

Enclosure

I. General Issues

Effective Date:

Trigger Event

Question 2

In an existing building the term “first use” would not be a universally understood term when dealing with one type tenant moving out and another in (e.g. a mercantile tenant changing to an restaurant) where issues of public health or safety may need to be addressed. The terms familiar to the construction industry are “alteration”, “addition” or “change of occupancy.” Some of the text in the *International Building Code* (IBC) that deals with this issue is:

ADDITION. An extension or increase in floor area or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition.

3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such

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Question 7, Equipment Issues

The NPRM states the “installation of previously used equipment in a new location (is considered) as an alteration.” This could be an enforcement issue for code officials, as this information may not be available at the time the construction permit is issued.

Question 8, Stadium-Style Seating

The NPRM states that “For example, the American National Standards Institute (ANSI) recently published a standard specifying that wheelchair seating should be located within the rear 70% of

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Change in Procedural Requirements for Certification of State Laws and Local Building

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The area that seems to be more of a conflict/concern is the requirement in Section 403.6 for handrails along walking surfaces. While the advisory exempts handrails within elevator cabs and platform lifts, the difficulty will be in differentiation between a handrail versus a bumper/crash guard or the top rail of a guard. ICC/ANSI A117.1 does have a similar section, 403.6, however, it is important to note that the application is where handrails are **required** along the sides of corridors. This was added to the ICC/ANSI A117.1 to account for handrails that may be required along corridors in hospitals and extended care facilities. However, at this time there are

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understand the reference to the "fire code requirements" in this context. ICC would request additional clarification from DOJ.

Standard plumbing stalls are required to be 30" wide and 60" deep (International Plumbing Code (IPC) Section 405.3.1). A combination of maximum travel distance requirements of 500 feet and one story (IPC Sections 403.5 and 403.6) and the number of occupants per water closet (IPC Table 403.1) do not result in a typical office building requiring ambulatory stalls.

Question 19

The NPRM requested information on "comparable vanity space" in hotel guestrooms required to be accessible. ICC/ANSI A117.1 has a similar requirement in Section 1002.11. The committee felt that the guidance "in terms of size and proximity to the lavatory" was sufficient.

Question 23-25

The NPRM requested information about existing stadiums and arenas. ICC's assembly task force, mentioned in our response in Question 8, included representatives familiar with the different assembly facility designs. This group could be a valid resource for the historical

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Question 30

The NPRM requested information on the impact in existing facilities of the 60 inch (rather than 40 inch) clearance in galley kitchens with only one entry point. ICC/ANSI A117.1 has added the same requirement in Section 804.2.2 as part of its coordination efforts with ADA/ABA Guidelines. A clarification from DOJ as to if a 60" T-style turning space provided under a work surface or sink would be an acceptable alternative would assist in determining the impact of this section.

Questions 46 and 47

The NPRM requested information on compliance of recreational areas, such as boating facilities, fishing piers, walking paths, etc. The IBC generally requires access to all facilities be provided on a site (Section 1104.2). Issues relative to the environmental impact of providing accessible routes through areas such as those protected as animal habitats or flood plain areas are typically addressed through the zoning and permitting process and alternative approval. Guidance from DOJ to local authorities for addressing such areas would be beneficial.

Question 49

The NPRM requested information on the benefits provided by the ADA/ABA Guidelines for persons with disabilities. ICC believes that the new rules are an improvement over the current guidelines. The adoption of the 'building code' style of formatting and the coordination efforts with the ICC codes will result in making the regulations more understandable by the building industry as well as eliminating conflicts.

The 'advisories' assist in providing further clarification. However, some of the advisories appear to add requirements (e.g. 505.4 gives requirements for height for handrails used primarily by children that are below the range for standard handrails). A statement from DOJ that identifies the scope and application of the advisories is needed. It is assumed that such advisories are not enforceable regulations.

There also seems to be a conflict between Section 104.1, 104.1.1 and 104.2 regarding the dimensions being "absolute" and then allowing for construction tolerances. The ICC/ANSI A117.1 addressed this issue by including the allowance for tolerances within the section of the standard on dimensions (Section 104.2).