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Barrier Free Design  
517/322-1191  
Voice or TDD

DATE: July 15, 1992

Document No. 92-66

TO: Construction Code Commission

FROM: Irvin J. Poke, AIA

SUBJECT: Interpretation Request from the Barrier Free Design Board

Question: Are the doors to non-required toilet rooms, required to comply with the barrier free clear width requirement of a minimum 32 inches?

Answer: Yes, section 512.7.4 states, "Interior access to all points on each level shall be provided by passageways, corridors, aisles, and doorways that are in compliance with the requirements of section 810 or 812, except as provided by section 512.4." (emphasis added)

Commentary: Section 512.11.1 (c) states, "All toilet, bath, and shower rooms and fixtures that exceed the requirements specified in R 408.30701 et seq. of the Michigan Administrative Code are not required to be in compliance with the requirements of this section." (emphasis added) However, this section refers to section 512.11 which only covers access to the plumbing fixtures and not the room itself. Therefore, even though the fixtures are not required, access to the room is and the 32 inch clear width must be provided.

It should be noted that this is consistent with the requirements of the Americans With Disabilities Act.

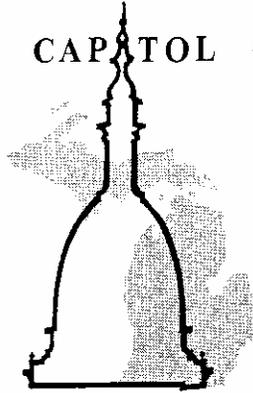
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August 12, 1992



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Henry L. Green, Chair  
Bureau of Construction Codes Commission  
7150 Harris Drive  
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Lansing, MI 48909

Dear Mr. Green:

Reference is made to the request of the Barrier Free Design Board for the Construction Code Commission's understanding of section 512.11(c) of the barrier free rules was the same as Mr. John Meyer's, one of the committee members, who helped draft the revised barrier free rules in 1988. (See attached correspondence from Mr. Meyer to Dennis M. Matulewicz dated June 22, 1992.)

**Issue:** Are the following doorways in the State Capitol Building subject to the barrier free design requirements of the Michigan Administrative Code:

S107.1; S108.3; S309.3; H166.2; H251.4; H251.5; H252.2; and  
H252.3?

With the exception of doorway H251.4, the doorways listed above are doorways of toilet rooms.

One of the principal provisions of the Michigan Administrative Code that must be examined in order to answer the question posed is section 512.7.4 of rule 408.30427 of the Michigan Administrative Code. That section provides:

512.7.4 Interior access to all points on each level shall be provided by passageways, corridors, aisles, and doorways meeting the requirements of section 810 or 812, except as provided by section

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512.4. [Section 512.4 is a section concerning a use group of buildings of which the State Capitol Building is not a part.]

As noted above, the one exception provided in the provision is not applicable to the State Capitol Building. Therefore, if the other sections of rule 408.30427 were silent regarding the rooms whose doorways are in question, section 512.7.4 of rule 408.30427 would require the doorways in question to be in compliance with width and other requirements regarding barrier free design.

In regard to the doorways to the toilet rooms, however, section 512.11.1 of rule 408.30427 directly addresses those rooms in the context of barrier free design as follows:

512.11.1. Toilet rooms: All buildings shall be provided with the required number of toilet fixtures in accordance with R 408.30701 et seq. of the Michigan Administrative Code. All public and employee toilet and shower rooms shall be provided with at least 1 fixture for each 10 fixtures, or fraction thereof, meeting the requirements specified in sections 512.11.1 to 512.11.12.

Exceptions:

(a) In use group I-2 occupancies of hospitals and care facilities, a minimum of 10% of the toilet rooms within patient rooms shall comply with these requirements.

(b) In use group I-3 occupancies of jails and correctional facilities, a minimum of 5% of the toilet rooms within resident cubicles shall comply with these requirements.

(c) All toilet and shower rooms and fixtures beyond the requirements specified in R 408.30701 et seq. of the Michigan Administrative Code are not required to comply with this section. [Emphasis added.]

The provision quoted above regarding toilet rooms is part of section 512.11, whose scope, as shown by its title, is “[a]ccess to plumbing fixtures.” The section is, thus, the provision to which one is directed to determine whether a building properly provides all members of the public with proper access to plumbing fixtures, in line with the general requirement of section 512.7.4. Since access to a plumbing fixture in a room with a door includes access through the doorway, section 512.11.1 by

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regulating general access to toilet fixtures also regulates toilet room doorway accessibility. In short, if the toilet rooms in a building, including their doorways, are in compliance with section 512.11.1 regarding accessibility, section 512.7.4 does not impose any additional requirements, because section 512.11.1 is a more specific statement than section 512.7.4 regarding toilet room accessibility.

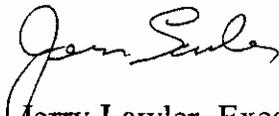
In addressing the requirement of accessibility to toilet rooms and toilet fixtures in a building, section 512.11.1 examines them as a class and provides that a building need only have as many as are required by rule 408.30701 et seq. of the Michigan Administrative Code. The section further provides if they are "beyond the requirements specified in R 408.30701 et seq. of the Michigan Administrative Code [, they] are not required to comply with this section [the section on access to plumbing fixtures]." Section 512.11.1(c).

The State Capitol Building contains many more toilet rooms and toilet fixtures than those required by rule 408.30701 et seq., even without counting the toilet rooms whose doorways are in question. It, thus, has toilet rooms "beyond the requirements" of those rules. Therefore, since the toilet rooms in excess of those required are not required to meet barrier free design requirements applicable to the required toilet rooms that are required, it follows that doorways S107.1; S108.3; S309.3; H166.2; H251.5; H252.2; and H252.3 are not required to comply with barrier free design requirements, notwithstanding the language of section 512.7.4.

It is further the contention of Mr. Meyers, a member of the committee that drafted the revised barrier free rules in 1988, that the committee did not intend such doorways to comply with the barrier free design requirements.

Do not hesitate to contact this office or Mr. Meyer if you desire any additional information concerning this matter.

Sincerely,



Jerry Lawler, Executive Director  
Michigan Capitol Committee

cc: Irvin J. Poke, AIA  
Chief, Planning Review Division

June 22, 1992

DENNIS M. MATULEWICZ  
ADMINISTRATIVE LAW JUDGE  
STATE OF MICHIGAN  
DEPARTMENT OF LABOR  
OFFICE OF HEARINGS  
STATE SECONDARY COMPLEX  
GENERAL OFFICE BUILDING  
715 HARRIS DRIVE  
LANSING, MICHIGAN 48909

RE: MICHIGAN STATE CAPITOL  
Barrier Free Access Rehearing  
BFD 92-197-1002-1371

Dear Judge Matulewicz:

I would like to provide supplemental information relative to the above referenced application for barrier free access exception.

Eight openings which were constructed in new partitions (Openings S107.1, S108.3, S309.3, H166.2, H251.4, H251.5, H252.2 and H252.3) were constructed in a manner that the doors provided less than 32 inches clearance as required by barrier free rules.

These openings were designed in this manner knowing that the rooms would not be accessible however the design teams fully believed that, since these were extra toilet rooms not required by code, barrier free access was not necessary. Section 512.11.1 (c) of the barrier free rules states that all toilet rooms beyond the requirements of the code need not be made accessible. As one of the committee members who helped draft the revised barrier free rules in 1988, I must say, that it was my understanding that this exception not only referred to the room's plumbing fixtures, and accessories but also to the doorway serving the room. Based upon this understanding, the implementing architects, the restoration architect and the owner's representatives all felt that our design solutions were appropriate.

Historic fabric and functional requirements further prevented complete compliance with barrier free design rules. While every effort has been made to improve barrier free access in the Capitol, all professionals involved recognized the impossibility of making the building 100% accessible. The impracticality of 100% accessibility of historic structures received considerable discussion by the committee which updated the rules in 1988. Numerous revisions were written into the rules recognizing the concerns over the practicality of accessibility in

historic structures. Committee members further recognized that the rules could not address all conditions that might be encountered. Thus, there is provision for exception on an individual basis through the very procedure which we are following.

Dramatic strides have been made as a part of the Capitol restoration to improve life safety and building accessibility for all users including the physically handicapped. We have effected some minor compromises in life safety codes knowing that substantial improvements have been made and that we have met the intent of the code. These compromises have been fully accepted. We feel that substantial improvements have been achieved relative to barrier free access and would ask that consideration be given these eight openings in lite of the affect that denial would have on the architectural fabric, function and cost of the revisions required to remedy the situation.

We trust that the materials presented at the rehearing and this supplemental explanation will result in approval of the exceptions requested.

Thank you for your further consideration of the issues surrounding this request.

Sincerely,

WIGEN, TINCKNELL, MEYER & ASSOCIATES, INC.

JOHN T. MEYER, AIA

JTM/as