

Compliance – Resource Bulletin

NEW YORK – 2014 “Accessibility Symbol” Laws

Accessibility Legislation A.8193 and S.6846

Overview:

New York has adopted new accessibility legislation, A.8193 and S.6846, which requires the International Symbol of Accessibility to be changed to a new image showing a person seated in a wheelchair while appearing to be in motion. A.8193 and S.6846 are two separate laws both stating the same requirements for the new icon. These laws also require the removal of the word “Handicapped” on any signs, and will replace it with the word “Accessible.” This change started as a small movement, but was signed into law by New York Governor Andrew Cuomo on July 25th, 2014. The effective start date was November 25, 2014.

These changes were made in order to maintain “a people first perspective, and [place] the emphasis on the person, rather than the disability.” [1]

Only new signs will be required to include the Dynamic Accessibility Symbol. Signs that were already in place as of November 25, 2014 will remain as is because they were grandfathered in. When it is time for old signs to be updated, they will be replaced by signs displaying the new symbol.

As of the date of this document, only one other state, Connecticut, has adopted the new Dynamic Accessibility Symbol, though there is a movement in place to expand this symbol into the other states.



Current ADA approved
International Symbol of Accessibility



New Symbol of Accessibility New York State
has adopted per Law A.8193/S.6846
effective November 25, 2014

Compliance – Resource Bulletin

Resources:

- NEW YORK BILL A.8193:** (Free) <http://assembly.state.ny.us/leg/?bn=A.8193&term=2013>
- NEW YORK STATE ASSEMBLY:** (Free) <http://assembly.state.ny.us/mem/Sandy-Galef/story/58390/>
- ADA STANDARDS:** (Free) https://www.ada.gov/2010ADASTandards_index.htm
- ACCESSIBLE ICON PROJECT:** (Free) <http://www.accessibleicon.org>

Sign Requirements:

- The new Dynamic Accessibility Symbol is required to be used in any place where the International Symbol of Accessibility would have previously been used. The new symbol will “depict a logo with a dynamic character leaning forward with a sense of movement. Such logo shall be readily identifiable, simply designed with no secondary meaning, and provide for equivalent facilitation and accessibility as the current universal symbol of access.” [2]
- This rule change eliminates the use of the word “Handicapped,” and instead replaces it with the word “Accessible.” This is applicable for the wording on signs, as well as, any other means of communication where this word would have previously appeared. [3]

ADA Compliance:

According to the United States Access Board, “The new symbol is still not considered compliant with the ADA Standards;” however, there is cause for Equivalent Facilitation in this situation.

- Per Section 103 of the ADA Standards, Equivalent Facilitation states that nothing “prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability”. [4]
- Equivalent Facilitation allows for the use of alternative designs so long as they meet the same standards, which in this case would be a symbol showing a person in a wheelchair.
- The design does not differ greatly from the original International Symbol of Accessibility, so the average person will be able to understand that it has the same meaning as the original symbol, which is something that is required of an icon to meet the criteria for Equivalent Facilitation.

Compliance – Resource Bulletin

- Per the State of New York Bills A.8193 and S.6846, the Dynamic Accessibility Symbol provides for Equivalent Facilitation, and is able to be used in place of the International Symbol of Accessibility in New York.
- It is also important to note that this symbol is currently only required in New York and Connecticut. There is a movement to get the new symbol accepted into law in other states, but this is an ongoing process.

California Note:

The California Building Code (CBC) specifically requires compliance with the traditional International Symbol of Accessibility (ISA) as defined in CBC Section 202. The use of other symbols in lieu of the traditional International Symbol of Accessibility would need to be approved in writing by a building official as an alternative design.

However, the Division of the State Architect (DSA) has looked into this question and determined that it would not approve the use of the alternative symbol at this time. Other jurisdictions across the state have the ultimate authority to apply the code, and its provisions, for alternative designs as they see fit.

While the new accessibility symbol is seen as substantially equivalent by the United States Access Board, California will not be changing its signs to the new symbol until it is determined to be equivalent by the United States Department of Justice.

References:

California Building Code,
http://www.ecodes.biz/ecodes_support/free_resources/2013California/13Building/PDFs/Chapter%201%20-%20Administration.pdf

Derek Shaw, DSA Department of General Services

Conclusion:

According to the State of New York Bills A.8193 and S.6846, the new Dynamic Accessibility Symbol has Equivalent Facilitation and is able to be used in New York. To ensure you are in compliance, always check with your own state and local governing bodies.

For Accessibility Signs visit our store: <http://www.compliancesigns.com>

[1] New York State Assembly; [2] New York Bill S.6846; [3] New York Bill A.8193; [4] ADA Standard