

“President Bush signed the [Americans with Disabilities Act or ADA] into law in 1990. Initial rules were published and effective in 1991. So why should [gas stations] pay attention now?”

Iowa Oil Spout, November/December 2010

1. Why now?

The reason for “why now” is that new Department of Justice standards affecting gas station pumps take effect on March 15, 2012.

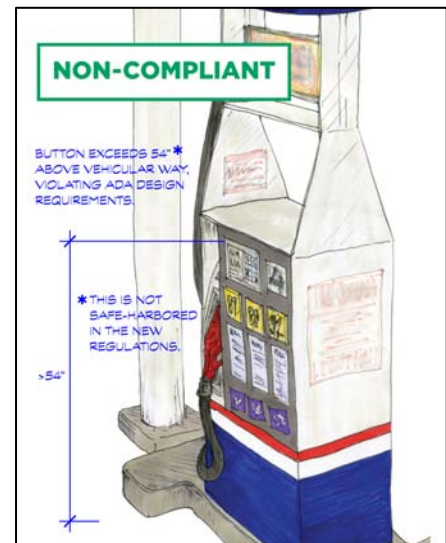
On September 15, 2010 the U.S Department of Justice (“DOJ”) published a set of rules called *2010 Standards for ADA Accessible Design*. (This publication is available online at ada.gov.) These rules govern the design of facilities used by the public (including gas stations) to assure they are accessible to people with disabilities, as required by the original ADA passed in 1990.

These new rules matter! The DOJ’s Civil Rights Division is responsible for providing design requirements of titles II and III of the ADA, and, where necessary, litigating complaints. It is this division of the DOJ that published the new standards, to make clear to businesses how to meet accessibility requirements established by the ADA 20 years ago.

2. What are the new requirements relating to fuel pumps?

For new construction or alterations to existing pump islands, the maximum reach height of parts used by customers on fuel pumps (called “operable parts” in the standards) can be no more than 48” above the driving surface. New construction is defined as any significant alteration to the gas station performed since September 15, 2010.

For existing facilities, the new standards require that the maximum reach height of operable parts be no higher than 54” above the driving surface, as originally required in the 1991 Standards. Existing facilities are defined as pumps and pump islands built or installed since 1991.



Bottom Line: if your station is using fuel pumps with buttons or card readers more than 54” above the driving surface, your station is subject to potential lawsuits for being out of compliance with the new standards taking effect MARCH 15, 2012.

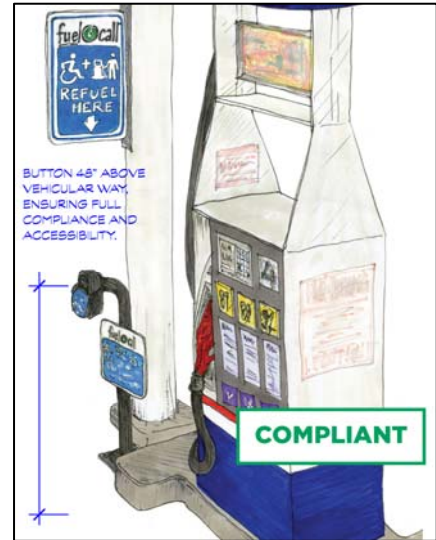
3. What should I do?

The first thing to do is ask some questions.

If a driver with a disability placard arrives at your station, how does the driver communicate with you? *It is your responsibility under the ADA to provide this driver with assistance at the pump if two or more people are on duty.*

What is the height above the vehicular way (not the pump island) of the highest button on your gas pump? *Under no circumstances may this be more than 54". Under limited circumstances it may be no higher than 48".*

How have you been systematically removing barriers for drivers with disabilities at your gas pumps? *The Department of Justice looks for evidence of "good faith efforts" if complaints are filed against your station.*



The second thing you should do is conduct a survey of your pumps to determine if any buttons or devices used by customers are more than 54" above the driving surface, making them out of compliance with the 2010 Standards issued by the Justice Department.

About Inclusion Solutions

We can solve your accessibility obligations under the law.

FuelCall is a turnkey, simple, and inexpensive solution to assure that gas stations comply with new ADA requirements by offering both push button notification devices and appropriate signage so that drivers with disabilities are served as required by law. Let us help you protect your business...and turn a potential liability into a new source of profit.

