to provide for barrier-free access without removing the historic elements.

The Virginia Department for the Rights of the Disabled can answer further questions regarding barrier-free access. They can be reached at 101 North 14th Street, 17th floor, Richmond, Virginia 23219; and at (804) 225-2042.

The Department of Historic Resources can answer additional questions regarding barrier-free access provisions for historic buildings, at (804) 367-2323.

References

"Making Historic Properties Accessible" *Preservation Brief* no. 32, U.S. Department of the Interior, 1995.

"Preserving the Past and Making it Accessible to Everyone: How Easy a Task?" U.S. Department of

the Interior, 1991.