

## 5.0 Definitions

The following is a summary of many definitions found in this document and within the ADA. Please refer to the Americans with Disabilities Act for the full text of definitions and explanations.<sup>58</sup>

**Accessible.** A site, building, facility, or portion thereof is deemed accessible when it is approachable and usable by persons with disabilities in compliance with technical standards adopted by the relevant Administrative Authority.

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

**ADA Coordinator.** The individual responsible for coordinating the efforts of the government entity to comply with title II and investigating any complaints that the entity has violated title II. Also known as *Accessibility Compliance Coordinator, Disability Access Manager* or *Accessibility Manager*.

**Alteration in the Public Right-of-Way.** A change to an existing facility that affects or could affect pedestrian access, circulation, or use. Alterations include, but are not limited to, resurfacing, rehabilitation, reconstruction, historic restoration, or changes or rearrangement of structural parts or elements of a facility.

**Auxiliary Aids and Services.** Refers to ways to communicate with people who have communication disabilities such as blindness, vision loss, deafness, hearing loss, a combination of vision and hearing loss, or speech or language disorders. The key to deciding what aid or service is needed to communicate effectively with people with disabilities and their companions is to consider the nature, length, complexity, and context of the communication as well as the person's typical method(s) of communication. Auxiliary aids and services include the use of interpreters, notetakers, readers, assistive listening systems, captioning, and TTYs, or the provision of alternate formats such as braille, ASCII text, large print, recorded audio, and electronic formats like CDs and DVDs.

**Blended Transition.** Raised pedestrian street crossings, depressed corners, or similar connections between the pedestrian access route at the level of the sidewalk and the level of the pedestrian street crossing, which have a grade of five percent or less.

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<sup>58</sup> DOJ, Title II Regulations Subpart A § 35.104 Definitions

**Clear Ground Space.** The minimum unobstructed ground space required to accommodate a single, stationary wheelchair and occupant. Clear ground space provides a location for a wheelchair user to approach and make use of an element.

**Complaint.** A complaint is a claimed violation of the ADA.

**Cross Slope.** The grade that is perpendicular to the direction of pedestrian travel. On a sidewalk, cross slope is measured perpendicular to the curb line or edge of the street or highway.

**Curb Line.** A line at the face of the curb that marks the transition between the curb and the gutter, street, or highway.

**Curb Ramp.** A ramp that cuts through or is built up to the curb. Curb ramps can be perpendicular or parallel, or a combination of parallel and perpendicular ramps.

**Disability.** The term disability means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual; or
- A record of such impairment; or
- Being regarded as having a disability or such impairment.

**Discrimination on the Basis of Disability.**<sup>59</sup> Discrimination on the basis of disability means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability;
- Participate in a contract that could subject a qualified citizen with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Deny equal benefits because of a disability;
- Fail to make reasonable modifications to known physical or mental limitations of an otherwise qualified individual with a disability unless it can be shown that the modification would impose an undue burden on the entity's operations;

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<sup>59</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

**Effective Communication.** Communication with people who have vision, hearing, and/or speech disabilities that is equally effective as communication with people without disabilities.

**Element.** An architectural or mechanical component of a building, facility, space, site, or public right-of-way.

**Facility.** All or any portion of buildings, structures, improvements, elements, and pedestrian or vehicular routes located in the public right-of-way.

**Fundamental Alteration.** A modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. If a public entity can demonstrate that the modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification. If a public entity can demonstrate that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations it provides, it is not required to make the modification.

**Grade.** The degree of inclination of a surface. See Slope. In public right-of-way, grade is the slope parallel to the direction of pedestrian travel.

**Grade Break.** The line where two surface planes with different grades meet.

**Having a Record of Impairment.** An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

**International Symbol of Accessibility (ISA).** The ISA is recognized worldwide as a symbol identifying accessible elements and spaces. Standards issued under the ADA and ABA reference and reproduce the ISA to ensure consistency in the designation of accessible elements and spaces. Uniform iconography promotes legibility, especially for people with low vision or cognitive disabilities.

**Maintenance.** Routine or periodic repair of all pedestrian facilities to restore them to the standards to which they were originally designed and built. Maintenance does not change the original purpose, intent, or design of public sidewalks, shared-use paths, curb ramps, crosswalks, pedestrian islands, or other public walkways.

**Operable Part.** A component of an element used to insert or withdraw objects, or to activate, deactivate, or adjust the element. The technical requirements for operable parts apply to operable parts on accessible pedestrian signals and pedestrian pushbuttons, and parking meters and parking pay stations that serve accessible parking spaces.

**Other Power-Driven Mobility Device (OPDMD).** Any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for locomotion and designed to operate in areas without defined pedestrian routes.

**Path of Travel.** A path of travel is a continuous, unobstructed way of pedestrian passage by means of which a newly constructed or altered area may be approached, entered and exited and which connects an area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of a 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. Within the context of alterations, path of travel also includes restrooms, telephones, and drinking fountains serving the altered area.

**Pedestrian Access Route.** A continuous and unobstructed path of travel provided for pedestrians with disabilities within or coinciding with a pedestrian circulation path in the public right-of-way.

**Pedestrian Circulation Path.** A prepared exterior or interior surface provided for pedestrian travel in the public right-of-way.

**Physical or Mental Impairments.**<sup>60</sup> Physical or mental impairments may include, but are not limited to, vision, speech, and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV infection (HIV condition); and drug addiction, if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness;

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<sup>60</sup> 28 CFR Appendix B, Test C Being regarded as having such an impairment

poverty; lack of education; a prison record; and poor judgment or quick temper, if not symptoms of a mental or physiological disorder.

**Practicable.** Capable of being put into practice or being accomplished within the context of the facility and within the limits of the applicable ABA *Conditions for Exception, 1019*. Feasible.

**Primary Function.** A major activity for which a 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 a facility are carried out.

**Program Accessibility.** A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities.

**Public Entity.** Any state or local government; any department, agency, special-purpose district, or other instrumentality of a state or local government.

**Public Right-of-Way.** Public land or property, usually in interconnected corridors, that is acquired for or dedicated to transportation purposes.

**Qualified Historic Facility.** A facility that is listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.

**Qualified Individual with a Disability.** A qualified individual with a disability means an individual with a disability who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the entity.

**Reasonable Modification.**<sup>61</sup> A public entity must modify its policies, practice, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of its service, program, or activity.

**Regarded as Having a Disability.** An individual is *disabled* if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

**Running Slope.** The grade that is parallel to the direction of pedestrian travel.

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<sup>61</sup> DOJ, Title II Regulations Subpart B § 35.130 General prohibitions against discrimination

**Scoping.** Requirements that specify what features are required to be accessible, and, where multiple features of the same type are provided, how many of the features are required to be accessible.

**Service Animal.** Service animals are dogs (and in certain circumstances, miniature horses) that are individually trained to perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post-Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. Guidance on the use of the term *service animal* in the 2010 Standards is published online at [https://www.ada.gov/service\\_animals\\_2010.htm](https://www.ada.gov/service_animals_2010.htm).

Title II regulations now include assessment factors to assist public entities in determining whether miniature horses can be accommodated as service animals in their facilities:

- Whether the miniature horse is housebroken;
- Whether the miniature horse is under the owner's control;
- Whether the facility can accommodate the miniature horse's type, size, and weight; and
- Whether the miniature horse's presence will compromise legitimate safety requirements necessary for safe operation of the facility.

**Slope.** Ground surface that forms a natural or artificial incline. Slope is typically conveyed as either a percentage or a ratio that represent the change in elevation between two points of an incline divided by the horizontal distance between the two points.

- **Cross Slope:** The slope that is perpendicular to the direction of travel.
- **Running Slope:** The slope that is parallel to the direction of travel.

**Substantial Limitations of Major Life Activities.** An individual is disabled if she or he has a physical or mental impairment that (a) renders her or him unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which she or he can perform a particular major life activity in comparison to other people.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment;
- The duration or expected duration of the impairment; and
- The permanent or long-term impact (or expected impact) of or resulting from the impairment.

**Technical Standards.** Specify the design criteria for accessible features, including the specific numbers, conditions, and measurements that are required.

**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.

**Vertical Surface Discontinuities.** Vertical differences in level between two adjacent surfaces.

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