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**STATE PURCHASING  
AND  
GENERAL SERVICES COMMISSION**

**PROCEDURES MANUAL  
SECTION 8**

**ARCHITECTURAL BARRIERS**

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**STATEMENT OF PURPOSE**

The Elimination of Architectural Barriers Section of the Facilities Construction and Space Management Division is responsible for implementing and administering the State's program to eliminate architectural barriers to mobility impaired citizens of Texas and through such activity is dedicated to encouraging, promoting, and participating in the rehabilitation of handicapped citizens.

This Section of the manual was prepared to provide the necessary guidance to those involved in construction, modification or renovation of buildings or facilities to assure compliance with the Act.

**AUTHORITY**

The State Purchasing and General Services Commission operates by the authority of Article 601b, Vernon's Texas Civil Statutes. The section of this statute dealing specifically with architectural barriers is provided here.

**7. ARCHITECTURAL BARRIERS**

Sec. 7.01. **POLICY.** The provisions of this article are to further the policy of the State of Texas to encourage and promote the rehabilitation of handicapped or disabled citizens and to eliminate, insofar as possible, unnecessary barriers encountered by aged, handicapped, or disabled persons, whose ability to engage in gainful occupations or to achieve maximum personal independence is needlessly restricted when such persons cannot readily use public buildings.

**Sec. 7.02. APPLICATION.**

(a) The standards and specifications adopted under this article shall apply to all buildings and facilities used by the public which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state. To such extent as is not contraindicated by federal law or beyond the state's power of regulation, these standards shall also apply to buildings and facilities constructed in this state through partial or total use of federal funds. All buildings and facilities constructed in this state, or substantially renovated, modified, or altered, after the effective date of this article from any one of these funds or any combination thereof shall conform to each of the standards and specifications adopted under this article except where the governmental department, agency, or unit concerned shall determine, after taking all circumstances into consideration, that full compliance with any particular standard or specification is impracticable. Where it is determined that full compliance with any particular standard or specification is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the commission. If it is determined that full compliance is not practicable, there shall be substantial compliance with the standard or specification to the maximum extent practical, and the written record of the determination that it is impractical to comply fully with a particular standard or specification shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.

(b) These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this article, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This article shall apply to temporary or emergency construction as well as permanent buildings.

(c) These standards and specifications shall be adhered to in all buildings leased or rented in whole or in part for use by the state under any lease or rental agreement entered into on or after January 1, 1972. To such extent as is not contraindicated by federal law or beyond the power of the state's regulation, these standards shall also apply to buildings or facilities leased or rented for use by the state through partial or total use of federal funds.

Facilities which are the subject of lease or rental agreements on January 1, 1972, will not be required to meet standards and specifications for the term of the existing lease or rental agreement but must be brought into compliance before a lease or rental agreement is renewed. Where it is determined by the governmental department, agency, or unit concerned that full compliance with any particular standard is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the commission. If it is determined that full compliance is not practical, there shall be substantial compliance with the standard or specification to the maximum extent practical, and the written record of the determination that it is impractical to comply fully with a particular standard or specification shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.

(d) Except as otherwise provided in Subsection (e) of this section, these standards and specifications shall be adhered to in certain privately financed buildings, building elements, and improved areas which are open to public use for education, employment, transportation, or acquisition of goods and services, and which are constructed on or after January 1, 1978, in counties with a population of 45,000 or more. Such facilities include the following:

(1) shopping centers which contain in excess of five separate mercantile establishments; compliance with accessibility standards and specifications relative to toilet rooms shall not apply unless the shopping center elects to have public toilet rooms;

(2) passenger transportation terminals;

(3) theaters and auditoriums having a seating capacity for 200 or more patrons;

(4) hospitals and related medical facilities which provide direct medical service to patients;

(5) nursing homes and convalescent centers;

(6) buildings containing an aggregate total of 20,000 or more square feet of recognizable office floor space;

(7) funeral homes; and

(8) commercial business and trade schools.

As amended Acts 1981, 67th Leg., R.S., p. 499, ch. 207, sec. 1, eff. 5-28-81.

(e) The commission shall have the authority to waive or modify accessibility standards and specifications when application of such standards and specifications is considered by the commission to be irrelevant to the nature, use, or function of a building or facility covered by this article. The commission shall not waive or modify any standard or specification when such action would result in a significant impairment of the acquisition of goods and services by handicapped persons or substantially reduce the potential for employment of handicapped persons. All evidence supporting waiver or modification determinations made by the commission shall be made a matter of record and become part of the file system maintained by the commission.

Added by Acts 1981, 67th Leg., R.S., p. 499, ch. 207, sec. 1, eff. 5-28-81.

Sec. 7.03. SCOPE.

(a) This article is concerned with nonambulatory disabilities, semiambulatory disabilities, sight disabilities, hearing disabilities, disabilities of coordination, and aging.

(b) It is intended to make all buildings and facilities covered by this article accessible to, and functional for, the physically handicapped to, through, and within their doors, without loss of function, space, or facilities where the general public is concerned.

Sec. 7.04. DEFINITIONS. For the purpose of this article the following terms have the meanings as herein set forth:

(1) "Nonambulatory disabilities" means impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs.

(2) "Semiambulatory disabilities" means impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics, and those with pulmonary and cardiac ills may be semiambulatory. The listing here made is illustrative and shall not be construed as being exhaustive.

(3) "Sight disabilities" means total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger.

(4) "Hearing disabilities" means deafness or hearing handicaps that might make an individual insecure in a public area because he is unable to communicate or hear warning signals.

(5) "Disabilities of coordination" means faulty coordination or palsy from brain, spinal, or peripheral nerve injury.

(6) "Aging" means those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in the aforementioned categories.

Sec. 7.05. RESPONSIBILITIES FOR ENFORCEMENT.

(a) The responsibility for administration and enforcement of this article shall reside primarily in the commission, but the commission shall have the assistance of appropriate state rehabilitation agencies in carrying out its responsibilities under this article. State agencies involved in extending direct services to disabled or handicapped persons are authorized to enter into interagency contracts with the commission to provide such additional funding as might be required to insure that service objectives and responsibilities of such agencies are achieved through the administration of this article. In enforcing this article the commission shall also receive the assistance of all appropriate elective or appointive state officials. The commission shall from time to time inform professional organizations and others of this law and its application.

(b) The commission shall have all necessary powers to require compliance with its rules and regulations and modifications thereof and substitutions therefor, including powers to institute and prosecute proceedings in the district court to compel such compliance, and shall not be required to pay any entry or filing fee in connection with the institution of such proceedings. The commission or a handicapped person who seeks injunctive relief to obtain compliance with the rules and regulations shall first notify a person responsible for the building and allow that person 90 days to bring the building into

compliance. The commission shall have the authority to extend the 90-day period when circumstances justify such extension.

(c) The commission is authorized to promulgate such rules and regulations as might reasonably be required to implement and enforce this article. The standards and specifications to be adopted by the commission under this article shall be consistent in effect to those adopted by the American National Standards Institute, Inc. (or its federally recognized successor in function), and the commission shall publish the standards and specifications in a readily accessible form for the use of interested parties.

(d) All plans and specifications for construction of buildings subject to the provisions of this article shall be submitted to the commission for review and approval prior to bidding and award of contract in accordance with rules and regulations adopted by the commission. Likewise, any substantial modification of approved plans shall be resubmitted to the commission for review and approval.

(e) The commission may review plans and specifications, make inspections, and issue certifications that structures not otherwise covered by this article are free of architectural barriers and in compliance with the provisions of this article. The commission is authorized to charge a fee, not to exceed \$100, for review of plans and specifications, inspection, and certification of each privately owned building or facility.

As amended Acts 1981, 67th Leg., R.S., p. 499, ch. 207, sec. 2, eff. 5-28-81.

(f) With respect to buildings and facilities that are under the jurisdiction and control of The University of Texas Board of Regents, the responsibility for administration and enforcement of this article shall reside in such governing board, and in the discharge of such responsibility the governing board shall have the same responsibilities, duties, powers, and authority that are herein imposed on and delegated to the commission with respect to all other buildings and facilities covered by this article.

### ARCHITECTURAL BARRIERS

The State Purchasing and General Services Commission has been charged with the responsibility of administering and enforcing the statutory requirement to provide accessibility to handicapped persons in certain buildings and facilities.

The State's architectural standards and specifications apply to all buildings and facilities used by the public which are:

- constructed, modified, or altered through partial or total use of State, county, or municipal funds, or the funds of any political subdivision in the State.
- constructed, modified, or altered through partial or total use of federal funds, provided the standards are not in conflict with federal law or extend beyond the State's power of regulation.
- leased or rented in whole or in part for use by an agency of the State of Texas.
- privately-financed buildings, building elements, and improved areas which are open to public use for education, employment, transportation, or acquisition of goods and services, and which were constructed on or after January 1, 1978, and in counties with a population of 45,000 or more. Such facilities include:
  - Shopping centers with five or more mercantile establishments. Standards and specifications do not apply, however, to toilet rooms unless they are public toilet rooms.
  - Passenger transportation terminals
  - Theaters and auditoriums with a seating capacity for 200 or more people
  - Hospitals and related medical facilities which provide direct medical service to patients
  - Nursing homes and convalescent centers
  - Buildings with 20,000 or more square feet of office floor space
  - Funeral homes
  - Commercial business and trade schools

The University of Texas Board of Regents is responsible for all buildings and facilities under its jurisdiction and control, and has the same responsibilities, duties, powers, and authority imposed on and delegated to the SPGSC.



Except for space leased or rented for state agency occupancy, use the following procedures to help ensure the elimination of architectural barriers in buildings or facilities falling within one or more of the above categories. Refer to Section 7 of this manual for procedures related to handicapped accessibility in state leased facilities.

A glossary of architectural barriers terms has been provided at the end of this section.

1. Anticipate needs.

Determine the needs of the agency and review the standards and specifications set by the State of Texas to see that the agency's needs are in compliance with these standards.

2. Write a statement of intent to comply with these standards and specifications.

Use Form BC 30057-80 which provides the following information:

- Name of building owner — This should be provided in the opening paragraph and in the space provided for "Building Owner/Public Authority."
- Mailing address of building owner
- Name of building or facility
- Estimated date of completion
- Location of building or facility — Include city, zip code, and county
- Name of architect
- Mailing address of architect
- Description of the project
- Date the form is signed
- Name or signature of building owner
- Signature of authorized agent for the builder — Include title or position of the agent.

3. Prepare a set of plans and specifications or obtain final drawings from an architect.

4. (IF APPLICABLE) If requesting a waiver or variance from the standards and specifications, write a request and attach it to the statement of intent to comply.

5. Send the completed statement of intent and a set of plans and specifications to the SPGSC at P.O. Box 13047, Capitol Station, Austin, Texas, 78711.

Send with prepaid return postage or request the SPGSC to return the plans C.O.D.

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If the construction documents are approved, the SPGSC will notify the agency. If not approved, the SPGSC will request that the agency provide verification of certain revisions or resubmit the plans to show compliance with standards and specifications.

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6. (IF APPLICABLE) Send verification of revisions or a revised set of plans to the SPGSC at P.O. Box 13047, Capitol Station, Austin, Texas, 78711.
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Once approved, and all other construction requirements have been met (see Section 12 of this manual dealing with Facilities Construction), construction or renovation of the project may begin.

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7. Notify the SPGSC when the construction is complete.

Send notification and the statement of compliance to the SPGSC at P.O. Box 13047, Capitol Station, Austin, Texas, 78711.

Upon completion of a project, the building owner or agent should notify the SPGSC and should verify actual compliance with applicable standards and specifications. This can be in the form of a letter written by the building owner, architect, or attorney. Statements of compliance should not include the wording "To the best of my knowledge."

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SPGSC may inspect the building or facility to ensure that it meets State standards and specifications. If approved, the SPGSC will notify the agency. If not approved, SPGSC will request corrections to ensure compliance. In cases of non-compliance, the SPGSC will refer the matter to its legal counsel for legal action. The SPGSC can also retract approval if it becomes known that the facility does not provide for the elimination of architectural barriers.

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## GLOSSARY OF ARCHITECTURAL BARRIERS TERMS

### ARCHITECTURAL BARRIERS

Any structural elements relative to buildings and facilities that prohibits or impedes the movement of handicapped persons, or any fixture or piece of equipment normally used by occupants but that is not reasonably usable by handicapped persons.

### COMMISSION

The three members (appointed by the Governor with the advice and consent of the Senate) who set SPGSC policy, adopt rules in accord with that policy, and exercise authority not delegated to the Executive Director of the SPGSC.

### SPGSC

The State Purchasing and General Services Commission. In this manual, the staff of the State Purchasing and General Services Commission.

### STANDARDS/SPECIFICATIONS

Dimensional specifications duly adopted by the SPGSC that will provide adequate clearances, spaces, and other features to permit use of a building or facility by handicapped persons.

### VARIANCE

An acceptable deviation from a specification.

### WAIVER

Justified non-compliance with one or more specifications.

**FORMS**

1. Handicapped Accessibility — Statement of Intent Form BC 30057-80

Handicapped Accessibility  
Statement of Intent

I, \_\_\_\_\_, the undersigned building owner or authorized agent, having examined Section 7, Article 601b, Vernon's Texas Civil Statutes, am familiar with the provisions thereof, and do hereby notify the State Purchasing and General Services Commission of the below described project and certify that I will perform, or cause to be performed, all services necessary to complete said project so that it will comply with the provisions of the aforementioned statute.

\_\_\_\_\_  
BUILDING OWNER/PUBLIC AUTHORITY

\_\_\_\_\_  
MAILING ADDRESS

\_\_\_\_\_  
NAME OF BUILDING OR FACILITY

\_\_\_\_\_  
EST. DATE OF COMPLETION

\_\_\_\_\_  
LOCATION (ADDRESS) OF BUILDING OR FACILITY

\_\_\_\_\_  
CITY

\_\_\_\_\_  
ZIP CODE

\_\_\_\_\_  
COUNTY

\_\_\_\_\_  
ARCHITECT & MAILING ADDRESS

\_\_\_\_\_  
PROJECT DESCRIPTION

Signed on this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Name or Signature of Building Owner

By: \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Agent

Title: \_\_\_\_\_

Received by the State Purchasing and General Services Commission this  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

By: \_\_\_\_\_

THIS FORM IS ADOPTED IN ACCORDANCE WITH BOARD RULE 580 PROMULGATED UNDER THE PROVISIONS OF ARTICLE 601b, SUPRA, AND IS TO ACCOMPANY THE PROJECT PLANS AND SPECIFICATIONS WHEN THEY ARE SUBMITTED TO THE COMMISSION FOR REVIEW.

Immediately upon completion of the project, the building owner or his authorized agent shall furnish the Commission with an accurate and complete statement verifying that the buildings and facilities covered in this project comply with the Act. Pursuant to Rule 581, the Commission may inspect all subject buildings and facilities for the purpose of verifying statements of compliance. Accessibility certifications or approvals, as described in Rule 582, will be issued by the Commission only upon a finding of compliance pursuant to such inspections or verifications.