

Title 130 - Legislative Rules
Division of Vocational Rehabilitation
Series 3

ELIMINATION OF STRUCTURAL BARRIERS IN PUBLIC BUILDINGS

Section 1.00 General.

● 1.01 Scope. These regulations are set forth to insure that all public buildings, sidewalks, curbs, and facilities constructed for use by the public, shall be accessible to and usable by the aged and physically handicapped.

● 1.02 Authority. These regulations are issued under authority of Chapter 18, Article 10 F, Code of West Virginia, 1931, as last amended.

1.03 Filing Date - August 1, 1974
● 1.03 Effective Date. These regulations were promulgated August 1, 1974, and became effective September 1, 1974.

Section 2.00 Definitions.

● 2.01 Director. The Director, Division of Vocational Rehabilitation, West Virginia State Board of Vocational Education.

● 2.02 Public Buildings and/or Facilities. A facility to which the public has a general right of access, use, and the ways of travel to and from the same, but does not include:

(a) Apartment houses with less than twenty units, row houses and rooming houses.

(b) Convents and monasteries.

(c) Jails or other places of detention.

(d) Garages, hangers, and boat houses.

(e) All buildings classified as hazardous occupancies.

(f) Warehouses.

(g) Buildings specifically built for field services purposes such as, but not limited to, conservation fire towers, fish hatcheries, tree nursery buildings.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 1/3/83
Administrative Law Division

(h) Residence halls at colleges or universities which have at least two other residence halls for men and two other residence halls for women so constructed as to allow physically handicapped persons reasonable means of access and use of such buildings.

o 2.03 State Board of Public Buildings. A five-member board appointed by the Governor to advise the Director with respect to rules and regulations to insure that all public facilities and the ways of travel to and from the same that are constructed in whole or in part by public funds be accessible and functional for the physically handicapped, and to approve such rules and regulations prior to their taking effect.

Section 3.00 Policy.

It shall be the policy of the state, through the Director, to encourage through educational processes, news media, publications, and other media, that all public buildings and ways of travel to and from the same, designed or let to contract on or after September 1, 1974, be accessible to and usable by the physically handicapped. Moreover, it shall be the policy of the state, through the Director, to require that architects and other responsible officials designing structures for use by the public to submit to the Director for review and certification prior to awarding contracts for construction, copies of preliminary and final plans and specifications for such structures. A statement to the effect that compliance with minimum requirements of these rules and regulations shall be included under general provisions of contract specifications in all plans and specifications submitted to the Director for review and certification.

Section 4.00 Criteria and Standards.

The following criteria and standards for making buildings and facilities accessible to and usable by the physically handicapped are essentially those set by the American Standards Association and are to be considered minimal. They are not to be interpreted as restricting in any way initiative and imagination in making the facility more accessible and functional for use by the physically handicapped.

o 4.01 Parking Lots.

(a) A minimum of one parking space shall be provided and in addition at least one space per 50 spaces shall be identified for use by the physically handicapped. Parking space shall be provided close to primary entrance of a single building or centrally located where lot serves more than one building.

(b) Parking spaces open on one side, allowing room for individuals in wheelchairs or individuals on braces or crutches to get in and out, and on level surfaces, are preferred. When located between two diagonal or head-on parking spaces, a parking space shall be at least 12 feet wide.

o 4.02 Walks.

(a) Walks leading into a building or facility shall be at least 48 inches wide and have a gradient of not more than 5 per cent.

(b) Walks shall be of a continuing common surface and shall not be interrupted by steps or abrupt changes in level.

(c) Whenever walks cross other walks, driveways, or parking lots, they shall blend to a common level.

(d) Appropriate number of curb cuts shall be installed at crosswalks for the physically handicapped at time of installation or repairs.

(1) Not less than two curb cuts or curb ramps per lineal block, located at intersections.

(2) Curb cut or ramp no less than 40" wide.

(3) Gradient 1" rise per 12" in length in relation to grade of street or road. (In special situation 1" rise per 8" may be used.)

(4) Curb cut surface shall be nonslip.

(5) Different type of material should be installed on ramp as an identification for the blind.

• 4.03 Ramps. (See Section 4.02 for sidewalk and curb ramps.)

(a) Ramps shall not have slopes greater than one foot rise in 12 feet (8.33 per cent or 4°50"). *Leave as is - Rich*

(b) Ramps shall have continuous handrails on at least one side and preferably two sides. Such handrails shall be smooth, shall be 32 inches in height as measured from the surface of the ramp, and shall extend one foot beyond the top and bottom of the ramp where there is a continuing wall.

(c) Ramp shall have a surface that is a nonslip material.

(d) Each ramp with door swinging out onto the platform or toward the ramp shall have a level platform at the top which shall be at least four feet by five feet. The platform shall extend at least one foot beyond each side of the doorway.

(e) Each ramp with door swinging in rather than out onto the platform or toward the ramp shall have a level platform at least three feet deep and five feet wide. The platform shall extend at least one foot beyond each side of the doorway.

(f) Ramps shall have at least six feet of straight clearance at the bottom.

(g) Ramps shall have 3'0" long intermediate level platform at 30-foot intervals for purpose of rest and safety and shall have level platforms wherever they turn.

• 4.04 Entrances and Exits.

(a) At least one entrance to each building shall be usable by individuals in wheelchairs. If accessible entrance is other than the primary

entrance, proper signs should be installed giving proper direction for wheelchair entrance.

(b) At least one entrance usable by individuals in wheelchairs shall be on a level that will make elevators accessible.

• 4.05 Doors and Doorways Intended for Use by the Public.

(a) Exterior and interior passage doors shall have a clear opening of no less than 32 inches when door is open and shall be operated by a single effort.

(b) Distance between doors in series shall have a space between them of not less than 84 inches measured from their closed positions and shall open in the same direction so that the swings shall not conflict.

(c) The floor on the inside and outside of each doorway shall be at a grade not greater than two per cent for a distance of five feet and shall extend one foot beyond each side of the door.

(d) Thresholds shall be level where possible but no more than 5/8" edge height.

(e) A two-leaf door is considered to be two separate doors; each leaf shall be at least 32 inches wide.

(f) Where door closers are used, the maximum pressure to open a door shall not be over 15 pounds and shall be equipped with delay closers.

• 4.06 Stairs that Must be Used by the Physically Handicapped or Aged.

(a) Steps in stairs shall not have abrupt (square) nosing.

(b) Stairs shall have handrails 32 inches high as measured from the tread at the face of the riser.

(c) Handrails shall extend at least 18 inches beyond the top step and bottom step where there is a continuing wall.

(d) Stair risers shall not exceed seven inches.

(e) Where open risers are used, they shall have a partial riser of less than two inches in height where the top of the tread and the bottom of the riser join. Open-riser stairways not located between walls shall have side skirt board of not less than two inches in height.

• 4.07 Floors Intended for Use by the Public.

(a) Floors shall have a surface that is tested and approved to be slip resistant by a nationally recognized testing laboratory.

(b) Floors on a given story of an individual building shall be of a common level throughout or shall be connected by a ramp constructed in accordance with subsection 4.03.

• 4.08 Corridors.

(a) Minimum width of primary interior corridors shall be six feet, four inches (6'4") wide.

(b) Corridor handrails, where provided, shall be 36 inches high as measured from floor to the top of the handrail.

• 4.09 Elevators.

(a) Unless ramps or level entrance from each elevators are provided to serve each floor level, at least one elevator shall be provided as follows:

(1) All buildings three stories in height to be used by the general public.

(2) All buildings of county, municipal and state governments over one story to be used by the general public.

(3) Elevator shall be accessible to and usable by the physically handicapped at all levels generally used by the public unless the same facilities, services and functions are duplicated on other accessible levels within the facility.

(4) In no case shall the elevator cab be less than 72" x 44" with top control button no higher than 54" from the floor. Raised identification recommended.

• 4.10 Toilet Rooms.

(a) Toilet rooms in numbers appropriate to the nature and use of a specific building or facility will be made accessible to and usable by the physically handicapped.

(b) Where walls are used inside restroom doorway, there should be a minimum of four feet between opening wall and minimum of four feet of clear floor space between end of wall and fixtures to allow turning of wheelchair.

(c) Toilet rooms shall have at least one toilet stall that meets the following minimum requirements:

NOTE: Where toilet rooms do not have group toilet facilities, the toilet room itself shall be considered the toilet stall as well as the toilet room.

(1) Is at least three feet wide.

(2) Is at least five feet deep.

(3) Has a door (where doors are used) that is 32 inches wide and swings out.

(4) Has grab bars on each side, 32 inches in height and 36 inches long located parallel to the floor, 1-1/2 inches in outside diameter, with 1-1/2 inches clearance between the rail and wall and fastened securely at ends and center to support 250 lb. load. The center point in length of side handrails shall be at the front of the seat of the water closet.

(5) Has a minimum clear floor space of 42 inches in depth and 36 inches in width in front of the stall door.

(6) Has a water closet with the seat 20 inches from the floor. Water closets for small children such as elementary school students shall meet the requirements for their use.

(7) Toilet rooms shall have at least one lavatory with narrow aprons, which when mounted allow 28 inches clearance to the bottom of the apron. Exposed hot water lines and drains shall be fully insulated.

(8) When mirrors and shelves are provided, at least one mirror and one shelf shall be placed above a lavatory at a height not to exceed 40 inches above the floor, measured from the top of the shelf and the bottom of the mirror (tilt mirror recommended).

(9) Where urinals are used, they shall be level with the floor or with elongated lip opening no higher than 19 inches from the floor.

(10) Where a towel rack, towel dispenser or disposal units are provided in toilet rooms, at least one of each shall not exceed a height of 40 inches from the floor.

(11) When showers are provided, two per cent, or a minimum of one, whichever is greater, shall be not less than 4' x 4' inside dimensions and shall not contain curbs for entering and leaving showers.

(12) Shower stalls equipped for handicapped shall have the floor surface which is nonslip. Where stall is used, a seat shall be positioned 19 inches above the floor and shall be hinged to fold against the wall. A grab bar shall be attached to the stall wall opposite the seat and shall extend around on the back of the wall. The water control shall be lever controlled with water temperature not to exceed 120° F. with flexible hand shower spray. Soap tray shall be placed at a height not to exceed 40 inches from the floor.

(13) Minimum toe space of 8-3/4 inches in height and 6 inches in depth shall be provided for cabinets in the toilet room area.

• 4.11 Water Fountains.

Where water fountains or other water dispensing means are provided, the following minimum requirements shall be met:

(a) Water fountains or coolers shall have up-front spouts and controls.

(b) Water fountains or coolers shall be hand operated or hand and foot operated.

(c) Where provided, at least one per floor conventional wall or floor-mounted water cooler shall be so located so bubbler is no higher than 36 inches from the floor.

NOTE: Water fountains should not be set in an alcove unless the alcove is wider than a wheelchair.

o 4.12 Telephones.

(a) Where public telephones are installed, at least one on each floor should be placed so that the dial, headset, and coin slot are no higher than four feet above the floor.

(b) One phone should be equipped with large tactile letters and instructions for those with sight disabilities.

(c) The telephone shall be equipped with an adjustable volume control for the headset with instructions for use for those with hearing disabilities.

o 4.13 Hazards.

(a) Access panels or manholes in floors, walks, and walls can be extremely hazardous, particularly when open, and should be avoided.

(b) When manholes or access panels are open and in use or when open excavation exists on a site, particularly when it is approximate to normal pedestrian traffic, barricades shall be placed on all open sides, at least eight feet from the hazard, and warning signals shall be installed in accordance with subsection 4.16 below.

(c) Low-hanging door closers that remain within the opening of a doorway when the door is open or that protrude hazardously into regular corridors or traffic ways when the door is closed shall be avoided.

(d) Low-hanging signs, ceiling lights, and similar objects or signs and fixtures that protrude into regular corridors or traffic ways shall be avoided. A minimum height of seven feet, measured from the floor, is recommended.

o 4.14 Controls.

Switches and controls for lights, ventilation, windows, draperies, doors, and all similar controls of frequent or essential use normally accessible to the occupant in all places designed for the handicapped shall be placed no higher than 54 inches from the floor.

o 4.15 Identification.

(a) Spaces that would normally be utilized by the visually handicapped (i.e., reception, toilet rooms) shall be identified by raised or notched letters and/or numbers. Such identification shall be placed next to an entrance doorway at a height between 54 inches and 66 inches measured from the floor and shall be on the side nearest the door handle when the door is closed.

(b) Doors to stairs, loading platforms, boiler rooms, stages and fire escapes shall have knurled handles or knobs.

o 4.16 Warning Signals.

Warning signals in areas without direct exits used by the blind or those with hearing difficulties shall meet the following:

(a) Audible warning signals shall be accompanied by simultaneous visual signals for the benefit of persons with hearing difficulties.

(b) Visual signals shall be accompanied by simultaneous audible signals for the benefit of the blind.

Section 5.00 Enforcement.

Responsibility for compliance with criteria and standards listed in Section 4.00 rests with responsible officials of state, county, municipal, or other political subdivisions thereof, and/or department, agency, commission, board, bureau, or individual responsible for the construction of any public building, sidewalk, curb, or facility.

Responsibility for enforcement of compliance with these criteria and standards, including conduct of necessary on-site inspection, rests with the Director. Whenever the Director ascertains that a public building, sidewalk, curb, or facility is about to be constructed or is under construction in violation of these criteria and standards, he may petition the circuit court of the county in which the construction is about to start or has started for an order to compel compliance with these criteria and standards. The court may compel compliance unless it finds that compliance would create a financial hardship, would be impractical, or would serve no benefit.