



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY, EXECUTIVE OFFICE
OF ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Office of Public Safety and Inspections
Architectural Access Board
1000 Washington Street, Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY, CONSUMER
AFFAIRS AND BUSINESS
REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

Subcommittee on Regulations Meeting Minutes -August 28, 2024
Teams Meeting

This meeting was open to the public and began approximately at 10:02 AM.

Subcommittee member attendance:

Jeff Dougan (JD)- Chairperson
Carol Steinberg (CS), Vice Chairperson
Michael Kennedy (MK)
Deborah Ryan (DR)
Paul Logan (PL)

Division of Professional Licensure Employees attendance:

William Joyce – AAB Executive Director (WJ)
Jamie Dalton- Board Counsel (JaD)
Molly Griffin – Program Coordinator (MG)

JD opened the meeting for Roll Call:

MK, PL, DR, CS

1. 10:03 AM 213.2 Toilet Facilities and Bathing Facilities
 - CS: There was something we were going to re-discuss
 - WJ: We were talking about the 5% and bumping it to 10% in restaurants (and in this case toilet facilities)
 - DR: I think in a large facility, there should be more than 1 accessible stall absolutely
 - PL: I think we need to be bold here and go to 10%
 - CS: We are talking about tables and bathrooms, right?
 - WJ: The regulation we are talking about right now is for bathrooms
 - CS: People can object at the public hearing if they object to our boldness
 - DR: I think tables and toilet rooms are two different animals, I agree with the tables, but for the restrooms, to make another accessible toilet stall is a little bigger, generally the accessible toilet is at the end of the row, if you have to provide two the bathroom must be bigger, I do still think if you have a large venue you need more than one accessible stall. So, I think 5% in a toilet room may make sense
 - WJ: We use regular rounding rules, so you trigger a second toilet at 10

- CS: Tanglewood is one place that has a lot, they have alternative ones is that required?
- WJ: Yes, if you have 6 or more stalls

Motion to alter 213.3.1 to read 5% but not less than one by DR

2nd by PL

By Acclamation/Carried

2. 10:19 AM 213.2 Toilet and Bathing Rooms- Single User toilet rooms

- DR: I understand the reasoning, but how would this apply. What is a toilet room? Where do you locate it if you have a 5-story building and toilets on every floor, where do you locate the single user?
- WJ: The current regs don't identify single user
- DR: So, is this 6 male and 6 female or 3 and 3?
- WJ: We would look at how many toilet rooms in the building, if it's 6 or more you need the single user room
- DR: And it doesn't matter where you provide it?
- WJ: No. I think this may benefit from being paired with something from the signage regs identifying its location. I think the subcommittee was intentionally vague and just said it must be on an accessible room
- DR: I would personally like to see it in the same location as other toilet rooms. I think that we need more of them
- WJ: I think design trends are heading in that direction, but this is setting a floor not a ceiling
- JD: DR, is the ADA regulation only new construction or existing?
- DR: Yes, new construction
- CS: Doesn't aggregate mean all together? What does that mean?
- WJ: It's a total number because it's male or female or single user, the plumbing code wants an even number
- CS: This happens in a lot of places like airports and rest stops. To me, it is very helpful
- PL: What if you've got 12 shouldn't this go to 2 single-use?
- WJ: The purpose of this is just to ensure that you have at least one in your facility
- PL: I was at Fenway earlier this season and there was such a long line for the single user toilet room, so when do we raise the number? Why can't we be progressive and say if you have 12 toilet rooms you need 2 single user, etc.
- DR: I just think in existing buildings it might be a problem, but in new construction I say go for it
- WJ: This provision would only be triggered if it's 30% or new construction
- WJ: 30% is a money trigger, it has nothing to do with the scope of the work itself
- PL: Does anyone have a problem with new construction having a proportional increase?
- WJ: We treat new and existing buildings differently all the time in the current regs
- CS: So we would leave this the way it is for 30%
- WJ: Is this in addition to or is this a percentage of the total number of toilet rooms?
- DR: I'm not sure if this is the right language because you could have 100 toilets but only 2 toilets
- CS: So, we're not counting the stalls as a room?
- WJ: No
- JD: Should we focus on fixture counts instead of rooms
- DR: Maybe, yes

- DR: So, if we're in a mall and you have 15 tenants who has to put the unisex toilet room in?
- WJ: Would switching to 18 fixtures make more sense?
- CS: I was picturing this applies to a gang toilet room
- WJ: What is the purpose of this provision?
- CS: What if building was replaced with cluster? Or I mean, a cluster of stalls rather than rooms
- JD: Do we want to step back from this a little bit, and look at this next month? I could see us calling out specific types of buildings with this one
- WJ: I think this makes sense as fall back language so if all else fails at least you have 1
- DR: I still have a problem with the language though, and I don't know what the right language is
- WJ: Requiring massive alterations to the layout of existing buildings is challenging when compared to new construction
- CS: I just don't know how to deal with this at all, is this editable?
- WJ: If you want language, you can write it in another program and send it to us
- JaD: Due to the Open Meeting Law, the Subcommittee cannot discuss potential changes over email but members can email suggestions to staff for discussion at a meeting
- WJ: If people ever want to send language you want to see you are welcome to send them to us and we will include them in the emails we send out

Motion to Table 213.2 and its exceptions until next meeting by CS

2nd by

By Acclamation/Carried

3. 11:02 AM 213.2.1 and other 213 subsections

- WJ: I think most of these are non-controversial
- JD: Looks like a lot of redundancy
- WJ: ADAAG separates scoping from technical
- DR: When we talked about the 5% for the stalls, we do have a basis, because the exception for 213.3
- WJ: That's for portable
- DR: Right, it's different, but at least we have a basis
- CS: Toilet compartments is defined in 213.3.1, instead of stalls
- WJ: A toilet compartment is a stall
- CS: Is there anything about those changing tables and where they can be placed?
- WJ: No
- CS: The baby changing tables if they are located behind the door, people leave them open and you can't get in so I was wondering if we have anything saying where they should be
- CS: Is there anything saying nothing should be in the way of the door?
- WJ: The general door clearance requirements
- PL: Every single use restroom that I have used has had a changing table
- CS: Were they behind the door?
- PL: No, not that I have noticed
- WJ: People generally put them where they fit

4. 11:05 AM 214 Washing Machines and Clothes Dryers

- WJ: This all seems straightforward, does anyone have any suggestions for 214?

5. 11:09 AM 215 Fire Alarm Systems

- WJ: I think potentially this exception can be dropped
- DR: It actually is a big deal; I just had a school building that did work over 30% and it was a huge deal to change it
- WJ: More so than elevators
- DR: Yes
- WJ: I think the Board's rationale for dropping this is where this is a life safety component
- DR: I'm just saying it is not easy
- CS: So do we need a motion

Motion to Strike the Exception to 215.1 by CS
 2nd by MK
 By Acclamation/Carried

- CS: Where does it say visible alarms are required
- WJ: According to 702
- WJ: We will have to update 215.4 and 215.5, we will be fixing all of the references to point to the correct thing
- CS: I have a question for JaD, when do we get to discuss this commission thing?
- JD: Is it for us to discuss?
- WJ: It has nothing to do with new regs
- JaD: I don't know that the new Commission is designed to take public comment. My understanding is that the persons appointed will use their existing expertise rather than seeking public input.
- WJ: Mr. Chairperson I would suggest that these comments are dilatory and the subcommittee should continue with the regulation review
- PL: Do we need a motion?
- WJ: No, not where we make no changes

6. 11:14 AM 216 Signs

- JD: I want to make sure the ADA has a lot of new language dealing with signage. I assume this will be flushed out in technical
- WJ: Yes, this just tells you where you must have signs and what types of signs
- CS: I don't get why in detention facilities the signs do not have to comply and in parking facilities I understand the braille, but I don't know what 216.2, 3, etc.
- WJ: It's here
- WJ: Generally speaking, (in parking garages), driving a car creates a different line of sight
- JD: So they are not exempting the signs from everything, just things that don't make sense
- WJ: So it basically treats a parking lot as a different thing than a building due to their different use patterns
- DR: This is really talking about the color contrast, visual, letters, etc.
- CS: Why isn't this in our regulations already?
- WJ: Because our regs are written differently enough that they don't cover parking facilities
- CS: I object to exception 4 (detention and correctional facilities)
- WJ: I believe that was in the 521 draft
- WJ: This would require compliant signs for every cell in a cell block in a detention facility

- MK: ADAAG has like 2 paragraphs of what the signage should be versus 521, so I am just advocating for keeping it simple
- Motion to Eliminate Exception 4 to 216.1 by CS
2nd by PL
- PL: At first when you said this, I was in agreement, but do you think braille in every cell realistic?
- CS: I just think across the board if you make a sign, it should have braille
- CS: I thought this was only signs that were provided
- WJ: No this is telling you when we have to have signs, not the design of the signs
- CS: Yeah, if it says the cell number, I think it should meet those requirements
- WJ: The design requirements are different than the requirements for security, ease of cleaning, etc.

Roll Call Vote

DR- no

PL- no

MK- no

CS- yes

JD- no

4 no, 1 yes, Motion Fails

- CS: is it possible to say leave the language the same, and say except for inmates with disabilities?
- WJ: I think that would be handled with the reasonable accommodation process
- WJ: I think we do need to discuss the exception to 216.2
- CS: And what's the rational for that?
- WJ: So this would be any exterior sign that's not located at the door itself that's identifying a room or space, like the big sign that says McDonalds
- WJ: This is not in 521
- CS: So we should not accept it?
- WJ: No, we need it because 521 is structured differently and covers signs that 521 didn't contemplate covering

Motion to Accept language of the exception to 216.2 by PL

2nd by MK

By Acclamation/Carried

- WJ: I think we'll need to circle back on 216.4.2 and .3; we need to have a deeper discussion
- WJ: Okay, parking. Exception 1 is redundant because we do not cover lots of that size. Exception 2 is not actually a conflict
- WJ: Jumping down to 216.10, assistive listening systems. In certain facilities, where there is a ticket window you have to go to first, you can put the info at the ticket office rather than at the individual seat
- PL: That makes sense

Motion to Adopt language of the exception to 216.10 by PL

2nd by CS

By Acclamation/Carried

- WJ: 216.11, this exception is saying if all your checkout aisles are accessible, you don't need to mark the accessible ones

Motion to Adopt language of the exception to 216.11 by PL

2nd by MK

By Acclamation/Carried

7. 12:01 PM 217 Telephones

- WJ: There is only 1 real conflict here for drive-up public telephones
- JD: Are there drive up public telephones?
- WJ: The advisory has nothing to do with this exception

Motion to Strike the language of the exception to 217.2 by PL

2nd by CS

- PL: This is ADAAG that has this language?
- WJ: Yes, 521 does not contemplate these existing
- PL: Then why put it in there?
- CS: Do we need a lower height for our vans?
- PL I run into problems when I need to grab a ticket at a parking garage. If there are drive up public telephones why shouldn't they be accessible?
- WJ: Because the height of when you are in a vehicle is different than when you are sitting in a wheelchair
- DR: It's not only the height, but also the clear floor space beneath the phone
- PL: So if I drove up to this in my van, it should be accessible in my van like for any other vehicle

Roll Call Vote

JD- no

CS- yes

MK- no

PL- no

DR- no

4 no, 1 yes, Motion Fails

- WJ: So do people want to include this

Motion to Keep the language of the exception to 217.2 by DR

2nd by PL

By Acclamation/Carried

- WJ: 217.4, TTYs, there are some conflicts here, some things we have to erase
- PL: Isn't 217.4.3.1 saying you only need 1 TTY per building not per floor like 217.4.2.1 is saying?
- WJ: It's meant to be so that you must comply with both
- WJ: I think this costs us nothing, and we will run into weird situations where a building won't technically have a floor

Motion to Adopt 217.4.3 and 217.4.3.1 by PL
2nd by MK
By Acclamation/Carried

8. 12:23 PM 218 Transportation Facilities

- WJ: We are starting to get into the specialized requirements, I don't think there is any big differences here
- DR: Does the Board deal with key stations? Key stations are a different animal
- CS: What is a key station
- DR: Stations that have been agreed upon by the feds on what has to be accessible and what does not
- JD: I agree with DR that the key stations are just very new language
- WJ: If this led to them being treated differently, I would be on board, but it's not doing that

9. 12:27 PM 219 Assistive Listening Systems

- WJ: We structure this exception to 219.2 differently in 521
- WJ: Another way to say this, is ALS are only required where audio amplification system is and courtrooms, like if you do not have microphones what is the ALS going to pick up
- JD: What if we made each assembly area have ALS's I think we should be stronger
- WJ: Would you require an ALS in a classroom?
- JD: Yes, the availability of one
- JD: What do people think of my thought?
- CS: I like it, how would we change the language?
- JD: I don't think we do, I think we don't have an exception
- MK: I agree with what JD is saying
- DR: I see a concern
- JD: Even if the ALS is portable?
- DR: It doesn't say that
- JD: Okay, I want to make sure it works with the building code
- WJ: You can't contemplate portable systems because the current regulations do
- JD: We will pick up on this next meeting 219.4

10. 12:40 PM Minutes

Motion to Approve Minutes from the July 24, 2024, Meeting by PL
2nd by MK
By Acclamation/Carried

Motion to Adjourn by PL
2nd by DR
By Acclamation/Carried