

U.S. Department of Justice

Civil Rights Division

*Disability Rights Section - NYA
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530*

D.J. No. 202-11E-26

September 30, 2004

Michael J. Mankin, AIA
Chief
State of California
Department of General Services
Division of the State Architect
Office of Universal Design
1130 K Street, Suite 101
Sacramento, CA 95814

Dear Mr. Mankin:

This letter is an initial response to your request that the Department of Justice certify that Chapter 11B of the 2001 edition of the California Building Code entitled "Accessibility To Public Buildings, Public Accommodations, Commercial Buildings And Publicly Funded Housing" (referred to herein as Chapter 11B) meets or exceeds the new construction and alterations requirements of title III of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12181 *et seq.*, and this Department's regulation implementing title III, 28 C.F.R. pt. 36, including the ADA Standards for Accessible Design (ADA Standards), 28 C.F.R. pt. 36, app. A.

We apologize for the delay in responding to your request, and thank you for your patience and cooperation. In an effort to carry out our responsibilities under the ADA and to provide helpful information to you, we have undertaken a detailed and comprehensive review of the materials submitted. It is important to note, however, that although Chapter 11B covers both public and private facilities, ADA certification applies only to title III (i.e., privately owned) facilities. Certification also does not apply to purely residential facilities. Therefore, our analysis does not address Chapter 11B's requirements regarding publicly owned facilities or purely residential facilities.

Our review of the submitted materials indicates that many of the requirements of Chapter 11B are substantially equivalent to the requirements of title III of the ADA. However, we have identified a number of instances when the State's requirements do not appear equivalent to the ADA. Enclosed is the side-by-side comparison document used to compare Chapter 11B with the ADA title III requirements for new construction and alterations, including the ADA Standards. The side-by-side comparison document should be reviewed in conjunction with this technical assistance letter. The technical assistance letter includes three attachments.

Attachment A summarizes our comments from the side-by-side comparison document. Attachment B is a list of sections in Chapter 11B that provide “unreasonable hardship” exceptions. Attachment C is a list of specific provisions in Chapter 11B for which there appears to be no similar provision in the ADA Standards. In terms of our format, we want to point out that some of our comments in this letter and the side-by-side comparison document indicating that a provision in Chapter 11B meets a provision of the ADA are conditioned on further revision of the Chapter 11B provision. Also, unless otherwise stated, section references in this letter and the side-by-side comparison document refer to sections in Chapter 11B or other chapters in the 2001 edition of the California Building Code. One final note, we ask that once all of the proposed revisions to Chapter 11B are incorporated into a single document that the Division of the State Architect (DSA) submit the draft to the Department of Justice so that we can review it in its entirety and provide any further guidance that might be appropriate regarding ADA equivalency before the changes are finalized.

We recognize the substantial effort the State has made to adopt accessibility requirements that conform to the requirements of the ADA and hope that our comments regarding equivalency are helpful to you. Pending our receipt of your responses to the questions and concerns expressed in this letter, including the submission of any supplemental information, the State’s submission of Chapter 11B will remain open. To facilitate the process, however, we would be pleased to answer any questions you may have about this letter or the enclosed side-by-side comparison document, and to work with you to ensure agreement that any changes the State makes to address our concerns meets or exceeds the requirements of the ADA. If you would prefer to meet with our staff in person to discuss any aspect of the State’s certification submission, including providing clarification regarding the State’s interpretation of Chapter 11B, or if you have questions, please contact Jonathan Hahm, an attorney in our Section, at (202) 616-5577.

Sincerely,

John L. Wodatch
Chief
Disability Rights Section

Enclosure

cc: Mr. Lawrence W. Roffee
Executive Director
U.S. Architectural & Transportation Barriers Compliance Board

ATTACHMENT A
(Specific Comments Summarizing the Side-By-Side Analysis)

1. General Matters

a. Section 1114B.1.1

We have noticed some ambiguity in the scope of coverage of some sections of Chapter 11B. In many instances, sections for different group occupancies reference for compliance the general accessibility requirements in section 1114B.1.1. Section 1114B.1.1 provides that when accessibility is required, the design and construction of buildings and facilities meet the minimum requirements of Chapter 11B’s Division I, Division II, Division III, and Division IV. Section 1114B.1.1 also lists a number of specific sections regarding entrances, doors, corridors, etc. If section 1114B.1.1 requires builders to comply with all of the minimum requirements in Chapter 11B’s Division I through IV, including the specifically listed sections, then those sections referencing section 1114B.1.1 are ADA equivalent. However, if section 1114B.1.1 requires builders to comply only with the specifically listed sections, then those sections referencing section 1114B.1.1 are not ADA equivalent. Please clarify which interpretation is correct.

Assuming that the former interpretation is correct, DSA should revise the following sections to describe better the correct meaning: 1104B.1, 1105B, 1106B.1, 1108B.1, 1109B.1, 1111B.1, 1132B.1. For example, section 1104B.1 provides that builders must comply with the requirements in section 1104B.1 and also with “the general requirements listed in Section 1114B.1.1.” DSA should delete the word “listed” to clarify that builders must comply with all of the minimum requirements in Chapter 11B’s Division I through IV, as well as the specifically listed sections.

The introductory paragraph in section 1114B provides that “buildings and facilities shall be accessible as provided in this section and in those sections listed in Section 1114B.1.1.” Again for purposes of clarity, DSA should delete the phrase “in those sections listed.”

Lastly, section 1107B, which includes accessibility requirements for occupancy group F (factory and industrial), and section 1110B, which includes accessibility requirements for occupancy group M (mercantile), do not include a reference to the general requirements in section 1114B.1.1. Similar to sections mentioned above, DSA should revise sections 1107B and 1110B and include a reference to the general requirements in section 1114B.1.1. For example, section 1107B should include the following sentence: “See also the general requirements in Section 1114B.1.1.”

b. Group S and U Occupancies

Section 1112B, which is entitled “Accessibility For Group S Occupancies,” and section 1113B, which is entitled “Accessibility For Group U Occupancies,” are “[r]eserved for future use.” The ADA includes accessibility requirements for some buildings that may be classified within group S or U occupancies. For example, Chapter 11B’s group S occupancies include repair garages, open parking garages, motor vehicle fuel dispensing stations, etc. Please clarify whether a building in Group S or U Occupancies must comply with the general accessibility requirements in section 1114B.1.1.

c. Waivers

Chapter 11B contains multiple provisions that permit the enforcing agency to issue a waiver when the agency determines that compliance with a requirement creates an unreasonable hardship (e.g., section 1104B.5). Although the Department recognizes California’s need for a waiver provision, certification will not apply to waivers of ADA requirements that may be granted by reviewing officials. Therefore, if a builder applies for a waiver of an ADA accessibility requirement for an element of a building, he or she will not be entitled to certification’s rebuttable evidence of compliance for that element. This limitation on the certification determination should be noted in any publication of Chapter 11B if certification is granted.

d. Attachments B and C

As mentioned previously, Attachment B is a list of sections in Chapter 11B that provide unreasonable hardship exceptions. Some of these sections (e.g., section 1104B.3.1) apply specifically to alterations of existing buildings. Other sections (e.g., section 1111B.1) do not mention specifically whether the unreasonable hardship exceptions apply to new construction or alterations of existing buildings. Please clarify whether these “other” sections apply to new construction only or to both new construction and alterations of existing buildings.

Attachment C is a list of specific provisions in Chapter 11B for which there appears to be no similar provision in the ADA Standards. These sections will not affect certification as long as they do not conflict with any of the requirements in the ADA. Following below are sections in Chapter 11B that may conflict with the requirements of title III of the ADA.

First, sections 1104B.4.3, 1107B, 1108B, and 1115B.2.1.5.2 provide requirements for participation areas, factories and warehouses, hazardous occupancies, and drinking fountains in multifamily residential buildings, respectively. The ADA Standards do not include specific provisions similar to these Chapter 11B sections. However, these sections in Chapter 11B should include requirements that ensure access to “public-use or common-use” areas in the above mentioned buildings and facilities.

Second, section 1116B.1.11 provides requirements for handrails in elevators. The ADA Standards do not include a specific requirement for handrails in elevators. However, section 1116B.1.11 should reference handrails requirements in section 1133B.4 or section 1133B.5.5.

Third, sections 1132B.2 and 1132B.3 provide requirements for parks and recreational areas and highway rest areas, respectively. The ADA Standards do not include specific requirements for parks and recreational areas or highway rest areas. However, as a place of public accommodation, parks and recreational areas and highway rest areas must provide access to those facilities that are provided for the public (e.g., parking, sanitary facilities, etc.). If the requirements in sections 1132B.2 and 1132B.3 are in addition to the general accessibility requirements in section 1114B.1.1, then sections 1132B.2 and 1132B.3 do not conflict with the ADA Standards. However, if the requirements in sections 1132B.2 and 1132B.3 stand alone and do not include the general accessibility requirements in section 1114B.1.1, then sections 1132B.2 and 1132B.3 conflict with the ADA Standards. Please clarify which interpretation is correct.

Finally, section 1133B.5.7 provides requirements for guardrails at ramps. The ADA Standards do not include a specific requirement for guardrails at ramps. However, when guardrails are installed on ramps or stairs, section 1133B.5.7 should ensure that handrails complying with sections 1133B.5.5 (ramp handrails) are also provided on both sides because the top portion of guardrails are not designed to be used as handrails.

e. Reference To New Sections

In a number of instances, DSA proposes to adopt requirements that are equivalent to the requirements of title III of the ADA. However, DSA did not identify the section number for the new provisions. Please identify the new section number(s).

f. Notes

In a number of instances, DSA proposes to adopt requirements that are equivalent to the requirements of title III of the ADA. However, the requirements are contained in the “NOTES” portion of the provision (e.g., section 1102B, definition of equivalent facilitation). Please clarify whether “NOTES” are mandatory and enforceable.

g. Figures

In a number of instances, provisions in Chapter 11B reference figures in Chapter 11B. However, the figures contain the following language “These Diagrams Illustrate The Specific Requirements Of These Regulations And Are Intended Only As An Aid For Building Design And Construction.” Since figures in Chapter 11B seem to be advisory and not enforceable, all requirements contained in figures should be included as enforceable text.

2. Definitions (ADA 3.5)

a. Accessible Route

DSA's proposed revision for the definition of accessible route in section 1102B limits the application of the definition to a "person with a severe disability using a wheelchair." The ADA's definition, in section 3.5 of the ADA Standards, does not contain this limitation. DSA should delete the word "severe" from its definition of accessible route.

b. Adaptability

The definition of "adaptable dwelling unit" from section 1102A.1-A should not be compared to the ADA's definition of adaptability, in section 3.5 of the ADA Standards, because section 1102A.1-A applies to residential housing. The Department replaced section 1102A.1-A with section 1102B's definition of adaptability in the side-by-side comparison document. Section 1102B's definition of adaptability meets the ADA's definition.

c. Alteration

DSA's proposed revision for the definition of alteration in section 202-A should include additional language similar to the ADA's definition in section 3.5 of the ADA Standards that alterations include remodeling, renovation, reconstruction, etc. DSA should also delete the phrase "other than repair or addition" because addition and structural repair are alterations as described in section 202-A. The Department recommends the following revision:

Alter or Alteration is any change, addition or modification in construction or occupancy or structural repair or change in primary function to an existing structure ~~other than repair or addition~~ made by, on behalf of, or for the use of a public accommodation or commercial facility, that affects or could affect the usability of the building or facility or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.

d. Area Of Rescue Assistance

DSA proposes to include a definition for the term area of rescue assistance that meets the ADA's definition in section 3.5 of the ADA Standards. However, section 1102B already includes a definition for a similar term area for evacuation assistance. Since including both terms in Chapter 11B may confuse code users, the Department recommends that DSA replace the term area for evacuation assistance with the new term area of rescue assistance or maintain the term area for evacuation assistance but change the definition with the proposed language.

e. Building

DSA's proposed revision for the definition of building in section 203-B does not meet the ADA's definition in section 3.5 of the ADA Standards because the definition exempts from coverage "construction installations which are not part of a building." Clarify the meaning of "construction installations which are not part of a building" to ensure that these structures are not ADA covered buildings.

f. **Commercial Facilities**

The definition of commercial facilities in section 204-C meets the ADA's definition in section 3.5 of the ADA Standards. However, section 204-C includes a reference to title III of the ADA that is incorrect. Railroad locomotives, railroad cars, etc. are covered by Title II and not by Title III of the ADA.

g. **Common Use**

DSA proposes to include a new term common use that meets ADA's definition of common use in section 3.5 of the ADA Standards. However, section 1102B already includes a definition for the term common use areas that differs from the ADA's definition. To avoid confusion, DSA should either delete the term common use areas or replace the existing definition for common use areas with the proposed new definition.

h. **Disability**

DSA's proposed revision for the definition of disability meets the ADA's definition in 28 C.F.R. § 36.104. However, section 205-D already includes a definition of disability that meets the ADA's definition. Unless DSA wishes to include the term disability within section 1102B, a new definition is not necessary.

i. **Dwelling Unit**

DSA's proposed revision for the definition of dwelling unit in section 1102B does not meet ADA's definition in section 3.5 of the ADA Standards because section 1102B's definition seems to describe a residential dwelling unit. DSA should adopt a definition of dwelling unit that is consistent with the ADA.

j. **Facility**

DSA's proposed revision for the definition of facility in section 1102B meets the ADA's definition in section 3.5 of the ADA Standards. However, please clarify DSA's use of the phrase site improvement, which is not defined, instead of the phrase site development, which is defined in section 220-S.

k. **Maximum Extent Feasible**

Sections 19959 and 19957 of the California Health and Safety Code provide that existing public accommodations must comply with accessibility requirements when any alterations,

structural repairs or additions are made to such public accommodation. These sections do not seem to address ADA's definition of maximum extent feasible. However, the absence of an ADA equivalent definition of maximum extent feasible will not hinder certification of Chapter 11B because, as discussed above in comment 1c, certification will not apply to waivers of ADA requirements that may be granted by reviewing officials.

l. Path of Travel

DSA's proposed revision for the definition of path of travel in section 217-P meets the ADA's definition in 28 C.F.R. § 36.403(e). It would be more consistent within the proposed revision if, instead of deleting the word "altered," DSA replace the phrase "the altered area" with the phrase "a particular area" as follows:

Path of Travel is a passage that may consist of walks and sidewalks, curb ramps and pedestrian ramps, lobbies and corridors, elevators, other improved areas, or a necessary combination thereof, that provides free and unobstructed access to and egress from a particular area or location for pedestrians and/or wheelchair users. A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which a particular area ~~the altered area~~ may be approached, entered, and exited, and which connects a particular area ~~the altered area~~ with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. For the purposes of this part, the term "path of travel" also includes the restrooms, telephones, and drinking fountains serving a particular area ~~the altered area~~.

Also, section 1102B requires the definition of accessible route of travel to be consistent with the definition of path of travel. Because the ADA's requirement for path of travel includes restrooms, telephones, and drinking fountains serving a particular area, the requirement for path of travel is somewhat broader than the requirement for accessible route of travel. DSA should consider whether Chapter 11B's definition of accessible route of travel should be consistent with the definition of path of travel.

m. Public Use

Section 1102B does not contain a definition for the term public use. Section 1102A contains a definition for the term public use but section 1102A applies to residential housing. DSA should adopt a definition of public use in section 1102B that meets section 3.5 of the ADA Standards.

3. Structurally Impracticable Exception (ADA 4.1.1(5)(a))

DSA's proposed revision for the structurally impracticable exception in section 101.17.11.5 does not meet section 4.1.1(5)(a) of the ADA Standards because the proposed revision's exception seems to be broader than the ADA's exception.¹ However, the absence of an ADA equivalent structurally impracticable exception will not hinder certification of Chapter 11B because, as discussed above in comment 1c, certification will not apply to waivers of ADA requirements that may be granted by reviewing officials.

If DSA wishes to include an ADA equivalent structurally impracticable exception in Chapter 11B, we recommend the following revision:

In new construction only, a project is not required to meet fully the requirements of these ~~regulations standards~~ where it can be demonstrated that it is structurally impracticable to do so. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

If it is determined that full compliance with the requirements of these regulations ~~is not possible due to legal or physical constraints~~ or is structurally impracticable, a project shall comply with the requirements to the extent it ~~does not present a legal or physical constraint~~ or is not structurally impracticable. Any portion of the building or facility which can be made accessible shall comply to the extent that it is not structurally impracticable.

If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

Also, it may be more appropriate to include the proposed structurally impracticable exception in section 1101B or 1103B instead of section 101.17.11.5, which addresses "appeals action ratification."

Lastly, DSA compares two provisions, which are located throughout Chapter 11B, to the ADA's structurally impracticable exception in section 4.1.1(5)(a) of the ADA Standards. These two Chapter 11B provisions, however, should not be compared to ADA's structurally

¹ The proposed revision's structurally impracticable exception permits noncompliance based on legal constraints or physical constraints. The ADA's exception does not permit noncompliance based on legal constraints. The ADA's exception also does not permit noncompliance based on physical constraints beyond what is contemplated in section 4.1.1(5)(a) of the ADA Standards.

impracticable exception because the two Chapter 11B provisions are essentially waivers. Refer to comment number “1c” above regarding waivers.

4. Accessible Route (ADA 4.1.2(1))

DSA’s proposed revision for accessible route in section 1127B.1 meets section 4.1.2(1) of the ADA Standards. However, section 1127B.1 should reference all sections regarding accessible routes. DSA should either include a general provision stating that accessible routes of travel must comply with sections 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6 or revise each provision in Chapter 11B regarding accessible routes of travel (refer to comments 8, 16, 33, 43, etc.) to reference the above sections. For example, section 1127B.1 can be revised to provide:

When more than one building or facility is located on a site, accessible routes of travel complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6 shall be provided between buildings and accessible site facilities.

5. Accessible Parking (ADA 4.1.2(5)(a))

Section 1129B.2 provides parking space requirements when less than five parking spaces are provided at buildings and facilities. Section 1129B.2 meets section 4.1.2(5)(a) of the ADA Standards if the parking space required in section 1129B.2 is in addition to the accessible parking space required in section 1129B.1. Section 1129B.2 does not meet section 4.1.2(5)(a) of the ADA Standards if the parking space required in section 1129B.2 is in lieu of the accessible parking space required in section 1129B.1. Please clarify the requirements of section 1129B.2.

6. Building Signage (ADA 4.1.2(7))

DSA’s proposed revision to reference signage requirements in section 1114B.1.1 meets section 4.1.2(7) of the ADA Standards. However, the proposed revision should reference section 1117B.5 and not section 1117B.5.1.

7. Accessible Buildings: New Construction (ADA 4.1.3)

Section 1101B.2 requires that the design and construction of accessible building elements comply with section 1114B.1.1. For purposes of clarity, as per discussion above regarding section 1114B.1.1 in comment number 1a., the Department recommends the following revision:

Design. The design and construction of accessible building elements shall be in accordance with this chapter and ~~sections that are listed in~~ Section 1114B.1.1.

8. Accessible Route (ADA 4.1.3(1))

DSA’s proposed revision for accessible route in section 1103B.1 meets section 4.1.3(1) of the ADA Standards. However, section 1103B.1 needs to reference all sections regarding accessible routes. The Department recommends the following revision:

An accessible route of travel complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6 will connect all elements and spaces within a building or facility (~~see 1102B~~).

9. Stairs Not Connected By Elevator, Ramp, Etc. (ADA 4.1.3(4))

DSA’s proposed language to include a note referring to requirements for stairs in sections 1103B.1 and 1134B.2.1 meets section 4.1.3(4) of the ADA Standards only if notes are enforceable provisions. Also, DSA should make clear that section 1103B.1, exception 1 must comply with section 1114B.2.2 regarding areas of rescue assistance. Lastly, the language in section 1134B.2.1, exception 2, item 2.4 may contain an error. The phrase “more than 3,000 square feet” should be changed to “3,000 or more square feet.”

10. Elevator Exception (ADA 4.1.3(5))

DSA’s proposed revision for section 1103B.1, exceptions 3, 3.1 and 3.2 meets section 4.1.3(5), exception 1 of the ADA Standards only if “passenger vehicle service stations” are not transportation facilities. Clarify whether “passenger vehicle service stations” are transportation facilities.

In addition, a note in section 1134B.2.1, exception 2 incorrectly references section 1103B.1, exception 2.1. The correct reference is section 1103B.1, exception 3.

11. Accessible Ramps In lieu Of An Elevator (ADA 4.1.3(5))

DSA compares the following language “Multistory buildings must provide access by a ramp or elevator” in section 1103B.1 to section 4.1.3(5), exception 3 of the ADA Standards. However, previously, DSA proposed to delete this language (refer to comments in the side-by-side regarding section 4.1.3(5) of the ADA Standards). Please clarify whether Chapter 11B allows the use of accessible ramps in lieu of an elevator.

12. Accessible Platform Lifts In lieu Of An Elevator (ADA 4.1.3(5))

Section 4.1.3(5), exception 4 of the ADA Standards allows the use of a wheelchair lift in lieu of an elevator in new construction only under four specific conditions. Section 1116B.2, however, allows the use of a wheelchair lift in more situations than the ADA. That is, section 1116B.2 allows DSA to permit the use of a lift in lieu of an elevator beyond the four conditions described in section 4.1.3(5), exception 4 of the ADA Standards. DSA should revise section

1116B.2 to limit the use of a wheelchair lift in new construction only under the four conditions described in sections 1116B2.1, 1116B2.2, 1116B2.3, and 1116B2.4.

13. Doors (ADA 4.1.3(7))

Section 4.1.3(7) of the ADA Standards requires that at least one door shall be accessible at entrances, one door shall be accessible at each accessible space, each door that is an element of an accessible route shall be accessible, and each door that is a means of egress shall be accessible. The requirements in sections 1127B.1 and 1114B.1.2 are not as specific as section 4.1.3(7) of the ADA Standards. However, sections 1127B.1 and 1114B.1.2 may be interpreted to mean that all doors shall be accessible at entrances, all doors shall be accessible at each accessible space, all doors that are an element of an accessible route shall be accessible, and all doors that are a means of egress shall be accessible. Please clarify the requirements of sections 1127B.1 and 1114B.1.2.

14. Drinking Fountains (ADA 4.1.3(10))

The requirements for drinking fountains in section 1117B.1.1 do not meet section 4.1.3(10) of the ADA Standards because section 1117B.1.1 does not include a requirement where more than one drinking fountain or water cooler is provided on a floor, 50% of those provided shall be accessible and shall be on an accessible route.

Also, section 1117B.1.1 refers to section 1115B.2.1.2, which contains requirements for lavatories. However, the “California Code Language” column in the side-by-side refers to section 1115B.2.1.13, which does not exist. The correct reference should be section 1115B.2.1.5, which contains requirements for drinking fountains.

15. Toilet Facilities (ADA 4.1.3(11))

Sections 1115B.1 and 1115B.6 regarding toilet facilities meet section 4.1.3(11) of the ADA Standards. However, sections 1115B.1 and 1115B.6 allow exemptions from the toilet facilities requirements. Please identify provisions where the requirements of sections 1115B.1 and 1115B.6 are exempted.

16. Shelves Or Display Units (ADA 4.1.3(12)(b))

DSA’s proposed revision for shelves and display units in section 1110B.2.1 meets section 4.1.3(12)(b) of the ADA Standards. However, section 1110B.2.1 needs to reference all sections regarding accessible routes. The Department recommends the following revision:

Circulation

Shelves or display units allowing self-service by customers in mercantile occupancies shall be located on an accessible route of travel complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6. Circulation aisles and pedestrian ways shall be sized according to functional requirements and in no case shall be less than 36 inches (914 mm) in clear width.

17. Emergency Warning Systems (ADA 4.1.3(14))

Sections 1114B.2.4, 1111B.4.5, 1111B.4.5.1 regarding emergency warning systems meet section 4.1.3(14) of the ADA Standards. However, section 1114B.2.4 in the side-by-side document incorrectly references “NFPA 72G.” No such reference exists in the text of section 1114B.

Section 4.28.3 of the ADA Standards requires visual alarm signal appliances to be integrated into the building or facility alarm system. Section 4.28.3 also requires that if single station audible alarms are provided then single station visual alarm signals should be provided. Chapter 11B needs to include a provision similar to the ADA.

18. Public Telephones (ADA 4.1.3(17)(b))

Section 4.1.3(17)(b) of the ADA Standards provides that all telephones required to be accessible shall be equipped with a volume control. In addition, 25 percent, but not less than one, of all other public telephones provided shall be equipped with a volume control and shall be dispersed among all types of public telephones, including closed circuit telephones, throughout the building or facility.

Section 1117B.2.8 regarding public telephones does not meet section 4.1.3(17)(b) of the ADA Standards because section 1117B.2.8 does not require that all telephones required to be accessible shall be equipped with a volume control. Section 1117B.2.8 only requires that if public telephones are provided then 25 percent, but not less than one, shall be equipped with a volume control. Section 4.1.3(17)(b) of the ADA Standards includes both requirements. Section 1117B.2.8 should include language similar to the ADA.

19. Public Telephones (ADA 4.1.3(17)(c))

DSA’s proposed revision for public telephones at a site in section 1117B.2.9.1 meets section 4.1.3(17)(c) of the ADA Standards. However, for clarity, the Department recommends the following revision:

Where required.

1. If a total of four or more public pay telephones (including both interior and exterior phones) are provided at ~~the interior and exterior~~ of a site, and if at least one of the total is in an interior location, then at least one interior public text telephone shall be provided. ~~EXCEPTIONS: 1.2.~~ If an interior public pay telephone is provided in a stadium or arena, in a convention center, in a hotel with a convention center, or in a covered mall, at least one interior public text telephone shall be provided in the facility.
- ~~2.3.~~ If a public pay telephone is located in or adjacent to a hospital emergency room, hospital recovery room or hospital waiting room, one public text telephone shall be provided at each location.

20. Seating or Tables (ADA 4.1.3(18))

The proposed revision regarding seating or tables in section 1122B.1 does not meet section 4.1.3(18) of the ADA Standards because section 1122B.1 does not include common use areas. ADA's common use areas include areas used by employees and other areas (e.g., areas used by occupants of a homeless shelter). The Department recommends the following revision:

Minimum Number. Where fixed or built-in seating, tables, or counters are provided ~~for the public, and in general employee~~ in accessible public use or common use areas, 5 percent, but never less than one, must be accessible as provided in this section. An accessible route of travel shall lead to and through such fixed or built-in seating areas, or tables.

21. Assembly Areas (ADA 4.1.3(19))

Section 1105B.2 regarding Group B occupancies of less than 50 does not meet section 4.1.3(19) of the ADA because section 1105B.2 excepts Group B occupancies of less than 50 from the accessibility requirements in section 1114B.1.1.

22. ATMs (ADA 4.1.3(20))

Sections 1117B.7.2, 1117B.7.4.1, 1117B.7.4.2, 1117B.7.4.3 regarding automated teller machines meet section 4.1.3(20) of the ADA Standards. However, section 1117B.7.4.1 includes a reference to the Americans with Disabilities Act Accessibility Guidelines. It would be more correct to refer to the "Americans with Disabilities Act Standards for Accessible Design" instead of the "Americans with Disabilities Act Accessibility Guidelines." This change would more accurately describe the standards and regulations adopted and enforced under the ADA, as distinct from the unenforceable guidelines on which the standards are based.

23. Public Text Telephone (ADA 4.1.6(1)(e))

DSA compares section 1111A.1 to section 4.1.6(1)(e) of the ADA Standards. However, the alteration requirements for text telephones in section 1111A.1 applies to residential housing. DSA should adopt a provision similar to section 4.1.6(1)(e) of the ADA Standards into Chapter 11B (or section 1134B).

24. Vertical Access (ADA 4.1.6(1)(f))

Paragraph two of section 1103B.1 requires in new construction and alterations that buildings exceed 10,000 square feet on any floor to provide accessible means of vertical access via ramp, elevator or lift within 200 feet of travel of each stairs and each escalator. If paragraph two of section 1103B.1 requires vertical accessibility in new construction and alterations only to buildings that exceed 10,000 square feet, then section 1103B.1 does not meet section 4.1.6(1)(f) of the ADA Standards because the ADA does not limit requirements for vertical access only to buildings that exceed 10,000 square feet. However, if the requirement in paragraph two of section 1103B.1 is in addition to the requirement for vertical accessibility, then paragraph two of section 1103B.1 meets section 4.1.6(1)(f) of the ADA Standards. Please clarify the meaning of paragraph two of section 1103B.1.

25. Technically Infeasible (ADA 4.1.6(1)(j))

DSA compares various sections in Chapter 11B to section 4.1.6(1)(j) of the ADA Standards regarding the technically infeasible exception. These Chapter 11B sections do not seem to be equivalent to the ADA's technically infeasible exception. However, the absence of an ADA equivalent technically infeasible exception will not hinder certification of Chapter 11B because, as discussed above in comment 1c, certification will not apply to waivers of ADA requirements that may be granted by reviewing officials.

If DSA wishes to include an ADA equivalent technically infeasible exception in Chapter 11B, we recommend the following. First, sections 101.17.11.5, 101.17.11.6, 101.17.11.7 should not be compared to section 4.1.6(1)(j) of the ADA Standards. These Chapter 11B sections address "appeals action ratification." Second, one of the provisions, which appears throughout Chapter 11B, provides:

In existing buildings, the provisions of this section shall not apply when legal or physical constraints will not allow compliance with these building standards or equivalent facilitation without creating an unreasonable hardship. See Section 101.17.11, Item 5.

This Chapter 11B provision includes an exception broader than the ADA's technically infeasible exception. The ADA's exception does not permit noncompliance based on legal constraints. The ADA's exception also does not permit noncompliance based on physical constraints beyond what is contemplated in section 4.1.6(1)(j) of the ADA Standards. We recommend the following revision:

In existing buildings, the provisions of this section shall not apply when ~~legal or physical constraints will not allow~~ compliance with these ~~regulations~~ building standards or ~~equivalent facilitation without creating~~ creates an unreasonable hardship. See Section 101.17.11, Item 5.

Third, DSA's proposed revision for the definition of unreasonable hardship in section 222-U meets the definition of technically infeasible in section 4.1.6(1)(j) of the ADA Standards. However, DSA's proposed revision for the definition of unreasonable hardship contains two factors not included in the ADA's definition of technically infeasible (e.g., the nature of the accessibility that would be gained or lost, and the nature of the use of the facility under construction). DSA should delete the additional two factors because they seem to broaden the ADA's technically infeasible exception. Lastly, Chapter 11B's unreasonable hardship exception seems to apply to alterations as well as new construction. The ADA's technically infeasible exception applies only to alterations. The ADA's structural impracticability exception, which is a more limited exception than the ADA's technically infeasible exception, applies to new construction. For purposes of clarity, DSA should revise Chapter 11B's unreasonable hardship exceptions (Attachment A lists all of the sections in Chapter 11B that provide unreasonable hardship exceptions) to differentiate correctly the exception for alterations and the more limited exception for new construction. One option may be to use the phrase "unreasonable hardship" exception for alterations and use the phrase "structurally impracticable" exception for new construction.

26. Elevator Exemption (ADA 4.1.6(1)(k))

DSA compares section 1134B.2.1, exception 2 to section 4.1.6(1)(k) of the ADA Standards regarding the elevator exemption in alterations. However, section 1134B.2.1, exception 2 seems to address the path of travel requirement and not the elevator exemption in alterations. It is more appropriate to compare section 1103B.1, exception 3 to section 4.1.6(1)(k) of the ADA Standards. DSA's proposed revision for section 1103B.1, exception 3 meets section 4.1.6(1)(k) of the ADA Standards.

27. Disproportionality Exception (ADA 4.1.6(2))

Section 1134B.2.1, exception 1 includes a disproportionality exception that is similar to section 4.1.6(2) of the ADA Standards and section 36.403(f) in title 28 of the Code of Federal Regulations (i.e., 28 C.F.R. § 36.403(f)). However, section 1134B.2.1, exception 1, unlike the ADA, appears to apply only to alterations, structural repairs and additions that do not exceed a particular valuation threshold in terms of total construction cost (e.g., cost greater than \$50,000 as of 1981 and \$90,895.07 as of 2000). Taken together, sections 1134B.2, 1134B.2.1 and 1134B.2.1, exception 1, would appear to require that alterations, structural repairs or additions with a total construction cost greater than the valuation threshold comply with the broader path of travel obligation without regard to disproportionality. Please clarify whether the Department's interpretation is correct.

28. Extension Of Handrails At Stairs (ADA 4.1.6(3)(b))

Section 4.1.6(3)(b) of the ADA Standards does not require full extension of handrails at stairs in alterations where such extensions would be hazardous. This exception, however, is not available in new construction (refer to section 4.8.4(2) of the ADA Standards).

Section 1133B.4.2.4 regarding the exception of full extension of handrails meets section 4.1.6(3)(b) of the ADA Standards. However, section 1133B.4.2.4 seems to apply to new construction and alterations. Section 1133B.4.2.4 should apply only to alterations of existing buildings.

29. Elevator Doors and Cars (ADA 4.1.6(3)(c))

Section 4.1.6(3)(c) of the ADA Standards includes scoping provisions for elevator doors and cars for alterations of existing buildings. DSA's proposed revision in section 1116B.1.1, exception 1 meets section 4.1.6(3)(c) of the ADA Standards. However, section 1116B.1.1, exception 1 seems to apply to new construction and alterations. Section 1116B.1.1, exception 1 should apply only to alterations of existing buildings.

30. Door Projection (ADA 4.1.6(3)(d))

Assuming that the issue regarding the unreasonable hardship exception is resolved, DSA's proposed revision regarding door projection in section 1133B.2.3.2, exception 1 meets section 4.1.6(3)(d) of the ADA Standards. Section 1133B.2.3.2 applies to automatic doors. Please clarify whether section 1133B.2.3.2, exception 1 applies only to automatic doors.

Also, section 1134B.3.1, exception 1 should be revised to be similar to DSA's proposed revision for section 1133B.2.3.2, exception 1.

31. Unisex Toilet/Bathroom (ADA 4.1.6(3)(e))

Section 1134B.2.2 provides that where it is technically infeasible to alter existing restroom facilities to be compliant, then at least one unisex toilet/bathroom complying with section 1115B.7.2 shall be permitted in lieu of modifying existing toilet facilities to be accessible. Section 1134B.2.2 regarding unisex toilet/bathroom meets section 4.1.6(3)(e) of the ADA Standards. However, section 1115B.7.2 does not meet section 4.1.6(3)(e) of the ADA Standards because section 1115B.7.2 does not require a lavatory or a privacy latch in the unisex toilet/bathroom.

Also, DSA's proposed revision in section 1115B.1 regarding unisex toilet/bathroom meets section 4.1.6(3)(e) of the ADA Standards. However, the proposed revision's reference to section 1117B.5.5 should be changed to section 1117B.5.1.

32. Historic Preservation: Procedures (ADA 4.1.7(2)(a) and 4.1.7(2)(c))

DSA's proposed revision regarding procedures for historic preservation in Part 8 of the California Building Code meets section 4.1.7(2)(a) of the ADA Standards. However, it seems

more appropriate to locate the proposed revision in the new proposed section 8-602.3 and not in section 8-104.

DSA compares section 8-604.3 to section 4.1.7(2)(c) of the ADA Standards regarding consultation with interested persons. Although section 8-604.3 includes requirements for consultation with interested persons, this section applies only to section 8-604. DSA should adopt a provision in section 8-602 similar to the ADA requiring consultation with interested persons.

33. Historic Preservation: Minimum Requirements (4.1.7(3)(a), (b), (d), (e))

DSA's proposed revision requiring an accessible route in section 8-602.1 meets section 4.1.7(3)(a) of the ADA Standards. However, it seems more appropriate to locate the proposed revision in section 8-603 and not in section 8-602.1 because the proposed revision contains specific minimum requirements. Also, the proposed revision should reference all sections concerning accessible routes. The Department recommends the following revision:

If strict compliance with the regular code will threaten or destroy the historical significance or character-defining features of the building or property a minimum of one accessible route complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6 from a site access point to an accessible entrance shall be provided.

DSA compares section 8-602.1 to section 4.1.7(3)(d) of the ADA Standards regarding accessible routes from accessible entrances. Section 8-602.1, however, does not contain minimum requirements concerning accessible routes from accessible entrances. DSA should include in section 8-603 a provision similar to section 4.1.7(3)(d) of the ADA Standards.

DSA's proposed revision concerning displays and written information in section 8-602.1 meets section 4.1.7(3)(e) of the ADA Standards. However, the first paragraph of the proposed revision should be deleted and the second paragraph should be located in section 8-603 and not in 8-602.1 because the proposed revision contains specific minimum requirements.

Section 8-603.5.1 permits a ramp with a slope of 1:10 to be 12 feet in length. Section 4.1.6(3)(a)(i) of the ADA Standards permits a ramp with a slope of 1:10 to have a maximum rise of 6 inches (i.e., the maximum horizontal distance cannot exceed 5 feet). DSA should revise section 8-603.5.1 so that the horizontal distance cannot exceed 5 feet.

34. Wheelchair Passage Width (ADA 4.2.1 and 4.2.2)

Section 1118B.1 regarding width for single wheelchair passage meets section 4.2.1 of the ADA Standards. However, section 1118B.1 incorrectly references Figure 11B-12 (wheelchair turning space). Section 1118B.1 should reference Figure 11B-10 (minimum clear width for single wheelchair).

Also, section 1118B.2 regarding width for two wheelchair passage meets section 4.2.2 of the ADA Standards. However, section 1118B.2 incorrectly references Figure 11B-12 (wheelchair turning space). Section 1118B.2 should reference Figure 11B-11 (minimum clear width for two wheelchair).

35. Forward Reach (ADA 4.2.5)

Section 1118B.5 regarding forward reach meets section 4.2.5 of the ADA Standards, but the references to Figure 11B-5C(b) and 11B-5C(a) should be interchanged.

36. Accessible Route: General (ADA 4.3.1)

DSA's proposed revision regarding accessible route in section 1102B meets section 4.3.1 of the ADA Standards. However, the proposed revision should be located in section 1114B.1.2, and not in the definition section 1102B.

37. Accessible Route: Width (ADA 4.3.3)

DSA's proposed revision regarding minimum clear width of an accessible route in section 1102B meets section 4.3.3 of the ADA Standards. However, the proposed revision contains technical requirements that should be located in section 1114B.1.2, and not in the definition section 1102B. Also, the reference to Figure 11B-5E should be changed to Figure 11B-5E(a) and (b).

38. Accessible Route: Changes In Levels (ADA 4.3.8 and 4.5.2)

DSA's proposed revision regarding changes in levels in section 1124B.2 does not meet sections 4.3.8 and 4.5.2 of the ADA Standards because section 1124B.2 is unclear concerning changes in level greater than 1/2 inch. The Department recommends the following revision:

Changes in Level. Changes in level up to 1/4 inch (6.4 mm) may be vertical and without edge treatment [see Figure 11B-5E(c) and (d)]. Changes in level between 1/4 inch (6.4 mm) and 1/2 inch (12.7 mm) shall be beveled with a slope no greater than 1:2 [see Figure 11B-5E(d)]. Changes in level greater than 1/2 inch (12.7 mm) shall be accomplished by means of a curb ramp, ramp, elevator, or platform lift, or ramp that complies with 1127B.5, 1133B.5, 1116B.1, or 1116B.2, respectively Figure 11B-5E (d).

39. Accessible Route: Egress (ADA 4.3.10)

DSA's proposed revision regarding egress in section 1114B.2.1 does not meet section 4.3.10 of the ADA Standards because section 1114B.2.1 does not require that all accessible routes also serve as accessible means of egress for emergencies.

40. Area Of Rescue Assistance: Identification (ADA 4.3.11.5)

DSA's proposed revision concerning identification for an area of rescue assistance in section 1114B.2.2.5 does not meet section 4.3.11.5 of the ADA Standards because section 1114B.2.2.5 does not require signage at all inaccessible exists.

41. Head Room (ADA 4.4.2)

Section 1133B.8.6.2 regarding head room does not meet section 4.4.2 of the ADA Standards because section 1133B.8.6.2 does not contain requirements for areas adjoining an accessible route with a vertical clearance less than 80 inches.

42. Carpet (ADA 4.5.3)

Section 1124B.3 regarding carpet meets section 4.5.3 of the ADA Standards. However, section 1124B.3 should reference figure 11B-7B(b), which illustrates carpet pile thickness.

43. Parking Spaces (ADA 4.6.3)

DSA's proposed revision regarding parking space size in section 1129B.4.1 meets section 4.6.3 of the ADA Standards. However, DSA's proposed revision should reference all sections regarding accessible routes. The proposed revision should also reference figures 11B-18A, 11B-18B, and 11B-18C. The Department recommends the following revision:

Parking Space Size. Accessible parking spaces shall be located as near as practical to a primary entrance and shall be sized as follows:

1. Dimensions. Where single spaces are provided, they shall be 14 feet (4267 mm) wide and outlined to provide a 9-foot (2743 mm) parking area and a 5-foot (1524 mm) loading and unloading access aisle on the passenger side of the vehicle. When more than one space is provided in lieu of providing a 14-foot-wide (4267 mm) space for each parking space, two spaces can be provided within a 23-foot-wide (7010 mm) area lined to provide a 9-foot (2743 mm) parking area on each side of a 5-foot (1524 mm) loading and unloading access aisle in the center. See Figure 11B-18A. Parking access aisles shall be part of an accessible route of travel (complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6) to the building or facility entrance. Parked vehicle overhangs shall not reduce the clear width of an accessible route. The minimum length of each parking space shall be 18 feet (5486 mm). The words NO PARKING shall be painted on the ground within each five-foot (1524 mm) loading and unloading access aisle. This notice shall be painted in white letters no less than 12-inches (154 mm) high and located so that it is visible to traffic enforcement officials. See Figures 11B-18A, 11B-18B, and 11B-18C.

DSA's proposed revision for section 1129B.4.3, concerning arrangement of parking space, and section 1129B.4.4, concerning slope of parking space, meets section 4.6.3 of the ADA Standards. However, the original language in sections 1129B.4.3 and 1129B.4.4 also meets section 4.6.3 of the ADA Standards.

Lastly, figure 11B-18A shows accessible parking space signage located in the accessible pathway. The figure should clarify that these signs shall not reduce the 36 inch minimum width required for an accessible route.

44. Detectable Warnings At Curb Ramps (ADA 4.7.7)

Figures 11B-19A and 11B-19B include the exception that “Domes May Be Omitted When Ramp Slope Exceeds 6.67%.” DSA’s proposed language for section 1127B.5.8 regarding detectable warnings at curb ramps deleted this exception. Figures 11B-19A and 11B-19B should also delete this exception. Also, curb ramps illustrated in figures 11B-19A, 11B-19B and 11B-19C seem to project into the vehicular path. Section 4.7.6 of the ADA Standards prohibits built-up curb ramps from projecting into vehicular traffic lanes.

Section 1127B.5.5 provides a 1/2 inch beveled lip at curb ramps as a detectable wayfinding edge for persons with visual impairment. Section 1127B.5.5 does not meet section 4.7.2 of the ADA Standards because the ADA requires transitions from curb ramps to walks, gutters, or streets to be flush and without abrupt changes. DSA should delete section 1127B.5.5 and revise figure 11B-21(b).

45. Obstructions (ADA 4.7.8)

Although DSA’s proposed language regarding obstructions in section 1127B.5.9 meets section 4.7.8 of the ADA Standards, the original language in section 1127B.5.9 also meets the ADA.

46. Diagonal Curb Ramps (ADA 4.7.10)

Section 1127B.5.10 regarding diagonal curb ramps meets section 4.7.10 of the ADA Standards. However, the reference to figure 11B-20B, cases C and D should be replaced with figure 11B-22(c) and (d).

47. Ramps (ADA 4.8.1 and 4.8.2)

Sections 1133B.5.1 and 1133B.5.3 concerning ramps do not meet section 4.8.1 of the ADA Standards because sections 1133B.5.1 and 1133B.5.3 apply to any path of travel whereas the ADA applies to any accessible route. The Department recommends the following revision for section 1133B.5.1:

General. Ramps used as exits shall conform to the provisions of this section. Any accessible route of travel or path of travel shall be considered a ramp if its slope is greater than 1 foot (305 mm) rise in 20 feet (6096 mm) of horizontal run (5% gradient). ~~The least possible slope shall be used for any ramp.~~

The Department also recommends the following revision for section 1133B.5.3:

Slope. The least possible slope shall be used for any ramp. The maximum slope of a ramp that serves any exit way, provides access for persons with physical disabilities or is in the accessible route of travel or path of travel shall be 1-foot (305 mm) rise in 12 feet (3658 mm) of horizontal run (8.3% gradient). The maximum rise for any run shall be 30 inches.

48. Ramps: Slope and Rise (ADA 4.8.2, Figure 16)

DSA's proposed revision for a table concerning ramp dimensions in 1133B.5.4.1 meets section 4.8.2, figure 16 of the ADA Standards. However, this table should be located in section 1133B.5.3 because it illustrates ramp slope requirements and not location of landings.

49. Ramps: Clear Width (ADA 4.8.3)

Sections 1133B.5.2, 1133B.5.2.1, and 1133B.5.2.2 regarding requirements for clear width do not meet section 4.8.3 of the ADA Standards because these Chapter 11B sections do not contain width requirements for ramps at stairways or exits. Sections 1133B.5.2 and 1133B.5.2.1, however, include requirements for pedestrian ramps that meet the ADA. Also, in the side-by-side, section 1133B.5.2.2 includes a sentence that "All other pedestrian ramps shall have a minimum width of 48 inches (1219 mm)." However, this language is not present in section 1133B.5.2.2 of Chapter 11B. Please clarify.

50. Ramps: Landings (ADA 4.8.4)

In the side-by-side, section 1133B.5.4.3 includes a sentence that doors in any position shall not reduce the minimum dimension of the landing to less than 42 inches and shall not reduce the required width by more than 7 inches. However, this language is not present in section 1133B.5.4.3 of Chapter 11B. Please clarify. Also, section 1133B.5.4.3 in Chapter 11B refers to section 1133B.5.4.1. However, section 1133B.5.4.1 does not include any requirements for encroachment of doors. DSA should adopt a provision similar to section 4.8.4(4) of the ADA Standards.

Section 1133B.5.4.4 provides that the width of the landing shall extend 24 inches past the strike edge of any door or gate for exterior ramps and 18 inches past the strike edge for interior ramps. Section 1133B.5.4.4 is unclear regarding hinge side and latch side approaches. Unless DSA wishes to require only front approaches to doors (e.g., figure 11B-39(b)), section 1133B.5.4.4 does not meet section 4.8.4(4) of the ADA Standards. The ADA's maneuvering clearances at doors are dependent on approaches (e.g., front, hinge side, or latch side). Refer to section 4.13.6 and figure 25 of the ADA Standards. DSA should adopt a provision similar to section 4.8.4(4) of the ADA Standards.

DSA's proposed revision regarding ramps' change of direction in section 1133B.5.4.6 does not meet section 4.8.4(3) of the ADA Standards because section 1133B.5.4.6 requires a 60 inch by 72 inch landing only when ramps change direction at landings in excess of 30 degrees. Section 4.8.4(3) of the ADA Standards requires a minimum 60 inch by 60 inch landing whenever ramps change direction at landings.

51. Ramps: Handrails (ADA 4.8.5)

Section 1133B.5.5.1 regarding handrails meets section 4.8.5 of the ADA Standards. However, section 1133B.5.5.1 should specify that handrails be mounted 34 to 38 inches from above the ramp surface to the top of handrails. In addition, section 1133B.5.5.1 should eliminate the exemption from the handrails requirement for Group R, Division 1 or Division 3 Occupancies. The ADA does not provide such an exemption.

52. Ramps: Edge Protection (ADA 4.8.7)

DSA's proposed revision concerning hazards at ramps and landings in section 1133B.5.4.9 does not meet section 4.8.7 of the ADA Standards because section 1133B.5.4.9 requires edge protection only when the vertical drop exceeds 4 inches. The ADA requires edge protection if a vertical drop exists. Also, the use of the phrase "ramp landings" in section 1133B.5.4.9 should be changed to "ramps and landings."

53. Stairs: Handrails (ADA 4.9.4)

First, the exceptions in section 1133B.4.1.1 does not meet section 4.9.4 of the ADA Standards because the exceptions permit stairways to have handrails on one side of the stairs instead of both sides of the stairs. If, however, the exceptions only apply to residential dwellings, then the exceptions would not conflict with section 4.9.4 of the ADA Standards.

Second, DSA's proposed revision regarding handrails in section 1133B.4.2.2 meets section 4.9.4(2) of the ADA Standards. However, the proposed revision should include a reference to figure 11B-35.

Third, section 1133B.4.2.4 regarding extension of handrails does not meet section 4.9.4(1) of the ADA Standards because section 1133B.4.2.4 permits the termination of the extension of handrails. The ADA requires full extension of handrails. The ADA permits an exception to the requirement of full extension of handrails when the extension creates a hazard, but this exception is only available in alterations and not new construction (refer to section 4.1.6(3)(b) of the ADA Standards).

54. Elevators: Hall Call Buttons (ADA 4.10.3)

DSA's proposed revision concerning hall call buttons in section 1116B.1.10 meets section 4.10.3 of the ADA Standards. However, section 1116B.1.13, which also includes requirements for hall call buttons, does not meet the ADA because section 1116B.1.13 permits recessed buttons.

Sections 1116B.1.10 and 1116B.1.13 seems to contain similar requirements for hall call buttons. Please clarify the difference, if any, between sections 1116B.1.10 and 1116B.1.13.

55. Elevators: Door And Signal Timing For Hall Calls (ADA 4.10.7)

DSA's proposed revision regarding hall calls in section 1116B.1.6 meets section 4.10.7 of the ADA Standards. However, section 4.10.7 of the ADA Standards contains a typographical error (i.e., the number 445 mm/s should be 455 mm/s). Please make the necessary corrections. Further, section 1116B.1.6 references a figure 11B-40D, but figure 11B-40D does not seem to exist. Please clarify.

56. Elevators: Car Controls (ADA 4.10.12)

DSA's proposed revision regarding car controls in section 1116B.1.8 meets section 4.10.12 of the ADA Standards. However, the proposed revision should reference figure 11B-40A.

57. Clear Width At Doorways (ADA 4.13.5)

DSA's proposed revision regarding clear width at doorways in section 1133B.2.2 meets section 4.13.5 of the ADA Standards. However, the proposed revision should reference section 1114B.1.2 regarding accessible route, as revised per discussion above in comment number 37. The Department recommends the following revision for section 1133B.2.2:

Width and height. Every required exit doorway shall be of a size as to permit the installation of a door not less than 3 feet (914 mm) in width and not less than 6 feet 8 inches (2032 mm) in height.

When installed in exit doorways, exit doors shall be capable of opening at least 90 degrees and shall be so mounted that the clear width of the exitway is not less than 32 inches (813 mm) measured between the face of the door and the opposite stop (see figure 11B-5B). Openings more than 24 inches (610 mm) in depth shall comply with Sections 1118B.1, ~~and 1118B.2~~ and 1114B.1.2. In computing the exit width the net dimension of the exitway shall be used.

EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have the clear opening reduced to 20 in (510 mm) minimum.

58. Maneuvering Clearances At Doors (ADA 4.13.6, Figures 25(d)-(f))

Figures 25(d) through (f) in section 4.13.6 of the ADA Standards contain requirements for maneuvering clearances at sliding and folding doors. DSA comments that Chapter 11B does not allow the use of manual sliding doors as part of an accessible route. If Chapter 11B prohibits the use of manual sliding and folding doors, then Chapter 11B does not need to include a figure similar to figures 25(d) through (f) in section 4.13.6 of the ADA Standards. Please identify the provision in Chapter 11B where sliding and folding doors are prohibited as part of an accessible route.

59. Maneuvering Clearances At Doors (ADA 4.13.6)

Section 1133B.2.4.2 does not meet section 4.13.6 of the ADA Standards because exception 2 in section 1133B.2.4.2 permits maneuvering clearances at doors less than required by section 4.13.6 of the ADA Standards. The Department recommends deleting exception 2 from section 1133B.2.4.2.

60. Thresholds At Doorways (ADA 4.13.8)

Section 1133B.2.4.1 regarding thresholds at doorways meets section 4.13.8 of the ADA Standards only if Chapter 11B prohibits the use of manual sliding and folding doors as part of an accessible route. If sliding and folding doors are permissible, then section 1133B.2.4.1 needs to include threshold requirements for sliding doors that are equivalent to the ADA.

61. Door Hardware (ADA 4.13.9)

DSA's proposed revision in section 1133B.2.5.2 meets section 4.13.9 of the ADA Standards. However, section 1133B.2.5.2's allowance of the use of a large bow key in lieu of a lever-type hardware seems to conflict with the requirement that door opening hardware not require tight grasping, tight pinching, or twisting of the wrist to operate. Please clarify this conflict.

62. Door Opening Force (ADA 4.13.11)

Section 1133B.2.5 regarding door opening force meets section 4.13.11 of the ADA Standards. However, section 1133B.2.5 includes a conversion error (i.e., 5 lbf equals 22.2 N and not 38 N).

63. Automatic And Power-Assisted Doors (ADA 4.13.12)

DSA's proposed revision in section 1133B.2.3.2 regarding automatic doors meets section 4.13.12 of the ADA Standards. However, section 4.13.12 of the ADA Standards contains a conversion error (i.e., 15 lbf equals 66.72 N and not 66.6 N). Please make the necessary correction. Also, it seems more appropriate to locate the proposed text regarding general requirements for automatic doors before the existing text regarding operation of pair of automatic doors.

In addition, section 1134B.3.1 regarding automatic doors should be revised to be similar to DSA's proposed revision for section 1133B.2.3.2.

64. Entrances (ADA 4.14.1)

DSA's proposed revision regarding entrances in section 1133B.1.1.1.1 meets section 4.14.1 of the ADA Standards. However, DSA's proposed revision should reference all sections regarding accessible routes. The Department recommends the following revision:

Such entrances shall be connected by an accessible route (complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6) to public transportation stops, to accessible parking and passenger loading zones, and to public streets or sidewalks if available. Entrances shall be connected by an accessible route to all accessible spaces or elements within the building or facility.

65. Faucet Controls (ADA 4.15.4)

Section 4.15.4 of the ADA Standards, which references section 4.27.4 of the ADA Standards, requires controls to be front mounted or side mounted near the front edge and operable with one hand without tight grasping, pinching or twisting of the wrist. Section 1115B.2.1.5.3 needs to include requirements similar to sections 4.15.4 and 4.27.4 of the ADA Standards.

66. Clearances At Drinking Fountains (ADA 4.15.5)

DSA's proposed revision regarding clearances at drinking fountains in section 1115B.2.1.5.1 does not meet section 4.15.5 of the ADA Standards because section 1115B.2.1.5.1 does not require a 30 inch by 48 inch clear floor space for a forward approach. Also, section 1115B.2.1.5.1 includes a minimum drinking fountain depth of 18 inches, but no maximum depth. Section 4.15.5 of the ADA Standards permits drinking fountain depth to be 17 to 19 inches. Section 1115B.2.1.5.1 should include a requirement that the maximum drinking fountain depth is 19 inches. Additionally, the measurements described in figure 11B-3 should be changed to be consistent with the measurements required in section 1115B.2.1.5.1. Lastly, section 1115B.2.1.5.1 provides that "there shall be toe clearance of 9 inches (229 mm) in height above the floor and 17 inches (432 mm) in height above the floor and 17 inches (432 mm) in depth from the front edge of the fountain...." The presence of two height requirements of 9 inches and 17 inches seems confusing. Please clarify.

DSA's proposed revision regarding clearances at water fountains in section 1117B.1.2 does not meet section 4.15.5 of the ADA Standards because section 1117B.1.2 does not require a 30 inch by 48 inch clear floor space for a forward approach. Section 1117B.1.2 also does not require a maximum water fountain depth of 19 inches. Section 1117B.1.2 does not require additional maneuvering clearances for water fountains located in alcoves. Section 1117B.1.2 should reference section 1118B.4.2 for requirements of additional maneuvering clearances in alcoves. Additionally, the measurements described in figure 11B-3 should be changed to be consistent with the measurements required in section 1117B.1.2. Finally, section 1117B.1.2 provides an exception that permits wing walls to protrude out. Section 4.4.1 and figure 8(e) of the ADA Standards require that protruding objects do not reduce the clear width of an accessible route or maneuvering space. The exception in section 1117B.1.2 should reference the protruding objects requirements in section 1133B.8.6.1.

67. Water Closets: Clear Floor Space (ADA 4.16.2)

DSA compares section 1115B.7.2 to section 4.16.2 of the ADA Standards regarding clear floor space at water closets. However, section 1115B.7.2 does not address all of the clear floor space requirements for water closets in section 4.16.2 of the ADA Standards. Unless Chapter 11B requires all toilet rooms to be designed with water closet, lavatory, outward door swing, and approach as illustrated in figure 11B-1A (i.e., top left diagram), section 1115B.7.2 should include clear floor space requirements for water closets similar to section 4.16.2 and figure 28 of the ADA Standards.

Section 1115B.7.2 also does not prohibit doors from swinging into the clear floor space required for any fixture. Although section 4.22.3 of the ADA Standards permits the clear floor space at fixtures and controls, the accessible route, and the turning space to overlap, section 4.22.2 of the ADA Standards requires doors not to swing into the clear floor space required for any fixture.

68. Water Closets: Height (ADA 4.16.3)

Section 1115B.2.1 regarding height of water closets meets section 4.16.3 of the ADA Standards only if “NOTES” are enforceable provisions.

69. Grab Bars (ADA 4.16.4 and 4.17.6)

DSA’s proposed revision regarding grab bars in section 1115B.8.1 does not meet sections 4.16.4 and 4.17.6 of the ADA Standards. First, section 1115B.8.1 should delete the reference to grab bars located on each side (i.e., parallel grab bars) because the ADA permits parallel grab bars only for the 36 inch wide alternate stall, and DSA has commented that Chapter 11B does not permit alternate stalls in lieu of standard stalls (refer to DSA comment in the side-by-side for figure 30(b), section 4.17.3 of the ADA Standards). Second, section 1115B.8.1 does not specify that grab bars must have a 1 and 1/2 inch gap between the bar and the top of the tank. Third, the side elevation illustration in figure 11B-1A should include the 12 inch maximum dimension between the side grab bar and the back wall. Fourth, the side elevation illustration in figure 11B-1A needs to distinguish requirements for toilet room grab bars and toilet stall grab bars (refer to figures 29, 30(c), and 30(d) in the ADA Standards). Finally, DSA should delete the reference to figure 11B-1C in section 1115B.8.1 because DSA has proposed to delete this figure.

70. Toilet Stalls: Size And Arrangement (ADA 4.17.3)

DSA’s proposed revision regarding the accessible water closet compartment in section 1115B.7.1.3 meets section 4.17.3 of the ADA Standards. However, the required width and depth of a toilet stall needs to be clearer. For example, the requirement for a 28 inch wide clear space between a fixture and a water closet or a 32 inch wide clear space between a wall and a water closet does not specify a depth for the required clearance. The depth of the clearance is needed because the depth can be obstructed if the toilet compartment is an irregular shape or had a column in a corner. Similarly, the requirement for a 48 inch and a 67 inch long clear space in front of the water closet should specify a width for the required clearance. Also, section 1115B.7.1.3 should include a reference to figures 11B-1A and 11B-1B.

DSA’s proposed revision should specify that the 67 inch long clear space is in front of the water closet. The Department recommends the following revision:

A minimum ~~60~~ 67 inch–long (1524 mm) clear space shall be provided in front of the water closet in a compartment with the door located at the side.

Also, figure 11B-1B needs to include the new revised dimension of 67 inch, not 60 inch, long clear space in front of the water closet. Also, figure 11B-1B needs to include the 18 inches dimension for maneuvering clearance at the 34 inch wide door.

Additionally, unless section 1115B.7.1.3 does not permit an inward swinging door in toilet stalls, section 1115B.7.1.3 should include requirements for an inward swinging door located at the side with a 36 inch minimum door clearance (refer to illustration (a-1) in figure 30 of the ADA Standards).

71. Height Of Urinals (ADA 4.18.2)

DSA proposes to delete the term “floor mounted” urinals in section 1115B.2.1.1.1. However, the deletion is not necessary because the reference to stall-type urinals in section 4.18.2 of the ADA Standards is equivalent to floor mounted urinals.

72. Lavatories: Height And Clearances (ADA 4.19.2)

DSA’s proposed revision regarding lavatories in section 1115B.2.1.2.1 meets section 4.19.2 of the ADA Standards. However, the proposed revision can more accurately describe the requirements of the 17 inch minimum depth of a lavatory and the 30 inch by 48 inch clear floor area. The Department recommends the following revision:

Lavatories, when located adjacent to a side wall or partition, shall be a minimum of 18 inches (457 mm) to the center line of the fixture. All lavatories that are designated to be accessible shall be a minimum 17 inches in depth and mounted with the rim or counter edge no higher than 34 inches (864 mm) above the finished floor and with vertical clearance measured from the bottom of the apron or the outside bottom edge of the lavatory of 29 inches (737 mm) reducing to 27 inches (686 mm) at a point located 8 inches (203 mm) back from the front edge. In addition, a minimum 9 in (230 mm) high toe clearance must be provided extending back toward the wall to a distance no more than 6 in (150 mm) from the back wall. The toe clearance space must be free of equipment or obstructions.

~~Knee clearance below the lavatory shall extend a minimum of 30 inches (762 mm) in width by 17 inches (432 mm) and 19 in (485 mm) maximum in depth. See Figure 11B-1D Knee Clearance.~~

A clear floor space 30 inch by 48 inch (760 mm by 1220 mm) shall be provided in front of a lavatory to allow forward approach. Such clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of 19 inch (485 mm) into knee and toe space underneath the lavatory. See Figure 11B-1D.

Figure 11B-1D also needs to change the 34 inch “min” to 34 inch “max.”

73. Lavatories: Clear Floor Space (ADA 4.19.3)

DSA's proposed revision regarding clear floor space in section 1115B.9.1 meets section 4.19.3 of the ADA Standards. However, section 1115B.9.1 should include a reference to figure 11B-1D.

74. Mirrors (ADA 4.19.6)

Section 1115B.9.1.2 regarding mirrors meets section 4.19.6 of the ADA Standards. However, section 1115B.9.1.2 needs to specify that the 40 inch dimension is measured from the bottom edge of the "reflecting surface" because mirrors may be framed and the reflecting surface can be higher than 40 inches above the finished floor.

75. Shower Stalls: Size And Clearances (ADA 4.21.2)

Section 1115B.6.2.1 regarding size of shower stalls does not include requirements for a 36 inch by 36 inch transfer shower. Please clarify whether Chapter 11B allows a 36 inch by 36 inch transfer shower similar to figure 35 of the ADA Standards. Also, section 1115B.6.2.1 should reference figure 11B-2D, which illustrates a roll-in shower 36 inch by 60 inch.

Figure 11B-2A needs to include a 36 inch by 60 inch clear floor space for the Roll-In Shower A illustration.

Section 1115B.6.3 and figure 11B-2C contains requirements for an open shower. This provision and figure can not be compared to the ADA's shower requirements because the ADA requires either an accessible transfer or roll-in shower, not an open shower. However, figure 11B-2C should include a dimension that the control area should begin 38 inches minimum from the finished floor (refer to figure 37 of the ADA Standards).

Section 1115B.6.2.1 permits a roll-in shower with a dimension of 42 inch by 48 inch. Sections 4.21.2 and 9.1.2 of the ADA Standards require roll-in showers to be 30 inch by 60 inch or 36 inch by 60 inch. In new construction, the 42 inch by 48 inch shower cannot be used as an accessible roll-in shower. However, in alterations where it is technically infeasible to comply with ADA's shower stall requirements, the 42 inch by 48 inch shower with some changes may be used as an accessible transfer shower or roll-in shower.

To be an accessible transfer shower, figure 11B-2B must include the following changes. First, the 42 inch by 48 inch dimension should be a fixed and not a minimum dimension. Second, the side grab bar should be 24 inches and not 18 inches. Third, the folding seat should have sufficient clearance from the side grab bar to open and fold. Fourth, a clear floor space 36 inch by 48 inch should be included near the opening of the shower. The orientation of the clear floor space should be similar to figure 35(a) in the ADA Standards. Fifth, figure 11B-2B should include the 38 inch minimum dimension for the control area similar to figure 37 of the ADA Standards. Lastly, figure 11B-2B includes a 30 inch minimum and 40 inch maximum dimension for the location of the shower control. Figures 11B-2A and 11B-2C contain a 46 inch maximum dimension for the shower control. Please clarify whether these dimensions are accurate.

To be an accessible roll-in shower, in addition to the changes mentioned above, figure 11B-2B must include the following changes. First, a seat can not be used in the shower. Second, the grab bars must wrap around the shower. Lastly, the controls and the handheld shower hose should be located on the same wall as the fixed shower head.

76. Shower Stalls: Seat (ADA 4.21.3)

DSA's proposed revision regarding shower fixtures in section 1115B.6.2.4.5 meets section 4.21.3 of the ADA Standards. However, as mentioned previously, the referenced figures need to include the 38 inch minimum dimension for the control area similar to figure 37 of the ADA Standards. Also, the referenced figures require the controls to be located within 24 inches of the folding seat, and section 1115B.6.2.4.5 requires controls to be located within 27 inches of the folding seat. Please clarify.

77. Shower Stalls: Controls (ADA 4.21.5)

DSA's proposed revision to reference figures 11B-2A and 11B-2B in section 1115B.2.1.3.1 is helpful to code users. Section 1115B.6.2.4.1 also contains requirements for water controls in showers. DSA should revise section 1115B.6.2.4.1 to reference figures 11B-2A and 11B-2B. More importantly, DSA needs to make the following three changes to have requirements for water controls that are equivalent to the ADA.

First, section 1115B.2.1.3.1 requires water controls in showers to be located on the side wall opposite the seat. Also, section 1115B.6.2.4.1 requires water controls in showers to be located on the side wall adjacent to the seat. Figures 11B-2A and 11B-2B, however, show water controls to be located on the back wall adjacent to the seat. Section 4.21.5 of the ADA Standards requires water controls to be located on the side wall opposite the seat only for a 36 inch by 36 inch transfer shower. For a 30 inch by 60 inch roll-in shower with a seat, figure 57 of the ADA Standards requires water controls to be located on the back wall adjacent to the seat. Since Chapter 11B does not include requirements for a 36 inch by 36 inch transfer shower, sections 1115B.2.1.3.1 and 1115B.6.2.4.1 should be changed to require water controls in showers to be located on the back wall adjacent to the seat.

Second, sections 1115B.2.1.3.1 and 1115B.6.2.4.1 require water controls in showers to be located 40 inches (plus or minus 1 inch) above the shower floor. However, figures 11B-2A and 11B-2C show water controls to be located a maximum 46 inches above the shower floor, and figure 11B-2B shows water controls to be located a maximum 40 inches and a minimum of 30 inches above the shower floor. Sections 1115B.2.1.3.1 and 1115B.6.2.4.1 and figures 11B-2A, 11B-2B, and 11B-2C should be changed to include measurements that are consistent with each other. DSA should delete the "plus or minus 1 inch" tolerance language. Also, DSA should delete the 30 inch minimum height requirement in figure 11B-2B because figure 37 of the ADA Standards requires water controls to be located between 38 to 48 inches above the shower floor.

Finally, section 4.21.5 of the ADA Standards, which references section 4.27.4 of the ADA Standards, requires controls to be operable with one hand without tight grasping, pinching or twisting of the wrist. DSA should change sections 1115B.2.1.3.1 and 1115B.6.2.4.1 to include requirements similar to section 4.27.4 of the ADA Standards.

78. Shower Unit (ADA 4.21.6)

DSA's proposed revision to include language that a shower spray unit can be used both as a fixed shower head and as a hand-held shower in section 1115B.6.2.4.2 meets section 4.21.6 of the ADA Standards. Section 1115B.2.1.3.2 contains requirements for a shower spray unit similar to section 1115B.6.2.4.2. DSA should revise section 1115B.2.1.3.2 to include language that a shower spray unit can be used both as a fixed shower head and as a hand-held shower. Also, DSA should delete the "plus or minus 1 inch" tolerance language.

DSA's proposed revision to delete the "plus or minus 1 inch" tolerance language from section 1115B.6.2.4.3 meets section 4.21.6 of the ADA Standards. Section 1115B.2.1.3.3 contains requirements for an alternative sprayer unit similar to section 1115B.6.2.4.3. DSA should delete the "plus or minus 1 inch" tolerance language from section 1115B.6.2.4.3. Also, section 1115B.2.1.3.3 permits a fixed shower head to be mounted 40 inches above the floor. Section 4.21.6 of the ADA Standards permits a fixed shower head to be mounted at 48 inches above the floor. The mounting height in section 1115B.2.1.3.3 should be consistent with the ADA.

79. Toilet Rooms: Clear Floor Space (ADA 4.22.3)

First, section 4.22.3 of the ADA Standards requires wheelchair turning space to be a minimum 60 inches in diameter or a T-shaped space (refer to figure 3 of the ADA Standards). Section 1115B.7.1.1 permits a wheelchair turning space to be 56 inch by 63 inch. The ADA does not permit wheelchair turning space to be 56 inch by 63 inch.

Second, section 4.22.2 of the ADA Standards prohibits all doors in toilet rooms from swinging into the clear floor space of any fixture. However, section 4.22.3 of the ADA Standards allows clear floor space at fixtures, the accessible route, and the turning space to overlap. DSA's proposed revision to eliminate the allowance of toilet room doors from encroaching into the turning space by 12 inches in section 1115B.7.1.1 is not necessary. Although the ADA prohibits toilet room doors from swinging into the clear floor space of any fixture, the ADA does not prohibit toilet room doors from swinging into the wheelchair turning space.

Finally, as explained above, DSA's proposed revision to eliminate the allowance of toilet room doors from encroaching into the turning space by 12 inches in section 1115B.7.2 is also not necessary. However, DSA should include language in section 1115B.7.2 that prohibits all doors in toilet rooms, including "panel doors" to water closet compartments, from swinging into the clear floor space required for any fixture.

80. Toilet Rooms: Lavatories And Mirrors (ADA 4.22.6)

DSA's proposed new provision regarding lavatories and mirrors in toilet rooms meets section 4.22.6 of the ADA Standards. However, the new provision should reference section 1115B.2.1.2, which contains requirements for accessible urinals, and section 1115B.9, which contains requirements for toilet room fixtures.

81. Toilet Rooms: Controls And Dispensers (ADA 4.22.7)

Section 1115B.9.2 requires that operable parts of toilet room accessories be within 40 inches above the floor. The reach range requirements in section 1117B.6 are equivalent to the ADA and are comprehensive. Section 1115B.9.2 should include a reference to section 1117B.6 for proper reach range requirements.

82. Bathrooms: Controls And Dispensers (ADA 4.23.7)

DSA's proposed revision regarding controls and dispensers in section 1115B.9.2 meets section 4.23.7 of the ADA Standards. However, for clarity, the Department recommends the following revision:

Towel, sanitary napkins, waste receptacles, dispensers and controls. Where towel, sanitary napkins, waste receptacles, dispensers, and other equipment, and controls similar dispensing and disposal fixtures are provided, at least one of each type shall be located on an accessible route, with all operable parts, including coin slots, within 40 inches (1016 mm) from the finished floor and shall comply with section 1117B.6, Controls and Operating Mechanisms.

83. Bathing And Shower Facilities (ADA 4.23.8)

DSA’s proposed revision regarding bathing and shower facilities in section 1115B.6 meets section 4.23.8 of the ADA Standards. However, the Department recommends the following revision:

Bathing and Shower Facilities. Where facilities for bathing are provided for the public, clients or employees, including showers and bathtubs, at least one ~~accessible tub or accessible shower or bathtub~~ and support facilities such as lockers, and not less than 1 percent of all facilities, shall be accessible and conform to the following standards.

In addition, this revised provision should be included as a new section 1115B.9.1.3 and include a reference to section 1118B.4 for clear floor space requirements.

84. Bathrooms: Medicine Cabinets (ADA 4.23.9)

DSA’s proposed revision to adopt ADA’s language in section 4.23.9 of the ADA Standards meets the ADA. However, this new provision should be included as a new section 1115B.9.1.3 and include a reference to section 1118B.4 for clear floor space requirements.

85. Sinks: Clear Floor Space (ADA 4.24.5)

DSA’s proposed revision regarding sinks in sections 1115B.2.1.6.1 and 1115B.2.1.6.2 meets section 4.24.5 of the ADA Standards. However, DSA should delete the language allowing the clear floor space to extend a minimum of 17 inches underneath the sink because the 17 inch minimum dimension, in figure 32 of the ADA Standards, refers to the minimum depth for the sink and not the minimum clear floor space underneath the sink. The Department recommends the following revision:

A clear floor space at least 30 in by 48 in (760 mm by 1220 mm) complying with 1118B.4 shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend ~~a minimum of 17 inches and~~ a maximum of 19 in (485 mm) underneath the sink (see Figure 11B-1D).

86. Sinks: Faucets (ADA 4.24.7)

Section 1115B.2.1.6.1 requires the force needed to activate controls to be no greater than 5 lbf. This provision meets section 4.24.7 of the ADA Standards. However, section 1115B.2.1.6.1 also allows the force needed to activate “lever-operated” controls to be greater than 5 lbf. DSA should prohibit the allowance of force amounts greater than 5 lbf.

Section 1115B.2.1.6.1 provides that “[s]elf-closing valves are allowed if the faucet remains open for at least 10 seconds.” Section 1115B.2.1.6.2, however, does not contain a similar language regarding self-closing valves. Please clarify whether self-closing valves are permitted in section 1115B.2.1.6.2.

87. Size And Spacing Of Grab Bars And Handrails (ADA 4.26.2)

Section 1115B.8.2 regarding width of gripping surfaces meets section 4.26.2 of the ADA Standards. However, section 1115B.8.2 refers to figure 11B-1C, which is entitled “Equivalent Facilitation For Existing Buildings Only.” Please clarify.

88. Controls and Operating Mechanisms (ADA 4.27)

Exception 5 in section 1117B.7.2 exempts from accessibility requirements card reading devices located on fuel pump islands at gasoline stations and fuel facilities. Although the ADA does not provide specific scoping language regarding card reading devices located on fuel pump islands, the ADA would cover these devices as controls or operating mechanisms. Therefore, a blanket exemption for card reading devices located on fuel pump islands does not meet the ADA. The Department suggests that DSA include language in section 1117B.7.2, exception 5 that references the requirements for card readers at fuel pumps in Chapter 11C. Also, DSA should ensure that the definition of path of travel in section 1101C.1 of Chapter 11C is consistent with Chapter 11B.

89. Detectable Warnings (ADA 4.29.1)

DSA’s proposed revision to include a heading “Detectable Warnings [for DSA/AC] Section 1127B.5.8, 1133B.8.3, 1133B.8.5, 12-31-102” in section 1114B.1.1 meets section 4.29.1 of the ADA Standards. However, the proposed revision references section 12-31-102, and we need to verify the requirements of this section. DSA should provide a copy of section 12-31-102.

90. Mounting Height Of Telephones (ADA 4.31.3)

The reach range requirements for public telephones in section 1117B.2.6 meets section 4.31.3 of the ADA Standards. However, section 1117B.2.6 also provides that for telephones mounted diagonally in a corner the highest operable part should be no higher than 54 inches above the floor. This provision does not meet section 4.31.3 of the ADA Standards because the 54 inch reach limit applies only in instances of a parallel approach. In instances of a forward approach, the high forward reach limit is 48 inches. DSA should either specify that telephones mounted diagonally in a corner must permit a parallel approach or delete this provision.

In addition, section 1117B.2.7 regarding telephone enclosures conflicts with section 4.31.3 and figure 44 of the ADA Standards. Section 1117B.2.7 also conflicts with DSA’s proposed revision for figure 11B-4. The Department recommends that DSA either delete section 1117B.2.7 or revise to be compatible with section 4.31.3 and figure 44 of the ADA Standards.

91. Placement of Wheelchair Locations in Assembly Areas (ADA 4.33.3)

Section 1104B.3.3 does not meet section 4.33.3 of the ADA Standards because hotels and motels are excluded from the accessible seating requirement. The Department recommends deleting the exception for hotels and motels.

92. Placement Of Listening Systems (ADA 4.33.6)

Instead of DSA's proposed revision regarding placement of listening systems, the Department recommends the following revision for section 1104B.2.3:

Location. If the assistive-listening system provided is ~~limited to specific areas or~~ serves individual fixed seats, then such areas or seats shall be within a 50-foot (15240 mm) viewing distance of the performing area and shall have a complete view of the stage or playing area.

93. Reach Ranges For ATMs (ADA 4.34.3)

Table 11B-5 in section 1117B.7.4.1.3.2 regarding reach depth meets section 4.34.3(2)(b) of the ADA Standards. However, table 11B-5 incorrectly references figure 11B-5D(d). The correct reference should be figure 11B-5F.

94. Dressing And Fitting Rooms (ADA 4.35.1)

Section 1110B.1.7 regarding dressing and fitting rooms meets section 4.35.1 of the ADA Standards. However, the ADA requires accessible dressing and fitting rooms to be on an accessible route. DSA should include language in section 1110B.1.7 that requires accessible dressing and fitting rooms to be on an accessible route.

95. Food Service Lines (ADA 5.5)

DSA's proposed revision regarding food service aisles in section 1104B.5.5 does not include proper reach range requirements. The Department recommends the following revision for section 1104B.5.5:

Food service aisles. Food service aisles shall be a minimum of 36 inches (914 mm) of clear width with a preferred width of 42 inches (1067 mm) where passage of stopped wheelchairs by pedestrians is desired. Tray slides shall be mounted no higher than 34 inches (864 mm) above the floor as shown in Figure 11B-16. If self-service shelves are provided, ~~a reasonable portion~~ at least 50 percent of each type must be within the reach ranges in Section 1118B.5 and 1118B.6 shown in Figure 11B-16.

96. Tableware And Condiments Areas (ADA 5.6)

Section 5.6 of the ADA Standards references section 4.2 of the ADA Standards, which contains requirements for space allowance and reach ranges. DSA's proposed revision regarding tableware areas in section 1104B.5.6 meets section 5.6 of the ADA Standards, but section 1104B.5.6 should contain a reference to section 1118B, which contains requirements for space allowance and reach ranges. Also, figure 11B-17 meets figure 54 of the ADA Standards but the vertical 54 inch maximum dimension should be measured to the top, and not middle, of the napkin dispenser.

97. Alterations to Patient Bedrooms (ADA 6.1(4))

DSA's proposed revision concerning alterations to patient bedrooms does not include a reference to requirements for patient bedroom areas in section 1109B.4. The Department recommends the following revision:

When patient bedrooms are being added or altered as part of a planned renovation of an entire wing, a department, or other discrete area of an existing medical facility, the percentage of accessible rooms provided shall comply with Section 1109B.4 and shall be consistent with the percentage of rooms required to be accessible by 1109B.3, until the number of accessible patient bedrooms in the facility equals the overall number that would be required if the facility were newly constructed....

When patient bedrooms are being added or altered individually, and not as part of an alteration of the entire area, the altered patient bedrooms shall comply with Section 1109B.4 ~~1109B.3~~, unless either: a) the number of accessible rooms provided in the department or area containing the altered patient bedroom equals the number of accessible patient bedrooms that would be required if the percentage requirements of 1109B.3 were applied to that department or area....

98. Patient Toilet Rooms (ADA 6.4)

Section 1109B.5 regarding patient toilet rooms meets section 6.4 of the ADA Standards. However, section 1109B.5 should include a reference to bathing facilities. For example, section 1109B.5 can be revised to state that "patient toilet rooms and bathing facilities required to be accessible shall comply with Section 1115B."

99. Sales and Service Counters (ADA 7.2)

DSA's proposed revision regarding sales and service counters meets section 7.2 of the ADA Standards. However, the equivalent facilitation exception that allows the use of an auxiliary counter should require that the auxiliary counter should be in close proximity to the main counter. Also, DSA's proposed revision needs to reference all sections regarding accessible routes. The Department recommends the following revision:

In department stores and miscellaneous retail stores where counters have cash registers and are provided for sales or distribution of goods or services to the public, at least one of each type shall have a portion of the counter which is at least 36 in (915 mm) in length with a maximum height of 34 in (864 mm) above the finish floor and located on an accessible route complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6.

100. Check-Out Aisles (ADA 7.3(1))

Section 1110B.1.3 does not meet section 7.3(1) of the ADA Standards because section 1110B.1.3 does not require adequate number of accessible check-out aisles of each design. The Department recommends the following revision:

Checkstands. In new construction, checkstands, including service counters requiring a surface for transactions, shall be made accessible by providing a 36-inch (914 mm) aisle on the customer side of the checkstand. ~~Where quick checkstands are provided, at least one shall be accessible.~~ Where ~~regular~~ checkstands are provided, the number of checkstands that are accessible shall be as shown in Table 11B-2.

TABLE 11B2—CHECKSTANDS

<u>Total Number Of Regular Checkstands Of Each Design</u>	<u>Number Of Checkstands Of Each Design To Be Accessible</u>
1 to 4	1
5 to 8	2
9 to 15	3
over 15	3 plus 20% of additional aisles

In existing buildings, at least one checkout aisle shall be accessible in facilities with less than 5,000 square feet (465 m²) of selling space. In facilities of 5,000 square feet (465 m²) or more of selling space, at least one of each design of checkout aisle shall be made accessible when altered until the number of accessible checkout aisles of each design equals the number required in new construction.

NOTE: Examples of checkout aisles of different design include those which are specifically designed to serve different functions. Different design includes, but is not limited to, the following features: length of belt or no belt, or permanent signage designating the aisle as an express lane.

101. Check-Out Aisles (ADA 7.3(2))

Section 1110B.1.3 regarding aisle width meets section 7.3(2) of the ADA Standards. However, section 1110B.1.3 should provide that the 36 inch aisle width is a minimum dimension.

102. Reading And Study Areas (ADA 8.2)

Section 8.2 of the ADA Standards references sections 4.2, 4.3, and 4.32 of the ADA Standards. These sections contain requirements for space allowance and reach ranges, for an accessible route, and for fixed seating and tables, respectively. DSA's proposed revision regarding reading and study areas includes references to space allowance and reach range requirements, and fixed seating and tables requirements. However, the proposed revision does not include a reference to requirements for an accessible route. The Department recommends the following revision:

Reading and Study Areas. At least 5 percent or a minimum of one of each element of fixed seating, tables, or study carrels shall be on an accessible route complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6 and shall comply with Section 1118B, "Space Allowance and Reach Ranges", Section 1122B, "Fixed or Built-in Seating, Tables, and Counters" and 1133B.6 "Aisles".

103. Check-Out Areas (ADA 8.3)

DSA's proposed revision regarding check-out areas does not meet section 8.3 of the ADA Standards because it does not include proper counter length and height requirements. The Department recommends the following revision:

Check-Out Areas. At least one lane at each check-out area shall be ~~made accessible by providing~~ on an accessible route and shall have a portion of the counter which is at least 36 inch in length with a maximum height of 36 inch above the finish floor and a 36-inch (914 mm) aisle on the customer side. Any traffic control or book security gates or turnstiles shall comply with 1133B.2.3.4.

104. Card Catalogs and Magazine Displays (ADA 8.4)

DSA's proposed revision regarding card catalogs in section 1106B.4.4 meets section 8.4 of the ADA Standards. However, the proposed revision should clarify that the reach height mentioned is a maximum dimension. The Department recommends the following revision:

Card catalogs and Magazine Displays. Minimum clear aisle space and maximum reach heights at card catalogs and magazine displays shall comply with Section 1118B, with a height of 48 inches (1213 mm) preferred irrespective of reach allowed.

105. Stacks (ADA 8.5)

DSA's proposed revision regarding stacks in section 1106B.4.2 meets section 8.5 of the ADA Standards. However, the proposed revision does not include a reference to requirements for an accessible route. The Department recommends the following revision:

Open book stacks. Open book stacks (those available for customer use) shall be on an accessible route complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6, and may be of normal height, and shall have main aisles no less than 44 inches (1118 mm) in width and side, range and end aisles no less than 36 inches (914 mm) in width.

106. General Requirements for Hotels (ADA 9.1.1)

DSA should revise section 217 to specify that a five room rental establishment may not be a public accommodation if the establishment is the residence of the proprietor. The Department recommends the following revision:

Examples of public accommodations for purposes of this code shall include but not be limited to, the following private entities:

1. An inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of the proprietor.

107. Number Of Accessible Sleeping Rooms (ADA 9.1.2)

Section 1111B.4.2 may contain an error in referencing Table 11B-3, instead of Table 11B-4, regarding guest rooms for people who are deaf or hard-of-hearing. The Department recommends the following revision:

All accessible sleeping rooms or suites required by Table ~~11B-3~~ 11B-4 shall comply with the requirements of Section 1111B.4 for hearing impaired guests.

108. Accessible Sleeping Rooms: Minimum Requirements (ADA 9.2.2)

Section 1111B.4.2 meets section 9.2.2 of the ADA Standards. However, section 1111B.4.2 should require guest rooms and suites to be on an accessible route. Following below is DSA's proposed revision, along with the Department's recommended revision, for section 1111B.4.2:

Guest rooms and suites. Places of transient lodging shall incorporate the accessibility requirements of this code as modified by this chapter in at least one guest room or dormitory room together with their sanitary facilities in conformance with Table 11B-3.

Guest rooms and suites shall be on an accessible route complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6. An accessible route shall also connect all accessible spaces and elements, including telephones, within the unit, sleeping room, sleeping room or suite.

109. Doors and Doorways (ADA 9.2.2(3) and 9.4)

DSA's proposed revision for section 1111B.4.2 meets section 9.2.2(3) of the ADA Standards. However, the proposed revision conflicts with DSA's proposed revision for section 9.4 of the ADA Standards because the proposed revision for section 1111B.4.2 limits the doors and doorways requirement only to primary entrance and exit areas of other sleeping rooms and suites. The Department recommends the following revision for section 1111B.4.2:

Guest rooms and suites. Places of transient lodging shall incorporate the accessibility requirements of this code as modified by this chapter in at least one guest room or dormitory room together with their sanitary facilities in conformance with Table 11B-3. All accessible sleeping rooms or suites required by Table 11B-3 shall comply with the requirements of Section 1111B.4 for hearing impaired guests.

Doors and doorways designed to allow passage into and within all sleeping rooms, suites or other covered units shall comply with 1133B.2, ~~as shall the primary entrance and exit to other sleeping rooms and suites.~~ Doors and doorways designed to allow passage into and within all other sleeping rooms and suites shall comply with 1133B.2.2.

110. Fixed or Built-in Storage Facilities (ADA 9.2.2(4))

Section 9.2.2(4) of the ADA Standards provides that if fixed or built-in storage facilities are provided in accessible guest rooms or suites then at least one of each type provided shall comply with storage requirements in section 4.25 of the ADA Standards. DSA should create a new section, e.g., section 1111B.4.8, and include requirements similar to section 1110B.2.2. For example, "Storage areas. If fixed or built-in storage facilities are provided, then storage facilities shall be made accessible in the number and dimensions provided in Section 1125B."

111. Accessible Spaces (ADA 9.2.2(6))

DSA's proposed revision for section 1111B.4.2 does not meet section 9.2.2(6) of the ADA Standards because it does not include requirements for full bathrooms, half baths, or

parking areas. Following below is DSA's proposed revision, along with the Department's recommended revision, for section 1111B.4.2:

Guest rooms and suites. Places of transient lodging shall incorporate the accessibility requirements of this code as modified by this chapter in at least one guest room or dormitory room together with their sanitary facilities in conformance with Table 11B-3.

Where provided as part of an accessible unit, sleeping room, or suite, the following spaces shall be accessible and shall be on an accessible route:

- (a) the living area.
- (b) the dining area.
- (c) the sleeping area.
- (d) patios, terraces, or balconies.
- (e) at least one full bathroom (i.e., one with a water closet, a lavatory, and a bathtub or shower).
- (f) if only half baths are provided, at least one half bath.
- (g) carports, garages or parking spaces.

Also, exception 1 and 2 of section 1111B.4.6 seem to be unclear. For example, exception 1 provides that a wheelchair must be able to touch all bathroom fixtures. Please clarify the meaning and application of exception 1 and 2.

112. Kitchens (ADA 9.2.2(7))

DSA's proposed revision regarding kitchen facilities in section 1111B.4.4 meets section 9.2.2(7) of the ADA Standards but the Department recommends the following revision:

Kitchens, Kitchenettes, or Wet Bar facilities. When accommodations are provided with kitchens, kitchenettes, wet bar units, or similar amenities, they shall be accessible and meet the requirements of Section 1112A. Kitchens shall be provided per the number required to be accessible in conformance with Table 11B-3.

Also, DSA's proposed revision regarding kitchen clear floor space in section 1112A.4 meets section 9.2.2(7) of the ADA Standards but the reference to "CPC 1504.2.1," which contains requirements for accessible lavatories, should be changed to section 1115B.2.1.6, which contains requirements for accessible sinks.

113. New Construction Of Bus Stops And Terminals (ADA 10.2.1)

DSA's proposed revision regarding bus stops and terminals in section 1131B.4 meets section 10.2.1 of the ADA Standards, but the Section recommends the following revision:

Bus Stop Pads and Shelters. Where provided, ~~provide~~ bus stop pads shall have a firm, stable surface with a minimum clear length of 96 inches (2438 mm) long (measured from the parallel to curb or road edge) and a minimum clear width of 60 inches (measured parallel to the vehicle roadway) to the maximum extent allowed by legal or site constraints. Bus stop pads shall connect to streets, sidewalks or pedestrian paths as part of an accessible route complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6. Newly constructed bus stop pads must provide a square curb surface between the pad and road or other detectable warning in compliance with 1133B.8.5....

Where provided, ~~provide~~ bus stop shelters shall be installed so as to permit a wheelchair user to enter the shelter and access a clear floor area of 30 by 48 inches (762 mm by 1219 mm), completely within the shelter. Bus stop shelters shall connect to an accessible route and to bus stop pads.

Each wheelchair location in bus stop shelters shall provide minimum clear floor or ground space that complies with 1104B.3.6....

114. Alterations Of Bus Sites (ADA 10.2.2)

DSA's proposed revision concerning bus stop alterations meets section 10.2.2 of the ADA Standards, but the Department recommends the following revision:

Bus Stop Siting and Alterations.

(1) Bus stop sites shall be chosen such that the areas where lifts or ramps are to be deployed comply with section ~~1131B~~ 1131B.4.

(2) When new bus route identification signs are installed or old signs are replaced, they shall comply with the requirements of ~~Fixed Facilities and Stations~~ 1131B.4.

115. Direct Connections To Commercial, Retail, or Residential Facilities (ADA 10.3.1(3))

DSA's proposed revision regarding direct connections to commercial, retail, or residential facilities meets section 10.3.1(3) of the ADA Standards. However, the proposed revision does not reference all of the sections regarding accessible routes. The Department recommends the following revision:

Direct connections to commercial, retail, or residential facilities shall have an accessible route complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6 from the point of connection to boarding platforms and all transportation system elements used by the public. Any elements provided to facilitate future direct connections shall be

on an accessible route connecting boarding platforms and all transportation system elements used by the public.

116. Automatic Fare Vending Machines (ADA 10.3.1(7))

DSA's proposed revision regarding automatic fare vending machines at transportation facilities meets section 10.3.1(7) of the ADA Standards. However, the second and third paragraphs of the proposed revision each contain two different versions of the same requirements. The Department is assuming that the second version of the requirements is the correct proposed revision. Also, the proposed revision does not reference the proper sections regarding automatic teller machines, accessible routes, controls and doors. The Department recommends the following revision:

Automatic fare vending, collection and adjustment (e.g., add-fare) systems shall comply with 1117B.7 (Automated Teller Machines and Point of Sale Machines) ~~1118B (space allowance and reach range)~~, ~~1117B.6 (Controls and operating mechanisms)~~. Such devices shall be located on an accessible route complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6.

If self-service fare collection devices are provided for the use of the general public, a minimum of 5% but not less than one accessible device for entering, and at least one for exiting, unless one device serves both functions, shall be provided at each location where such devices are provided.

Accessible fare collection devices shall have a minimum clear opening width of 32 in. and shall comply with the applicable requirements of ~~1133B.2 and~~ 1117B.6.

Gates which must be pushed open by wheelchair or mobility aid users shall have a smooth continuous surface extending from 2 inches above the floor to 27 inches above the floor and shall comply with 1133B.1 and 1133B.2 ~~1133B.1.1.1.4.~~

117. Platform Edges (ADA 10.3.1(8))

DSA's proposed revision regarding platform edges at transportation facilities meets section 10.3.1(8) of the ADA Standards. However, the proposed revision needs to include a reference to section 1133B.8.3. The Department recommends the following revision:

Platform edges bordering a drop-off and not protected by platform screens or guard rails shall have a detectable warning. Such detectable warnings shall comply with 1133B.8.3 and 1133B.8.4 and shall be 24 inches wide running the full length of the platform drop-off.

118. Rail-To-Platform Height And Gap (ADA 10.3.1(9))

The last two paragraphs of DSA's proposed revision for rail-to-platform height and gap at transportation facilities contain two versions of the same requirement. Only the first version meets section 10.3.1(9) of the ADA Standards.

119. Elevators At Transportation Facilities (ADA 10.3.1(17))

DSA's proposed revision regarding elevators at transportation facilities meets section 10.3.1(17) of the ADA Standards. However, the proposed revision should delete the reference to "Chapter 30" and include a reference to section 1116B. The Department recommends the following revision:

Where provided, elevators shall be glazed or have transparent panels to allow an unobstructed view both in to and out of the car. Elevators shall comply with 1116B ~~Chapter 30~~. EXCEPTION: Elevator cars with a clear floor area in which a 60 inch diameter circle can be inscribed may be substituted for the minimum car dimensions of 1116B, Figure 11B-40A ~~3003.4.7b~~.

120. Ticketing Areas At Transportation Facilities (ADA 10.3.1(18) and 10.4.1(3))

DSA's proposed revision regarding ticketing areas meets sections 10.3.1(18) and 10.4.1(3) of the ADA Standards. However, the proposed revision should delete the reference to sections 1122B.3 and 1122B.4, and include a reference to the proposed new section 1122B.5, which contains proposed requirements similar to section 7.2 of the ADA Standards.

121. Baggage Systems At Transportation Facilities (ADA 10.3.1(19) and 10.4.1(5))

DSA's proposed revision regarding baggage systems at transportation facilities meets sections 10.3.1(19) and 10.4.1(5) of the ADA Standards. However, the proposed revision does not reference the proper sections concerning accessible routes, reach ranges, and doors. The Department recommends the following revision:

Where provided, baggage check-in and retrieval systems shall be on an accessible route complying with 1102B, 1114B, 1124B, 1133B.3., 1133B.5, 1133B.7, 1133B.8.6 and shall have space immediately adjacent complying with 1118B ~~1118B.4~~.

If unattended security barriers are provided, at least one gate shall comply with 1133B.1 and 1133B.2 ~~4.13~~. Passageways containing security barriers shall comply with 1133B.2.3.4.

Gates which must be pushed open by wheelchair or mobility aid users shall have a smooth continuous surface extending from 2 inches above the floor to 27 inches above the floor.

122. Circulation Path At Transportation Facilities (ADA 10.4.1(2) and 10.3.1(1))

DSA's two proposed revisions regarding the circulation path at transportation facilities meet sections 10.4.1(2) and 10.3.1(1) of the ADA Standards, respectively. However, DSA's proposed revision to comply with section 10.3.1(1) of the ADA Standards does not include a requirement for signage where the circulation path for persons with disabilities is different than the circulation path for the general public. Please clarify whether the proposed revision to section 10.3.1(1) of the ADA Standards does not allow a circulation path for persons with disabilities that is different than the circulation path for the general public.