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**Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
Subcommittee on Regulations**

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Subcommittee on Regulations Meeting Minutes – July 27, 2022
Teleconference

This meeting was open to the public and began approximately 10:07 AM.

Subcommittee member attendance:

Jeff Dougan, Chairperson (JD)
Carol Steinberg, Vice Chairperson (CS)
Patricia Mendez (PM)
Deborah Ryan (DR)
Elizabeth Myska (EM)
Paul Logan (PL)
Mike Kennedy (MK)

Division of Professional Licensure Employees attendance:

William Joyce – AAB Executive Director (WJ)
James Plotkin – Legal Counsel (JP)
Bradley Souders – Office Support Specialist (BS)

JD opened the meeting for Roll Call:

CS, MK, PL, PM, EM, DR

1. 10:08 AM April 27 Minutes
Motion to Approve April minutes by PL
2nd by MK
CS/Y, MK/Y, PL/Y, PM/A, EM/Y, DR/Y
2. 10:10 AM June 22 Minutes
 - CS: Questions about automatic door opener section- the proposed requirement to have them at one public entrance for new construction and 30% trigger
 - WJ: ADA breaks out scoping and technical requirements, we are doing technical requirements first and then going back to scoping. In the future we will do scoping and this is where this will come up
 - CS: When we come to that will the automatic door opener requirements be there?
 - WJ: We pulled this from the draft regs, it may be in the entrances section. the requirement was specific that one of your entrances had to be automatic. ADA has two sections for doors: manual and automatic
 - CS: what is PROWAG
 - WJ: draft regs for exterior requirements (curb cuts, intersections, etc). ADA doesn't have much for curb cuts, instead we compare to PROWAG because it goes into a lot more detail



- DR: I have to recuse from PROWAG section

Motion to approve minutes by PL

2nd by DR

JD/Y, CS/A, MK/Y, PL/Y, PM/Y, DR/Y, EM/Y

3. 10:15 AM Remote meeting discussion

- PL: Issue with meetings if they go back to in-person
- JD: House passed requiring hybrid meetings yesterday, seems no option for fully remote, would go in effect in April 2023.
- CS: I hope we have the technology to do that because it is an accommodation issue for board members
- JD: From what I understand that issue will have to be worked out
- WJ: It would require 1/3 of the body to be present. It would really depend on DCAMM upgrading conference rooms
- DR: Our July meeting has hybrid and it was a difficult meeting to run because the person in the room doesn't know the people on screen want to talk. We spent a lot of money on technology. Its an interesting concept
- JD: They picked the hardest concept to implement
- WJ: AG's office wants hybrid; they do not want fully remote. We'll cross this bridge when we get there. We will conduct these meetings remotely as legally allowed.

4. 10:23 AM Discussion of section 405 Ramps

- WJ: We require 48, ADA is 36, we require handrails on all, ADA has them
- JD: we require every 30 feet a landing, ADA is every 30 inches of rise
- DR: exception for 6 inch is for curb ramps where it wouldn't require handrails
- WJ: that will be addressed in our curb cut section

Motion to Accept AAB language for 48 inch requirement and handrails for ramps by CS

2nd by DR

By Acclamation/Carried

5. 10:28 AM Discussion of 407 Elevators

- WJ: we will have to skip 407.1 until we get to scoping. We're very similar to feds on most things. Big differences are destination oriented
- DR: destination elevators are elevators where you press panel, then it tells you which elevator to get into. It's a different way to wait for an elevator. It takes you directly to the floor you chose
- CS: what's the point?
- DR: saves you from waiting for an elevator and it doesn't make stops on every floor. The biggest consideration is the audio and visual requirements for accessibility
- MK: discussion of keys for lifts: there is a lift to get to the floor you need but no one has the key. Want a robust discussion on keys requirement
- JD: DOJ ruled that MA could not lock their elevators?
- WJ: Technically lifts and lulas are not covered in this section, they are 408 and 409
- CS: I thought the elevator board took the key issue out. We can talk about what we see in real life for lifts when we get to that section
- MK: lots of key issues with lifts. Its embarrassing and wrong
- CS: maybe we can strengthen that section
- DR: There is a section requiring unassisted access so you can't have a key



- WJ: We do not have language about destination elevators, should we import this language into our section
- WJ: Hoistway door section (407.3.2) – language that we do not have. This is an exception allowing elevators with manual swing doors, these are older elevators
- MK: I find that these are in old buildings, they're required to upgrade them, it's the only access to the floor up, otherwise there's no access to the building, so I have no issue with the exception allowing these
- JD: elevator board hasn't required these to be updated yet?
- JD: These could still be present in MA so it could be good to keep that language in there
- WJ: This would only come up if you hit full compliance or were doing work on these doors
- CS: it says existing which is confusing, even if a building hits 30% it gets to stay? I would be against leaving existing. It should be upgraded if the building hits 30%
- WJ: I'm wondering if this section is irrelevant because we could handle these through variances in MA rather than putting it into the code. We don't need this in the code for the small amount of elevators we may run into
- JD: Does the exemption belong?
- CS: WJ is right, the variance process takes care of this
- PL: Agrees with WJ
- JD: We can move on but is there any objection to remove the exceptions?
- CS: Lets do these motions one at a time

6. 10:47 AM Changes to 407.2.2.4
 Motion to Accept language for 407.2.2.4 by CS
 2nd by PL
 By Acclamation/Carried

7. 10:48 AM Changes to 407.3.2, 407.3.3, 407.3.6
 Motion to not accept the exceptions for 407.3.2, 407.3.3, 407.3.6 by CS
 2nd by PL
 By Acclamation/Carried

8. 10:49 AM Discussion on 407.4.1 Elevator Car Dimensions
 • WJ: ADA and AAB give you 4 options for car dimensions. Our proposed regs has an error in it

 Motion to change typographical error in AAB regs from 80 inches to 60 by PL
 2nd by MK

Discussion of difference between 60 and 80 inches

Roll Call CS/A, MK/Y, PL/Y, PM/Y, EM/Y, DR/Y

9. 11:01 AM Discussion of 407.4.2 through 407.4.4 Handrails
 • WJ: ADA doesn't require handrails in elevators, ours does

 Motion to Accept AAB handrail language by CS
 2nd by PL
 By Acclamation/Carried

- WJ: Staff would need allowance to make numbering work



10. 11:03 AM Discussion of 407.4.6 exceptions allowing existing control panels

- WJ: this is a section allowing exception for control panels
- JD: does elevator board have their own requirements?
- WJ: this would be saying they do not have to comply with our controls section

Motion to not accept control panel exceptions by CS

2nd by PL

Discussion

- PL: Can someone explain the exceptions
- WJ: ADA has a lot more exceptions because they don't have a variance process
- DR: All this is saying is if you have a new panel, it has to meet new requirements. If you have an existing one and one that is not being upgraded, then the old one would not have to comply.
- CS: ADA only applies to new construction, correct?
- JD: if you're altering something they have a 20% rule but only on the primary function area. Any new work needs to comply and spending 20% you need to upgrade nearby amenities
- CS: AAB has different jurisdiction so I object to all elevator exceptions because it contradicts 30% rule
- DR: There are exceptions for existing elevators in AAB
- WJ: My point was the 30% trigger says you have to comply with the regs, not what the regs are
- DR: All this is saying that this would not trigger all panels to comply, only the new one
- PL: I agree, one new panel is better than none
- WJ: is this exception moot because if you're doing work on one panel in AAB it doesn't require you to touch the second panel
- JD: My concern is one side is compliant and one side is not, this exception might allow for confusion as far as which side is compliant. Visually impaired might find this hard to use
- CS: it shouldn't be an exception, they should use the variance process

By Roll Call DR/N, EM/N, PM/N, PL/N, MK/N, CS/Y, motion fails

Motion to import exceptions by DR

2nd by PL

CS/N, MK/Y, PL/Y, PM/Y, EM/Y, DR/Y

11. 11:22 AM Discussion of 407.6.1 Location

- WJ: Allows 54 for side approach but only certain conditions. This is an area where they are more stringent than AAB. ADA allows 48

Motion to Accept ADA language by CS

2nd by DR

By Acclamation/Carried

12. 11:24 AM Discussion of 407.4.8.1.3 Destination elevator visual indicator

Motion to Accept ADA exception by DR

2nd by PL

Discussion:

- CS: are destination elevators defined somewhere? We don't have hard of hearing representation, is it helpful even if elevator doesn't stop at every floor



- DR: This is an elevator that doesn't stop at every floor, it goes to the floor your press with floor number displayed on door jam
- PL: What if I'm hearing impaired and the elevator stops not at the destination floor
- DR: these elevators don't have buttons inside the of them, you press the button in the lobby
- WJ: Elevator would be automated to the point where the central control knows where the cars are, if the car gets stuck the system knows where the car is
- CS: Can we require a definition

13. 11:33 AM Discussion of 407.8.4.2.1 Signal type

- WJ: ADA allows certain types of tones for different elevators. ADA says you have to use a verbal announcement and in some instances are tone. ADA is stronger here

Motion to Accept ADA language by PL
2nd by DR

Discussion:

- JD: is there an issue that this will be in English?
- WJ: This would be a tone and not necessarily words

By Acclamation/Carried

14. 11:37 AM Discussion of 407.4.8.2.2

- WJ: We say no less than 20 decibels over ambient, ADA says at least 10 over ambient. We require a louder tone. Both cap at 80 decibels.
- EM: the louder it is the more beneficial it is. AAB would be preferable

Motion to Accept AAB requirements for 20 above ambient by CS
2nd by PL

Discussion:

- DR: I would oppose because no one has the expertise to know what this means. If we're going to require elevator companies to do something different we need to back it up. If this particular requirement has been vetted by the feds then I think we're treading on thin ice
- CS: AAB already said 20 decibels
- WJ: ADA requires 10 above ambient, which could be louder than just 20 decibels. We don't have anything for ambient noise
- JD: ADA is better because it takes into account ambient noise, AAB does not. It could be a higher decibel than what we require at 20
- CS: Is there any way to research this?
- DR: This was based on the earlier standards
- WJ: the exact text of the regulation makes no mention of ambient noise
- JD: they could set it at 20 and forget it, with ADA they would have to take into account ambient
- CS: what is ambient noise
- WJ: during normal course of use you would measure average decibel of noise going on
- JD: and ADA would set it above that, while we say 20
- DR: the existing AAB regs were based on the 91 standards. Elevator manufactures are national and would base it on ADA standards
- WJ: Average ambient noise is 40 decibels for offices courtrooms etc
- CS: Why don't we say 20 above ambient noise
- JD: The 10 above ambient has actually been vetted and is in use by elevator manufacturers



Motion to Accept ADA language for signal decibel level by DR
2nd by PM
By Roll Call DR/Y, EM/Y, PM/Y, PL/A, MK/Y, CS/Y

15. 11:49 AM 407.8.2.3 Frequency
- WJ: Feds set a range for hertz, we say no higher than 1500hz

Motion to Accept ADA range by DR
2nd by EM
By Acclamation/Carried

16. 11:51 AM Discussion of 407.4.9 Emergency Communication
- WJ: the proposed language is substantially more in depth than current regs and ADA. WJ reviews proposed emergency communication language. Other big change is systems that use handsets, they have stringent regs proposed. ADA says it has to be provided and has to comply with reach ranges. AAB has requirements for on site and off site emergency personnel.
 - JD: How does this apply to us
 - WJ: BCCC should review this, it passed third reading at BCCC in 2016

Motion to Accept AAB emergency communication language by CS
2nd by PL
Roll Call CS/Y, MK/Y, PL/Y, PM/Y, EM/Y, DR/N

17. 12:07 PM 408.4.1 LULA car dimensions
- WJ: We have different size requirements than the feds. 36x60 in the current regs, feds is 42x54. The new regs contemplate putting door on wide side, which increases size
 - MK: Discussion of real world implications
 - DR: There has been studies on these sizes and the feds sizes work. I have an issue with changing the size from what has been vetted
 - WJ: this issue would be changing the size that has been required in MA since 1996, the only proposed change is allowing a door on the wide side by extending the size. This is a question of adopting the feds size or what's been used in MA since 1996
 - CS: I think that we decided that we will pick what's more stringent, and the MA size has been vetted as well.
 - WJ: My point is that either one is more stringent, they have the same square footage, just laid out differently. It's a question of depth vs width. There isn't an easy answer. We should absolutely deal with side doors. People want to put doors on the side
 - PL: Why don't we go with what we know, its been there for 26 years
 - DR: I disagree, I think the feds size helps more people
 - WJ: the benefit would be manufactures are making one cab size for the country
 - DR: its not requiring replacing the cabs. The bigger issue is are we getting more access. Which size provides more access. My opinion the ADA size provides more access
 - WJ: a point that is brought up is wheelchairs are getting bigger
 - JP: from a litigation point of view, if someone had installed a particular sized LULA in the old dimensions and we have a new dimension system, if they hit 30% wouldn't they be required to change the LULA out at a significant cost?
 - WJ: it could be addressed via variance or exception.
 - JD: Can we use the exception that allows for existing LULAs

- DR: the problem is 30x60 does not meet ADA so you couldn't use it
- CS: People have been building LULAs under our dimensions for 26 years.
- JD: We wouldn't get substantial equivalency
- CS: I prefer more depth but I'm not sure
- WJ: ADA sets a floor not a ceiling, there are lots of places we can require more, we can never require less than what the feds require. We can't do less than 42 and achieve substantial equivalency

Motion that 42x54 LULA cab size is adopted by DR
2nd by PL

Discussion:

- CS: we're cutting off 6 inches in depth that people are used to having in LULAs, I would say 42x60
- MK: If someone has to accompany someone on the LULA those 6 inches could make a big difference. I could live with this with exceptions
- JD: We aren't addressing exceptions, only the cab size

By Roll Call CS/N, MK/Y, PL/Y, PM/Y, EM/Y, DR/Y

- JD: we need to address existing LULAS
- WJ: that and we need to address the side door approach, do we want to address this, if the door cab is 60x42 the door can be on the long end
- DR: that would be a very hard turn to make to get into that cab
- JD: I know the board has been adjudicating cases with the 42x60
- WJ: this comes up when people want to have different approaches for different floors
- DR: You can't make those turns
- WJ: it comes up enough that we should have regs for having doors on both sides of the cab. We should have some formulized regulation
- CS: What should it be then
- WJ: when in doubt, 60x60, or potentially 54x54
- DR: This might come up more with lifts versus LULAs
- WJ: if the LULA is 54x54 then you could put the door on either side
- DR: 2010 standards allows 51x51
- WJ: this could be resolved in exception 1. In exception 2 do we want to change the requirements

Motion to Accept 408.4.1 ADA language by DR
2nd by PL

Discussion:

- CS: Has the depth always been 54?
- WJ: Whether its 54 or 60 doesn't matter because you won't have an elevator less than 54 and the new cab would be required to be the new size

By Roll Call DR/Y, EM/Y, PM/Y, PL/Y, MK/Y, CS/N

18. 12:43 PM Discussion of 410

- WJ: this section is weird because it only seems to be talking about inclined lifts. 410 needs a re-write in terms of importing our language. It would make more sense to separate them out to



separate sections. The ADA requirements are similar to ours for incline lifts but different for platform lifts

- JD: Should we save 410 and 411 for next meeting?
- WJ: Do we want to import 409 wholesale? We currently don't have regs for private residential elevators
- JD: Import and we would vote on it next time
- CS: I can't vote on it without seeing what it says
- PL: if we can see it next meeting that would be great.
- WJ: what should be 410 and what should be 411? 410 is vertical and 411 incline?
- WJ: Formatting question- how we want to organize 406/curb cuts
- DR: When the prowag comes out it will be a standalone document

1:02 PM Adjournment
Motion to Adjourn by PL
2nd by CS
By Acclamation/Carried

Respectfully submitted,
Bradley Souders, Office Support Specialist