



CLEARER APPROACH TO ACCESSIBILITY SURVEYS

Retailers saw a continuation in the rise of ADA Title III lawsuits during 2018 and 2019, with states like California, New York, and Florida remaining especially targeted. Though there have been attempts to curb this tidal wave - like 2017's ADA Education and Reform Act - this year's projected total of cases is still on track to materially exceed the preceding year. While some of this increase has been fueled by website and digital accessibility concerns, physical brick and mortar stores remain in the crosshairs as well.



Remediating accessibility issues requires as much effort to identify the problem as it does partnership to resolve it. Below are a few ideas to consider for both creating a more accessible experience and making strives to address readily-achievable concerns:

BE AWARE OF YOUR SURROUNDINGS

Particularly for retailers with a large fleet, it can be a logistical nightmare to maintain an accurate view of physical conditions across an entire store network. Many organizations – especially franchised concepts – will strive to rely on archived site information as a basis for planning new stores or remodeling existing ones. From both a timing and cost perspective, there are very understandable reservations that come with managing waves of field surveys either internally or with third parties.

For many tenant improvement projects, this approach may not actually create any issues at the end of the day. Confirmation bias to that point can create some trained bad behavior, though. When existing information is relied on over generations of lease owners, remodel cycles, and discipline hand-offs, the risk for slip-ups is compounded.

Unless there is total certainty that archive information wasn't derived from dated as-built drawings, planning activities are essentially happening in a vacuum. As some of the ADA guideline tenets that are truly measured in inches, one missed dimension handed down over time could be all it takes to technically create a non-compliant condition. Beyond that, components that were once perfectly fine as documented – like a parking lot slope – can naturally change over the course of a store's operation (e.g. from weather, use, etc.).

Regardless of a retailer's own appetite for risk in their approach, not hitting pause to review project site conditions could end up being nearly as costly. Putting aside any discussion about ADA legal actions, dubious site information could narrow the pool of A&E partners willing to sign and seal drawings sight unseen. Or at a minimum, require additional services to redraw old PDF's at a percentage of a proper approach anyway.

CONSOLIDATE YOUR EFFORTS

Operationalizing an ADA survey program can be a massive undertaking, but there are ways to alleviate the challenge. Depending on just how many project locations need attention, many of these strategies can be stacked on top of one another.

A vital piece of information that can only come from within a retailer's organization, is an honest prioritization of locations that may have issues. Criteria could include any sites where as-builts are knowingly outdated; multiple tenant turnovers; project sites earmarked for remodel; and a review of ADA claims that might have been made against an organization in the past. For the latter, accessibility surveys can also be a tactic for verifying the accuracy of claims that have already been issued.

Ad-hoc prioritization of project locations should always be balanced with taking any available geographic efficiencies. For a typical in-line, specialty retail space, an ADA investigation may only require a half-day in the field from a versed architecture or survey service team. If sites are released by proximity, that can allow the checklist of project locations to be completed more quickly.

Whether projects are managed internally or with outside assistance, consider pairing field survey teams with a team member who can begin drafting any required deliverables in parallel. Cloud coordination and VPN connections can allow photos, survey reports, and field drawings to be shared almost as soon as a site visit is complete. By connecting this information to staff back at

the office, a surveyor can remain in the field or complete their travel without delaying document development.

INDIVIDUAL MILEAGE MAY VARY

Once any problems are identified, the pathway to remediation is full of its own tripping points. While a smart approach to ADA surveys can be scheduled and budgeted in advance (for the most part), actual observed issues can range significantly in their level of impact.

On the very low end of the spectrum, store staff may need to simply reconfigure existing equipment or fixtures to satisfy clearance requirements. But even where outside assistance is required, some usual suspect items can be completed by engaging an architect alone. Minor modifications that could fall under that umbrella include re-striping of parking lots, accessibility ramp alterations, or the preparation of enlarged restroom plans/details.

The scarier projects from a complexity standpoint may also require any combination of civil, structural, and MEP services. Examples include regrading of a parking lot, new curb layouts, fixture relocation or even reconfiguration of certain underground utilities. In a lot of instances, however, these nightmare cases are often the ones that particularly result from a protracted lack of due diligence on site conditions or evolving code requirements.

For the time being, remediation costs stemming from ADA cases still seem to be a bigger specter than the costs of concertedly trying to stay out ahead of them.



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