

Gause, John P

From: Gause, John P
Sent: Tuesday, April 08, 2008 11:04 AM
To: [REDACTED]
Cc: Davis, Fran
Subject: Alteration Question

Hi [REDACTED]

Fran asked me to respond to your email, dated March 28th, concerning the scope of the “accessible routes” requirement in 5 M.R.S.A. § 4594-F(3)(B)(2)(a)(i). It is our interpretation that that provision imposes an obligation to provide all of the accessible routes that are required by section 4.3.2(1-4) of ADAAG, not just accessible routes within the altered area. This requirement is considerably broader than the 20% path of travel requirement in the ADA and in section 4594-F(3)(B)(2)(b). We reach this conclusion based on the plain language of the provision: “a place of employment or public accommodation altered on or after January 1, 1996 must meet the following 5 parts of the standards of construction or as otherwise indicated: (i) 4.3 accessible routes. . . .” 5 M.R.S.A. § 4594-F(3)(B)(2)(a)(i). Section 4594-F(3)(B)(2)(b) states that this must be met “regardless of cost.”

I would be happy to discuss this more with you if you would like.

John

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