

## THE ADA “TOP 40”

OR

**“PAINT BLUE LINES, POST BLUE SIGNS, OR YOU’LL SEE FINES!”**

The following is an overview of some disabled access improvements many judges and lawyers consider to be so easy and inexpensive for most small businesses to make, that if you have not implemented them—now 15 years after the ADA passed— they may feel that it’s fair for you to be sued to get your attention. While you may well have other access considerations which are specific to your property or business ([see our warnings and advisories on page 9](#)), the list below is thought by many to be a minimum set of renovations— common to nearly every small business— which comprise the most common “red flags” we consistently see repeated in the 14,000 ADA/access lawsuits we are currently tracking in California alone.

Of course, you should not begin a renovation program before consulting a qualified lawyer and access specialist. Additionally, you may not have the obligation to make some, or even all of these renovations, depending on the terms of your lease, your financial resources and other factors. If any of the renovations identified represents a significant financial hardship for your business, relief may be available. However, if you are like most small businesses, you may well find one or more items on this list which would be easy and inexpensive for you to change; our firm requires that you agree to do those things quickly in order to qualify for certain reduced-rate services we offer. The lawsuit you save could be your own!

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A: Tow Away Signage at EVERY Entrance to Your Parking Lot



Figure 1

1. Do you have a sign that looks like Figure 1 posted at every<sup>1</sup> entrance to your parking area? Does it have a white background with black letters?? [**NOT** blue & white] (see larger picture at Page 8)
2. Is it posted on a pole in a conspicuous place, and is the bottom of the sign at least 80” from the ground?
3. **Most important:** Is the name of the towing agency filled in, in a clear readable manner, in letters at least one inch high?

**Reason:** Many tow truck drivers will not tow a vehicle away if a permanent sign meeting these standards is not posted to inform the driver where to pick up their vehicle; the purpose of the sign is to alert the non-disabled, who may ignore blue signs. Lack of this sign may be the single biggest cause of access lawsuits!

## B: Disabled Parking Areas

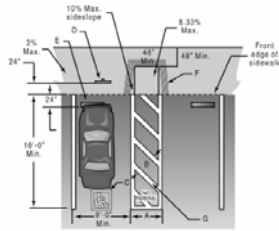


Figure 2



Figure 3



Figure 4



Figure 5

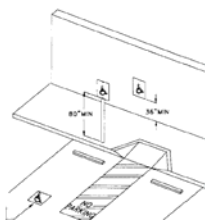


Figure 6

4. If you have even one parking space for your business— or an area where visitors commonly park, even if spaces are not marked-- is it a “van accessible” disabled parking space, configured as shown in Figure 2, where the width of “A” (the “access aisle”) is no less than 8 feet (between the lines)?
5. Is every disabled-accessible parking space at least 9 feet wide by 18 feet long, with a slope of no more than 2% (1:50) in any direction?
6. Does every disabled-accessible parking space have a sign like Figure 3 posted as shown in Figure 4, if on a pole, then not less than 80 inches above the ground?
7. For every “van accessible” parking space you have (never less than 1, of course, per #6, above), do you have two **SEPARATE** signs—one like the one shown in figure 3 and another like the one in Figure 5? Again, if you use a combined sign (i.e., a single sign containing the images in both Figures 3 and 5) you may be sued.<sup>3</sup>
8. If you have more than 25 parking spaces, do you have the correct number of additional disabled-accessible spaces?<sup>4</sup>
9. In every disabled-accessible parking space, is the ISA<sup>5</sup> symbol (Figure 20) painted in a square at least 36” by 36” and is the square painted at the rear-end of the space (i.e., **not** the center) so that a law enforcement officer could see the ISA symbol with a large car parked in the space?
10. Does your access aisle should have less than a 2% slope in any direction? [A greater slope could allow a wheelchair to roll away] If your access aisle has any kind of a ramp in it, would it be possible to remove it and use a “curb-cut” arrangement as shown in Figure 6?
11. Do you have secure vehicle stops which prevent the front bumpers of vehicles from protruding into any path of travel?

*C: Getting to Your Front Door*



Figure 7

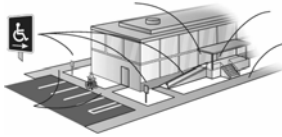


Figure 8

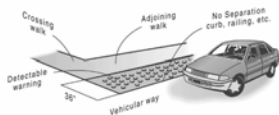


Figure 9



Figure 10

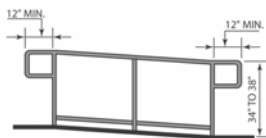


Figure 11

12. Is there a smooth, level continuous path of travel between the front door of your business and both the:
  - (1) sidewalk (or street if there is no sidewalk), and
  - (2) the disabled parking area?
13. If the path from the street or parking is not completely level (i.e., less than a 2% slope in any direction) and smooth, does your property have a specially marked "path of travel" identifying a safe and level route of not less than 48" wide (preferably marked with blue, diagonal stripes), so disabled visitors will avoid potentially unsafe paths?
14. If an accessible entrance to your business is not clearly visible from the disabled parking area, as well as the sidewalk and street, have you installed clearly-posted directional signs as shown in Figures 7 and 8?
15. If any path of travel is near vehicular traffic, is there a barrier or detectable warning to prevent a blind visitor from walking into the traffic area, as shown in Figure 9?
16. Have you removed, or placed protective barriers around, protruding objects in the path of travel which might not be detected by a visually impaired visitor using a cane to detect obstacles? [see Figure 10]
17. If any path of travel has more than a 5% slope in any direction (but never more than 8%) have you configured it as a ramp, with handrails installed which extend at least 12" beyond the sloped area, as in Figure 11 and appropriate landings? Do stairs have similar handrails?
18. If a disabled visitor must cross ramps or stairs to reach your front entrance, detailed information about maximum slopes, handrail requirements and landings is available; please contact us.

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## D: Doors

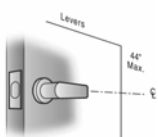


Figure 11

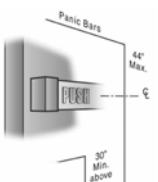


Figure 12

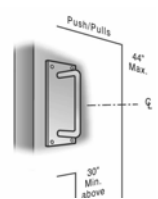


Figure 13



Figure 14

19. Do all doors a disabled visitor might need to use have an opening at least 32" wide (at the narrowest point) and open at least 90 degrees?
20. Do all doors a disabled visitor might need to use require less than 5 pounds of pressure to open? [a portable fish scale (of the type available in many sporting goods stores) can be used for an approximation of the force required to open the door]
21. Do all doors a disabled visitor may have to use have handles which can be opened without twisting, pinching or grasping, like those pictured in Figures 11, 12, and 13?
22. Does any door a disabled visitor might need to use have a kickplate at least 16 inches high, and no other objects near the floor which could interfere with a wheelchair footrest being used to push the door? [bare wood without a kickplate can become a trap]
23. Is there at least 60" clearance on the swing (opening) side of a door, and at least 48" on the opposite side?
24. Is any threshold over which a disabled visitor might pass is more than ¼" (½" if beveled)? If so, see an expert.
25. Have all mats been removed or securely glued down? Is any mat more than ¼ inch thick (or ½ inch thick, if beveled)?
26. Has an appropriate ISA symbol, like that shown in Figure 14, mounted at sufficient height to be visually identifiable at a distance, been posted at every door which meets applicable access standards? If not, can the door be modified to meet applicable access standards?

E. Interior

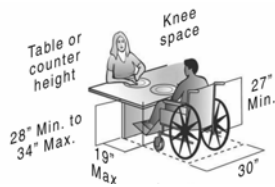


Figure 15

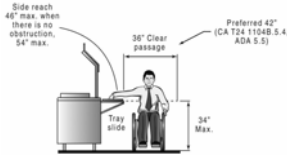


Figure 16



Figure 17



Figure 18



Figure 19

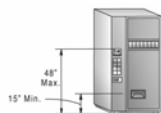


Figure 20

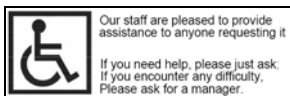


Figure 21

27. Are all aisles and pathway at least 36" wide? [walk through your business with a yardstick in front of you] Some pathways may need to be larger— consult an expert.
28. Have you removed any protruding objects, or placed protective barriers around them, so that a visually impaired visitor using a cane for navigation could avoid injury? [See Figures 10 and 18]
29. If you provide tables for your customers, is at least 5% of the seating accessible to the disabled? [i.e., are the tops of tables and counters 28-34" from the floor, with knee clearance of at least 27", 30" wide and 19" deep, and without pedestals or supports in the leg area?]
30. Is there a clear, open space of at least 30" to 48" around disabled-accessible seating areas so that a wheelchair user does not have to sit in a path of travel?
31. If you use a customer service counter, can you easily make at least part of it is no higher than 34" from the floor (nor lower than 15" above the floor), and at least 36" long? If not, can you install a secure flip-up flap at least that size for occasional use? If not, can a visitor accomplish everything they need to at the service counter with a clipboard? [paste an ISA symbol on it, and have a clear written policy to offer it to disabled purchasers]
32. If you have self service devices, is any operable part of the device higher than 40" from the floor or lower than 15"? If so, can you reposition things to improve the situation? If not, please consult an expert. [the device may still be ok-- acceptable reach ranges can be up to 54" on some machines, but you should check to make sure]
33. Can you install a sign like Figure 21 next to any self service device, or in any area where a disabled visitor might need assistance?
34. If a disabled visitor must reach anything in your establishment, have you confirmed that it falls within acceptable reach-ranges, as per Figures 16, 17, 19 and 20?



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Our Best Suggestions to Reduce ADA/Access Lawsuit Risk:

1. Install conspicuous video surveillance cameras; keep tapes for two years;
2. Parking issues seem to account for close to 100% of all ADA/access lawsuits; consider making your parking area perfectly compliant first, then work through the other areas of your business asap;
3. Install one or more conspicuous signs, like that shown in Figure 21, throughout your business; also consider a general welcome sign for the disabled;
4. Develop an employee policy statement about identifying and assisting disabled visitors; have all employees initial it;
5. The more your clients are likely to use your website, the more important that it can be completely navigated by JAWS for Windows (software for blind computer users);
6. Don't do business as an individual or partnership; consider a Corporation or Limited Liability Company; this is not enough to protect your personal assets (more info available), but is an important first step;
7. Don't hold real property (other than your home) in your personal name, the name of a partnership, or a living trust; consider a Limited Liability Company or Limited Partnership (with Corp GP).

Other resources for information about ADA/Access issues are:

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| <ul style="list-style-type: none"><li>• <a href="http://www.doj.gov">www.doj.gov</a></li><li>• <a href="http://www.access-board.gov">www.access-board.gov</a></li><li>• <a href="http://www.ADALawsuits.com">www.ADALawsuits.com</a></li><li>• <a href="http://www.ADAabuse.com">www.ADAabuse.com</a></li><li>• <a href="http://www.ADAcrisis.com">www.ADAcrisis.com</a></li></ul> | <ul style="list-style-type: none"><li>• <a href="http://www.LegislativeDisgrace.com">www.LegislativeDisgrace.com</a></li><li>• <a href="http://www.ADAreform.com">www.ADAreform.com</a></li><li>• <a href="http://www.LawyersAgainstLawsuitAbuse.com">www.LawyersAgainstLawsuitAbuse.com</a></li><li>• <a href="http://www.sdCALA.org">www.sdCALA.org</a></li></ul> |
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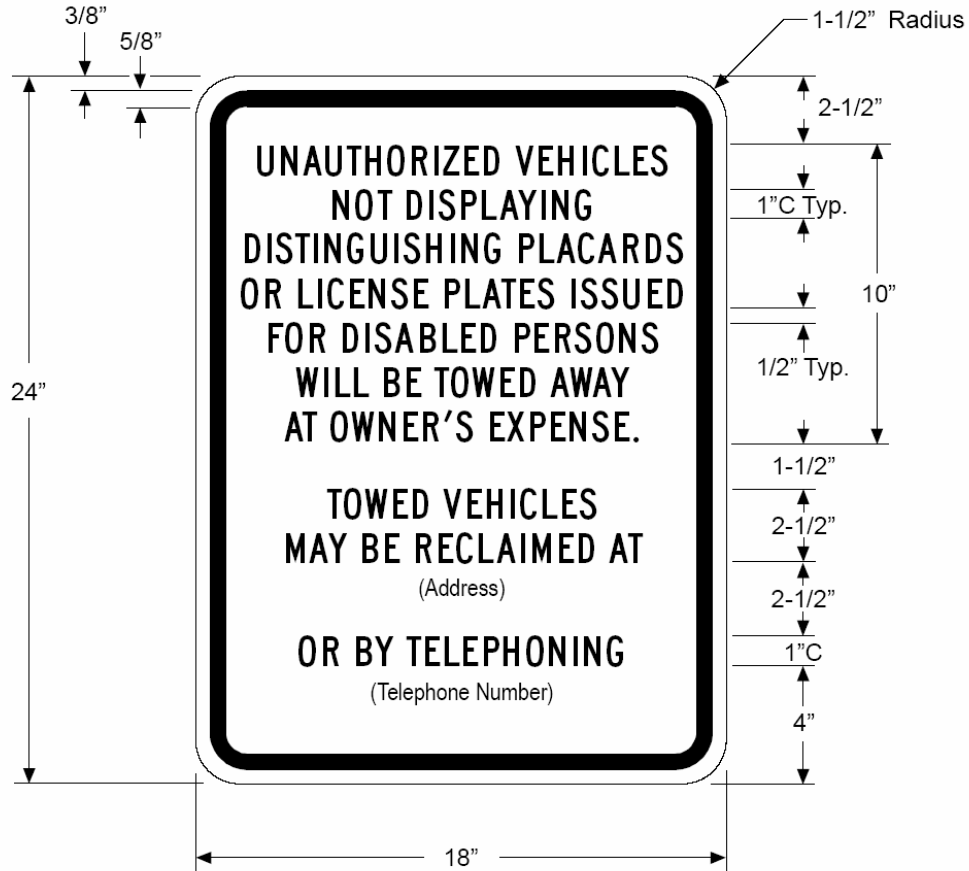
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MUTCD NUMBER None

CODE R100B



**COLORS**  
**BORDER & LEGEND - BLACK (Non-Reflective)**  
**BACKGROUND - WHITE (Reflective)**

- THE POLICY FOR INTENDED USAGE OF THIS SIGN IS SHOWN ON REVERSE SIDE -

*Gerry Kreis*  
CHIEF, OFFICE OF SIGNS AND DELINEATION

2/25/00  
DATE

REVISION

REVISION

<sup>1</sup> While it is true that this sign does not need to be posted at every entrance to a parking lot (provided it is posted conspicuously near every disabled-accessible parking space, it has been suggested that this is one of biggest “red flags” for an opportunistic plaintiff— if they see these tow away signs properly completed and posted at every entrance, they may assume that the business has already been sued and drive on to the next location.

<sup>2</sup> Some signs are blue and white; while we are not aware of a case or statute which requires either, at least one attorney (who has filed at least 1100 lawsuits in California alone) takes the position that a black and white sign is the only acceptable version; some businesses have posted both a black and white and a blue and white sign.

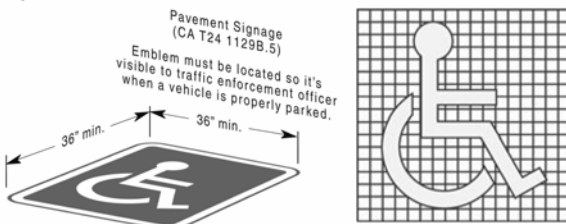
<sup>3</sup> The reason for the requirement of a SEPARATE “van accessible” sign is that someone with a visual impairment might not be able to read the sign (for example, if the sun were in their eyes), but they would be able to see that the separate, additional sign meant that the space was “van accessible”, and therefore had the wider access aisle required by many vans with power wheelchair ramps.

<sup>4</sup> The following chart provides minimum guidance for the number of disabled-accessible parking spaces a lot should have; in addition, at least one out of every 8 disabled-accessible spaces should be “van-accessible” with the larger 8-foot access aisle and a separate “van-accessible” sign.

TOTAL PARKING IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

Diagram courtesy of Michael P. Gibbens, publisher of CalDAG 2003 and MPG Publishing

<sup>5</sup> The International Symbol of Accessibility (“ISA”) for disabled-accessible parking areas should be developed from the following diagrams:



A downloadable version of the ISA symbol is available at [www.ADALawsuits.com](http://www.ADALawsuits.com) you can email it to a Kinkos (or other printer with large-format capability) and have them print a 36” x 36” printout, cut out the images of the person and wheelchair) and do the painting yourself if you prefer.

<sup>6</sup> Be sure to check with your local building and health & safety departments and other government agencies which may have authority over such changes.

<sup>7</sup> Products are available to raise the height of common toilet seats at most hardware stores— just be sure they are sturdy and installed in a reliable manner; they should be checked periodically.

<sup>8</sup> It is important to understand that some wheelchair users may not have feeling in their legs; thus, they could suffer significant burns from hot pipes, or damage from sharp, protruding objects they can't see.