Curb Ramps on Streets, Rds +Highways

At the end of 2015, the USDOJ distributed a Supplement to the 2013 DOJ/DOT Joint Technical Assistance document addressing requirements associated with providing curb ramps when streets, roads, or highways are altered through resurfacing. This is a timely release as this office has received multiple questions over the past several months on the same or similar questions.

The easiest way to find the document is to go to the Technical Assistance Materials section on the www.ada.gov website where it is (currently) the 2nd document from the top of the listing.

The 2015 Supplement is in a Q & A format covering several different aspects of the issue. Also posted are the original 2013 DOJ/DOT Joint Technical Assistance document with a separate Glossary of Terms. Both are available as PDF reference documents. The Supplement is not (yet) posted with PDF availability.

You may wish to pass this information on to your Public Works departments or to share it with relevant agencies since the applicability is not determined by whether the surface in question is private, public, under local AHJ jurisdiction or subject only to the NC DOT.

Bldg Access Requirements vs. Elevators

Ever since NC changed the accessibility requirements from the 1999/2002/2004 NC Accessibility Code to Chapter 11 of the NC Building Code, both the 2009 and 2012 editions, there have been questions regarding whether or not an upper level of a building is required to be accessible if it does not have elevator access to it.

The requirements associated with having an accessible route between floor levels and the requirements addressing access to the building proper are not dependent on each other.

Every building’s floor level (ground, basement or elevated) is required to comply with the accessibility provisions relevant for that use, even if there is no required/provided accessible route between floors.

It is easy to think that “access” is only for someone in a wheelchair or someone with another type of mobility-impairment. We forget that the accessibility provisions address non-mobility impairments as well.

So, even if the Exceptions to NCBC 1104.4 require no accessible route between floor levels, all building levels are still required to be accessible.
Requirement for Marked Crosswalks

Several telephone calls and emails have been received asking about the requirement for marked crosswalks and whether the requirement still exists. If so, where is the requirement located? In the 2012 NC Building Code or the 2009 ANSI A117.1?

Marked crosswalks were originally addressed on page 42.1 of the 1999/2002/2004 edition of the NC Accessibility Code (Vol. I-C) when accessible parking spaces were located across the vehicular way from the building being served. The marked crosswalk extended from the access aisles and continued behind accessible parking spaces over to the sidewalk as part of the required accessible route. This design was provided as an alternative to complying with the basic requirement, which stated ‘The front of the access aisle shall connect to the accessible route that leads to an accessible entrance of the building or facility.’ [NCAC 4.4.3]

The same provision is not addressed in either the 2012 NCBC or in the 2009 ANSI A117.1, nor was it in either the code or standard the preceded it. The 2009 ANSI Commentary for Section 502.8 Relationship to Accessible Routes does have the following language:

The access aisle is often the start or end of the accessible route between the accessible parking space and the accessible entrance. Often, the circulation route to and from parking spaces is located immediately adjacent to and across the front of the parking spaces. In this event, the front (or rear) of the vehicles will overhang the curb and extend into the circulation path.

The accessible route requirements prohibit vehicle overhangs from reducing the required clear width of the circulation route. This can be accomplished by providing curb stops that limit the distance a vehicle can extend into the circulation path or by providing a wider circulation path width sufficient to accommodate the vehicle overhang [see Commentary Figure C502.4.1(a)].

NOTE: Below, the accessible route is shown at the front of the access aisle and the parking space.

2015 NC Existing Bldg Code vs. Ch. 34

REMEMBER: Effective 1/1/2016, Chapter 34 of the 2012 NC Building Code was deleted from the NCBC by the NC Building Code Council for new alteration projects. The amendment was intended to reflect the fact that the International Code Council had deleted Ch. 34 from the 2012 IBC since all alterations are now addressed by their 2012 International Existing Building Code (IEBC). NC’s 2015 Existing Building Code is based on the 2012 IIBC with amendments.

For the best use of the 2015 NCEBC, be certain to reference the 2015 NCEBC – NC Amendments Only with Commentary, posted online at: click here. Scroll down the page until you reach the North Carolina Existing Building Code – 2015 Edition. The HANDOUT webpage has an NCBC Ch. 34 to 2015 NCEBC Reference for use.

For non-accessibility questions, contact Melanie Butler, Chief Existing Building Code Consultant at Melanie.Butler@ncdoi.gov or call her at 919-661-5880 Ext. 502.
ANSI 406.12 – 406.14 Detectable Warnings Q & A

An earlier edition of this newsletter addressed detectable warning requirements [Vol. 2, Issue 2; sent out in May of 2011]. Click here.

It seems to have been a long enough period of time since then that the question has returned relative to specific design locations. The latest question concerns the attached plan which shows the vehicular waiting line at a grocery store pharmacy. The specific question is whether detectable warnings (DW) or truncated domes are required at the auto queue for the pharmacy pick up. The curb along the auto queue is already depressed for the full length of the queuing location. Accessible parking for the grocery store is in a different location where travel from that location is separate from the auto queuing location.

So, is there a requirement in this location for detectable warnings or truncated domes? A close look at 2009 ANSI Sections 406.12 through 406.14 tells you that there is no requirement because the location in question does not meet any of the criteria requiring them.

1. **ANSI 406.12** requires DW at marked crossings raised to the same level as the adjoining sidewalk. The proposed design does not fit this category.

2. **ANSI 406.13** states Where detectable warnings are provided on curb ramps… The proposed design does not fit this category (unless you choose to provide them).

3. **ANSI 406.14** states Where detectable warnings are provided on curb ramps or at raised mark crossings leading to islands or cut-through medians… The proposed design does not fit this category (unless you choose to provide them).

Mailboxes or Cluster Box Units

The recent decision by the USPS to stop delivering mail to individual mailboxes in new single family subdivisions means that the community’s areas dedicated to group mailboxes or cluster box units (CBUs) are considered common use areas and are required to be accessible.

This approach is the same as applying commercial building code requirements to a clubhouse or pool area, since both are considered common use areas.

So, what does this mean for the design of the CBUs, especially since the USPS has its own provisions addressing the placement of mailboxes?

The USPS provisions are applicable for mailboxes that are interior to a federally-owned Post Office building. Once the CBUs are exterior and on non-federal property, the following provisions are applicable;

1. Accessible parking or a passenger loading zone with identifying signage. [NCBC 1106; ANSI 502/503]
2. Curb cut or ramp where required. [ANSI 405/406]
3. An accessible route to access each CBU. [NCBC 1104.2; ANSI 402]
4. All mailboxes must be within a 15 inch minimum to 48 inch maximum reach range. [ANSI 308.2.1]

Attached is a 5/20/2008 letter from Lynn M. Grosso, Director of Enforcement, US Dept of Housing and Urban Development, to Maria Infanger, USPS, which, on the 3rd page, clarifies situations where editions of **ANSI A117.1** are used by jurisdictions as a requirement of the state building code. In these cases, whichever requirement is more restrictive, becomes applicable.

In NC, the **2009 ANSI A117.1 – Section 308** reach range requirements are what are applicable, along with the other provisions listed above for common use locations.
New USDOJ Restriping

On Dec. 2, 2015, USDOJ published a 4-page ADA technical assistance document, titled **ADA Compliance Brief: Restriping Parking Spaces**. It is on the USDOJ website at this location: [Click here](#).

While permits are not typically required for restriping of parking lots, any time a parking lot is restriped, it is required to comply with the current code in effect at the time that the restriping is done.

The USDOJ publication is helpful as it summarizes the number of required accessible parking spaces, along with features of constructing the space. Two NC-related issues that will supersede USDOJ requirements are:

1. NCBC 1104.2 requires a 48” minimum exterior accessible route, which exceeds the 36” minimum required by the 2010 ADA Standards.
2. NC 1110.1 does require signage for the van accessible parking spaces where four or fewer parking spaces are provided on a site.

NFPA 72 – 18.4.5.3 - Sleeping Area Devices

The NC BCC adopted the 2013 edition of NFPA 72 addressing Fire Alarm standards. 2013 NFPA 72 – 18.4.5.3 states:

18.4.5.3  Effective, January 1, 2014, audible appliances provided for the sleeping areas to awaken occupants shall produce a low frequency alarm signal that complies with the following:

1) The alarm signal shall be a square wave or provide equivalent awakening ability.

2) The wave shall have a fundamental frequency of 520 Hz ± 10 percent.

The new language is applicable to both strobes and bed shakers.

NE Ctr ADA - Barrier Removal 2010 ADA Checklist

All building owners were required by the ADA to do a survey of their building after the ADA was adopted on Jan. 26, 1991. The purpose of the survey was to identify and remove any barriers to accessibility which were considered readily achievable to be removed.

An item was considered “readily achievable” if it was able to be accomplished with a minimum of time and expense.

Building owners often waited to perform their Barrier Removal obligations under the ADA until some work was done on the building. Now, designers, 25 years later, are trying to determine what barrier removal obligations still exist under the USDOJ that need to be corrected.

To assist you, the New England ADA Center has issued a Barrier Removal 2010 ADA Checklist that is in a fillable format. The comprehensive form is located [here](#) and should simplify your efforts. There are also check lists for **Recreational Facilities** on the same website for Amusement Rides, Fishing Facilities, Golf Facilities, Miniature Golf Facilities, Play Areas, Recreational Boating Facilities, Swimming Pools and Miscellaneous Areas of Sport Activities.
Ms. Maria R. Infanger  
Postal Service Attorney  
United States Postal Service  
222 South Riverside Plaza, Suite 1200  
Chicago, IL 60606-6105

Dear Ms. Infanger:

This letter is in response to your January 24, 2008 letter to Mark Mazz, former senior advisor to the Deputy Assistant Secretary for Enforcement and Programs in the Office of Fair Housing and Equal Opportunity. Mr. Mazz is no longer with HUD and I apologize for the time it has taken for us to get back to you.

In your letter you asked for further explanation of the basis for HUD’s requirements that all mailboxes serving units covered by the design and construction requirements of the Fair Housing Act must be within reach ranges that are lower than those required under the U.S. Postal Service regulations. You indicated that Mr. Mazz had advised you of these requirements when you met with him, but stated that you wished to obtain copies of the standards themselves and an understanding of how HUD applies them. Below is an overview of the Fair Housing Act’s design and construction requirements as well as a specific discussion of the technical standards that apply to mailboxes.

In 1988, the Fair Housing Act (the Act) was amended to provide that unlawful discrimination against persons with disabilities includes the failure to design and construct covered multifamily dwellings for first occupancy after March 13, 1991, in such a manner that: “(1) the public and common use portions of such dwellings are readily accessible to and usable by handicapped persons; (2) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and (3) all premises within such dwellings contain the following features of adaptive design: (a) an accessible route into and through the dwelling; (b) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (c) reinforcements in bathroom walls to allow later installation of grab bars; and (d) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.” 42 U.S.C. Sec. 804(f)(3)(C). Additionally, the Act states that compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the above-listed requirements. 42 U.S.C. Sec. 804(f)(4).
On January 23, 1989 (54 FR 3232), HUD published its final regulation implementing the Fair Housing Amendments Act of 1988 (HUD's regulation). 24 CFR Part 100 et al. In the final regulation, HUD adopted the 1986 edition of ANSI A117.1, which was the edition in effect at that time, as the appropriate edition for acceptable compliance with the Act. HUD’s regulation adopting ANSI A117.1 is located at 24 CFR 100.201 and HUD’s regulation implementing the design and construction requirements is located at 24 CFR 100.205. In 1991, HUD published its Fair Housing Accessibility Guidelines (the Guidelines) which further explain the scoping requirements of the Act, as well as the specific technical requirements. 56 FR 9472 (March 6, 1991). The Act and its implementing regulations may be found on our website at http://www.hud.gov/offices/hec. A copy of the Guidelines, and the relevant sections of ANSI A117.1-1986 cited below, are enclosed.

The Act defines “covered multifamily dwellings” as buildings containing four or more units, and applies the requirements to all dwelling units in buildings with one or more elevators and to ground floor dwelling units in buildings without elevators.

The Act, its implementing regulations and the Guidelines require that covered multifamily dwellings contain accessible public and common use areas. Requirement 2 of the Guidelines covers public and common use areas, and provides a chart entitled “Basic Components for Accessible and Usable Public and Common Use Areas or Facilities.” Mailboxes are addressed in Item 14 of the chart, which specifically references the primary sections of 1986 ANSI A117.1 that apply to these elements or spaces. Item 14 encompasses Sections 4.1 through 4.30 of the standard, and the relevant accessibility standards applicable for mailboxes typically would include the requirements for an accessible route, clear floor or ground space, accessible reach ranges, and accessible controls and operating mechanisms. Sections 4.25.3, 4.2.5, and 4.2.6 of the standard provide that the unobstructed maximum high reach ranges that can be provided for mailboxes are 54 inches for a side reach, and 48 inches for a forward reach. In a building with one or more elevators, all of the mailboxes would have to fall within these reach ranges. In a building without an elevator, mailboxes serving the ground floor units would have to meet those requirements.

Developers who deviate from these standards by providing mailboxes at higher reach ranges have been subject to enforcement proceedings brought by HUD as well as litigation brought by the Department of Justice. The Department of Justice has entered into a number of consent decrees which have required the developer to change the height of mailboxes serving covered multifamily dwellings. We have received reports from developers that their efforts to provide mailboxes that comply with the Act have been met with resistance from the U.S. Postal Service because compliance with the prescribed reach ranges may result in a greater number of postal units that have to be opened by the mail carrier.

We note that your letter states that the current Postal Service regulations have the effect of requiring a percentage of mailboxes significantly exceeding five percent, or at least one, to be within a 48-inch reach range. While in some individual circumstances this may be sufficient if the building has only a small number of ground floor units, it often leaves a building with an insufficient number of accessible mailboxes serving the required number of covered units. Your letter also notes that, as a matter of policy, the Postal Service is willing to reassign mailboxes as a reasonable accommodation to individuals with disabilities.
The Act requires that certain accessible features be provided affirmatively, so that they are available to the individual at the time they occupy the unit. It does not require persons with disabilities to request these features as a reasonable accommodation after the building is constructed.

It is our longstanding policy that when there are two sets of requirements which both address accessibility, the developer of the housing subject to both requirements must comply with both, which usually means meeting the stricter standard. In this case, that would mean that any builder or developer of covered multifamily housing would have to comply with the Act's requirements even if the Postal Service requirements are more liberal. Consequently, persons involved in the design and construction of dwellings covered by the Act's design and construction requirements are acting appropriately when they design and construct these buildings in accordance with the Act, its implementing regulations and the Guidelines.

In the case of housing in buildings with fewer than four dwelling units that do not have to comply with the Act's design and construction requirements, such as detached single family homes, or multistory townhouses (in buildings which do not have an elevator), the builder would, of course, be free to comply with the higher reach ranges allowed by the U.S. Postal Service Regulations.

In your letter you reference a required 48-inch reach range. That reach range is required for both a forward and side approach by the 1998 and 2003 editions of ANSI A117.1. These editions are used by jurisdictions that have adopted the 2000, 2003, and 2006 editions of the International Building Code. Thus in many state and local jurisdictions, builders are required to comply with that reach range as a condition of complying with their state or local building code, even if the U.S. Postal Service and 1986 ANSI A117.1 might permit some of the boxes to be higher. Nothing in the Act prevents State or local jurisdictions from adopting accessibility requirements that are stricter than those in the Act.

We would be happy to meet with you to discuss these issues at your convenience. Please contact Cheryl Kent on my staff at 202-708-2333, Ext. 7058, if you would like to arrange such a meeting.

Sincerely,

[Signature]

Lynn M. Grosso
Director, Office of Enforcement

Enclosures
American National Standard

for Buildings and Facilities
Providing Accessibility and Usability for Physically Handicapped People

ANSI A117.1-1986
4.2.5 Forward Reach. If the clear floor space allows only forward approach to an object, the maximum high forward reach allowed shall be 48 in (1220 mm) and the minimum low forward reach shall be unobstructed and no less than 15 in (380 mm) above the floor (see Fig. 5(a)). If the high forward reach is over an obstruction, reach and clearances shall be as shown in Fig. 5(b).

4.2.6 Side Reach. If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be 34 in (1370 mm) and the low side reach shall be no less than 9 in (230 mm) above the floor (Fig. 6(a) and (b)). If the side reach is over an obstruction, the reach and clearances shall be as shown in Fig. 6(c).

4.3 Accessible Route

4.3.1 General. All walks, halls, corridors, aisles, and other spaces that are part of an accessible route shall comply with 4.3.

4.3.2 Location

(1) Accessible routes within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve.

(2) Accessible routes shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(3) Accessible routes shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

(4) Accessible routes shall connect accessible entrances of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

4.3.3 Width. The minimum clear width of an accessible route shall be 36 in (915 mm) except at doors (see 4.13.5). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Fig. 7(a) and (b).

4.3.4 Passing Space. If an accessible route has less than 60 in (1525 mm) clear width, then passing spaces at least 60 in by 60 in (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 ft (61 m). An intersection of two corridors or walks shall also be considered a passing space.

4.3.5 Headroom. Accessible routes shall comply with 4.3.2.

4.3.6 Surface Texture. The surface of an accessible route shall comply with 4.3.2.

4.3.7 Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with 4.8. Nowhere shall the cross slope of an accessible route exceed 1:50.

4.3.8 Changes in Level. Changes in level along an accessible route shall comply with 4.3.2. If an accessible route has changes in level greater than 1/4 in (13 mm), then a curb ramp, ramp, elevator, or platform lift shall be provided that complies with 4.7, 4.8, 4.10, or 4.11, respectively. Stairs shall not be part of an accessible route.

4.3.9 Doors. Doors that are part of an accessible route shall comply with 4.13.

4.3.10 Egress. Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible place of refuge. Such accessible routes and places of refuge shall comply with the requirements established by the administrative authority having jurisdiction.

4.4 Protruding Objects

4.4.1 General. Objects projecting from walls (for example, telephones) with their leading edges between 27 in and 80 in (685 mm and 2030 mm) above the finished floor shall protrude no more than 4 in (100 mm) into walks, halls, corridors, passageways, or aisles (see Fig. 8(a)). Objects mounted with their leading edges at or below 27 in (685 mm) above the finished floor may protrude any amount (see Fig. 8(a) and (b)). Free-standing objects mounted on posts or pylons may overhang 12 in (305 mm) maximum from 27 in to 80 in (685 mm to 2030 mm) above the ground or finished floor (see Fig. 8(c), (d), and (e)). Protruding objects shall not reduce the clear width required for an accessible route or maneuvering space (see Fig. 8(f)).

4.4.2 Headroom. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have 80 in (2030 mm) minimum clear headroom (see Fig. 8(a)). If vertical clearance of an area adjoining an accessible route is reduced to less than 80 in (2030 mm) nominal dimension, a guardrail or other barrier having its leading edge at or below 27 in (685 mm) above the finished floor shall be provided (see Fig. 8(c) and (d)).
4.24.3 Structural Strength. The structural strength of grab bars, tub and shower seats, fasteners, and mounting devices shall meet the following specifications:

(1) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 250 lbf (1112 N) shall be less than the allowable stress for the material of the grab bar or seat.

(2) Shear stress induced in a grab bar or seat by the application of 250 lbf (1112 N) shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

(3) Shear force induced in a fastener or mounting device from the application of 250 lbf (1112 N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

(4) Tensile force induced in a fastener by a direct tension force of 250 lbf (1112 N) plus the maximum moment from the application of 250 lbf (1112 N) shall be less than the allowable withdrawal load between the fastener and the supporting structure.

(5) Grab bars shall not rotate within their fittings.

4.24.4 Eliminating Hazards. A grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of ¼ in (3.2 mm).

4.25 Controls and Operating Mechanisms

4.25.1 General. Controls and operating mechanisms in accessible spaces, along accessible routes, or as part of accessible elements (for example, light switches, dispenser controls) shall comply with 4.25.

4.25.2 Clear Floor Space. Clear floor space complying with 4.24 that allows a forward or a parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment.

4.25.3 Height. The highest operable part of all controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in 4.25 and 4.26. Except where the use of special equipment dictates otherwise, electrical and communications-system receptacles on walls shall be mounted no less than 15 in (380 mm) above the floor.

4.25.4 Operation. Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbf (22.2 N).

4.26 Alarms


4.26.2 Audible Alarms. Audible emergency alarms shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by at least 15 decibels or exceeds any maximum sound level with a duration of 30 seconds by 5 decibels, whichever is louder. Sound levels for alarm signals shall not exceed 120 decibels.

4.26.3 Visual Alarms. Visual alarms shall be flashing lights arranged to flash in conjunction with the audible emergency alarms. The flashing frequency of visual alarms shall be approximately 1 Hz. Specialized systems using advanced technology may be substituted if equivalent protection is afforded handicapped users of the building or facility.

4.26.4 Auxiliary Alarms. Sensory alarms provided for persons with hearing impairments shall be connected to the building emergency system or there shall be a standard 110-volt electrical receptacle into which an alarm unit can be connected to be activated by the building alarm system. Instructions for use of the auxiliary alarm or connections shall be provided.

*See Appendix for additional information
Part VI

Department of Housing and Urban Development

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

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Final Fair Housing Accessibility Guidelines
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<td>410.9.3</td>
<td></td>
</tr>
<tr>
<td>Toilet and bathing facilities</td>
<td>3411.9.4</td>
<td>410.9.4</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Historic buildings are addressed in 2015 NCEBC Ch. 4 and Ch. 12 depending on the method selected, although no separate column is provided in the table above.