



DISABILITY AND COMMUNICATION ACCESS BOARD

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INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings, facilities and sites constructed by, or on behalf of the State or any county, shall conform to the 2004 Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-216, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: DCAB 2016-01 Can a new passenger elevator located in a judiciary building, totally controlled and operated by security personnel, be outfitted with a secure holding area to facilitate the safe transport of escorted detainees?

Summary: The ADAAG, while having provisions for accessible elevators, does not address situations such as judicial (and correctional) facilities where an elevator is used to transport detainees and where security personnel always control the elevator.

A request for an interpretive opinion was made during the design of a judicial facility to compartmentalize the elevators to create a secured area within the cab for the detainees during transport to provide a safe environment for both the security staff and the detainee(s).

As the elevator is part of an accessible route, the elevator is required to be accessible. The secured portion would also be required to be accessible for detainees who may have a disability. However, it can be argued that since the security personnel will be operating the controls, the controls would not need to be accessible to the detainee from within the secured area and the area for the security staff is an employee work area. The ADAAG does not specify a minimum size of an employee work area. Work areas only require the ability for someone to approach, enter and exit (see DCAB Interpretive Opinion 2015-02).

The gate to the secured area, because it is intended for user passage, must comply with ADAAG 404.1 and cannot be considered a security barrier per DCAB Interpretive Opinion 2012-02. This means the route through the cab entry of the non-secured portion must comply with accessible route requirements up to the gate. Since security personnel always operate the gate, it is not required to comply with ADAAG sections 404.2.7, 404.2.8, 404.2.9, 404.3.1 and 404.3.4 through 404.3.7 per the exception in ADAAG 404.1.

Ruling: For buildings or facilities subject to HRS §103-50,

ADAAG 407 Elevators.

In accordance with ADAAG 103 Equivalent Facilitation, elevators in Judiciary and Correctional facilities may contain a secured area within the elevator cab when all of the following conditions are met:

- 1. The elevator can only be used by security personnel for transporting detainees.*
- 2. The elevator can only be operated by security personnel accompanying and/or transporting the detainee.*
- 3. The elevator must comply with all provisions of section 407 of the ADAAG with the exception of section 407.4.1 Car Dimensions.*
- 4. The secured area within the elevator cab must provide a 48 inch deep by 30 inch wide minimum wheelchair clear floor space centered on the gate opening.*
- 5. The gate to the secured area must comply with all provisions of ADAAG section 404 with the following exception: The gate operated only by security personnel shall not be required to comply with 404.2.7, 404.2.8, 404.2.9, 404.3.1 and 404.3.4 through 404.3.7.*
- 6. A wheelchair clear floor space complying with ADAAG 305 shall be provided within the secured area of the elevator cab. An accessible route complying with ADAAG 403 is required through the elevator cab entry to the wheelchair clear floor space within the secured area of the elevator cab.*
- 7. The building must have an elevator(s) for use by the public and/or employees that complies with ADAAG sections 206.6 and 407.*

Advisory: *Maneuvering clearance complying with 404.2.4 is required at the approach to both the gate and the elevator door.*

[Rul: 03/17/16] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121.

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