

# COCO NEWSLETTER SUBMISSION

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Submitted March 15, 2002

## ACCESSIBILITY UPDATES

The following **hot topics** have been the subject of interpretations recently:

**§ 1.4 Public Accommodations.** As a minimum, people are required to be able to get into a public accommodation, regardless of the extent of work being done. This means that, for an existing building, at the very least, a 4 ft wide walk and/or ramp may be required. From that point on, the remainder of the § 1.4.4 requirements is subject to disproportionality. **Day care facilities** in residences are considered public accommodations and are required to comply with § 1.4.4. The fact that they were constructed under the Residential Code does not exempt them from complying with the Accessibility Code.

**§ 9.1.2 Sound booths.** The sound booth should always be accessible from the level it is on, however the floor level itself may not be required to be accessible unless an elevator is required by § 15.2.8. If the sound booth is on a mezzanine level, direct access to the level may not be required or provided. In either case, the § 6.3.2.1.1 requirement for an Area of Rescue Assistance where there are inaccessible exits applies.

**§ 11.8 Individual Toilet Rooms.** The minimum sizes shown on blue pages 187 and 188 are minimum sizes only for toilet rooms with the exact configuration illustrated. Other configurations and minimum dimensions are acceptable as long as the following are provided: an internal clear floor area per § 11.3.1 and the required clear floor areas at each fixture, including the space needed for the 36" rear wall grab bar. Please note that § 11.8.2.1 states "For clarification (emphasis added), refer to the illustrations for this section." Also, since the lavatory widths may differ depending on the manufacturer, the minimum room width may differ accordingly.

**§ 11.5 Rear wall grab bar.** The code permits the 36" rear wall grab bar behind a toilet to start no more than 6" from the side wall. Moving the end of the grab bar so that it starts closer to the side wall than 6" will simply increase the length of the grab bar by a corresponding amount. The end of the grab bar furthest from the wall (36" + 6" = 42" out) is considered a fixed point. While there are ACCESS BOARD GUIDELINES indicating that the grab bar could be moved closer to the wall without lengthening it, the US Dept. of Justice has informed me that they enforce it as noted at the beginning of this paragraph. We should do the same.

**§ 12.1.6 Transfer shower lip measurement.** The ½" lip requirement for transfer showers in commercial (not residential) facilities is measured on the outside of the shower.

**§ 13.1.6 High-Low Drinking Fountains.** A single high-low drinking fountain counts as two drinking fountains, not as one.

**§ 22.1.1 Accessibility in Churches (New and Alterations).** At the end of 2001, I received a complaint from a contractor regarding the lack of accessibility enforcement in new churches, some of them quite large, both in the eastern and western portions of the state. Effective July 1, 1999, the state began enforcing requirements for access to the pulpit or platform area, to the front row of the choir, and to dressing rooms associated with either the choir or the baptistery [§ 22.1.4]. This is in addition to requirements for accessible wheelchair seating [§ 22.1.1], companion seats [§ 22.1.1.2], seats without armrests [§ 22.1.2], and assistive listening systems [§ 22.4]. These items are required in all churches constructed within the state. Upgrades to these areas are also required where the area in question is part of the path of travel to the altered area [§ 33.1.3, § 34.2.2.1, § 34.2.6.2]. If pews are used, the requirement for seats without armrests is considered satisfied.

**§ 22.2.2.1 Bleacher seating and egress.** Section 22.2.2.1 permits accessible seating in bleachers to be clustered. The sketch on page 324 illustrates what “clustered” means. It is not intended that *clustering* mean that accessible seats and companion seats may be alternated back-to-back without any other seats interspersed. They should be distributed across the entire row.

**§ 22.2.2.1 Bleacher exits, ramps and handrail requirements.** When reviewing bleacher plans, remember that § 6.3.1 is applicable. If the bleacher requires 3 exits for an occupant load of 500 or more, or 4 exits for an occupant load of 1,000 or more, all 3 or 4 exits are required to be accessible (i.e., ramps). Also, where an intermediate handrail is provided in an aisle, it should be constructed so that the handrail is available at the top and bottom steps forming the aisle. However, it should not protrude into the cross-aisle.

**Ch. 29 Transient Lodging.** This chapter includes dormitories in addition to hotels and motels. The §29.4.1 requirement for accessible rooms is a separate requirement from § 29.5.1 for rooms for the hearing impaired. The hearing-impaired room and the accessible room cannot be the same room. If the accessible room is in a suite, only that room can be counted as the accessible room, even though the other rooms within the suite are required to be accessible as well. (A person with a disability should be able to interact with his/her roommates in the same way an able-bodied person can, which includes being able to visit in each other’s rooms.)

**Chapter 30 Rumors.** Several ‘rumors’ are floating around concerning **Type B units**. Where more than one bathing fixture is provided, the designer/contractor is the one responsible for indicating which of them (tub vs. shower) is the “fixture of choice.” §30.4.4.1.3(1) indicates that only one is required to be accessible.

**§30.4.4.4 Showers in Type B bathrooms** are not required to be roll-in, nor is a 30” x 60” clear floor area required. A transfer shower is acceptable with its 36” x 48” clear floor space is sufficient. The transfer shower is not required to have a ½” lip. §30.4.4.1.3 references §12.2 for transfer showers for floor spaces requirements only. The ½” lip limitation is in §12.1.6 which is not referenced from Ch. 30.

**§2.2/§30.02.2 Adaptability** does not mean that a Type B unit need be designed to be adapted to a Type A unit. Adaptability refers to those items in either type of unit that can be readily changed with a minimum of time or expense, e.g., door hardware, grab bar installation, removal of a lavatory cabinet, providing an in-tub seat.

**§32.2.12.1 - Children’s drinking fountains.** In elementary schools and daycare facilities, the child’s-height drinking fountain is permitted to have a side approach when the spout is no more than 30” above the floor. This lowered fountain height will also satisfy the §13.1.4 and §13.2.5 accessible drinking fountain requirement for adults which allows a side approach for a floor-mounted fountain with a spout no higher than 36”.

*Please call or e-mail any interpretation requests, with name, jurisdiction and phone number, to Laurel W. Wright, Accessibility Section at: lwright@ncdoi.net*