

## Frequently Asked Questions

# Americans with Disabilities Act (ADA) November 2010 Updates

The Department of Justice has recently modified the requirements for fuel dispensers in the Americans with Disabilities Act. The changes become effective March 15, 2011. But, compliance is not required until March 15, 2012. The table below highlights current regulations vs. new standards required for refurbished curbs or ground up sites after 3/15/2012.

Criteria	Current 1991 Regulations	New Sites After 3/15/2012
Reach Requirement	48"	48"
Curb Waiver	6"	no curb waiver

There is no longer a 6" waiver for placing fuel dispensers on a "newly constructed" curb (new site build or refurbishing of an existing site where islands / curbs are added or reconstructed). However, the 6" waiver still applies if you place the dispenser on an existing curb with no modifications.

The following table highlights the four Gilbarco® dispensers in service today.

Dispenser	Current Compliance	New Regulations after 3/15/2012	Notes
Encore® S	Yes	Yes	
Encore 300	Yes	No*	1) Compliant on a maximum 3" curb, or 2) Installed on an existing 6" island (concrete poured before 3/15/2012)
The Advantage®	Yes*	Yes*	*10% of fuel position must use ADA retrofit for compliance
Legacy®	Yes	Yes	

## Frequently Asked Questions

**Will I have to change out all of my dispensers in order to comply?**

No. There is a safe harbor clause as part of the new ADA regulation. As long as the station is in complete compliance with the 1991 ADAAG (current compliance) before March 15, 2012, you will not have to make any changes. However, if you alter or make changes after March 15, 2012, then the altered elements must comply with 2010 ADAAG to the maximum extent that is feasible.



**What if I have several different types of dispensers installed at my station (i.e gasoline, diesel, and kerosene or X+0 and X+1 blenders)?**

At least one of each type of dispenser must comply with the new 2010 regulation after March 15, 2012.

**What if I have a dispenser knocked-off the island? How will the new regulation impact the replacement of that unit and will that event impact other aspects of my forecourt operation?**

If the replacement dispenser is mounted on an existing curb and the curb was not modified, the 1991 or current regulations apply.

**Where can I find the current official details on the ADA regulation?**

<http://www.ada.gov/index.htm> and <http://www.ada.gov/publicat.htm#Anchor-ADA-44867>

and <http://www.nacsonline.com> and <http://www.access-board.gov/ada/index.htm>

**Why can't fuel marketers just provide fueling assistance instead of lowering fuel dispensers?**

Fueling assistance is considered an "alternative method" under the ADA and it is allowed ONLY when it is not, and has not ever been, readily achievable to provide physical access through barrier removal. If you've added or replaced any dispensers at a facility since 1/26/92 there is no defense for not having an accessible dispenser with all controls within 54" of vehicular level (48" under 2010 Standards).