

ACCESSIBILITY (*)

By Sefa Targit

Building-accessibility for all has been the most significant topic in the agenda of the civilized countries recently. Since elevators, moving walks and escalators are the most significant elements providing intra-building access; we, the manufacturers of these parts, should feel ourselves at the very heart of this matter.

Accessibility was also the main theme in the ELA General Assembly Meeting this year.

Intra-building-accessibility for all means allowing all including the persons who have totally lost their physical ability to move due to any reason whatsoever have their access to all parts of the buildings on their own.

In order to understand the full scope of this subject, let's see the definition of the "disabled" provided by the Law No. 5378 "Amending the Law About the Disabled and Some Other Laws and Governmental Decrees in Force of Law".

"(Disabled means) a person having difficulty to adapt to the social life and meet his daily needs, and hence, requires protection, care, rehabilitation, consultancy and support services as a result of his innate or subsequent loss of his physical, mental, psychological, sensual and social abilities to various degrees."

Looking at this definition, we can easily conclude that each individual, including those with presently perfect physical and psychological condition, is exposed to the risk of becoming a "disabled" someday. God bless all of us, but it is only a matter of a hard blow, or even a light one at a wrong place, for one to become a disabled all of a sudden.

The same law stipulates the following as a basic principle:

"Disabled can not be allowed to be discriminated; fight against the discrimination is the basic principle of the policies for the disabled."

Preparing construction drawings of the buildings and providing access to the buildings under these drawings are the responsibility of the architects. Each architect taking into consideration the needs of only the people with perfect physical status should be deemed to have contradicted with the above mentioned fundamental principle. It is also evident that the construction drawings prepared without the cooperation of the elevator engineers on the subject of the elevators and escalators

will bear flaws and deficiencies. Definition of the modern building demands places where the disabled can have access easily and comfortably. Those who are ignorant about the stage the world and the human consciousness have reached will show less care about the deficiency of the elevator space than about whether the usable space of the independent units of the building is larger by 3 – 4 square meters. Moreover, it is not uncommon in our country to see practices pursued in order to evade installing elevator to the building, buildings are constructed at a height less than the minimum height requiring elevator as provided by the development plan, and constructing additional flats to the building subsequent to the receipt of the required license for the building; and hence, elevator requirement is bypassed.

What is sad here is that those who later see that elevators are not sufficient for the building upon encountering intra-building access problems judge that it is elevator manufacturers who are responsible for this problem, because they are not informed about preparation of the construction drawing as applicable in Turkey.

Relatively right solutions are found in the quality high rise buildings and shopping centers by following the right methods. However, the cities are not consisted totally of buildings in this category. The state of affairs in the middle-class residential and business buildings where the large mass of the people spend their daily lives is worrying.

You can find below a few examples for this:

Journalist Ersin KALKAN had in 2004 traced the surviving veterans of the Turkish Salvation War having Independence Honor Medals due to their heroic deeds during this war, and collected the life stories of 6 of them in his book titled “Last Heroes”. As we learn from this book, Veteran Veysel Turan, 105, one of the 6 included to the referred book, could not get out of his house for years as he lived in the fourth floor of an apartment building, in Selçuklu Town of Konya, which had no elevators.

Representatives of Spinal-Cord-Related-Paralysis Association were among those who were invited to the meeting of Istanbul Branch of the Chamber of Mechanical Engineers at its headquarters in Taksim held as a part of the preparatory works of the Transportation Technologies Congress last year. These representatives of the Association who were themselves disabled came until the outer door of the building where the meeting was to take place, but turned back without attending the meeting as they could not enter the building. You could guess how much we felt ashamed.

It is also obligatory to ensure that a sufficient number of elevators having proper measures is built into the buildings. Additionally, it is also a requirement of the civilized urban life that installation of elevators to the old buildings which presently

have no elevators, even though the maximum construction height of the building may eventually be surpassed, should be allowed, and everybody which declares that he needs elevator should be provided with the means required for the installation of the elevator to their buildings. Regulations prepared under city development plans have to conform to the necessities of the time and should undergo the required amendments.

Above referred Law No. 5378 provided the following amendment to the Condominium Law:

"ARTICLE 19: The following Paragraph has been inserted to Article 42 of the Condominium Law No. 634 and dated 23.06.1965 as a second paragraph.

Amendment of the drawing of the building is resolved in a meeting of the condominium owners by majority of the number of votes and majority of the total land share, which meeting should be held within three months at the latest following the rise of such amendment need by the lives of the disabled.

If the meeting fails to be held within this prescribed time or if the amendment request is not accepted by majority vote; the required construction, restoration and installation works are carried out based on the commission report stating that the building's security is not endangered by the request of the related condominium owner in compliance with the approved drawing amendment or rough draft to be received from the related authorities. Related authorities should conclude the approved drawing amendment or rough draft requests within six months at the latest. Composition of this Commission, its operation procedures, and the principles and procedures to apply in the aftermath of the termination of the use of the applicant disabled shall be determined by regulations to be prepared jointly by the Ministry of Public Works and Settlement and the Disabled Office Chairmanship."

According to this Article, a disabled is allowed to have make the amendment works and installations required for elimination of the obstructions in the building, even though other condominium owners do not agree. All elevator companies should be informed about these legal provisions allowed for the disabled in order to help the disabled persons to overcome the obstructions on their requests for installing elevators to their buildings.

The Law also sets forth the following provision in order to transform the existing buildings to a state allowing the access of the disabled.

"PROVISIONAL ARTICLE 2 – Existing official buildings of the public institutions and organizations, all existing roads, pavements, pedestrian crossing, open and green areas, sports areas and similar social and cultural infrastructural areas, and all types

of buildings offering public services as constructed by public or private persons should be brought to a condition which can fulfill the accessibility requirements of the disabled within seven years following the effective date of this Law."

The Law stipulates that all buildings open to the general public should be made accessible for all until 6 July 2012 at the latest; however, we need not wait until that date.

The boss is the consumer in the free market economy. If the consumer is not informed sufficiently about choosing the commodity he would choose for purchase, fair competition conditions are not established and therefore the quality drops.

Focusing totally on safety conditions and licensing process, the elevator industry is disregarding the different dimensions which are in favor of the society and the industry.

The comfort provided by the elevators and escalators is the most significant element contributing to the value of the building. Understanding this reality and having it accepted by all is for the interests of the industry and the consumers.

I used the word "disabled" for persons whose organs have partially lost their function just because of language requirements. Indeed the real disabled are the buildings. Let's eliminate all obstacles...

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