

ACCESS EQUALS OPPORTUNITY:

RESTAURANTS & BARS

Q. Are restaurants and bars required to have TTYs (TeleTYpewriters)?

A. No. For making calls to or receiving calls from customers with hearing or speech impairments who use TTYs, restaurants will be able to rely on the relay systems that telephone companies must establish by July 26, 1993. Operators employed by relay systems will relay communications between TTY-users and people using conventional telephones. Only those businesses that allow their customers to make outgoing calls on more than an incidental convenience basis must provide TTYs.

Restaurants and bars can ensure effective communication by telling staff who answer the telephone to anticipate incoming calls through the relay services. Handling these calls may take longer because an operator at the relay system will be receiving typed communications from the caller and will also be using the relay system equipment to type communications from the restaurant or bar staff person to the caller. Training should be undertaken as soon as possible because at least 40 states already offer some type of relay service.

For your information, however, a TTY is relatively inexpensive, usually costing about \$275 and would be welcome service for customers with hearing or speech impairments. If you have a TTY, be sure to list their telephone number followed by "Voice/TTY" in any publications or advertisements to signify that customers can communicate with them by voice or TTY.

Q. Are restaurants and bars that offer parking required to provide accessible parking spaces for people with mobility impairments? If such parking is required how many spaces must be provided?

A. Yes. If a restaurant or bar owns and operates the parking lot, it must provide accessible parking if it is readily achievable to do so. If a restaurant or bar is a tenant, responsibility for providing accessible parking rests with both the landlord and the tenant. These responsibilities may be allocated between the landlord and tenant in the lease or other contract.

The spaces must comply with the dimensions specified in the ADAAG if it is readily achievable to meet those standards. The ADAAG also specifies a formula for determining the appropriate number of accessible spaces which must be followed if it is readily achievable to do so. If it is not readily achievable to comply with the ADAAG standards for the number and dimensions of accessible spaces, a restaurant or bar must provide as

many spaces as readily achievable and of readily achievable dimensions.

If it is not readily achievable to provide any accessible spaces, a restaurant or bar could consider providing valet parking as an alternative method of providing access.

Q. Are restaurants and bars required to remove barriers posed by sidewalk curbs?

A. Curb cuts (also known as curb ramps) enable people who use wheelchairs or other mobility devices to have ready access to restaurants and bars. If the only parking available is on a city street and the business does not own or control the sidewalk, the municipality, not the restaurant or bar, is responsible for providing curb ramps. If a restaurant or bar owns or controls the sidewalk, it must provide curb ramps if readily achievable. If a restaurant or bar is a tenant, responsibility for providing curb ramps rests with both the landlord and the tenant.

These responsibilities for compliance may be allocated between the landlord and tenant in the lease or other contract.

The ADAAG establishes standards for construction of curb ramps that must be followed if readily achievable.

Q. Must all entrances to restaurants and bars be accessible?

A. No, but one entrance, preferably the main entrance, must be accessible, making it possible for people with disabilities to "get through the door." For many businesses, ramping one step or even several steps will be readily achievable.

Installation of a permanent ramp, rather than a portable one, is required unless such installation is not readily achievable. If a public accommodation cannot meet the ADAAG's technical requirements for ramps because of space or other limitations, it can deviate slightly from these specifications as long as the ramp is still safe.

If a permanent ramp cannot be installed, a portable ramp must be used if readily achievable. Portable, i.e., moveable, ramps also must be safe. Most portable ramps are relatively inexpensive to purchase or construct.

A restaurant or bar using a portable ramp should install a doorbell or intercom (with an appropriate sign) to summon an employee to bring the ramp to the door if readily achievable. If the accessible entrance is one other than the main entrance, a sign at the main entrance should indicate where the accessible entrance is located.

If none of these barrier removal options is readily achievable, alternative methods to provide service must be considered, such as curbside service or home delivery at no additional charge.

Q. How does a restaurant or bar know if the doorway for the accessible entrance is wide enough for customers who use wheelchairs or other mobility devices?

A. The ADAAG standard states that a minimum of 32 inches of clear opening measured between the face of the door and the opposite stop when the door is opened 90 degrees is required to provide access for customers who use wheelchairs or other mobility devices. Offset hinges can increase the amount of clear space by several inches.

Automatic or push button doors are the best for providing access. Whether installing them is readily achievable or not depends on the circumstances of the individual restaurant or bar.

Another measure that makes doors easier to use, not only for customers who use mobility devices but also for those who have conditions that limit their manual dexterity, is to install lever or U-shaped handles. Some retrofit levers cost less than \$10 and can improve access significantly.

Adjusting door closers or springs and oiling hinges are also inexpensive steps that make it easier to open doors and prevent them from closing too quickly. Widening doors, installing accessible door handles, and making door adjustments are examples of modifications that will be readily achievable for most businesses.

Q. What can restaurants and bars do at their entrances to ensure safe access by customers with limited vision?

A. Restaurants and bars must make sure there is adequate lighting at the entrance to enable customers with limited vision disabilities to enter and exit safely.

Q. Can a restaurant or bar deny service to a person with a disability because his or her disability or behavior resulting from the disability may be disturbing to other customers?

A. No. The ADA specifically prohibits this type of discrimination against people with disabilities.

Q. How does a restaurant or bar make sure customers with mobility impairments can get to the establishment's various service areas?

A. When evaluating a restaurant or bar for accessibility to seating and other service areas, apply a few common sense rules.

If "getting through the door" is possible, a restaurant or bar should determine whether the pathways between tables, bars, and other facilities are wide enough for a customer using a wheelchair. Are there level changes between service areas? Are there vending machines or stock stored in hallways or other areas that might block passage? In some instance, minor, no cost changes to the arrangement of tables and storage items can facilitate access.

Q. Must restaurants and bars provide accessible tables to people who use wheelchairs?

A. Accessible tables must, where practical, be distributed throughout the establishment. Accessible tables must be between 28 and 34 inches from the floor to the top of the table if readily achievable. Keep a list of accessible tables so the person who seats customers will be able to direct customers using wheelchairs to accessible tables.

If an individual wishes to transfer from her or his wheelchair to a regular seat, it is suggested that restaurant staff offer to remove the wheelchair to an out-of-the-way location.

Q. Does a restaurant that provides only fixed seating have to provide accessible seating?

A. Yes, at least five percent of the restaurant's fixed tables must be accessible if readily achievable. Accessible tables (28-34 inches high) must, where practical, be distributed throughout the restaurant. For establishments with fewer than 20 tables, at least one table must be accessible. This provision is, in many cases, easy and inexpensive to meet by removing several of the fixed seats (but leaving the tables) and replacing them with seats that can be removed for a customer who uses a wheelchair. This measure also creates aisles wide enough to people using wheelchairs or other mobility devices to negotiate.

Q. What can a restaurant do if fixed seating obstructs passage of people who use wheelchairs or other mobility devices?

A. In many instances, restaurants with fixed seating may be able to create access aisles wide enough for passage by people with mobility impairments by removing some fixed seats and replacing them with moveable seats. If this is not readily achievable, restaurants may be able to put accessible tables near entrances or close to service counters.

Q. If a restaurant has various levels where it provides the same service, does each level have to be accessible to customers with mobility impairments?

A. Access to all seating areas is not required. However, if readily achievable, at least one area that the general public and people with disabilities may use must provide the same services and décor that are available in other, inaccessible areas.

Q. Is a restaurant that serves food on the ground floor but has a bar located in the basement required to provide access to the bar?

A. Possibly. Although installing an elevator will not be readily achievable for most restaurants and bars, some access to floors above or below the ground level may be required. If there are only several steps to reach the additional levels, a ramp is required if

it is readily achievable to install one. If there are many steps, installation of a wheelchair lift, which is much less expensive than an elevator, is required if readily achievable. Other alternatives include using accessible routes such as a freight elevator or rear entrance. If alternative access is impossible, the restaurant must offer bar service at the same prices to customers with mobility impairments in the restaurant.

Conversely, if the bar is on ground level and the restaurant is downstairs and cannot be reached using readily achievable methods, the restaurant must make the menu items available in the bar at no additional cost.

Restaurants must also ensure that stairwells to different levels are well lit so that people with limited vision can safely access all levels. This measure will be readily achievable in most circumstances.

Q. Does a bar that serves only customers seated on stools or standing have to make the bar wheelchair accessible?

A. Possibly. If the bar exceeds 34 inches in height, a 60-inch long portion of the counter must be lowered, where it is readily achievable, to between 28 and 34 inches from the floor to the top of the bar with knee space at least 27 inches high, 30 inches wide, and 19 inches deep, for customers who use wheelchairs. Another acceptable, inexpensive, and easy alternative is to provide accessible tables within the same service area.

Q. What special services might restaurants and bars provide to customers with vision impairments?

A. Customers with vision impairments may need orientation to their seats. It is customary to offer a person with a vision impairment assistance to his or her seat. If he or she accepts the offer of assistance, the service person should offer his or her arm to the customer and guide the person to the table, alerting him or her to obstacles along the way.

Menu information must be accessible to people with vision impairments. The best way to provide access to the menu depends, in part, on the type of restaurant and its resources. One method is for employees to read menus and daily specials to customers. Large print menus are another inexpensive method for providing independent access to some customers with limited vision. An inexpensive magnifier is also useful to some people with vision limitations. Braille menus are an option, but not everyone who is blind reads Braille. Providing audio cassette tapes of the menu and a cassette player will provide effective communication with many individuals with vision impairments.

If a restaurant uses low lighting for ambiance, it could offer a small flashlight for use at the table.

Q. Must restaurants and bars allow service animals, including guide dogs, to accompany customers with disabilities into restaurants?

A. Yes.

Q. How does a restaurant service person communicate with a customer who is deaf or hard of hearing or who has a speech impairment? Must a sign language interpreter be provided for communicating with deaf individuals?

A. It is important for restaurants to communicate effectively with customers with speech impairments. Allowing sufficient time for a person with such a disability to express himself or herself or read a message spelled out on a word board are examples of methods to achieve effective communication.

Sign language interpreters are not required for short and simple communications with deaf individuals. Use of a pen and note pad is adequate with a customer with a hearing or speech impairment who simply wishes to order a meal or drinks and pay the check.

Q. Can a bar that requires a driver's license as proof of age refuse to serve a person who does not have a license?

A. No. The ADA prohibits public accommodations from using eligibility criteria that have the effect of discriminating against people with disabilities unless necessary to one's business. Requiring a driver's license as the sole acceptable document for proof of age discriminates against people with disabilities such as blindness who are ineligible to obtain a driver's license. An exception to the policy must be made to permit these customers to present another form of identification that shows their age.

Q. Must restaurants and bars provide accessible rest rooms? How can rest rooms be made accessible?

A. If rest room facilities are provided for public use, at least one accessible rest room must be available when readily achievable. Certain relatively simple steps can increase access and usability. Widening entry and stall doors; moving obstacles such as vending machines; rearranging toilet partitions to increase maneuverability for customers using wheelchairs; installing a raised toilet seat; installing grab bars near the toilet; repositioning paper towel dispensers; installing lever handles on at least one sink; and installing insulation material around exposed lavatory pipes to prevent wheelchair users from burning their legs while sitting at the sink are examples of readily achievable measures for most businesses. If a restaurant or bar provides more than one rest room and not all are accessible, a sign should indicate where the accessible rest room(s) is (are) located.

Simple symbols indicating which facilities are for men or women are easier for some people with cognitive impairments (such as mental retardation) to understand than words or other images. Raised letters and Braille differentiating men's and women's rest rooms are important for people who are blind, and large, high-contrast signs help people with limited vision. Restaurants and bars must take all of these measures if readily achievable.

Q. Must restaurants and bars install visual alarms?

A. Where audible alarms are provided, visual alarms must be added if readily achievable. The ADAAG specifies the types of alarms that meet this requirement.

People who are deaf or hard of hearing depend on visual alarms to alert them to fire or other emergencies. It is suggested that signs be placed next to alarms indicating their purpose. Restaurant and bar personnel should also point out the location of visual alarms to people who are deaf or hard of hearing.

Q. What other services are restaurants required to provide customers with disabilities?

A. Restaurants are required to make reasonable modifications to their policies and procedures to prevent discrimination against customers with disabilities. Keeping straws on hand for use by customers with manual impairments and unwrapping them if requested; cutting up foods if requested by a customer; providing a glass, cup, or different sized dish that is easier for a customer to handle if requested; and providing assistance to customers who request help removing their coats or jackets are examples of reasonable modifications for most restaurants and bars.

Restaurants must be prepared to respond accurately to telephone inquiries from customers who wish to know about the restaurant's accessibility. A common sense approach is to keep a typed list near the telephone outlining the restaurant's access features that any employee can read in response to an inquiry.

These measures are courtesies that are generally accepted as good business practice. The ADA makes sure such courtesies are extended to all customers.

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