

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY
STATE HOUSE, BOSTON, MASS.

*Rules and Regulations filed in this Office under the provisions of
CHAPTER 30A as amended.*

Filed by ARCHITECTURAL BARRIER BOARD

Rules and Regulations Relating to the Architectural Barrier Board.

Date Filed May 29, 1975

Date Published June 10, 1975

Chapter 233, sec. 75

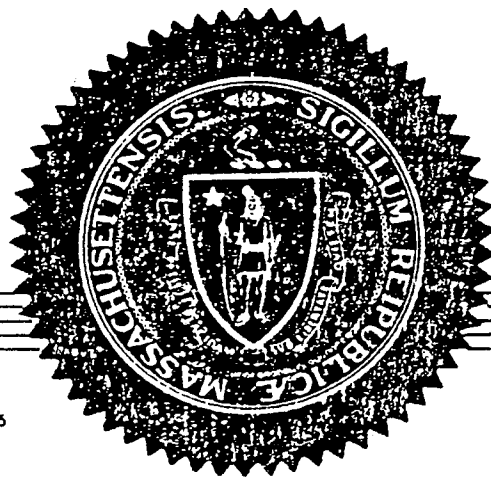
Printed copies of rules and regulations purporting to be issued by authority of any department, commission, board or Officer of the Commonwealth or any city or town having authority to adopt them, or printed copies of any ordinances or town by-laws, shall be admitted without certification or attestations, but if this genuineness is questioned, the court may require such certifications or attestations thereof as it deems necessary.

Attested as a true copy

PAUL GUZZI

Paul Guzzi

SECRETARY OF THE COMMONWEALTH



PUBLICATION OF THIS DOCUMENT APPROVED BY ALFRED C. HOLLAND, STATE PURCHASING AGENT

2000(32)-5-75 R061450-0644

Estimated cost per copy \$0.35

\$0.60

16-1



The Commonwealth of Massachusetts

Department of Public Safety

ARCHITECTURAL BARRIERS BOARD
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May 14, 1975

Honorable Paul Guzzi
Secretary of the Commonwealth
Room 340, State House
Boston, MA

Dear Secretary Guzzi:

In accordance with the provisions of Section 37 Chapter 30 of the General Laws, I am forwarding to you herewith an attested copy of the rules and regulations which are to be promulgated by the Architectural Barriers Board, as provided by Section 13A of Chapter 22 of the General Laws.

A public hearing was held on these rules and regulations on February 10, 1975, in the Auditorium of the Public Works Building, 100 Nashua Street Boston, MA.

Yours very truly,

Robert J. Lynch, AIA
Chairman

smr

Enclosure

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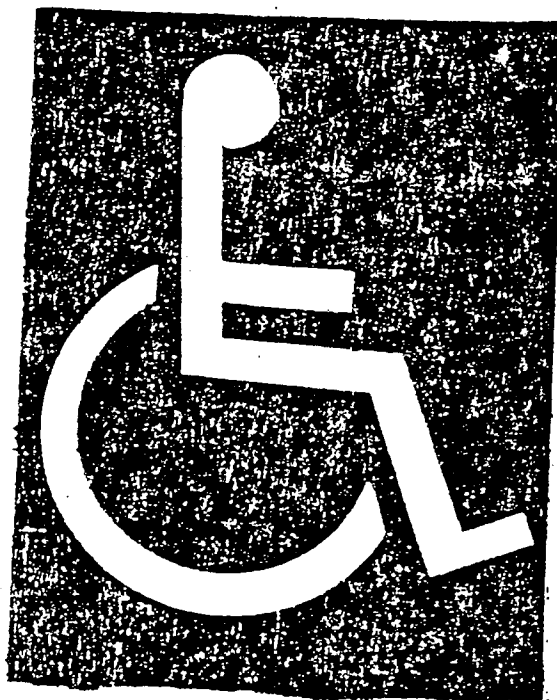
THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC SAFETY

RULES AND REGULATIONS

of the

ARCHITECTURAL BARRIERS BOARD



May 29 12 34 PM '75

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APPENDIX

Section 6: WALKS

- 1 Width of walks shall be not less than forty-eight (48) inches. Slope of walks shall not exceed one in twenty (1 in 20) or five (5) percent. Should a slope exceed five (5) percent, it shall be treated as a ramp and the Regulations applicable to ramps shall apply.
- 6.2 Such walks shall have a continuous common surface, not interrupted by steps or abrupt changes in level greater than one-half ($\frac{1}{2}$) inch and shall have a non-slip surface, e.g., wood-float concrete, broom-finish concrete, exposed-aggregate concrete, blacktop, etc.
- 6.3 No slippery material such as paint, varnish or wax may be applied to any walk.
- 6.4 Wherever walks cross other walks, streets, public ways, driveways or parking lots, they shall blend to a common level. Wherever groupings of buildings such as school campuses exist, curb cut from street or driveway to sidewalk shall be provided at a slope not to exceed one in twelve (1 in 12).
- 6.5 A walk shall have a level platform which is not less than six (6) feet wide across the doorway by five (5) feet deep, if a door or gate swings out onto the platform or toward the walk. The platform shall have a clear floor space at least one (1) foot beyond each side of the doorway.
- 6.6 A walk shall have a level platform which is not less than five (5) feet by five (5) feet, if a door or gate does not swing out onto the platform or toward the walk. The platform shall have a clear floor space at least one (1) foot beyond each side of the doorway.
- 6.7 New pedestrian bridges shall comply with Sections 6 and 7.

Section 7: RAMPS

- 7.1 Slope of ramps shall not exceed one in twelve (1 in 12).
- 7.2 Width of ramps shall be not less than forty-eight (48) inches in minimum clearance.

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Section 7: RAMPs cont'd.

- 7.3 Handrails shall be set on both sides of ramps at a height of thirty-three (33) inches, and a midrail nineteen (19) inches in height, measured vertically from the surface of the ramp. The handrails shall extend one (1) foot beyond the top and bottom of the ramp. The hand-grip portion of handrails shall not be less than one and one-quarter inches (1-1/4) nor more than two (2) inches in outside diameter and shall be basically oval or round in cross-section, shall have smooth surface with no sharp corners. A minimum clearance of one and one-half (1-1/2) inches shall exist between a wall and its wall rail.
- 7.4 A ramp shall have a surface that is non-slip, e.g., wood-float concrete, broom-finish concrete, exposed-aggregate concrete, blacktop, etc.
- 7.4.1 No slippery material such as varnish, paint or wax may be applied to any ramp.
- 7.4.2 Ramps shall not be carpeted except with dense carpeting of low pile, non-absorbent, tautly fitted and glued without backing. Carpet ending in the path of travel must be secured with an edging strip not higher than three eights (3/8) of an inch.
- 7.5 A ramp shall have a level platform which is not less than six (6) feet wide across the doorway by five (5) feet deep, if a door swings out onto the platform or toward the ramp. The platform shall have a clear floor space at least one (1) foot beyond the latch side of the door.
- 7.6 A ramp shall have a level platform which is not less than five (5) feet by five (5) feet, if the door does not swing onto the platform or toward the ramp. The platform shall have a clear floor space at least one (1) foot beyond the latch side of the door.
- 7.7 Each ramp shall have at least five (5) feet of level clearance at the lower end.
- 7.8 Ramps shall have level platforms at intervals not exceeding thirty-four (34) feet for purposes of rest and safety and shall have level platforms wherever they turn.

Section 2: PURPOSE AND SCOPE cont'd.

- 2.4 There shall be no construction, reconstruction, alteration or remodeling of a public building except in conformity with these Rules and Regulations, nor shall the use of any building be changed to a use in which the buildings is open to and used by the public as defined in these Rules and Regulations until such building so conforms or until a copy of the plans and specifications have been approved as provided in the General Laws, showing compliance with these Rules and Regulations provided, however, that if this Board determines that compliance with these Rules and Regulations is impracticable in the particular case, it may provide for modification of, or substitution for such Rules and Regulations.

Section 3: DEFINITIONS

- 3.1 As used in these Rules and Regulations, the following words shall have the given meaning unless the context otherwise requires:
- "ALTERATION": External or internal rehabilitation or renovation for which a building permit is needed or for which the cost of such rehabilitation or renovation equals or exceeds five (5) percent of the full and fair cash value of the buildings, or any work determined to be alteration by a State or Local Building Inspector.
- 3.3 "BOARD": The "Architectural Barriers Board" of the Massachusetts Department of Public Safety.
- 3.4 "CHANGE OF USE": Varying the utilization of a building or part of a building to one in which the building is open to and used by the public.
- 3.5 "CONSTRUCTION": Work for which a building permit is required, work determined to be construction by a State or Local Building Inspector, or work for which a certificate of occupancy is necessary upon completion.
- 3.6 "FULL AND FAIR CASH VALUE OF THE BUILDING": The assessed value of the building as recorded in the Assessor's office of the municipality.

Section 1: AUTHORITY

- 1.1 These Rules and Regulations are promulgated by the Architectural Barriers Board pursuant to authority granted by General Laws, Chapter 22, Section 13A (see Appendix A).
- 1.2 Under the provisions of Chapter 528 of the Acts of 1974, Section 2, (see Appendix B) all orders, Rules and Regulations duly made and all licenses, permits, certificates and approvals duly granted by the Board to Facilitate the Use of Public Buildings by the Physically Handicapped which were in force immediately prior to the effective date of said Chapter, shall continue in force and the provisions thereof to be enforced until superseded, revised, rescinded or cancelled in accordance with law by the Architectural Barriers Board.
- 1.3 These Rules and Regulations supersede and revise the Rules and Regulations of the Board to Facilitate the Use of Public Buildings by the Physically Handicapped, Form PHR-1, dated December 13, 1968, and filed with the Secretary of the Commonwealth on December 18, 1968.

Section 2: PURPOSE AND SCOPE

- 2.1 These Rules and Regulations are designed to make public buildings accessible to, functional for and safe for use by physically handicapped persons.
- 2.2 It is the intent of these Rules and Regulations to provide the physically handicapped full and free use of all buildings and facilities so that they may have the education, employment, living and recreation opportunities necessary to be as self-sufficient as possible and to assume full responsibilities as citizens.
- 2.3 These Rules and Regulations are deemed to be a specialized code as referred to in Section 19 of Chapter 23B State Building Code (see Appendix D) the violation of which shall be subject to the provisions of Section 17 of said Chapter as well as the additional powers granted to the Architectural Barriers Board as provided in Chapter 22, Section 13A.

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Section 3: DEFINITIONS cont'd.

- 3.9.7.1 transportation terminals
 - 3.9.7.2 institutional buildings
 - 3.9.7.3 commercial buildings exceeding two stories in height or in which more than forty (40) persons are employed
 - 3.9.7.4 buildings having places of assembly with a capacity of more than one hundred and fifty (150) persons
 - 3.9.7.5 hotels
 - 3.9.7.6 motels
 - 3.9.7.7 dormitories
 - 3.9.7.8 public parking areas or lots with a capacity of twenty-five (25) or more automobiles
 - 3.9.7.9 public sidewalks and ways
 - 3.9.7.10 public areas of apartment buildings and condominiums containing twelve (12) or more units
 - 3.9.7.11 public areas of funeral homes
 - 3.9.7.12 public rest rooms and public areas of shopping centers and restaurants
- 3.10 "RECONSTRUCTION": the tearing down, removal, demolition or replacement of a public building or part of a public building.
- 3.11 "REMODELING": modification beyond an interior decoration or involving any structural change, or the refurbishing, updating, or redecorating of a public building for which the cost of such refurbishing, updating or redecorating equals or exceeds five percent of the full and fair cash value of the building.
- 3.12 Any facility being altered, remodeled or undergoing a change of use, the following shall apply:
- A. If the work being performed amounts to less than five (5) percent of the full and fair cash value of the facility, these Regulations do not apply.
 - B. If the work being performed amounts to more than five (5) percent but not more than twenty-five (25) percent of the full and fair cash value of the facility, only that portion of the work being performed shall comply with these Regulations.
 - C. If the work being performed exceeds twenty-five (25) percent of the full and fair cash value of the facility, the entire facility shall comply with these Regulations.

Section 3: DEFINITIONS cont'd.

- 3.7 "PATH OF TRAVEL": Passage that may consist of sidewalks and curb cuts, ramps, lobbies and corridors, elevators, etc., or a necessary combination thereof, that provides free and unobstructed access to and exit from particular area or location, in no instance less than thirty-six (36) inches wide, except as noted.
- 3.8 "PHYSICALLY HANDICAPPED PERSON":
- 3.8.1 a person confined to a wheelchair
 - 3.8.2 a person who, because of the use of braces or crutches or because of the loss of a foot or leg, or because of an arthritic, spastic, pulmonary or cardiac condition, walks with difficulty or insecurity
 - 3.8.3 a person who, due to a brain, spinal or peripheral nerve injury, suffers from faulty coordination or palsy
 - 3.8.4 a person who is blind or whose sight is so impaired that functioning in a public area, he is insecure or exposed to danger
 - 3.8.5 a person whose hearing is so impaired that he is unable to hear warning signals
 - 3.8.6 a person whose mobility, flexibility, coordination and perceptiveness are significantly reduced by aging.
- 3.9 "PUBLIC BUILDING": A building constructed by the Commonwealth or any political subdivision thereof with public funds and open to public use, including but not limited to those constructed by:
- 3.9.1 public housing authorities
 - 3.9.2 the Massachusetts Port Authority
 - 3.9.3 the Massachusetts Parking Authority
 - 3.9.4 the Massachusetts Turnpike Authority
 - 3.9.5 the Massachusetts Bay Transportation Authority
 - 3.9.6 building authorities of any public educational institution or their successor
 - 3.9.7 privately financed buildings that are open to and used by the public.
- Buildings that are open to and used by the public shall include, but not be limited to, the following:

A. APPLICABLE TO ALL FACILITIES: the following Regulations shall apply to all facilities:

Section 4: SITE CONDITIONS

- 4.1 Curbcuts are required wherever sidewalks or curbs are being constructed or reconstructed, and they shall comply with the following:
- 4.1.1 Location: Curb cuts shall be located, one (1) at each corner of each intersection, adjacent to the radius of the corner and at all street crossings; and in no case at a distance greater than fifteen (15) feet from the intersection of the curb lines. When curbs or sidewalks are constructed or reconstructed on only one side of the street, curb cuts shall be installed on the opposite side (s) of the street.
- 4.1.2 Slope of curb cuts shall not exceed one in twelve (1 in 12), and slope shall blend to a common level with the street. Where sidewalks are too narrow to install a straight-line curb cut at a slope of one in twelve (1 in 12), the flared or fanned sides of the curb cut shall also slope at one in twelve (1 in 12).
- 4.1.3 Width of curb cuts shall be not less than forty (40) inches, not including sloped sides.
- 4.1.4 The sides of curb cuts shall be sloped no less than eighteen (18) inches in width at the curb.
- 4.1.5 Curb height at intersections shall not exceed six (6) inches.
- 4.1.6 Texture of curb cut surface, including sloping sides, shall be roughened and rippled to provide identification to the visually handicapped. Curb-cut area shall be painted with yellow non-slip paint, including portion of street which provides access to curb cuts.
- 4.2 Disembarking areas for vehicles shall be provided for public entrance.
- 4.3 Topography or grounds shall be graded so as to attain a level at each entrance.
- 4.4 Site grading and drainage of topography shall be designed so as to minimize pooling of water or accumulation of ice or flow of water across sidewalks.

Section 5: PARKING SPACES, LOTS AND GARAGES

- 5.1 Parking spaces, lots and garages under the jurisdiction of these Regulations shall have specially designated spaces for the physically handicapped located closest to the facility entrances and shall comply with the following Rules and Regulations:
- 5.2 Such spaces shall be identified by a sign which states that these spaces are reserved for physically handicapped persons. This sign shall be located at a height not less than six (6) feet nor more than ten (10) feet above the ground floor. The sign shall also contain the "International Wheelchair Symbol" as shown in Section 18 of these Rules and Regulations.
- 5.3 Width: Such parking spaces which are perpendicular or diagonal to the parking roadway shall be twelve (12) feet wide and on a level surface. Spaces shall allow persons in wheelchairs to enter or leave an automobile on a level surface suitable for wheeling and walking.
- 5.4 Where sidewalks are provided at such parking spaces, a curb cut shall be installed at each specially designated space so that such persons are not required to enter the stream of traffic to attain access to sidewalks.
- 5.5 Number: Such spaces shall be provided as follows:
- | <u>All Spaces</u> | <u>Special Spaces</u> |
|-------------------|--------------------------------|
| - 25 | 1 space |
| 26 - 40 | 5% or two spaces |
| 41 - 100 | 4% 3 or 4 spaces |
| 101 - 300 | 3% but not less than 4 spaces |
| 301 - 800 | 2% but not less than 9 spaces |
| 801 - | 1% but not less than 16 spaces |
- 5.6 Walks and ramps leading from parking lots, garages or other parking facilities shall be in conformity with all sections of these Regulations.
- 5.7 Parking surface shall not slope more than five (5) percent.

Section 8: ENTRANCES

The primary public entrance/exit of a building undergoing alteration or remodeling shall be usable by persons in wheelchairs. In new construction and reconstruction where there is more than one primary public entrance/exit, no less than two (2) such entrances/exits shall be accessible and shall comply with the following:

The approach shall be a paved walk uninterrupted by steps, with non-slip surface pitched for drainage, sloped not over one in twenty (1 in 20), or a ramp shall be installed which conforms to the Regulations of Section 7.

At least one public entrance usable by persons in wheelchairs shall be on a level which provides access to elevators.

Vestibules, lobbies, foyers, etc., shall be a minimum length of seven (7) feet. Such vestibules with single doors shall provide space at the latch side of the doorway not less than one (1) foot.

Door mats less than one-half ($1/2$) inch thick shall be securely anchored at all edges to avoid tripping. Door mats thicker than one-half ($1/2$) inch shall be recessed. Grates shall have openings not exceeding five-eighths ($5/8$) of an inch in the least direction. Obstacles shall not impede the clear flow of traffic.

Objects which protrude into entranceways, such as suspended lights, signs, fixtures, etc., shall be at a height not less than eighty (80) inches above the floor. Door closers shall not remain within the opening of a doorway when a door is open and shall not protrude hazardously into entrances or corridors when the door is closed. Closing speed duration shall be set at not less than six (6) seconds.

Identification: If the primary entrance of a facility is not accessible by persons in wheelchairs, a sign shall be installed to clearly indicate the location of the accessible entrance.

Section 9: DOORS AND DOORWAYS

- 9.1 Doors in the path of travel and closet doors shall have a minimum width of thirty-six (36) inches. Pivoted doors and balanced-hardware doors shall be designed to produce a minimum clear opening not less than thirty-four (34) inches.
- 9.2 Each door of a pair of doors shall be a minimum width of thirty-six (36) inches, or shall produce a minimum clear opening of not less than thirty-four (34) inches each.
- 9.3 Maximum pressure to open exterior doors shall not exceed fifteen (15) pounds, and for interior doors shall not exceed five (5) pounds. Doors requiring greater force to activate shall be equipped with compensating devices to reduce the operating force or shall be equipped with automatic devices.
- 9.4 Interior thresholds shall be flush with the floor and exterior thresholds shall not exceed one-half (1/2) inch in height, beveled on both sides.
- 9.5 The floor inside and outside of each doorway shall be level for a distance of five (5) feet from the door. A single door shall have space which extends one (1) foot beyond the door at the latch side.
- 9.6 Height: Hand-operated door-opening hardware shall be centered thirty-six (36) inches to forty-two (42) inches above the floor. Doors in the path of travel shall be operable by levers, push plates, pull bars, panic bars, etc., but not door knobs.
- 9.7 Doors adjacent to revolving doors shall not be locked whenever revolving doors are unlocked.
- 9.8 Doors shall be operable with one hand and with a single effort. Doors shall be able to be unlocked and opened with one hand.
- 9.9 Doors opening into hazardous areas from the path of travel shall be equipped with door-opening hardware which is knurled or has a roughened surface to give tactile warning to the visually handicapped.

Section 10: Stairs

- 10.1 All stairs required for legal entrance/exit shall comply with the following Regulations:
- 10.2 Such stairs shall be located within the path of travel so as to lead to the exterior doorway.
- 10.3 Such stairs shall be constructed without projecting nosings. Risers may be sloped not to exceed one and one-quarter (1-1/4) inch of horizontal projection.
- 10.4 Handrails shall be set on both sides of such stairs at a height of thirty-three (33) inches above the point of intersection of tread and riser. Wall rails on each flight of such stairs shall extend eighteen (18) inches beyond the top and the bottom riser at a height of thirty-six (36) inches above the floor or landing, and shall be designed so they do not in themselves become a hazard.
- 10.5 Midrails shall be required in elementary schools and in buildings used mainly by small children; midrails shall be located on each side and set at nineteen (19) inches in height.
- 10.6 The hand-grip portion of handrails shall be not less than one and one-quarter (1-1/4) inches nor more than two (2) inches in outside diameter and shall be basically oval or round in cross-section, with no sharp corners.
- 10.7 Clearance between a wall and its wall rail shall be one and one-half (1-1/2) inches.
- 10.8 Stair treads shall have a non-slip surface. Carpeting fitted to stairs shall be specified as low pile, high density with no underlayment, shall be taut and securely anchored.
- 10.9 Open risers are permitted only on non-required stairs.

Section 11: FLOORS

- 11.1 Floors shall have a surface that is non-slip, i.e., a surface on which a crutch will not slip at an angle of 70° to the level floor when the surface is wet.

Section 11: FLOORS: cont'd.

- 11.2 Floor on a given story shall be of a common level throughout or be connected by a ramp as defined in Section 7.
- 11.7 Carpeting shall be specified as high density, low pile, non-absorbent, installed without backing, stretched taut and securely anchored at all edges. Edging strip shall not constitute a projection higher than three eighths ($3/8$) of an inch above the floor line.

Section 12: PUBLIC TOILETS

- 12.1 Where public toilets are required, they shall be designed to be usable by persons in wheelchairs.
- 12.2 Public toilets shall have a minimum clear floor space of five (5) feet by five (5) feet measured at the toe space level to permit turning of wheelchair without coming into contact with any fixtures.
- 12.3 Vestibules shall have doors thirty-six (36) inches wide, shall have a minimum clear length of six (6) feet and shall provide one (1) foot of wall at the latch side.
- 12.4 Toilet Stalls: Public toilets shall have at least one (1) toilet which:
- 12.4.1 is sixty-six (66) inches wide and seventy-two (72) inches deep,
 - 12.4.2 has a door (where doors are used) that is thirty six (36) inches wide, swings out, or slides out, or slides, and has a pull device at the hinge side or an automatic closing device to assist in closing the door, and has a lock thirty-six (36) inches above the floor,
 - 12.4.3 locates the water closet eighteen (18) inches from the center of the fixture to a side wall,
 - 12.4.4 has two (2) grab bars four (4) feet long, one centered on rear wall and one centered on the side wall closest to the water closet and set at a height of thirty-three (33) inches above and parallel to the floor. Grab bars shall be one and one-quarter ($1-1/4$) inches in outside diameter and with one and one-half ($1-1/2$) inch clearance between bar and wall fastened at both ends and at center.

Section 12: PUBLIC TOILETS cont'd.

- 12.4.5 has a water closet with the seat set at eighteen (18) inches above the floor.
- 12.4.6 has a water closet with a narrow understructure that recedes sharply.
- 12.5 Lavatories or sinks shall be wall-mounted without legs or pedestals; or they may be counter-type with clear open knee space of thirty-two (32) inches minimum width per lavatory. Spring-activated faucets are not allowed.
- 12.6 Height: Lavatories shall have a minimum clearance of thirty (30) inches vertically to the underside of the front apron of the counter or fixture and shall extend at least twenty-four (24) inches from the wall.
- 12.7 Exposed drain pipes and hot water pipes under a lavatroy shall be recessed, insulated or guarded.
- 12.8 Mirrors and shelves shall be set at a height no greater than forty (40) inches above the floor measured from the top of the shelf or the bottom of the mirror.
- 12.9 Urinals in public toilets shall be wall-mounted with the rim of the basin fifteen (15) inches above the floor.
- 12.10 Dispensers: Public toilets shall have an appropriate number of towel dispensers, drying devices and other types of dispensers, mounted so as to be usable at a height of forty (40) inches above the floor.

Section 13: ELEVATORS

- 13.1 Buildings falling under the jurisdiction of these Regulations having two (2) levels shall provide ramp or elevator to each level.
- 13.2 Doors to elevators in buildings which are being constructed or reconstructed, where only the shell of the building remains, shall provide a clear opening of thirty-six (36) inches minimum width. Doors to elevators in buildings which are being altered, remodeled, or undergoing a change of use shall provide a clear opening of thirty-two (32) inches minimum width.

Section 13: ELEVATORS cont'd.

- 13.3 Cab size: minimum interior dimensions of the elevator cab measured wall to wall (excluding the rub rail) shall be forty-eight (48) inches wide by fifty-four (54) inches deep minimum in new construction; and forty-eight (48) inches by forty-eight (48) inches minimum in existing construction.
- 13.4 Controls (including emergency telephone) of automatic elevators shall be located no higher than sixty (60) inches and no lower than thirty-eight (38) inches above the floor of the elevator. Numbers and letters shall be large raised or recessed for use by visually handicapped.
- 13.5 All controls for the elevators shall have large raised or recessed numbers/letters and light on dark background for use by the visually handicapped; and there shall be no ashtrays or other obstacles placed directly below or above. Audible signals shall be provided and the "up" signal shall be different from the "down" signal. Floor numbers shall be provided at each level on the elevator entrance jamb located on the right side when exiting and shall be raised or recessed and light on dark background (see also paragraph 18.2).
- 13.6 Rub rails shall be secured to all walls of the cab and located thirty-six (36) inches above the cab floor.
- 13.7 Doors shall have a sensitive safety edge. Doors shall have a sensing device to prevent closing while entering or exiting. Doors shall be set to close in not less than six (6) seconds.

Section 14: WATER FOUNTAINS

- 14.1 Where water fountains or coolers are provided at least one must be usable by persons in a wheelchair.
- 14.2 Water fountains shall have hand-operated controls and spout located at the front. Spout shall direct a stream of water parallel to front of fountain. Spring-activated faucet is not allowed. Other types of controls may be installed in addition to, but not instead of, hand-operated controls.
- 14.3 Wall-mounted water fountains shall be mounted with the basin rim set thirty-four (34) inches above the floor.
- 14.4 If floor-mounted water fountains are used with a basin rim higher than thirty-four (34) inches, either another lower fountain must be provided or a paper cup dispenser shall be mounted at thirty-four (34) inches.

Section 14: WATER FOUNTAINS cont'd.

- 14.5 Where water fountains are located in a recess, that recess shall not be less than thirty-two (32) inches wide and not deeper than the depth of the water fountain.

Section 15: PUBLIC TELEPHONES

- 15.1 Where public telephones are provided, at least one (1) public telephone shall be accessible to and usable by a person in a wheelchair. The dial, handset and coin deposit slots, or the highest operating part, shall be mounted not more than fifty-four (54) inches above the floor assuming vertical access.
- 15.2 The receiver shall be equipped with an inductive coil to provide a magnetic field for hearing aid telephone switches and so identified.
- 15.3 Unobstructed access within twelve (12) inches of the telephone shall be provided. Such access shall be a clear opening not less than thirty (30) inches in width.

Section 16: CONTROLS

- 1 Switches and controls for lights, ventilation, windows, draperies, and all similar controls shall be placed no higher than forty-eight (48) inches nor lower than forty (40) inches from the floor, with the exception of thermostats, intercoms, fire alarms which may be centered no higher than fifty-six (56) inches and electrical outlets which may be centered no lower than twenty-four (24) inches.
- 16.2 Doors with new hardware shall be operable by lever handles, panic bars or operating hardware other than door knobs.

Section 17: IDENTIFICATION BY THE VISUALLY HANDICAPPED

- 17.1 Where signs, numbers or graphics are being provided in the path of travel, they shall be raised or recessed and light on dark background suitable for reading by touch. Braille letters and numbers may be used in addition to but not instead of raised or recessed.
- 17.2 Location of such identification for apartments, room numbers, toilet rooms shall be placed at a height not less than sixty (60) inches and not higher than sixty-six (66) inches above the floor and located between six (6) and eighteen (18) inches from the door jamb.
- 17.3 Doors not intended for normal use and which might prove dangerous to the visually handicapped shall be quickly identifiable to the touch by knurling

Section 17: IDENTIFICATION BY THE VISUALLY HANDICAPPED cont'd.

- 17.3 or other roughening on the operating hardware; i.e., doors leading to loading platforms, boiler rooms, stages, electrical equipment rooms, etc.
- 17.4 Warning signals such as fire alarms, shall be equipped with visual signals as well as audible signals.

Section 18: IDENTIFICATION OF ACCESSIBLE FACILITIES

- 18.1 When a building complies with the Rules and Regulations of this Board, the International Wheelchair Symbol shall be displayed at the areas of accessibility, for example: entrances, parking spaces, lots and garages, exits, public toilets (see symbol below). This symbol may not be used where facilities do not comply with these Regulations.
- 18.2 Location of this symbol shall be as required in Section 17.2 of these Regulations. See also paragraph 8.7.

B. Applicable to Particular Facilities:

The following Rules and Regulations shall apply to the particular facilities hereinafter referred to in addition to those Rules and Regulations applicable to all facilities.

- 19.1 Governmental facilities shall include but not be limited to libraries, town halls, police and fire stations, court houses, etc. (except educational facilities - see Section 24).
- 19.2 In new construction and reconstruction, all two-story buildings shall provide ramp or elevator service to each level. Buildings of more than two levels shall provide elevator service to each level. Ramps may only be used to provide interior access to one floor above or one floor below primary entrance level.
- 19.3 Library aisles between fixed stacks shall be a minimum width of thirty-two (32) inches.
- 19.4 Sleeping facilities in fire stations need not comply with these Regulations.
- 19.5 Detention areas need not comply with Section 19 (see Section 26).

Section 20: COMMERCIAL BUILDINGS

- 20.1 Commercial buildings of more than two stories or employing more than forty (40) persons shall include but not be limited to offices and factories.

Section 21: APARTMENT BUILDINGS, CONDOMINIUMS, SHOPPING CENTERS,
RESTAURANTS AND FUNERAL HOMES

- 21.1 The public areas of stores, shopping centers, restaurants and funeral homes that are under the jurisdiction of these Regulations shall be those areas where the service or product of the establishment is offered to the public and the rest rooms provided for clientele in said areas and the primary entrance to said building.
- 21.2 The public areas of apartment buildings and condominiums containing twelve (12) or more units that under the jurisdiction of these Regulations shall be the general public function area and the primary entrance to said building.
- 21.3 Stores and shopping centers shall provide the following:
- 21.3.1 Aisles with a minimum clear width of thirty-six (36) inches.
- 21.3.2 All check-out lanes shall have a clear minimum width of thirty-two (32) inches or one lane with a minimum clear width of thirty-six (36) inches.
- 21.3.3 Wherever a turnstile is provide, an adjacent alternate gate or door shall be provided with a minimum clear width of thirty-six (36) inches.

Section 22: LODGINGS OR RESIDENTIAL FACILITIES

- 22.1 There shall be no construction, reconstruction, alteration, remodeling or change of use of a lodging or residential facility for hire, rent or lease, containing twenty (20) or more units unless five (5) percent of the units shall be made accessible, functional and safe units for physically handicapped persons in accordance with these Rules.
- 22.2 A lodging facility is one in which a lodger occupies a hired apartment in another's house and the owner or landlord retains general dominion over the house or building itself.
- 22.3 A residential facility is an apartment building arranged in several suites of connecting rooms, each suite designed for independent housekeeping but with certain mechanical conveniences in common to all families occupying the building.
- 22.4 The five (5) percent of the said units shall be determined as being five (5) percent of the units in each project.
- 22.5 Units designed for handicapped persons shall be proportionally allocated as to the number of bedrooms, size, quality and price as all other units in the facility.
- 22.6 A path of travel must be provided to all of the living units for the handicapped and said path of travel must totally comply with these Regulations.
- 22.7 The areas in a lodging or residential facility, hotel, motel and dormitory that are considered open to and used by the public, with the exception of the preceding Regulation 22.5, shall be the general public function areas.
- 22.8 All services provided in said lodging or residential facility, hotel, motel or dormitory such as vending areas, laundry facilities, public telephones, recreation and meeting areas must also be accessible to the handicapped or a clear path of travel provided to these service.

Section 23: EDUCATIONAL INSTITUTIONS

- 23.1 Educational institutions shall include, but not be limited to, public and private schools, colleges, and universities, training facilities and facilities of building authorities of any public educational institution including dormitories that are a part thereof.

23.1 Dormitories for personnel in training in the professions not ordinarily accessible to the handicapped (i.e. maritime academy, aviation school, etc.) are exempt from the elevator regulations (13.1) and the five (5) percent regulation (22.1).

23.3 Amphitheaters with step seating shall provide accessible student stations which are accessible at the main entrance level.

Section 24: HEALTH FACILITIES

24.1 Health facilities shall include, but not be limited to, hospitals, rehabilitation centers, nursing homes, clinics, medical buildings, alcohol and drug detoxification centers, community health centers and mental health centers.

24.2 Curb cuts shall be provided at the entrance so that physically handicapped persons may approach the facility independently.

Section 25: RECREATIONAL FACILITIES

25.1 Recreational facilities in a building exceeding two stories in height or a place of assembly with a capacity of more than one hundred and fifty (150) persons shall include, but not be limited to, rinks, pools, gymnasiums, stadiums and other spectator facilities, parks and arenas.

25.2 Buildings containing recreational facilities shall maintain a clear path of travel from street to all such facilities.

25.3 Swimming pools open to the public shall be located at a level accessible to the handicapped by ramp or elevator.

25.3.1 Entrance to such pools shall be made available to the physically handicapped by means of a removable or portable sling-lifting device. Pools primarily used for rehabilitation of physically handicapped persons shall have a ramp extending into the pool toward the shallow end, thirty (30) inches wide, clear with railings on each side, with a slope not exceeding one in six (1 in 6), or by a sling-lifting device.

25.3.2 Such pools shall provide and maintain unobstructed path of travel around the pool not less than forty-eight (48) inches wide. Such area shall have a surface that is non-slip when wet, such as wood-float concrete, broom-finish concrete, exposed aggregate concrete, carbarundum tile.

Section 25: RECREATIONAL FACILITIES cont'd.

- 25.4 Locker rooms shall be located so as to be accessible by a clear path of travel.
- 25.4.1 Locker room floors shall be a surface that is non-slip when wet.
(see Sections 11.1 and 25.3.2).
- 25.5 Bowling alleys on floors otherwise accessible shall provide at least two (2) adjacent lanes accessible to wheelchairs.
- 25.6 Tennis courts open to the public shall be accessible.
- 25.7 Playgrounds open to the public shall be accessible.
- 25.8 Parks: paths, trails, footbridges and docks shall be maintained as accessible paths of travel.
- 25.9 Campsites: to the extent that accommodations are provided shall be accessible.
- 25.10 Spectator facilities shall provide one (1) percent of the total seating capacity to be accessible area for those in wheelchairs. Such area may have removable seating. (see Sections 5.5 and 28).

Section 26: DETENTION FACILITIES

- 26.1 Detention facilities shall include, but not be limited to, correctional institutions and jails.
- 26.1.1 Non-secure areas of detention facilities shall comply with Sections 1-19.
- 26.1.2 Secure areas are exempt provided that alternate areas are available to physically handicapped person.

Section 27: TRANSPORTATIONAL TERMINALS

- 27.1 Transportational terminals shall include, but not be limited to airports, bus and train stations.
- 27.2 Overhead protection and/or snow-melting provision shall be incorporated in the immediate exterior area of the terminal entrances.
- 27.3 Where path of travel includes change of level, ramps or elevators, etc., shall be provided for the physically handicapped.

Section 27: TRANSFORMATIONAL TERMINALS cont'd.

- 27.4 To facilitate horizontal circulation, the following shall be provided:
- 27.4.1 Distance between platform and vehicle at boarding platform shall not exceed two (2) inches.
 - 27.4.2 The edge of the platform shall have a band of different texture and color of at least eighteen (18) inches wide warning of a danger zone.
 - 27.4.3 Rest area with seating at distance not to exceed three-hundred (300) feet.
- 27.5 Ancillary facilities (public toilet, telephone, etc.) shall comply with these Regulations and such facilities shall be identified as accessible.
- 27.6 Fare transaction and entry gates shall be accessible to physically handicapped persons.

Section 28: PLACES OF ASSEMBLY

- 28.1 Places of assembly coming under the provisions of these Regulations shall conform to the following requirement, in addition to requirements set forth in other codes and ordinances.
- 28.2 Such places of assembly shall provide a clear level space within the rear half of the assembly for wheelchair occupants, such spaces shall be provided as in Paragraph 5.5 Each wheelchair space shall be five (5) feet long and three (3) feet wide. In lieu of a clear space, there may be provided sections of fixed seating that can be readily unfastened in the rear half of the assembly hall and removed, when the occasion warrants. These wheelchair spaces may be on one side of double aisles only. In the absence of double aisles, side aisles shall provide such spaces.
- 28.3 Such designated area or areas shall in no way interfere with the required exit facilities of the place of assembly.
- 28.4 Where public toilets are required by other codes, they shall be provided on the accessible seating level, and shall comply with these Regulations. (see Section 12).

Section 29: HOUSES OF WORSHIP

- 29.1 Houses of worship which constitute place of assembly shall include but not be limited to churches, synagogues and meeting halls.
- 29.2 The Regulations of Section 28 shall not apply to this Section.

Section 29: HOUSES OF WORSHIP cont'd.

- 29.3 Public toilets or a lavatory shall be provided on the main seating level in all new construction and reconstruction.

Section 30: RESTAURANTS

- 30.1 Restaurants shall include, but not be limited to, cafeterias, lounges, bars and other places where food or beverages are served and are open to the public.
- 30.2 Dining areas shall provide a clear path of travel through the dining area not less than thirty-six (36) inches clear between occupied seating.
- 30.3 Cafeterias: food selection aisles shall maintain a minimum clear width of thirty-six (36) inches, including exit and entrance.
- 30.4 Cutlery and food display racks shall be visible and within reach of a person seated in a wheelchair.
- 30.5 Tables shall provide clear space under table top not less than thirty-two (32) inches wide per seating space nor less than twenty-seven (27) inches high to a depth of twelve (12) inches from the edge of the table.
- 30.6 Public toilets shall be provided on the accessible floor (s) in new construction or reconstruction and shall comply with Section 12 of these Regulations. In alteration and remodeling, existing facilities shall comply with Section 12 of these Regulations.

Section 31: DWELLING UNITS FOR PHYSICALLY HANDICAPPED PERSONS

- 31.1 Dwelling units are those intended for rent, hire or lease to physically handicapped persons but not less than five (5) percent of the total number of units in lodging or residential facilities for rent, hire or lease containing twenty (20) or more units.
- 31.2 Bathrooms shall provide or be adjustable to provide the following:
- 31.2.1 Size: Bathrooms shall provide space to allow persons in wheelchairs to approach the fixtures, space to allow transfer from wheelchair to use the fixtures, and a space of five (5) feet by five (5) feet clear measured at the toe space level. The door shall be three (3) feet wide and shall swing out or slide.

- 31.2.2 Water closet shall have a seat set eighteen (18) inches above the floor, shall be located eighteen (18) inches from the nearest wall. Distance center line, shall have walls capable of securing grab bars to suit individual requirements and shall have a clear space of thirty-two (32) inches minimum at one side to allow for side transfer from wheelchair, and clear space of forty-two (42) inches minimum at front.
- 31.2.3 Lavatory or sink shall be usable by persons in wheelchairs, shall be without legs or pedestal set with clear height of thirty (30) inches to underside of rim to allow wheelchair to approach front of lavatory. Front of lavatory shall extend at least twenty-four (24) inches from wall to allow toe space. Lavatory shall have recessed, insulated or guarded pipes to prevent scalding and shall have lever handles. Mirror over lavatory shall extend not less than thirty-eight (38) inches from floor to bottom of mirror.
- 31.2.4 Bathtubs shall be not less than sixty (60) inches long nor less than sixteen (16) inches high nor more than twenty (20) inches above the floor line. A built-in-seat eighteen (18) inches deep shall be provided at the head of the tub for safe transfer area. Tub bottom and seat shall have a non-slip surface. Tub controls shall be centered on long wall at eighteen (18) inches above the top of the tub and shall operate by a single control lever with a pressure-balanced mixing valve. Tub shall also provide a shower head attached to a flexible metal hose with adjustable wall mounting supplied from tub mixing valve.
- 31.2.5 Showers shall be wheel-in-type with no curb. Stall shall be not less than sixty (60) inches wide and forty (40) inches deep with floor pitched to drain within stall at corner farthest from entrance. Floor shall be carbarundum or grit-face tile or other non-slip surface. Shower shall operate by a single control lever with a pressure balanced mixing valve, and all controls located at center of long wall. Shower stall shall provide a shower head attached to a flexible metal hose with wall mounting adjustable from forty-two (42) inches to seventy-two (72) inches above the floor line. Soap tray shall be large, approximately twelve (12) inches wide by eight (8) inches high and recessed. Stall shall include a hinged seat sixteen (16) inches deep, folding upward, securely attached to the side wall and set eighteen (18) inches above the floor line.
- 31.2.6 Grab bars shall be able to support two-hundred and fifty (250) pounds for one (1) hour. shall be non-rusting and knurled, shall be on and one-

- 31.2.6 quarter (1-1/4) inches in outside diameter and set not more than one and one-half (1-1/2) inches clear from the wall. Walls shall be capable of securing grab bars at any height. Grab bars in shower stalls shall be L-shaped approximately forty (40) inches by sixty (60) inches long and placed thirty-six (36) inches above the floor line. Grab bars at tubs shall be forty-eight (48) inches long and set at both five (5) inches and thirty (30) inches above the top of the tub located on the long wall only. Grab bars at toilets shall be thirty (30) inches long set thirty-three (33) inches above the floor and located on one side wall only. Additional grab bars may be added to suit individual requirements.
- 31.2.7 Accessories: Bottom of mirror over lavatory shall be no higher than thirty-eight (38) inches above floor line. Top of mirror shall be not lower than seventy-two (72) inches. Medicine cabinets shall be set no higher than thirty-eight (38) inches above the floor line to bottom of cabinet.
- 31.2.8 Towel racks shall be able to support two-hundred and fifty (250) pounds for one (1) hour.

31.3 Kitchen size shall allow persons in wheelchairs to use all kitchen facilities and shall provide not less than a clear space of sixty (60) inches by sixty (60) inches measured at the toe space level. Toe spaces shall be not less than six (6) inches deep and eight and three-quarter (8-3/4) inches high.

31.3.1 Floor cabinets shall be capable of being set at various heights so as to provide adjustable counter height. Counter height shall be adjustable from twenty-seven (27) inches to thirty-six (36) inches from floor to underside of counter construction; wall cabinet height shall be adjustable from forty-five (45) inches to fifty-six (56) inches above the floor. All cabinets shall contain adjustable shelves.

31.3.2 Access space under counters at sink and range shall be provided not less than thirty-two (32) inches wide.

31.4 Sink depth shall not exceed six (6) inches. Sink trap shall be located as close to rear wall as possible. Plumbing pipes shall be recessed, insulated or guarded. Faucets shall be swivel, shall have pressure balanced mixing valve and aerator; shall be operable by a single lever and shall provide a spray hose

Section 31: DWELLING UNITS FOR PHYSICALLY HANDICAPPED PERSONS cont'd.

- 31.4 Garbage disposals shall be provided in units for the handicapped, with control switch under counter and at the front.
- 31.5 Cooking range shall be the drop-in counter type, with controls at front, with open access space under counter. Oven shall be wall-oven type set at counter height with side-hinged door which shall swing away from counter burners. Controls shall be at the front not higher than forty-eight (48) inches above the floor.
- 31.6 Refrigerator in dwelling units for the handicapped shall be combination refrigerator freezer type with two (2) doors side by side and self-defrosting.
- 31.7 Bedrooms, dormitory rooms, hotel and motel rooms shall provide access space for persons in wheelchairs to use all furniture to reach the windows and the closet pole.
- 31.8 Closet shelves and pole shall be adjustable from forty-two (42) inches to seventy-two (72) inches. Closet doors shall permit access to and use of the entire closet.
- 31.9 Windows shall be operable by a person in a wheelchair.
- 31.10 Rooms shall provide space for persons in wheelchairs to use the rooms for the purpose intended.

APPENDIX

- A. General Law, Chapter 22, Section 13A (see 1.1 herein)
- B. Chapter 528 of the Acts of 1974, Section 2 (see 1.2 herein)
- C. General Law, Chapter 23B, Section 17

. . .Whoever violates any provision of the State Building Code, except any specialized code, as described in Section nineteen (19), which heretofore may have provided different penalties, shall be punished by a fine of not more than one-thousand dollars (\$1,000) or by imprisonment for not more than one (1) year, or both, for each such violation. Each day during which any portion of a violation is permitted to exist shall constitute a separate offense.

General Law Chapter 23B, Section 19, Incorporation of Specialized Codes, Rules or Regulations.

The State Building Code shall incorporate any specialized construction codes, Rules or Regulations pertaining to building construction, reconstruction, alteration, repair or demolition promulgated by and under the authority of the various Boards which have been authorized from time to time by the General Court. The specialized codes referred to in this section shall include, but not be limited to, the State Plumbing Code, Electrical Code, Fire-Safety Code and Elevator Code.

- D. 1.1 Wheelchair dimensions: The collapsible-model wheelchair of tubular-metal construction with cloth or plastic upholstery is the most prevalent model manufactured and typically has the following dimensions:
 - 1.1.1 Length forty-eight (48) inches.
 - 1.1.2 Width when opened: twenty-eight (28) inches.
 - 1.1.3 Width when collapsed: thirteen and one-half (13-1/2) inches.
 - 1.1.4 Height of seat from floor: nineteen and one-half (19-1/2) inches.
 - 1.1.5 Height of arm rest from floor: twenty-nine and one-half (29-1/2) inches.

APPENDIX E cont'd.

1.2

Wheelchair use characteristics:

- 1.2.1 Space required to turn a wheelchair three hundred and sixty (360) degrees is approximately sixty (60) inches by sixty (60) inches or approximately a sixty (60) inch diameter circle.
- 1.2.2 Space required for two wheelchairs to pass each other is sixty (60) inches.
- 1.2.3 Vertical reach (averages sixty (60) inches above floor.
- 1.2.4 Horizontal reach at table, desk, etc.) averages thirty (30) inches.
- 1.2.5 Diagonal reach (at wall-mounted dial telephone, towel dispenser, shelf, etc.) averages forty-eight (48) inches above the floor.

1.3

Crutch use characteristics:

- 1.3.1 Width of path of travel of an individual five (5) feet six (6) inches tall averages thirty-one (31) inches.
- Width of path of travel of an individual six (6) feet six (6) inches tall averages thirty-four (34) inches.

E.

Application for a variance: A variance may be granted if the Board determines that compliance with these Rules and Regulations is impracticable in the particular case. In such case the Board may provide for modification of, or substitution for such Rules or Regulation.

Application for such modification or substitution shall be made to the Board by the owner or by one in possession of said public building or upon application of the person in charge of said construction, reconstruction, alteration or remodeling. Said application shall be made upon a form provided by the Board and shall contain such information as is required by the Board and be signed by said applicant

F.

Miscellaneous information about Regulations:

- 1. Private lavatory rooms may be substituted by Paragraph 12.1, where necessary, where limiting conditions require. A private lavatory room is one which is not generally open to the public but is restricted to the use of specially authorized personnel.

ARCHITECTURAL BARRIERS BOARD

A true copy, Attest:

Robert J. Lynch
 ROBERT J. LYNCH
 Member, Chairman

Robert C. Capasso
 ROBERT C. CAPASSO
 Member,
 Secretary of Public Safety Designee

Janet A. Minch
 JANET A. MINCH
 Member

Ann E. Downing
 ANN E. DOWNING
 Member,
 Secretary of Elder Affairs Designee

Michael A. Ross
 MICHAEL A. ROSS
 Member

Donald W. Hey
 DONALD W. HEY
 Member

Maureen A. Winn
 MAUREEN A. WINN
 Member

Deposited with the
 Secretary of the Commonwealth
 on

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY STATE HOUSE, BOSTON, MASS.

*Rules and Regulations filed in this Office under the provisions of
CHAPTER 30A as amended.*

Filed by ARCHITECTURAL BARRIERS BOARD

Rules of Adjudicatory Proceedings and for the Adoption of Administrative Regulations.

Date Filed June 24, 1975

Date Published June 30, 1975

Chapter 233, sec. 75

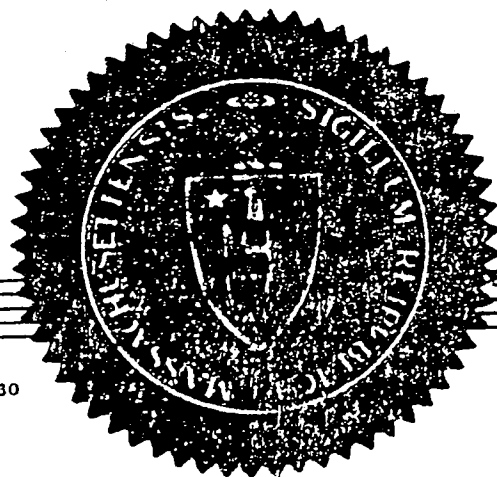
Printed copies of rules and regulations purporting to be issued by authority of any department, commission, board or Officer of the Commonwealth or any city or town having authority to adopt them, or printed copies of any ordinances or town by-laws, shall be admitted without certification or attestations, but if this genuineness is questioned, the court may require such certifications or attestations thereof as it deems necessary.

Attested as a true copy

PAUL GUZZI

Paul Guzzi

SECRETARY OF THE COMMONWEALTH



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200(15)8-75 R061480-0671

Estimated cost per copy \$0.30

16-1A
\$0.50

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The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC SAFETY

RULES OF ADJUDICATORY PROCEEDINGS
BEFORE THE
ARCHITECTURAL BARRIERS BOARD
AND FOR THE ADOPTION OF ADMINISTRATIVE REGULATIONS

RECEIVED
JUN 2 - 1975
SECRETARY'S OFFICE



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC SAFETY

1 Ashburton Place
Boston, Mass. 02202

RULES OF ADJUDICATORY PROCEEDINGS

BEFORE THE

ARCHITECTURAL BARRIERS BOARD

AND FOR THE ADOPTION OF ADMINISTRATIVE REGULATIONS

These Regulations are issued by the Architectural Barriers Board, under the authority set forth in General Laws, chapter 22, section 13A, and in accordance with the procedures set forth in General Laws, chapter 30-A.

Section 1.00 DEFINITIONS

In these regulations the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meaning:

"Commissioner",	the Commissioner of Public Safety
"Chairman",	the Chairman of the Architectural Barriers Board
"Department",	the Department of Public Safety
"Board",	Architectural Barriers Board

SCOPE AND APPLICATION OF RULES:

Section 1.01

The following rules govern procedure in "adjudicatory proceedings" conducted before the BOARD and are subject to the provisions of G.L., c. 30A, the State Administrative Procedure Act. "Adjudicatory proceedings" are defined by the Act as proceedings "in which the legal rights, duties or privileges of specifically-named persons are required by constitutional right or by any provision of the General Laws to be determined after opportunity for an agency hearing". (G.L., c. 30A, s. 1 (1)).

Such proceedings may include, but are not limited to, hearings relating to application for licenses or other permits; hearings on contemplated suspensions, revocations or other disciplinary actions; and adversary proceedings where the rights of more than one party are to be adjudicated by the Department.

The rules contained herein are not applicable to hearings of other BOARD activities which do not conform to the definition of "adjudicatory proceedings". However, where the rules do apply the BOARD may not waive or otherwise modify them except to the extent specifically provided herein.

Section 1.02 - DOCKET

The CHAIRMAN shall keep a book known as a docket, and shall enter therein all papers relating to every proceeding to which these rules apply.

Section 1.03 OFFICE HOURS

The offices of the BOARD shall be open from 9:00 A.M. to 5:00 P.M. each weekday except Saturday, Sunday, and Legal Holidays.

Section 1.04 - COMMUNICATIONS

All communications, including correspondence, motions and pleadings should be addressed and filed with the

CHAIRMAN,

Architectural Barriers Board
DEPARTMENT OF PUBLIC SAFETY
1 Ashburton Place
Boston, Massachusetts, 02202

Section 1.05 - DATE OF RECEIPT

All communications, including correspondence, motions and pleadings, shall be deemed to be filed or received on the date on which they are actually received by the BOARD party or other person.

Section 1.06 - COMPUTATION OF TIME

Computation of any period of time referred to in these rules shall begin with the first day following that on which the act which initiates such period of time occurs. When the last day of the period so computed is a day on which the office of the BOARD is closed, the period shall run until the end of the following business day. When such period of time, with the intervening Saturdays, Sundays and legal holiday counted, is five(5) days or less, the said Saturdays, Sundays and legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

Section 1.07 - EXTENSIONS OF TIME

It shall be within the discretion of the BOARD to extend, for good cause shown, any time limit prescribed or allowed by these rules. All requests for extensions shall be made by motion in accordance with section 3.01.

The BOARD shall notify all parties of its action upon the motion. Extensions shall be granted only when the BOARD is satisfied that good cause has been shown, and not otherwise.

Section 1.08 SIGNATURES

Every application, notice, pleading, petition, complaint, motion, brief, memorandum and other document shall be signed by the filing party or by one or more attorneys, in their individual names on behalf of, and representing the said filing party. This signature constitutes a certificate by the signer that he has read the document; that to the best of his knowledge every statement contained in the instrument is true; and that is not interposed for delay.

Section 1.09 EX PARTE COMMUNICATIONS

In an adjudicatory proceeding no person not employed by the BOARD shall communicate EX PARTE with any member of the BOARD or any employee of the BOARD involved in the decisional process, with respect to the merits of that or any other proceeding. In an adjudicatory proceeding, if an EX PARTE communication is directed to any person in violation of the first sentence,

the CHAIRMAN OF THE BOARD and all other parties shall be immediately informed of the substance of the communication and the circumstances of its receipt; PROVIDED, that a request for information with respect to the status of an adjudicatory proceeding shall not be prohibited by this section.

PLEADINGS

Section 2.01 INITIAL PLEADING

(1) An initial pleading, as used herein, shall refer to any paper or document by which an adjudicatory proceeding may be commenced. Such papers or documents shall include but not be limited to applications, petitions, charges, complaints and appeals.

(2) Every initial pleading, as far as possible, shall contain the following:

- (a) A title which indicates either the nature of the proceedings or the parties involved therein.
- (b) The complete name and address of the party filing the pleading.
- (c) The name of the BOARD to which the pleading is directed.

(d) The name and address of all other parties.

(e) A clear and concise statement of the facts upon which the pleading is maintained.

(f) In the case of appellate proceedings, a clear and concise statement of the appellant's objections to the decision or action from which the appeal was taken.

(g) A prayer setting forth the relief sought.

(h) If the party filing the pleading is represented by counsel, the name and address of the attorney.

(3) The BOARD may print or otherwise duplicate forms to be filled out and used as initial pleadings. When such forms are available the BOARD may require their use.

Section 2.02 ANSWER

Any party may file with the BOARD an answer to an initial pleading within fourteen (14) days after service of the document to which the answer is directed. All allegations contained in said initial pleading which are not specifically admitted are deemed denied. All new matter contained in said answer shall be deemed denied.

The answer shall contain but not be limited to the following:

- (a) A clear and concise statement identifying the party filing the answer and the matter to which the answer relates.
- (b) A clear and concise statement of all matters upon which the party relies.

Section 2.03 REPLIES

There shall be no reply other than an answer as provided in section 2.02.

Section 2.04 AMENDMENTS TO PLEADINGS

Leave to file amendments to any pleading will be allowed or denied as a matter of discretion; provided, however, leave to amend shall be freely given as justice requires. If amendment is made to an initial pleading, the answer to said amended pleading, if any, shall be filed within seven (7) days.

applications, notices, pleadings, petitions, motions, briefs, memoranda and other documents, filed by any party or other person with the BOARD or a hearing officer as defined by section 8.04 shall be served by personal delivery or by first-class mail upon all parties to the proceedings. Proof of service shall accompany all papers when filed or shall be filed within ten (10) days thereafter.

PARTIES: INTERVENTION:

Section 5.01 - SUBSTITUTION OF PARTIES

The BOARD may, on motion, at any time in the course of any proceeding, permit such substitution of parties as justice or convenience may require.

Section 5.02 - INTERVENTION

Any party not initially joined in the action or proceeding shall be permitted to intervene. In the discretion of the BOARD any person not a party may be permitted to intervene in any action or proceeding. A person or party desiring to intervene shall file a motion in accordance with section 3.01, which motion shall state therein the grounds for intervention.

EVIDENCE: SUBPOENAS:

Section 6.01 - EVIDENCE

The BOARD as provided in G. L., c. 30A, s. 11, need not observe the rules of evidence observed by courts, but shall observe the rules of privilege recognized by law, except as otherwise provided by any law.

Section 6.02 - MATTERS FOR OFFICIAL NOTICE IN BOARD PROCEEDINGS.

(1) Official notice may be taken of such matters as might be judicially noticed by the courts of the United States or of this Commonwealth and in addition, may take notice of general, technical, or scientific facts within their specialized knowledge; provided, that any party shall on timely request be afforded an opportunity to contest the matter of which official notice is to be taken.

(2) Official notice in the BOARD proceeding also may be taken of any fact alleged, presented, or found in any other proceeding of the BOARD or of the status and disposition of such proceeding; provided, that the parties shall be afforded in all circumstances where such notice is taken an opportunity to contest the matters of which official notice is to be taken.

Section 6.03 - OBJECTIONS AND EXCEPTIONS

Formal exceptions to rulings on evidence and procedure are unnecessary. It is sufficient that a party, at the time that a ruling of the BOARD is made or sought, makes it known to the BOARD the action which he desires taken or his objections to such action and his grounds therefor; provided, that if a party has no opportunity to object to a ruling at the time that it is made or to request a particular ruling at an appropriate time, such party, within three (3) days of notification of action taken or refused, shall state his objection and his grounds therefor.

Section 6.05 - SUBPOENAS

The BOARD and all other parties shall have authority in accordance with G. L. c. 30A, s. 12 to issue subpoenas requiring the attendance and testimony of witnesses and the production of any documents in question in the proceeding.

Section 6.05 - PRODUCTION AND VIEW OF OBJECTS

A party may file a motion for the production or view of any object which relates to the subject matter of any proceeding then pending before the BOARD. Said motion shall be filed in accordance with section 3.01 and shall be granted in the discretion of the BOARD where justice requires.

Section 6.06 - USE OF RECORDS

A party may use public records. A party may use all records which do not qualify as public records, unless made confidential by law, on file in the BOARD and which may, at the discretion of the BOARD be open for inspection and a copy thereof made available upon the payment of a reasonable fee.

DEPOSITIONS AND STIPULATIONS:

Section 7.01 - DEPOSITIONS

(1) At any time during the course of a proceeding the BOARD may, in its discretion, order that the testimony of a witness be taken by deposition. Application to take testimony of a witness by deposition shall be made by motion, in accordance with section 3.01.

Such motion shall set forth the reason for desiring the deposition; the time when, the place where, and the name and address of the person before whom the deposition is desired; the name and address of each witness, and the subject matter concerning which each witness is expected to testify.

The BOARD shall allow the motion only upon a showing that circumstances are such that the witness to be deposed cannot appear before the BOARD without substantial hardship being caused. If such hardship is financial in nature, any party may agree to reimburse the witness for expenses, including loss of wages, incurred by appearing; and in such cases the motion to allow taking of a deposition shall be denied. Motions for the

taking of depositions shall not be allowed if the depositions result in undue burden to another party or in an undue delay of the proceeding. If the motion is allowed, the BOARD shall give at least five (5) days notice of the taking of the deposition to all parties.

(2) Depositions shall be taken orally before a person having power to administer oaths, such person to be designated by the BOARD. Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross examine. Objections to questions shall be in short form, stating the ground of objection relied upon. The questions asked, the answers thereof, and all objections shall be reduced to writing, signed by the witness, and certified by the officer before whom the deposition is taken. The said officer shall forward the deposition to the BOARD.

Subject to appropriate rulings on objections, the deposition shall be received in evidence as if the testimony contained therein had been given by the witness in the presence of the BOARD.

(3) After notice is served for taking a deposition, upon motion made in accordance with section 3.01 and made prior to the date set for such taking by any party or by the person to be examined, the BOARD may, for good cause shown, order that the deposition shall not be taken; that certain matters shall not be inquired into; or that the scope of the examination shall be limited to certain matters. The BOARD may make any other order necessary to protect the party or witness from harassment or oppression.

(4) Wherever used in this section, the word "witness" shall be construed to include parties.

Section 7.02 - STIPULATIONS

In the discretion of the BOARD the parties may, by stipulation in writing filed with the BOARD

at any stage of the proceedings, or orally made at the hearing, agree upon pertinent facts in the proceeding. In making its findings, the BOARD need not be bound by such stipulation.

HEARING

Section 8.01 - NOTICE OF HEARING

The BOARD shall notify all parties and intervenors of a scheduled hearing in any pending matter. Such notification shall include, but need not be limited to, the time, date, place and nature of the hearing and shall be served at least seven (7) days prior to the hearing on all parties or others according to section 4.01.

Section 8.02 - HEARING

(1) Presiding Officer. Unless the statute shall otherwise specify, the hearing shall be conducted by a duly appointed hearing officer, the Chairman of the Board before whom the hearing is being held, or a member of the board appointed by the Chairman.

(2) Quorum. Where the hearing is to be conducted before the Board, a quorum for purposes of conducting the hearing shall be a majority of the members.

(3) Power of the Presiding Officer. The presiding officer shall initially make all decisions regarding the admission or exclusion of evidence or any other procedural matters which may arise in the course of the hearing.

(4) Sworn Testimony. All testimony given at a Board hearing shall be under oath administered by the presiding officer.

(5) Order of Presentation. The moving or complaining party shall present his evidence or testimony first. Where there is more than one moving or complaining party the order of presentation shall be in the discretion of the Board.

After all the evidence and testimony of the complaining or moving parties have been received, all other parties

shall be allowed to present their evidence or testimony. All parties, other than the party introducing the testimony, shall be allowed to cross-examine any witness immediately after his testimony has been received.

(6) Conduct. All parties, counsel, witnesses, and other persons present at a hearing shall conduct themselves in a manner consistent with the standards of decorum commonly observed in the courts of this Commonwealth. Where such decorum is not observed, the BOARD may take such action as it deems appropriate.

Section 8.03 - TRANSCRIPTS

At the request of any party, made in writing at least three (3) days before the hearing date, or of its own accord, the BOARD shall order that all proceedings in a pending case be taken by sound recording or be officially reported by a stenographer appointed for that purpose and duly sworn. The BOARD shall require any party requesting a copy of the transcript to pay the reasonable costs of preparing said transcript before the BOARD makes the transcript available to the party. Any objections to the accuracy of the transcript not raised within thirty (30) days after the transcript is made available to the objecting party shall be deemed to be waived.

Section 8.04 - HEARING OFFICERS

Where authorized by statute, the BOARD may appoint a hearing officer. The hearing officer shall have all those powers conferred on the BOARD in the conduct of hearings except that the hearing officer shall not be empowered to make any decision which would finally determine the proceedings. A comprehensive report shall be filed with the BOARD by the hearing officer after termination of the hearing.

Section 8.05 - HEARING OFFICER'S REPORT, INITIAL AND FINAL DECISIONS.

(1) Any party may, in advance of hearing, request in writing a copy of the hearing officer's report or, in event that the final decision is to be rendered by persons, a majority of whom have neither heard nor read the evidence, a copy of the tentative decision of the official at the hearing. Unless the tentative decision or the hearing officer's report is adverse to the BOARD said decision or report shall be mailed to each party after the expiration of the time set for filing briefs. If the decision or report is adverse to the BOARD no copy thereof need be mailed.

(2) Upon the proper filing and service of objections, the BOARD shall allow either oral or written arguments to be presented to the BOARD. The choice of oral or written argument to be in the discretion of the BOARD.

Section 8.06 - ORAL ARGUMENT.

A party shall have a right before the close of the hearing to argue orally, but the BOARD may impose reasonable limitations upon the length of such argument. The BOARD may in its discretion permit additional oral argument at any time after the close of a hearing, provided all parties are given reasonable opportunity to be heard.

CONSOLIDATION; CONTINUANCES; SATISFACTION OF COMPLAINT:

Section 9.01 - CONSOLIDATION

The BOARD upon its own motion, or upon motion by a party or other person joined in the proceeding, may order proceedings involved in a common question of law or fact to be consolidated for hearing on any or all of the matters in issue in such proceedings.

Section 9.02 - CONTINUANCES

The BOARD may, for good cause shown, grant a postponement or a continuance of proceedings.

Section 9.03 - SATISFACTION OF COMPLAINT

In any proceeding in which a party is charged with the commission of an act contrary to law, the proceeding shall not be discontinued except with the consent of the party charged.

BRIEFS AND POST-HEARING PROCEDURE:

Section 10.01 - BRIEFS

Briefs may be filed by a party or any interested person either before or during the course of a hearing, or within such time thereafter as the BOARD shall designate. Failure to file a brief shall in no way prejudice the rights of any party.

Section 10.02 - FILING OF DOCUMENTS SUBSEQUENT TO HEARING

The BOARD may, for good cause shown, allow the parties to file evidentiary documents of any kind, or exhibits, at a time subsequent to the completion of the hearing, such time to be determined by the BOARD.

If a request for such subsequent filing is granted, the requesting party shall, on or before the date set for filing, send copies of all documents or exhibits which are the subject of the request to all other parties. If such requirement for copies is impracticable, the BOARD may suspend the above provision; in such cases the BOARD shall allow reasonable inspection of the original by all parties.

Section 10.03 - REOPENING HEARINGS

A party may, at any time prior to the rendering of a decision by the BOARD move that the hearing be reopened for the purpose of receiving new evidence. Such motions shall be filed in accordance with the provisions of section 3.01

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and shall be granted only for good cause shown. The BOARD shall notify all parties of its action upon the motion. Notwithstanding the above, the BOARD may, at any time prior to the rendering of the decision, reopen the hearing on its own motion. In case of such reopening on motion of the BOARD the parties shall be notified, and the hearing shall not be convened less than five (5) days after the sending of such notices.

Section 10.04 - REHEARING;
REARGUMENT;
RECONSIDERATION:

Any party may file a motion for rehearing, reargument or reconsideration within thirty (30) days after a receipt of a final decision of the BOARD.

Such motion shall be filed in accordance with section 3.01 and in addition, shall include a statement of all matters alleged to have been erroneously decided and if applicable, a statement as to any newly discovered matters or circumstances that have arisen subsequent to the final decision. The filing of said motion shall not operate as a stay of execution unless so ordered by the BOARD.

Section 10.05 - APPEAL

Unless a section of the General Laws shall otherwise specify, appeals from the decisions of the BOARD shall be dealt with as provided by General Laws, chapter 30A, section 14.

RULES FOR ADOPTING
ADMINISTRATIVE REGULATIONS:

RULE 1. DEFINITION OF
REGULATION

The following rules govern the procedures to be followed by the BOARD subject to the State Administrative Procedure Act when promulgating regulations (G. L., c. 30A, s. 2 and 3).

The term "regulation" is defined by the Act as "the whole or any part of every rule, regulation, standard or other requirement of general application and future effect adopted by an agency to implement or interpret the law enforced or administered by it". (G. L., c. 30A, s. 1 (5). "Regulation" does not, however, include advisory rulings, rules relating to the internal management of the BOARD and not directly related to the rights or procedures available to the public, or decisions rendered in adjudicatory proceedings. Accordingly, these rules apply to agencies which are acting in a quasi-legislative capacity, i. e., either promulgating substantive regulations consistent with applicable statutes or promulgating rules governing their own procedures. Where these rules apply, the BOARD may not waive or otherwise modify them except to the extent specifically provided herein.

RULE 2 - PETITION FOR ADOPTION
OF REGULATIONS

Any interested person or his attorney may at any time petition the BOARD to adopt, amend or repeal any regulation. The petition shall be addressed to the BOARD and sent to the CHAIRMAN by mail or delivered in person during normal business hours. All petitions shall be signed by the petitioner or his attorney, contain his address or the address of his attorney, and set forth clearly and concisely the text of the proposed regulation. The petition may be accompanied by any supporting data, views or arguments.

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**RULE 3 - INITIAL PROCEDURE
TO HANDLE RECOMMENDED
REGULATIONS**

Upon receipt of a petition for the adoption, amendment or repeal of a regulation submitted pursuant to Rule 2 or upon written recommendation by a member of the BOARD that a regulation be adopted, amended or repealed, the BOARD shall consider the petition or recommendation at the next scheduled meeting of the BOARD and shall thereupon determine whether to schedule the petition or recommendation for further proceedings in accordance with Rule 5 or 6.

If the regulation has been presented to the BOARD by petition under Rule 2, the BOARD after the next scheduled meeting of the BOARD shall within ten (10) days notify the petitioner of the BOARD'S action.

**RULE 4 - PARTICIPATION AT
PRELIMINARY MEETING**

During the meeting referred to in Rule 3, the BOARD may, but shall not be required to, entertain comments or questions from members of the audience. The CHAIRMAN or other presiding officer may at any time terminate participation by the audience.

**RULE 5 - PROCEDURE FOR THE
ADOPTION, AMENDMENT
OR REPEAL OF REGULA-
TIONS WHERE NO PUBLIC
HEARING IS REQUIRED.**

(1) NOTICE -

Notice of the proposed action to adopt regulations shall be given by the BOARD at least twenty-one (21) days prior to its proposed action, unless some other time is specified by any applicable law. the BOARD shall publish the notice in at least

one (1) newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn and where appropriate, in such trade, industry or professional publications as

the BOARD may select. The BOARD shall likewise notify in writing any person specified by any law and any person or group which has filed request for notice pursuant to G.L., c. 30A, s. 3 (1) (b). The notice shall contain the following:

a. The BOARD'S statutory authority to adopt the proposed regulation.

b. The procedure for submitting data, views or arguments as set forth in section two (2) of this rule.

c. The text of the proposed regulation (if the proposed regulations is lengthy, it need not be set out verbatim; however, the notice should either describe the substance or the proposed regulation or state the subject matter and issues involved).

d. Any additional matter required by any law.

The above notwithstanding, the BOARD shall also comply with any applicable statute which contains provisions for notice which differs from those contained herein.

(2) - PROCEDURE -

Within twenty-one (21) days after the publication and sending of notice regarding the proposed action, any interested person may submit a signed letter, brief or other memorandum stating his views or argument concerning the proposed action. The letter, brief or memorandum shall be addressed to the BOARD and sent to the CHAIRMAN by mail or delivered in person during normal business hours.

The BOARD
at its next scheduled meeting shall
consider the proposed action. With-
in thirty (30) days after
the BOARD
meeting, the BOARD
shall give written notice of the disposi-
tion of the proposed action to all per-
sons required to receive personal notice
under section (1) of this rule and such
other persons submitting a letter, brief,
or other memorandum.

(3) - ORAL PARTICIPATION -

The BOARD
may afford any interested person
or his duly authorized representa-
tive, or both, an opportunity to
present data, views or arguments
orally before the BOARD
at which the proposed action
is to be considered.

If the BOARD
finds that such oral presentation is un-
necessary or impractical, it may re-
quire written presentation according to
section (2) of this rule.

(4) - WAIVER OF NOTICE AND PARTICIPATION -

If the BOARD
finds that the requirements of notice and
opportunity to present views on its pro-
posed action are unnecessary, impractic-
al or contrary to the public interest,
the BOARD
may dispense with such re-
quirements or any part thereof.
The BOARD'S
finding and a brief statement of the
reasons for its finding shall be incorporat-
ed in the regulation, amendment or repeal
as filed with the Secretary of State under
Rule 8.

RULE 6 - PROCEDURE FOR THE ADOPTION, AMENDMENT OR REPEAL OF REGULATIONS WHERE A PUBLIC HEARING IS REQUIRED.

(1) NOTICE -

Notice of a public hearing shall be given at
least twenty-one (21) days prior to the date
of the hearing, unless some other time is
specified by any applicable law. The BOARD
shall publish the notice in at least one (1)
newspaper in each of the cities of Boston,
Worcester, Springfield, Fall River, Lowell
and Lynn and where appropriate, in such trade,
industry, or professional publications as the
BOARD may select. The BOARD shall likewise
notify in writing any person specified by law
and any person or group which has filed written
request for notice pursuant to G.L.
c. 30A, s. 2 (1) (b)). The notice shall contain
the following:

a. The BOARD'S
statutory authority to adopt the propos-
ed regulation.

b. The time and place of the public
hearing.

c. The text of the proposed regula-
tion. (If the proposed regulation is
lengthy, it need not be set out verbatim;
however, the notice should either
describe the substance of the proposed
regulation or state the subject matter
and issues involved).

d. Any additional matter required
by law.

The above notwithstanding,
the BOARD
shall also comply with any applicable
statute which contains provisions for
notice which differ from those contain-
ed herein.

(2) PROCEDURE -

On the date and at the time and
place designated in the notice
referred to in section (1) above,
the BOARD
shall hold a public hearing at which a

hearing officer as defined by section 8.02 or a majority of the BOARD shall be present. The meeting shall be opened, presided over and adjourned by a hearing officer as defined by section 8.02 or by the CHAIRMAN OF THE BOARD or other members of the BOARD designated by the CHAIRMAN OF THE BOARD.

Within ten (10) days after the close of the public hearing, written statements and arguments may be filed with the BOARD. The BOARD shall consider all relevant matter presented to it before adopting amending or repealing any regulation.

(3) - ORAL PARTICIPATION -

Any interested person or his duly authorized representative, or both, shall be given an opportunity to present orally statements and arguments. In its discretion the BOARD may limit the length of oral presentation.

(4) EMERGENCY REGULATIONS -

If the BOARD finds that the immediate adoption of a regulation is necessary for the public health, safety or general welfare, and that observance of requirements of notice and public hearing would be contrary to the public interest, the BOARD may dispense with such requirements and adopt the regulation as an emergency regulation. The BOARD'S finding and a brief statement of the reasons for its finding shall be incorporated in the emergency regulation as filed with the Secretary of State in accordance with Rule 8. Any emergency regulation so adopted shall state the date on which it is to be effective and the date on which it shall expire. If no effective date is stated, the regulation shall be presumed to take effect upon being filed with the Secretary of State under Rule 8. An emergency regulation shall not remain in effect

for longer than three months unless during the time it is in effect the BOARD gives notice and holds a public hearing and adopts it as a permanent regulation in accordance with these rules.

RULE 7 - AVAILABILITY OF REGULATION

The CHAIRMAN OF THE BOARD shall be responsible for keeping a book containing all of the BOARD'S regulations. In addition, the BOARD shall compile and publish the regulations which are currently in effect. All the regulations of the BOARD shall be available for inspection during normal business hours at the Office of the Commissioner, Department of Public Safety, 1010 Commonwealth Avenue, Boston, Massachusetts. Copies of all regulations shall be available to any person on request.

The BOARD may charge a reasonable fee for each copy.

Rule 8 - FILING OF REGULATION

Upon the adoption of a regulation, an attested copy shall be filed with the Secretary of State together with a citation of the statutory authority under which the regulation has been promulgated. The regulation shall take effect upon filing unless a later date is required by any law or is specified by the BOARD in the regulation.

RULE 9 - ADVISORY RULING

Any interested person or his attorney may at any time request an advisory ruling with respect to the applicability to any person, property or factual situation of any statute or regulation enforced or administered by the BOARD.

The request shall be addressed to the BOARD

and sent to the CHAIRMAN by mail or delivered in person during the normal business hours. All requests shall be signed by the person making it or his attorney, contain his

address or the address of his attorney, and state clearly and concisely the substance or nature of the request. The request may be accompanied by any supporting data, views or arguments. Upon receipt of the request, the BOARD

at its next scheduled meeting shall consider it and shall within ten (10) days thereafter notify the petitioner that the request is denied or that the BOARD

will render an advisory ruling. If an advisory ruling is rendered, a copy of the ruling shall be sent to the person requesting it or his attorney.

ARCHITECTURAL BARRIERS BOARD

A true copy, Attest:

Robert J. Lynch
 ROBERT J. LYNCH
 Member, Chairman

Robert C. Capasso
 ROBERT C. CAPASSO
 Member,
 Secretary of Public Safety Designee

Janet A. Minch
 JANET A. MINCH
 Member

Ann E. Downing
 ANN E. DOWNING
 Member,
 Secretary of Elder Affairs Designee

Michael A. Ross

MICHAEL A. ROSS
 Member

Donald W. Hey
 DONALD W. HEY
 Member

Maureen A. Winn
 MAUREEN A. WINN
 Member

Deposited with the
 Secretary of the Commonwealth
 on