Minnesota Department of Labor and Industry

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Governing the Minnesota Accessibility Code, Minnesota Rules, chapter 1341; Revisor's ID Number R-04152; OAH Docket Number 60-1900-30859

INTRODUCTION

The Americans with Disabilities Act ("ADA") is a federal civil rights law that prohibits discrimination on the basis of a disability. As a part of the law, a set of design criteria for the built environment was developed to ensure that buildings and facilities do not construct barriers to accessibility that would adversely affect persons with disabilities. One of the first federal documents intended to be used as a model to help states incorporate accessibility requirements for design and construction was the Americans with Disabilities Act Accessibility Guidelines ("ADAAG"). In 2010, the design criteria associated with the ADA were updated and renamed the 2010 ADA Standards for Accessible Design.

Chapter 11 of the International Building Code ("IBC") and the International Code Council/American National Standards Institute's ("ICC/ANSI") A117.1 standard, Accessible and Usable Buildings and Facilities Standards, rely heavily on the provisions from the 2010 ADA Standards for Accessible Design. Chapter 11 of the IBC provides the scoping provisions of Minnesota's Accessibility Code, which describes what is required to be accessible and quantities required. ICC/ANSI A117.1 ("ICC A117.1") provides technical design criteria for the design and construction of the built environment to ensure access for persons with disabilities.[1]

On July 10, 2007, the Minnesota Department of Labor and Industry ("Department") promulgated a new Accessibility Code, Minnesota Rule Chapter 1341, which adopted Chapter 11 of the 2006 IBC and the ICC/ANSI A117.1-2003, with amendments. Prior to that adoption, Minnesota's Accessibility Code was based on the ADAAG. The Department is now proposing to amend Chapter 1341 to incorporate changes made to both Chapter 11 of the 2012 International Building Code and the ICC/ANSI A117.1-2009 edition.

The Department used an Advisory Committee comprised of representatives from the Minnesota Council on Disability, the University of Minnesota Disability Services, the Building Owners and Managers Association, the American Institute of Architects, the Builders Association of Minnesota, the Association of Minnesota Building Officials, and a corporate representative to provide the Commissioner with recommended changes to the Minnesota Accessibility Code. A complete listing of those members of the Advisory Committee can be found in Exhibit A. The committee met several times and reviewed seven proposals from committee members, as well as numerous changes identified by the Department relative to the 2012 IBC and the 2009 edition of the ICC/ANSI A117.1 standard. Pursuant to Minnesota Statutes, section 326B.106, subdivision 1, the Department also consulted with the Construction Codes Advisory

1 The IBC and ICC/ANSI A117.1 are available for review at the Minnesota Department of Labor and Industry by contacting Curtis Wiehle, Construction Codes and Licensing Division, 443 Lafayette Road N., St. Paul, MN 55155-4341; Email: curtis.wiehle@state.mn.us; telephone: (651) 284-5877. TTY users may call the department of Labor and Industry at (651) 297-4198.

Council in establishing the proposed adoption of the Minnesota Accessibility Code in this rulemaking.

ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Colleen Clayton at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, Minnesota 55155, phone 651-284-5867, and fax 651-2845749. TTY users may call the Department at 651-297-4198.

STATUTORY AUTHORITY

The Department's statutory authority to adopt the rules is stated in the following Minnesota Statutes:

326B.02, Subdivision 5. General rulemaking authority. The commissioner may, under the rulemaking provisions of chapter 14 and as otherwise provided by this chapter, adopt, amend, suspend, and repeal rules relating to the commissioner's responsibilities under this chapter, except for rules for which the rulemaking authority is expressly transferred to the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems.

326B.101 Policy and purpose. The State Building Code governs the construction, reconstruction, alteration, repair, and use of buildings and other structures to which the code is applicable. The commissioner shall administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs. The construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.

326B.106, Subdivision 1. Adoption of code. Subject to sections 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must

encourage the use of new methods and new materials. Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall administer and enforce the provisions of those sections.

Under these statutes, the Department has the necessary statutory authority to adopt the proposed rules.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"

Persons who will probably be affected by these rules include municipal building inspection personnel, building contractors, architects, engineers, fire inspection personnel, building owners and managers, and facility users, including the general public.

Persons who will probably bear the costs of these rules include primarily building owners and managers and businesses. If building owners and managers or businesses must pay for the construction costs, those costs will likely be passed on to the facility user or the consumer.

Persons who will benefit from these rules include the general public, both those with and without disabilities, and building owners and managers and businesses who want to ensure access to and usability of their facilities.

"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"

The probable costs to the agency and to any other agency for the implementation and enforcement of the proposed rule will likely be the costs for new editions of the codes and standards incorporated into this rule and for the amendments. Costs for training agency personnel about changes to the rule will be negligible because these same personnel currently receive training on a regular basis for continuing education and other purposes. There is no anticipated effect on state revenue.

"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"

There are no less costly or intrusive methods for achieving the purpose of this proposed rule. The adoption of this proposed rule will provide uniform application of accessibility requirements that parallel closely those found in the federal guidelines. The uniform application of these requirements will provide predictable code application for the construction industry.

"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"

The Department determined that adopting chapter 11 of the 2012 IBC and the 2009 ICC A117.1 will provide accessibility requirements that parallel the most current federal ADA regulations. The IBC and the ICC A117.1 incorporate almost all of the regulations contained in the federal 2010 ADA Standards for Accessible Design. The 2010 ADA Standards for Accessible Design are updated less frequently than the IBC and the ICC A117.1 standard, making the ADA Standards less current than the IBC and the ICC A117.1. For these reasons, the Department chose not to incorporate the 2010 ADA Standards for Accessible Design into the rule in favor of chapter 11 of the IBC and ICC A117.1 to provide the most current ADA requirements for Minnesota.

"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"

The proposed rule does not require that any accessibility changes be made to existing buildings. The proposed rule only affects accessibility requirements for new construction or remodeling. Although it is difficult to quantify costs, the Department anticipates that the global costs associated with this rule will be minimal compared to the rule it is replacing. While some accessibility requirements may be considered more restrictive than current requirements and may increase costs, others are less restrictive than current requirements under Chapter 1341and may decrease costs. Additionally, the proposed rule does not require that any construction occur within the first year after the proposed rule is adopted. Buildings are rarely, if ever, constructed exactly the same way so accessibility requirements will vary, and so the costs associated with compliance will also vary, making construction costs difficult to quantify.

"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"

The probable costs or consequences of not adopting the proposed rule include falling back on an accessibility code with older requirements, which may result in equipment and construction processes that are less efficient and less cost effective. The costs for less effective or efficient equipment or practices will likely be borne by building owners. Incorporating newer accessibility requirements permits the incorporation of newer accessibility methods or technologies that are more efficient and cost-effective. A possible consequence of not adopting the proposed rule is that the accessibility requirements in Minnesota will not be as current and will not as closely mirror the recommended federal regulations and Minnesota could fall below some of the ADA requirements.

"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"

While not a building code, the federal 2010 ADA Standards for Accessible Design provide design criteria for the construction and alteration of buildings and facilities to make them ADA compliant. The code and standards incorporated into this rule are developed using the federal

2010 ADA Standards for Accessible Design as the model. However, it is not mandated that state accessibility code coverage be identical to or consistent with the federal standards in every respect. As stated in Section 103 (Equivalent Facilitation) of the 2010 ADA Standards for Accessible Design: "Nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability."

The proposed rule adopts the majority of the federal standards by and through incorporation of Chapter 11 of the IBC and the ICC/ANSI A117.1 standard. However, the proposed rule also provides greater accessibility and usability in certain areas than the federal standards do. Some of the differences between the proposed rule and the 2010 ADA Standards for Accessible Design include: 1341.0011 subpart 4, item B requires an accessible route (most likely an elevator) to a floor having more than 30 occupants whereas the 2010 ADA Standards for Accessible Design allows a two story building to not have an accessible route to a second floor; 1341.0011 subpart 7, item B expands the 2010 ADA Standards for Accessible Design requirement for lawn seating to all types of assembly areas without fixed seats; 1341.0011 subpart 8, item C requires more ambulatory toilet compartments than does the 2010 ADA Standards for Accessible Design; 1341.0011 subpart 8, item E reduces the number of kitchens required to be accessible where multiple kitchens are provided in one space such as in a classroom; and 1341.0402 requires a more gradual exterior slope than does the 2010 ADA Standards for Accessible Design.

These and other differences between federal regulations and the proposed rule are more thoroughly discussed in the Rule-by-Rule Analysis section that follows. Each difference between the federal regulations and the proposed rule are specifically highlighted below and includes the reason why the proposed rule differs, as well as an analysis of the rule's impact on building costs.

"(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . '[C]umulative effect' means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time."

The Minnesota State Building Code is a single set of coordinated building construction regulations that apply throughout the state of Minnesota. There are no other building codes that can be used or enforced in this state. When the Department adopts the individual rules that make up the State Building Code it works with other state agencies to identify other regulations that may also have an effect on certain buildings to ensure that the requirements that are parallel or that cover the same building type are not cumulative.

For example, portions of Minnesota Rules, chapter 1305, Adoption of the International Building Code, regulate the planning and construction of care facilities in Minnesota. The Department utilized an Advisory Committee to review the 2012 IBC. The committee members included technical expertise from other state agencies' personnel to ensure that the rule would coordinate with any other state regulations that may be affected by the rule.

The Department also develops the Minnesota Accessibility Code so that it incorporates the federal accessibility regulations to the extent they are applicable. In certain accessibility areas that are not required in Minnesota, our accessibility experts inform code users that although something is not required by the Minnesota Accessibility Code, it may still be required federally and must be complied with.

The adoption cycle for the Minnesota State Building Code generally occurs every three years so it is current and reflects the most recent changes that occur federally and with other state agencies. For example, the Department of Energy implements federal requirements for energy in construction by working through the model code process. By basing rules on the model codes developed by the ICC, the cumulative effect is thereby eliminated. Department staff also monitors any regulatory changes that occur federally and on a state level. The Department also has staff that monitors code changes being proposed to the model building codes at the national level to ensure that the Minnesota State Building Code will not conflict with other building code regulations.

PERFORMANCE-BASED RULES

Minnesota Statutes, section 326B.106, subdivision 1, authorizes the Department to establish by rule a code of standards for construction. This statute requires the code to "conform insofar as practicable to model building codes generally accepted and in use throughout the United States." At the same time, this statute mandates that, "to the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials." The Minnesota State Building Code establishes minimum regulations for building systems using prescriptive and performance-based provisions with emphasis on performance.

ADDITIONAL NOTICE

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a November 22, 2013 Order issued by Administrative Law Judge James E. LaFave.

Our Notice Plan also includes giving notice required by statute. We will mail or email the Notice of Intent to Adopt to everyone who has registered to be on the Department's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature pursuant to Minnesota Statutes, section 14.116. We will also send by United States mail the Notice of Intent to Adopt to the following interested parties:

a. Minnesota State Council on Disability
b. All municipal code officials and others involved in code administration. This list includes all municipal building officials responsible for administration of the Minnesota State Building Code.
c. Minnesota State Fire Chiefs Association
d. Minnesota State Fire Marshal Division
e. Minnesota Mechanical Contractors' Association
f. Builders' Association of Minnesota
g. Builders' Association of the Twin Cities
h. Association of Minnesota Counties

i. American Institute of Architects Minnesota
j. Minnesota Multi-Housing Association
k. League of Minnesota Cities
l. Building Owners and Managers of Minneapolis and St. Paul

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations pursuant to Minnesota Statutes, section 14.111.

CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Department consulted with the Commissioner of Minnesota Management and Budget ("MMB") concerning the fiscal impact and benefits the proposed rules may have on units of local government. This was done on July 24, 2013, by providing MMB with copies of the Governor's Office Proposed Rule and SONAR Form, the proposed rules, and the near-final SONAR. On August 15, 2013, the Department received a memorandum dated the same day from MMB Executive Budget Officer Elisabeth Hammer which provided general comments and concluded that:

> [b]ased upon the information provided to me by the Department of Labor and Industry, there does not appear to be significant costs to local units of government that are not recoverable through local fees as a result of this proposed rule.

The Department will submit a copy of its correspondence with MMB and the August 15, 2013 response received from that agency to OAH at the hearing or with the documents it submits for ALJ review.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. Pursuant to Minnesota Statutes, section 14.128, the Department has determined that a local government will not be required to adopt or amend an ordinance or other regulation to comply with these proposed rules. The State Building Code is the standard that applies statewide. Minnesota Statutes, section 326B.121, subdivision 1, mandates compliance with the Minnesota State Building Code whether or not a local government adopts or amends an ordinance. As a result, an ordinance or other regulation is not required for compliance. If a city wishes that its ordinances more accurately reflect legal requirements in a situation in which the Minnesota State Building Code has superseded the ordinances, then the city may want to amend or update its ordinances.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Department has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed $25,000 for any small business or small city. The Department has determined that the cost of

complying with the proposed rules in the first year after the rules take effect will not exceed $25,000 for any small business or small city because the proposed rules do not require any construction to occur within the first year after the rules take effect. Any small business or city contemplating new construction or remodeling will decide whether or not to undertake the construction or remodeling project and when that construction or remodeling will occur. Because no new construction or remodeling is required by the proposed rules within the first year after the rules take effect, no new construction or remodeling need be undertaken within the first year.

Additionally, any small business in the construction industry will likely pass through any additional costs that occur resulting from code changes, so the costs would not be borne by the small business, but by the owner. A small city would likely need to purchase new code books and attend training to learn about new code changes, but this cost would not exceed $25,000 for the small city.

The costs of construction are subject to many variables, including the current construction economy, material costs, and local labor costs. The cost of life-safety provisions that change in the rule are part of the base costs upon which the cost of the other features are added. Other features may be reduced to adjust the cost.

Small businesses and cities will never build the exact same building using the existing Accessibility Code or by using the proposed rules. The number of variables and the fact that the proposed rules will provide for cost savings as well as cost expenditures, makes it unlikely the specific set of requirements that apply to a specific building on a specific site will increase the cost by more than $25,000.

LIST OF WITNESSES

If these rules go to a public hearing, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Department of Labor and Industry staff, if necessary; and
2. Members of the Accessibility Code Advisory Committee, if necessary.

RULE-BY-RULE ANALYSIS

GENERAL.

Throughout the Rule-by-Rule Analysis section of this SONAR, specific terms are used to explain accessibility requirements based on an occupancy type, a type of unit, or other occupancies. These terms are specifically defined within the International Building Code or Minnesota Rule, but are more fully described in this "GENERAL" section, below.

Accessible. "Accessible" is defined in Minnesota Rules, part 1341.0011, subpart 2, and means that a person with a vision disability, hearing disability, aging disability, a disability of coordination, or any other disability that significantly reduces mobility, flexibility, coordination, or perceptiveness can access or use a space, area, device, or piece of equipment. A "unit" is a room

or a space intended for human occupancy. An "occupancy" means the use or intended use of a building or part of a building that is rented, leased, or otherwise used or occupied by people.

Dwelling unit. A "dwelling unit" is defined in A117.1 Section 106.5 and means a room or space where people reside.

Sleeping unit. A "sleeping unit" is defined in A117.1 Section 106.5 and means a room or space where people sleep.

Accessible units. An "Accessible unit" is defined in Minnesota Rules, part 1341.011, subpart 2, and means a unit that provides the highest level of accessibility. This type of accessibility is generally required for transient facilities, which have frequent turnover, and the users have no ability to modify the unit.

Type A unit. A "Type A unit" is defined in Minnesota Rules, part 1341.011, subpart 2, and only applies to apartments, monasteries, and convents. These units provide a level of accessibility that is slightly less than that of an Accessible unit. Accommodations must be made in a Type A unit to provide grab bars or remove cabinets under sinks.

Type B unit. A "Type B unit" is defined in Minnesota Rules, part 1341.011, subpart 2, and refers to a unit that provides the lowest level of accessibility. The accessibility level in a Type B unit is consistent with the requirements found in the Federal Fair Housing Act. These units must provide an accessible route throughout the unit and clear floor spaces next to bathroom fixtures and kitchen appliances to accommodate a person with a disability.

Units with communication features. A "unit with communication features" is defined in Minnesota Rules, part 1341.011, subpart 6 J and refers to units that are dwelling units and sleeping units, which provide audible and visual emergency alarms and visual notification devices to alert a person with a disability to the use of a door bell or a door knock.

Ambulatory toilet compartment. An "ambulatory toilet compartment" is defined in A117.1 Section 604.10 and means a toilet compartment that is intended for people who are ambulatory but need assistance by using grab bars to use the toilet or fixture. The compartment must be three feet wide and must provide grab bars on each side of the toilet fixture.

Occupancy Groups.

Group A occupancies (A-1, A-2, A-3, A-4, and A-5). Generally, Group A occupancies are places where people assemble in small or large groups. Examples of Group A occupancies would include indoor symphony or concert halls, night clubs, restaurants, amusement arcades, places of worship, bowling alleys, gymnasiums, museums, outdoor amusement park structures, outdoor grandstands, and outdoor stadiums. Group A occupancies are more fully described in section 302 of the International Building Code.

Group I occupancies (I-1, I-2, I-3, and I-4). Generally, Group I occupancies are facilities or buildings that provide care services for people, long-term detention for people, or serve as a long-term residence for persons that receive custodial care from persons other than parents or

guardians. Examples of Group I occupancies would include assisted living facilities, group homes, rehabilitation facilities, hospitals, nursing homes, detoxification facilities, prisons, reformatories, and detention centers. Group I occupancies are more fully described in section 308.4 of the International Building Code and in Minnesota Rules, part 1305.0202, subparts 1, 2, and 3.

Group R occupancies (R-1, R-2, R-3 and R-4). Group R occupancies are typically places that people board for short or long periods of time, family dwellings, adult and child care facilities, congregate living facilities, and residential care or assisted living facilities. Examples of Group R occupancies include boarding houses, hotels, motels, apartment houses, fraternities, sororities, monasteries, one and two family dwellings, short term (less than 24 hours) adult care facilities, smaller short term (less than 24 hours) child day care facilities, congregate living facilities (16 or fewer persons), and residential care/assisted living facilities (5-16 persons). Group R occupancies are more fully described in section 310 of the International Building Code.

Congregate living facilities. "Congregate living facilities" are buildings or portions of buildings that contain sleeping units where the residents share bathroom or kitchen facilities. Congregate living facilities are more fully described in section 310.2 of the International Building Code.

Boarding houses. "Boarding houses" are buildings arranged or used for lodging for compensation, with or without meals, and not occupied as a single family unit. Boarding houses are more fully described in section 310.2 of the International Building Code.

1341.0005 INCORPORATION OF CHAPTER 11 OF THE 2012 INTERNATIONAL BUILDING CODE ("IBC") BY REFERENCE.

This rule part is modified by revising the language to properly incorporate by reference the 2012 IBC. This change is necessary to ensure the proper edition of the IBC is incorporated and the publisher's copyright information is included.

1341.0010 REFERENCED STANDARD.

This rule part is modified by changing the edition of the incorporated code book to update to the new version of the ICC/ANSI A117.1. This change is necessary to ensure that the proper edition of the A117.1 standard is incorporated into the rule.

1341.0011 IBC CHAPTER 11.

Subpart 1a. **IBC Section 1101.4, Calculation of percentages.** IBC section 1101 provides guidance for both the scoping provisions in the IBC and the technical provisions in the ICC A117.1. The scoping provisions in chapter 11 of the IBC provide the Accessibility Code with direction about what is required to be accessible and in what quantity. This new subpart specifically describes how to handle the calculation of accessible elements when fractions or remainders are involved (IBC scoping) and how to handle size and dimension rounding (A117.1 technical). This language existed previously as an amendment to the ICC A117.1 and is being relocated because it more appropriately belongs in the IBC as scoping.

Subpart 2. IBC Section 1102, Definitions. This subpart is modified by adding several definitions currently found in the IBC and adding several new definitions to the subpart. The ICC relocated these definitions to chapter 2 of the IBC. It is necessary to include these definitions into this rule so they are readily available to non-code areas of the state required to enforce the Accessibility Code. Additionally, several definitions are added to this subpart because the terms in the proposed rule require definition but are not defined in chapter 2 of the IBC.

Subpart 2a. IBC Section 1102.2, Terms not defined. This subpart is added to incorporate a way to define terms that are not defined in the code or the rule. This language is necessary to ensure that a singular source is available to define terms when they are not defined in the code or the rule.

Subpart 3. IBC Section 1103, Scoping requirements.

Subitems A-E. 1103.2. General exceptions. The amendment to section 1103.2 is modified by changing certain section numbers referenced in subitems A and B. It is further modified by deleting existing subitem D and replacing it with a new subitem D. A new subitem E is added to the subpart to provide an amendment to section 1103.2.16, Recreational facilities. The section numbers in subitems A and B were changed because those sections were renumbered in the 2012 IBC. It is necessary to delete existing subitem D, which deletes the code book section pertaining to fuel dispensing systems, because this section was relocated in the 2012 IBC to section 1109.14. Adding a new subitem D to delete the code book section pertaining to live/work units is necessary because the requirements for live/work units is being deleted from the rule and local zoning ordinances will apply instead. Live/work units are commonly referred to as "home occupations" in Minnesota and are considered a local zoning issue. This change will prevent conflicts with local zoning regulations. Adding a new subitem E that amends the code book section pertaining to recreational facilities is necessary to clarify that these structures and elements are not included in the scope of the building code provisions. The renumbering changes are necessary to correlate this amendment with the new numbering made to the IBC.

Subpart 4. Section 1104, Accessible route.

A. 1104.3 Connected spaces. The amendment to section 1104.3 deletes exception 2 from this section. This exception is misdirected because it equates the size of the door with the need for maneuvering clearance. However, the size of a door has nothing to do with whether or not a person with a disability requires maneuvering clearance to approach and operate that door. In addition, chapter 11 of the IBC is a scoping chapter. Door maneuvering clearance and door size are technical requirements already addressed in ICC A117.1, so this language is not appropriate for this subpart and should be deleted.

B. 1104.4 Multilevel buildings and facilities. The format of this section is modified to more clearly convey the intent of the requirement by deleting the "exception within an exception" format. Exception 1 is modified by moving subitem 1.5 into the main exception and relocating the remaining subitems into a new section 1104.4.2. The modification to exception 1 is necessary to eliminate the size consideration of square footage of the space and to instead base it on occupant load. This change is reasonable because the concern with access here is a matter of number of people and not simply size of the space. This change will reduce costs for areas with more than

3,000 square feet and an occupant load of 30 or less.

Exception 2 pertaining to levels without accessible elements is modified to coordinate with changes made to the 2012 IBC. Exception 4 regarding two-story buildings with one story that has an occupant load of five or fewer is deleted because this issue is now addressed in the modification to exception 1. New language is added to exception 4 because it coordinates with modifications made in the 2012 IBC.

A new section 1104.4.2, Specific public areas, is added to address the issues currently located in the subitems in exception 1 and relocates and restates the language as a positive requirement, instead of the current exception within an exception (double-negative) format, which causes confusion. This change is reasonable because it more clearly conveys the intent as a positive requirement, as opposed to the current double negative format.

C. IBC Section 1104.5, Location. This subitem is modified by adding the phrase "be the shortest route possible" and "primary use" to the first sentence and by deleting the phrase "or be located in the same area as..." and relocating it to exception 3. These modifications are necessary to ensure that the intent of this section is met, which is that the accessible route and the general route coincide to the maximum extent possible. A new sentence is added to the section that reads "Where the circulation path is within a tenant space in a multi-tenant facility, the accessible route shall also be within the tenant space." This new sentence is necessary so that a person with a disability is not required to exit a space and re-enter at another level if other occupants are able to access the other level from within the space. The modifications to this section will increase costs for multistory tenant spaces by requiring a platform lift or elevator. The word "unit" is added in two places in exception number two to coordinate with the format of the 2012 IBC.

Subpart 5a. Section 1106, Parking and passenger loading facilities. This new subpart adds a new subsection to section 1106.7 regarding bus boarding and alighting. This new subsection is necessary to provide criteria for bus boarding and alighting, which is not currently addressed in the code. It is reasonable to address this issue because it is not an uncommon condition.

Subpart 5b. Section 1106.8, Restriping. This is a new subpart that adds a subsection to section 1106 to provide language regarding restriping existing parking spaces. This new subsection is necessary to provide guidance for restriping parking spaces, which is a frequent and common practice.

Subpart 6. IBC Section 1107, Dwelling units and sleeping units.

A. Section 1107.4, Accessible route. This subitem is modified by adding the words "Type B" before "units" in the first exception and by deleting the phrase "intended to be occupied as a residence" from the same exception. The second exception is deleted in it is entirety. These changes are made to the language to provide clarification about the type of unit to which the provision applies. The deletion of the second exception is necessary to eliminate duplication of section 1004.4.2 in the ICC A117.1, which contains similar language and is also incorporated into this rule.

B. Section 1107.5, Group I. This new subitem amends IBC section 1107.5 regarding accessibility in Group I occupancies. This modification adds language to the section to address transient type units provided for guests or visitors in Group I occupancies. This change is necessary to ensure that at least one of these unit types is fully accessible to guests or visitors who need accessible features.

C. Section 1107.5.1, Group I-1. This new subitem amends section 1107.5.1 regarding Group I-1 units. This modification adds language to the section to prevent conflict and duplication of effort between the Minnesota State Building Code and the requirements of the Department of Health. This will give the Department of Health control over the spaces addressed in their rule and give authority to the building code in areas not specifically addressed in the Department of Health rule.

D. Section 1107.5.1.3 Boarding care. This new subitem amends section 1107.5.1.3 regarding boarding care occupancies. This modification adds language to the section to prevent conflict and duplication of effort between the Minnesota State Building Code and the requirements of the Department of Health. This will reduce conflict between the Minnesota State Building Code and the Department of Health by giving the Department of Health control over the spaces addressed in their rule and give authority to the building code in areas not specifically addressed in the Department of Health rule.

E. Section 1107.5.2, Group I-2 nursing homes. This subitem is modified by deleting the language pertaining to accessible units and replacing it with new language about Group I-2 nursing homes. These changes are necessary to prevent conflict and duplication of effort between the Minnesota State Building Code and the requirements of the Department of Health as it relates to resident sleeping units and bathing facilities. Areas other than resident sleeping rooms and bathing facilities are required to comply with applicable accessibility requirements. This will reduce conflict between the State Building Code and the Department of Health by giving the Department of Health control over the spaces addressed in their rule and give authority to the building code in areas not specifically addressed in the Department of Health rule.

F. Section 1107.5.5.1, Group I-3 sleeping units (new subitem). This new subitem modifies the language pertaining to accessibility within Group I-3 sleeping units. The changes made to this section are intended to comply with the federal Department of Justice Regulation 35.151 (k), which requires that 3 percent of the total number of dwelling units and sleeping units in the facility, but not less than one unit in each classification level, be an Accessible unit. It is reasonable for the Accessibility Code to coordinate with the federal regulations to help ensure compliance with the ADA.

G. Section 1107.6, Group R (relettered). This subitem is modified by deleting the references to different unit types and replacing them with the phrase "Dwelling units and sleeping units shall be provided..." New language is added to more thoroughly explain the requirements for guests in Groups R-2, R-3, and R-4 occupancies, facilities that provide student housing, and crew quarters used exclusively as a residence for emergency response personnel. These changes are necessary to address transient type units provided for guests or visitors in Group R occupancies. It is reasonable that these units are accessible to provide access to all persons. The change to student housing is necessary to ensure that any occupancy group that provides student housing provides

Accessible units and Type B units. It requires that individual bedrooms be counted separately in order to determine the number of rooms required to be Accessible units. This change could increase costs by expanding the types of Group R occupancies providing student housing that are required to provide accessibility. Adding requirements for crew quarters for emergency personnel is necessary to correlate with the Americans with Disabilities Act provision found at 28 CFR 35.151(d), which requires that these facilities be Type B units rather than Accessible units. This change will reduce costs by requiring these units to meet a reduced level of accessible design.

H. Section 1107.6.1, Group R-1 (relettered). This subitem is modified by moving one of the referenced sections to a new sentence at the end of the section that reads, "Units not required to be Accessible units or Type B units shall comply with Section 1107.6.1.5." These changes are not substantive but are necessary to clarify that the provision in section 1107.6.1.5 applies to units that are not Accessible units or Type B units.

I. Section 1107.6.1.1, Group R-1 (relettered). This subitem is modified by deleting the word "facilities" and replacing it with "dwelling units and sleeping units." The subitem is also modified by deleting Table 1107.6.1.1, Accessible Dwelling Units and Sleeping Units, and subsection 1107.6.1.1.1, Accessible Unit Facilities, so that Table 1107.6.1.1 and section 1107.6.1.1.1 in the 2012 IBC will apply instead. These changes are necessary to coordinate with changes made to the 2012 IBC.

J through L (relettered). Sections 1107.6.1.3, Communication features, 1107.6.1.4, Dispersion, and 1107.6.1.5, Passenger doors, are re-lettered but the content is unchanged.

M. IBC Section 1107.6.2, Group R-2 (relettered). This subitem is modified by deleting the references to the different unit types and replacing them with the phrase, "Dwelling units and sleeping units shall be provided..." This change is necessary to coordinate with changes made to the 2012 IBC.

N. Section 1107.6.2.1.1, Type A units (relettered). This subitem is modified by deleting the words "on a site" and replacing it with "Group R-2 units within a contiguous parcel of land development, irrespective of lot lines and public rights-of-way within the development." This subitem is also modified by changing exception #2 from "Existing structures on a site shall not contribute to the total number of units on a site" to "Existing Group R-2 units shall not contribute to the total number of units considered to determine the number of Type A units required." The change made in the main body of the section is necessary to clarify that property lines between buildings that are part of a single development do not create separate requirements for Type A units. The previous language "on a site" was too vague and did not specifically address lot lines and public rights of way. The change to exception #2 is necessary to specifically address existing Group R-2 units, instead of the more general language pertaining to existing structures. This change is necessary to clarify that the exception only applies to Group R-2 units, and not to all existing structures. These changes may decrease costs because it may reduce the requirement for the number of Type A units required in Group R-2 occupancies.

O. Section 1107.6.2.2, Group R-2 other than apartment houses, monasteries, and convents (relettered). This subitem is amended by relocating the reference to the deletion of subsections 1107.6.2.2.1 and 1107.6.2.2.2 to the end of the section. This statement was

inadvertently included in the wrong location in this section during the previous rulemaking. The content is unchanged. This subitem is also modified by deleting the unit types and replacing them with "dwelling units and sleeping units." This change is not substantive, but coordinates with changes to 1107.6.1, and is necessary to clarify the current intent of the code.

P. Section 1107.6.3, Group R-3 (new subitem). This is a new subitem added to address dwelling units and sleeping units within Group R-3 occupancies. The new language in section 1107.6.3.1 retains the current provision of the section that a dwelling or sleeping unit in a single structure occupancy intended to be a residence must be a Type B unit if the occupancy has four or more dwelling or sleeping units. The new language in section 1107.6.3.2 requires congregate living facilities, boarding houses, and care facilities, each of which contains four or more sleeping units, to comply with sections 1107.6.4.1 and 1107.6.4.2 (requirements for Accessible units and Type B units). This change is necessary because these units are the same type of uses that are addressed in section 1107.6.4 for Group R-4 occupancies. It is reasonable that the same type of uses have the same requirements, whether they are Group R-3 or Group R-4 occupancies. The new language in section 1107.6.3.3 exempts care facilities from the accessibility requirements if they provide accommodations for less than 24 hours. It is reasonable to exempt care facilities if the stay is less than twenty-four hours because those facilities are considered transient, not living facilities.

Q. and R (relettered). Section 1107.7, General exceptions, and 1107.7.6, Owner occupied units, are re-lettered but the substantive content remains unchanged.

Subpart 7. Section 1108, Special occupancies. The amendment to section 1108.2.8, Dining areas, and its exceptions are deleted and replaced with an amendment to section 1108.2, Assembly area seating. The current language in this subpart is deleted because the requirement is no longer necessary due to changes made the in the 2012 IBC for special occupancies. This IBC section will now apply regarding dining areas.

A. Section 1108.2, Assembly area seating. The new subitem A modifies Section 1108.2, Assembly area seating, to address all assembly areas without fixed seats. Specifically, requirements regarding lawn seating was amended out of the code book section and replaced with requirements for assembly areas without fixed seats. Deleting the language regarding lawn seating and replacing it with non-fixed seating is reasonable to ensure that all areas without fixed seats, and not just lawn seating areas, are located on an accessible route.

B. Section 1108.2.6, Non-fixed seating. This is a new subitem that modifies section 1108.2.6, Lawn seating. This section is modified to make the provision more generally applicable to all non-fixed seating, rather than just lawn seating and overflow seating areas. This change is needed and reasonable to ensure that all areas without fixed seats, not just lawn seating areas and overflow areas, are located on an accessible route.

Subpart 8. Section 1109, Other features and facilities.

A. Section 1109.1, General. This subitem is modified by clarifying the terms used for the types of units in the exception. The changes also clarify that chapter 10 of the ICC A117.1 must be complied with for Accessible units, Type A units, and Type B units. These changes are necessary

to coordinate with changes made in the 2012 IBC.

B. Section 1109.2.1.5, Prohibited location. This subitem is modified by deleting the word "unisex" and replacing it with the words "family or assisted-use." This change is necessary to coordinate with changes made in the 2012 IBC.

C. Section 1109.2.2, Water closet compartment. This subitem is modified by changing references from "bathing facilities" to "bathing rooms" to coordinate with the 2012 IBC. This subitem is also modified to require that one ambulatory toilet compartment be provided whenever two or more toilet compartments are provided in a toilet or bathing room. The requirement for one ambulatory toilet compartment where six or more water closet compartments are provided is being deleted from the rule. Changing the rule from requiring one ambulatory toilet compartment for every six or more water closet compartments to requiring one ambulatory toilet compartment for two or more water closet compartments will result in more ambulatory toilet compartments being provided. While this will increase the number of required ambulatory toilet compartments, the cost to provide them is justified because the number of persons with disabilities, including the population of elderly persons, is increasing. There are more persons with disabilities that will benefit from increased availability of ambulatory toilet compartments. An ambulatory toilet compartment requires an increase the size of the toilet compartment from 30" in width to 36" in width and also requires the installation of two horizontal grab bars and two vertical grab bars, one set on each side of the compartment. The cost for grab bars in an ambulatory toilet compartment would be approximately $260.00.

This subitem was modified by deleting language pertaining to gender specific toilet rooms because it is no longer relevant with the change in the requirement for an ambulatory toilet compartment where two or more toilet compartments are provided. This requirement is no longer gender-specific so it will apply to all toilet rooms. This requirement was necessary previously because it ensured that both gender-specific toilet rooms would receive an ambulatory toilet compartment if one of the gender-specific toilet rooms required an ambulatory toilet compartment and the other did not, based on the fixture count in the toilet room.

The last sentence at the end of the section is deleted because the language was deleted from the 2012 IBC section.

D. Section 1109.3, Sinks. This amendment is unchanged.

E. Section 1109.4, Kitchens and kitchenettes (new subitem). This is a new subitem that adds an exception to section 1109.4 about accessibility when multiple kitchens are provided in a facility. This exception is necessary to address areas with multiple kitchens in the same space. It is reasonable to require at least one, but not all, such kitchens to be accessible to ensure accessibility in these kitchens, but also to ensure that the requirement is not overly restrictive or excessive. This will reduce costs by requiring fewer accessible kitchens.

F. Section 1109.6, Swimming pools, wading pools, hot tubs, spas, saunas and steam rooms (new subitem). This is a new subitem that modifies section 1109.6 to incorporate accessibility requirements for amenities other than saunas and steam rooms. An exception is included for hot tubs, spas, saunas, or steam rooms that are clustered in a single location. This

change is necessary to address all of the types of amenities that may be in facilities. It is reasonable to ensure that all amenities that may be in facilities are accessible to everyone.

G. Section 1109.7, Elevators (relettered). This subitem is modified by replacing references to section numbers due to renumbering and by deleting the reference to ICC A117.1 and the exception regarding the restricted use of limited-use/limited-application elevators. This change is necessary to coordinate with the 2012 IBC and to coordinate the rule with national standards. This will reduce cost by not restricting the use of limited-use/limited-application elevators.

H. IBC Section 1109.8, Lifts (relettered). This subitem is modified by replacing references to section numbers. The subitem is also modified by deleting the reference to ICC A117.1 and adding a requirement for lifts to be accessible and comply with Minnesota Rules, chapter 1307. Item 2 in the list of required accessible routes is modified by replacing a section number that was renumbered and adding another option for accessible routes for wheelchair spaces. Item 11 is added to the list to allow a lift to be provided as an accessible route within a tenant space. These changes are necessary to coordinate section number changes in the 2012 IBC and to coordinate with conditions established in other state amendments to IBC sections 1104.4.3, 1104.4.4 and 1104.5.

I. IBC Section 1109.10, Detectable warnings (relettered). This subitem is modified by replacing section numbers because they were renumbered in the 2012 IBC. The remainder of the language is unchanged.

(existing H) IBC Section 1109.10, Assembly area seating. This subitem is deleted because the amendment to section 1108.2 already addresses assembly seating. As a result, this amendment is no longer necessary.

J. IBC Section 1109.12.3, Point of sale and service counters (relettered). This subitem is modified by deleting the last sentence regarding the location of accessible counters, or portions of counters. This deletion is necessary because this requirement has been relocated to A117.1, section 904.2.

K. 1109.14 Fuel dispensing systems (new subitem). This new subitem is added to delete IBC section 1109.14 regarding fuel dispensing systems. The requirement for fuel dispensing systems is deleted in the current Accessibility Code. This deletion is necessary to carry forward current Minnesota State Building Code requirements and to ensure uniform enforcement.

L. IBC Section 1109, Other features and facilities (relettered). Sections 1109.15 and 1109.16 and all their subsections were renumbered in the 2012 IBC. This subitem is modified by replacing section numbers to reflect the 2012 IBC renumbering A new subsection is added to the rule, 1109.18, Airplane hangars. This subsection is added to reduce the number of required accessible private aircraft hangers to 5% of the total number of hangers. It is reasonable to provide access to a limited number of hangers because there are a limited number of persons with disabilities who require access to these facilities. This will reduce cost by not requiring that all private aircraft hangers are accessible. The amendment to section 1109.17, Two-way communication systems, is unchanged but is renumbered to 1109.19 to accommodate the new subsection for airplane hangars.

Subpart 9. Section 1110, Signage. Subitems were added to this subpart for ease of reference. No changes are made to the content in subitem A, 1110.1, General, subitem B, 1110.2, Designations, and C, 1110.3, Directional and informational signs. Subitem D, 1110.4 , Means of egress, is amended by deleting the first sentence in the section, the first sentence in the first subsection, and moving the remaining subsection text into the charging statement. A sentence is added to the end of section 1104 that requires other signs for accessible means of egress to comply with IBC chapter 10. These changes to the means of egress provisions are necessary to eliminate duplication and redundancy with IBC Chapter 10. Subsections 1110.4.2 and 1110.4.3 are deleted to eliminate redundancy with IBC chapter 10. Subitem E, 1110.5, Parking, Subitem F, 1110.6, Entrances, Subitem G, 1110.7, TTYs, Subitem H, 1110.8, Assistive listening systems, and Subitem I, 1110.9, Check-out aisles, are all unchanged but have been given subitem letters for ease of reference. Subitem J, 1110.10, Variable message signs, and its subparts are added to coordinate with changes in the 2012 IBC.

Subpart 10. Section 1111 (previous section number), Swimming pools, wading pools, spas, saunas, and steam rooms. This subpart is repealed because its contents have been relocated to IBC section 1109.6.

Subpart 11. Section 1111 (new section number), Additions. This subpart is modified by adding subitems for ease of reference, renumbering the section numbers and by adding language to ensure that if an addition affects access to the existing building, that an accessible route is provided to the existing building. New language is added for the purpose of determining whether access to stories or mezzanines is required pursuant to Section 1104.4. To make this determination, existing space and the added space must be considered aggregately, in compliance with Section 1104.4. This change is necessary to clarify the relationship between an addition and an existing building. The group occupancies in new Subitem B are deleted because they are unnecessary and referencing dwelling units and sleeping units is sufficient.

Subpart 12. Section 1112 (new section number), Alterations. This subpart is modified by adding subitems for ease of reference, renumbering the section and subsection references throughout, and by amending phrases to incorporate more appropriate language for unisex rooms and bathing rooms throughout. The proposed modifications also delete existing subsections 1113.5, Eighty-five percent alteration, and 1113.6, Means of egress. Existing section 1113.5 is deleted to coordinate with the 2010 ADA Standards for Accessible Design, which no longer contains this provision. Existing section 1113.6 is deleted because it is redundant with IBC chapter 10. Existing section 1113.7 is renumbered to 1112.5, Addition of pedestrian route, and the language in the section is modified by deleting references to escalators or stairs and replacing them with references to pedestrian routes. Adding the language pertaining to pedestrian routes instead of escalators or stairs is necessary to ensure that any new route of travel is accessible and not just for stairs or escalators. Renumbered section number 1112.8.1, Elevators, is amended by adding the phrase "be accessible and" to the section and by deleting the reference to ICC A117.1. These changes are necessary to coordinate with changes made in the 2012 IBC. Renumbered section 1112.8.3.2 is added to ensure that, where it is technically infeasible to alter existing toilet and bathing rooms, an ambulatory toilet compartment is provided, which will provide more accessible compartments where they otherwise would not be provided. Renumbered section 1112.8.3.3 is modified by adding the word "rooms" after "toilet" and "bathing" to make the language consistent with changes in the IBC. Section 703.3

is renumbered to 703.2 to conform to changes in the 2010 ADA Standards for Accessible Design that require tactile signs instead of visual signs. Renumbered section 1112.8.10, Parking restriping, is added to provide criteria for a common situation that is currently not addressed in the code.

Subpart 13. Section 1113 (new section number), Change of occupancy. This subpart is modified by renumbering the section and subsection references throughout and by amending phrases to incorporate more appropriate language for unisex rooms and bathing rooms to make the language consistent with changes in the IBC. This subpart is also modified by changing the title of the section from "Change in use" to "Change of occupancy," which is necessary to coordinate with language in the International Existing Building Code ("IEBC") to maintain consistent requirements within the State Building Code. Renumbered subsection 1113.1.1 is modified by deleting the language "to a building places the building in a different division of the same occupancy group or in a different occupancy group" because it is redundant to similar language in the general statement in section 1113.1, so it is not needed. Similarly, renumbered subsection 1113.1.2 is modified by deleting the language "to a portion of a building places the portion of the building in a different division of the same occupancy group or in a different occupancy group" because it is also redundant to similar language in the general statement in section 1113.1. The exception in section 1113.1 regarding owner occupied Type A and Type B dwelling units is deleted to ensure that the types of units undergoing a change of occupancy are consistent with those required in new construction and alterations.

1341.0104 A117.1 SECTION 104, CONVENTIONS.

Subpart 2. Section 104.6, Calculation of percentages. This rule part is repealed because the requirements have been relocated to IBC section 1101.4.

1341.0202 A117.1 SECTION 202, DWELLING AND SLEEPING UNITS

This rule part is modified by adding "Type C (Visitable) dwelling units" after the reference to Type B units. This modification is necessary to coordinate with changes made in the ICC A117.1.

1341.0402 A117.1 SECTION 402.2, COMPONENTS.

This rule part is modified by deleting the existing language from the rule and replacing it with new language pertaining to the same subject matter but the content is revised by changing the format by incorporating a section with subsections. Revising this rule part is necessary to correct an error in format in which the intended requirements were listed as exceptions. It is necessary and reasonable to revise this language to ensure the intent of the code is clear and that the code is correct.

1341.0403 A117.1 SECTION 403, WALKING SURFACES.

This rule part is modified by deleting Table 403.5 and replacing it with language that clarifies the clear width requirements and provides a new exception. The subsections are renumbered and a new charging statement was added to reference the subsections appropriately. These modifications are necessary to coordinate with changes made in the ICC A117.1.

1341.0407 A117.1 SECTION 407, ELEVATORS.

Subpart 2a. Section 407.4.5 Illumination. This is a new subpart regarding illumination levels in elevators. Adding this requirement is necessary to coordinate with similar requirements in Elevators and Related Devices, Minnesota Rules, chapter 1307.

1341.0408 A117.1 SECTION 408, LIMITED-USE/LIMITED-APPLICATION ELEVATORS.

Subpart 2. A117.1 Section 408.3.3, Door location and width. Subpart 2 is repealed because the requirement was incorporated into the ICC A117.1.

Subpart 3. A117.1 Section 408.4.1, Inside dimensions of elevator cars. Subpart 3 is repealed because the requirement was incorporated into the ICC A117.1.

Subpart 4. A117.1 Section 408.4.3, Platform and hoistway clearance. The changes made to subpart 4 are grammatical and provide clarity to the subpart.

1341.0409 A117.1 SECTION 409, PRIVATE RESIDENCE ELEVATORS.

This rule part is modified by adding the phrase "shall not be required to comply with Section 409" at the end of the exception. This modification is necessary to coordinate with changes made in the ICC A117.1.

1341.0410 A117.1 SECTION 410, PLATFORM LIFTS.

Subpart 1. A117.1 Section 410.1, General. This subpart is modified by correcting two typographical errors in the subpart. The remaining language is unchanged.

Subpart 2. A117.1 Section 410.5.2 (new section number), Lifts with doors on adjacent sides. This subpart is modified by deleting the language pertaining to section 410.2.1, Doors and gates, and replacing it with language that deletes the exception in 410.5.2. This modification is necessary to coordinate the language with changes made in the ICC A117.1. The exception is being deleted from the ICC A117.1 because the exception permits a platform size that is inadequate to allow for wheelchair maneuverability.

Subpart 3. A117.1 Section 410.2.2, Ramps, and Subpart 4, **A117.1, Section 410.5, Clear floor space.** A117.1 Section 410.2.2, Ramps, and A117.1, Section 410.5, Clear floor space, are being repealed because these issues are addressed in changes made in the ICC A117.1 so the amendments are no longer necessary.

1341.0502 A117.1 SECTION 502, PARKING SPACES.

Subpart 2. A117.1 Section 502.4, Access aisle. Section 502.4.4, Marking, is modified by adding language and exceptions to the subpart pertaining to "no parking designations" in accessible parking aisles. Modifications are made to this rule amendment requiring that the "no parking"

designation be depicted on a sign in addition to the marking on the surface of the access aisle itself. It is reasonable to provide a sign so that the "no parking" designation is more easily visible while parking a vehicle. These modifications are necessary because Minnesota has climatic conditions, specifically snow that often covers marked access aisles, which warrant the placement of a sign for better visibility. The cost to install a sign of this nature mounted on a post is approximately $100.

1341.0603 A117.1 SECTION 603, TOILET AND BATHING ROOMS.

Subpart 1. A117.1 Section 603.3, Mirrors. This subpart is being repealed because this issue is addressed in a rule governed by the Department of Health. This change will eliminate any duplication of effort between agencies and may decrease costs by decreasing the number of agencies and time involved in reviews and inspections.

Subpart 2. Section 603.5, Diaper changing tables. This subpart is modified by deleting the existing language regarding diaper changing tables and replacing it with revised language pertaining to the same subject matter. This modification is necessary to coordinate with changes made the in ICC A117.1 and to ensure that accessible compartments can be used for their intended purpose.

1341.0604 A117.1 SECTION 604, WATER CLOSETS AND TOILET COMPARTMENTS.

Subpart 1. A117.1 Section 604.3.2 (new section number), Clearance depth. This subpart is modified to coordinate the rule with format changes made in the ICC A117.1. The existing code clearance requirements are being carried forward.

Subpart 1a. A117.1 Section 604.3.3, Clearance overlap. Section 604.3.3, Clearance overlap, is modified to provide clarification regarding the elements allowed in the clearance. A new exception is provided to allow a baby changing station in family or assisted-use rooms. It is reasonable to provide the exception so that the size of the room does not have to be increased to provide the changing table. The exceptions could reduce costs by not requiring a larger room.

Subpart 2. A117.1 Section 604.5.1, Fixed side wall grab bars. This subpart is modified by deleting the current language regarding grab bars and replacing it with references to code sections and by adding new subsections pertaining to the same subject matter. These modifications are necessary to provide requirements for vertical grab bars for children's fixtures, which is not addressed in the ICC A117.1.

Subpart 3. A117.1 Section 604.7, Dispensers. This subpart is modified by deleting the current language pertaining to dispensers and replacing it with revised language pertaining to the same subject matter. These modifications are necessary to coordinate with changes made in the ICC A117.1 and to clarify the criteria for the location of dispensers: specifically, recessing dispensers if they are located above a grab bar. It is reasonable to require the dispenser to be recessed if it is located above the grab bar to maintain access to the grab bars. Recessing the dispenser may increase costs, but locating the dispenser above the grab bar is a design choice and is not required.

Subpart 4. A117.1 Section 604.9.2, Size (new section number). This subpart is modified by renumbering the section number and modifying the language to incorporate the current rule amendment into the ICC A117.1 format.

Subpart 5. A117.1 Section 604.9.3, Doors (new section number). This subpart is modified by renumbering the section number to coordinate the rule with the ICC A117.1. Additionally, the ICC A117.1 was modified to address similar requirements located in the current rule amendment, except for the door swing issue, which is being carried forward from current code. The remaining requirements are deleted because they are no longer necessary.

Subpart 6. A117.1 Section 604.10.3, Doors (new section number). This subpart is modified by deleting the current language pertaining to dispensers and relying on the language in ICC A117.1. This subpart is further modified by adding an exception to section 604.10.3, Doors, to exempt the door maneuvering clearance requirement in three foot wide ambulatory compartments. The new exception is necessary because ambulatory compartments are not intended for wheelchair use and are not wide enough to provide maneuvering clearance at the door.

1341.0607 A117.1 SECTION 607.2, CLEARANCE.

This rule part is being repealed because this issue is addressed in rule governed by the Department of Health. This should decrease cost by decreasing the number of agencies enforcing the requirement and reducing the time involved with reviews and inspections.

1341.0608 A117.1 SECTION 608, SHOWER COMPARTMENTS.

Subparts 1 through 8. Subparts 1 through 8 are being repealed to coordinate with changes made in ICC A117.1 because the amendments have been incorporated into the standard.

Subpart 9. A117.1 Section 608.5, Hand showers. This subpart is being renumbered to coordinate with changes made to the ICC A117.1. Additionally, the exception is being modified to incorporate the ICC A117.1 requirement for a fixed shower head at 48 inches above the floor and to carry forward the current amendment addressing security issues. This change is necessary to coordinate the current rule requirement with the requirements in the ICC A117.1.

1341.0609 A117.1 SECTION 609.4, POSITION OF GRAB BARS.

This rule part is modified by deleting the current language pertaining to grab bars and replacing it with requirements pertaining to the position of children's grab bars. This modification is necessary to coordinate this language with changes made to the ICC A117.1, section 604.5.1.2.1.

1341.0610 A117.1 SECTION 610, SEATS.

This rule part is modified by deleting the current language pertaining to shower compartment seats and relying instead on the requirement in ICC A117.1 pertaining to the same subject matter. This rule part is further modified by adding an exception to limit the size of seats in

roll-in showers that exceed the minimum size requirement. It is reasonable to limit the length of seats in large showers because the functional portion of the seat is the same size as it would be in the minimum size shower. This will decrease costs because large custom designed seats will not be required.

1341.0805 A117.1 SECTION 805, TRANSPORTATION FACILITIES.

Subpart 1. A117.1 Section 805.9, Escalators. This subpart is modified by deleting the specifications related to escalators and replacing them with language requiring compliance with Minnesota Rules, chapter 1307, Elevators and Related Devices. This modification is necessary to prevent redundancy and a conflict with the Minnesota Elevator Code.

Subpart 2. A117.1 Section 805.10, Track crossings. This subpart is being repealed because the issue is addressed by changes made to the ICC A117.1, so the amendment is no longer necessary.

1341.0904 A117.1 SECTION 904, SALES AND SERVICE COUNTERS.

A117.1 Section 904.2 Approach. This is a new rule part that relocates a current amendment to IBC section 1109.12.3 pertaining to accessible portions of sales and service counters. It is reasonable and necessary to relocate this amendment to this rule section because this requirement is more appropriately located within these technical provisions of the code since it affects the design of the counter, which is a technical issue.

1341.1002 A117.1 SECTION 1002.15, BEDS.

This rule part is being repealed because the ICC A117.1 incorporated this language into the standards, so the amendment is no longer necessary.

1341.1003 A117.1 SECTION 1003, TYPE A UNITS.

This rule part is being repealed because the ICC A117.1 incorporated this language into the standard, so the amendment is no longer necessary.

1341.1004 A117.1 SECTION 1004, TYPE B UNITS.

Subpart 2. A117.1 Section 1004.9, Operable parts. This subpart is being repealed because the ICC A117.1 incorporated this language into the standard, so the amendment is no longer necessary.

Subpart 3. A117.1 Section 1004.11, Toilet and bathing facilities. Subitems A. through E. and G. through H. are being deleted because the ICC A117.1 incorporated this language into the standard so the amendment is no longer necessary. Existing subitem F, A117.1 section 1004.11.3.1.3.1, Parallel approach bathtubs, will remain in the rule because the language was not incorporated into the standard. One grammatical change is made deleting the word "either" and replacing it with the word "one" so as to coordinate the subpart with changes made in the ICC A117.1.

1341.1006 A117.1 SECTION 1006.6.1, PUBLIC OR COMMON-USE INTERFACE.

This rule part is renumbered to coordinate with numbering changes made in the ICC A117.1.

1341.1100 A117.1 CHAPTER 11, SWIMMING POOLS, WADING POOLS, SPAS, SAUNAS, AND STEAM ROOMS.

This rule part is repealed because the ICC A117.1 incorporated this language into the standard, so the amendment is no longer necessary.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

11/27/13
Date

Ken B. Peterson, Commissioner
Department of Labor and Industry

Exhibit A

1341 Committee members:

Curt Wiehle, Chair, DLI
Peter Villard, Co-Chair, DLI
Ed Farr, Building Owners and Managers Association
George Cundy, Builders Association of Minnesota
Shelly Santine, Builders Association of Minnesota (alternate)
Nick Carver, Association of Minnesota Building Officials
Rick Breezee, Association of Minnesota Building Officials (alternate)
Margot Imdieke Cross, Minnesota State Council on Disability
Roberta Juarez, University of Minnesota Disability Services
Julee Quarve Peterson, JQP, Inc.
Mara Peterson, JQP, Inc. (alternate)
Gerhard Guth, American Institute of Architects - Minnesota