

SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY ALTERATION, ADDITION AND STRUCTURAL REPAIR PROJECTS

Disciplines: Accessibility

History:

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PURPOSE: This Interpretation of Regulations (IR) provides guidance for projects submitted for accessibility review to the Division of the State Architect (DSA) on the upgrade of path of travel elements to the current edition of the California Building Code (CBC) when the area they serve is altered, added to or structurally repaired.

BACKGROUND: A project at an existing site is an alteration of that facility and subject to the requirements of CBC Section 11B-202.4: Path of travel requirements in alterations, additions and structural repairs. This applies to 1) alteration or structural repair of an existing building or feature on the site or 2) addition of a new building or new elements to an existing building, facility or site.

INTERPRETATION:

1. SCOPING CONSIDERATIONS FOR ALTERATION PROJECTS: A project at an existing facility is an alteration of that facility. This applies when either 1) existing elements are altered or 2) new elements, up to and including new buildings, are added.

1.1 Maintenance and Repair Projects: Projects limited to maintenance or repair are not alterations and do not trigger accessibility requirements. Definitions related to alteration projects are included in [Attachment 1](#) of this IR.

1.2 Compliance with New Construction Requirements: The basic work of any project, whether new construction, an addition to an existing building or facility or an alteration of an existing building or facility, must comply with the following CBC requirements for new construction:

- **11B-201.1 Scope.** *All areas of newly designed and newly constructed buildings and facilities and altered portions of existing buildings and facilities shall comply with these requirements.*¹
- **11B-202.3 Alterations.** *Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Division 2, including Section 11B-202.4.*

1.3 General Exceptions: The code then provides general exceptions to the requirements in CBC Section 11B-203.² Many of these exceptions are applicable to public school, community college and higher education projects.

1.4 Accessible Route Requirements: For additions, the new construction provisions require an accessible route from the area of the addition to other accessible areas of the building, site or facility:

¹ "These requirements" means the accessibility provisions of Chapter 11B and related sections within the California Building Code, current edition.

² "**11B-203.1 General.** Sites, buildings, facilities and elements are exempt from these requirements to the extent specified by Section 11B-203."



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- **CBC 11B-206.2.2 Within a Site.** *At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site.*

1.5 Accessible Route Requirements for Campus Settings: For campus-style school facilities with multiple buildings and functional areas, the accessible route/path of travel situation can become more complex. The following factors may apply to projects on existing campus facilities:

- New construction on an existing site must be connected, as part of the basic project scope, with an accessible route to existing on-site accessible routes.
- When multiple paths of travel to a specific area of alteration, addition or structural repair are present but not code compliant, CBC Section 11B-202.4 requires the upgrade of only a single primary path of travel to the project area. Upgrades of secondary paths of travel shall not be required.
- Path of travel (POT) upgrades only apply to existing construction; any new accessible elements or accessible routes being provided as part of the basic project scope are not considered path of travel upgrades.
- The cost of new accessible elements or a new accessible route is part of the project's adjusted construction cost and cannot be used to satisfy the 20 percent cost limitation for path of travel upgrades on projects with an adjusted construction cost below the valuation threshold. See Section 4.1 of this IR.

1.6 Vehicular Way Exception: Again, there are exceptions to these general requirements. For example, if the only means of access between accessible buildings, accessible facilities, accessible elements and accessible spaces on a site is a vehicular way not providing pedestrian access, an accessible route connecting them is not required.^{3, 4} CBC Section 11B-203 exceptions also apply to the extent specified.

2. PATH OF TRAVEL UPGRADE REQUIREMENTS FOR ALTERATION PROJECTS

2.1 Path of Travel Elements: Under the CBC, alteration, addition and structural repair projects may trigger requirements for upgrades to accessibility elements outside the project's area of work. These "path of travel" upgrade requirements are found in:

- **11B-202.4 Path of travel requirements in alterations, additions and structural repairs.** *When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided.*
- *The primary path of travel shall include:*
 - A primary entrance to the building or facility,
 - Toilet and bathing facilities serving the area,
 - Drinking fountains serving the area,
 - Public telephones serving the area, and
 - Signs.

CBC Section 11B-202.4 then provides nine exceptions to the path of travel requirements. ←

³ **11B-206.2.1 Site arrival points Exception 2.** An accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing pedestrian access.

⁴ **11B-206.2.2 Within a site Exception.** An accessible route shall not be required between accessible buildings, accessible facilities, accessible elements and accessible spaces on a site if the only means of access between them is a vehicular way not providing pedestrian access.

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2.2 Path of Travel Exterior Elements: In addition to the five specific items listed above, the path of travel also includes an exterior approach to the project area. This requirement must be evaluated on a project- and site-specific basis and could include parking, site arrival points, bus loading zones and the accessible route connecting them with the primary entrance to the project's area of work.

3. ADJUSTED CONSTRUCTION COST

3.1 Costs Included: For the purposes of CBC Section 11B-202.4, the adjusted construction cost for a project shall include:

- All direct or "hard" costs directly associated with the contractor's construction of the project including labor, material, equipment, services, utilities, contractor financing, contractor overhead and profit.
- All fees and reimbursable expenses paid to construction managers, if any.

The direct or "hard" costs shall not be reduced by the value of components, assemblies, building equipment or construction not directly associated with accessibility or usability.

3.2 Cost Not Included: The adjusted construction cost shall not include:

- Project management fees and expenses.
- Architectural and engineering fees.
- Testing and inspection fees.
- Utility connection or service district fees.

4. DISPROPORTINATE COST LIMITATIONS

4.1 Projects with Adjusted Construction Costs At or Below the Valuation Threshold: CBC Section 11B-202.4, Exception 8 addresses the issue of costs of path of travel improvements for smaller projects.

- *"When the adjusted construction cost is less than or equal to the current valuation threshold, as defined in Chapter 2, Section 202, the cost of compliance with Section 11B-202.4 shall be limited to **20 percent** of the adjusted construction cost of alterations, structural repairs or additions. When the cost of full compliance with Section 11B-202.4 would exceed 20 percent, compliance shall be provided to the greatest extent possible without exceeding 20 percent."*

4.2 Projects with Adjusted Construction Costs Above the Valuation Threshold: Projects with an adjusted construction cost above the valuation threshold must comply with the path of travel upgrade requirements, whatever the cost, to provide a single accessible path of travel to the specific area of alteration. However, CBC Section 11B-202.4 Exception 8 addresses the cost of path of travel improvements for projects where full compliance would be an unreasonable hardship, and provides:

- *"When the adjusted construction cost exceeds the current valuation threshold, as defined in Chapter 2, Section 202, and the enforcing agency determines the cost of compliance with Section 11B-202.4 is an unreasonable hardship, as defined in Chapter 2, Section 202, full compliance with Section 11B-202.4 shall not be required."*
- CBC Chapter 2, defines Unreasonable Hardship as:

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When the enforcing agency (DSA) finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:

1. *The cost of providing access.*
2. *The cost of all construction contemplated.*
3. *The impact of proposed improvements on financial feasibility of the project.*
4. *The nature of the accessibility which would be gained or lost.*
5. *The nature of the use of the facility under construction and its availability to persons with disabilities.*

The details of any finding of unreasonable hardship shall be recorded and entered in the files of the enforcing agency.

- CBC Section 11B-202.4 Exception 8 additionally provides:

“Compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship; but in no case shall the cost of compliance be less than 20 percent of the adjusted construction cost of alterations, structural repairs or additions.”⁵ “The details of the finding of unreasonable hardship shall be recorded and entered into the files of the enforcing agency and shall be subject to Chapter 1, Section 1.9.1.5, Special Conditions for Persons with Disabilities Requiring Appeals Action Ratification.”

- The adjusted construction cost shall not include the cost of alterations to path of travel elements.

4.3 Finding of Unreasonable Hardship: A finding of unreasonable hardship is appropriate only when the cost of full compliance with CBC Section 11B-202.4 is significantly above the 20percent required minimum of the adjusted construction cost and would make the project financially infeasible. A finding of unreasonable hardship may be made by the enforcing agency and should be based upon a detailed project-specific analysis. For projects within DSA’s jurisdiction, a finding of unreasonable hardship must be approved by the access supervisor and the regional manager.

4.4 Three Year History: For areas that have been previously altered without providing an accessible path of travel to those areas, the adjusted construction cost of any alterations to areas served by the same path of travel during a preceding three-year period shall be considered in determining whether the cost of making improvements to the path of travel is disproportionate to the adjusted construction cost.

4.5 Upgrades in Compliant Facilities: For projects where the path of travel elements serving the area of alteration, addition or structural repair are compliant with current accessibility requirements, it shall not be required that the full 20 percent of the adjusted construction cost be spent.

5. COMPLIANCE WITH IMMEDIATELY PRECEDING EDITION:



5.1 Path of Travel Upgrades Not Required: CBC Section 11B-202.4 Exception 2 does not require path of travel upgrades for specified elements that have been previously constructed or altered in compliance with the accessibility requirements of the immediately preceding edition of the California Building Code. Retrofit to reflect incremental changes in the code solely because of an alteration to an area served by the following elements shall not be required:

⁵ As long as there are noncompliant elements that need to be corrected, the cost of the path of travel upgrades cannot fall below 20 percent, as that is a requirement of the both the 2013 CBC and the 2010 ADA Standards.

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- A primary entrance to the building or facility,
- Toilet and bathing facilities serving the area,
- Drinking fountains serving the area,
- Public telephones serving the area, and
- Signs.

5.2 Immediately Preceding Edition: The immediately preceding edition of the code includes:

- The initially adopted and published code;
- Intervening Code Cycle Amendments adopted and issued as Supplements;
- Emergency Amendments, if any, adopted and issued as Supplements;
- Errata.

Compliance with any version of the immediately preceding code edition qualifies an element for this exception. CBC Section 202.4 Exception 2 provisions in the immediately preceding edition of the CBC shall not be permitted to iteratively utilize provisions in earlier editions of the CBC.

6. WHEN FULL COMPLIANCE CANNOT BE REQUIRED

6.1 Priority List: For projects where full compliance of the path of travel elements cannot be required, based on the disproportionate cost limitations as identified herein in Item 4, CBC Section 11B-202.4, Exception 8 establishes the following priority list:

- “In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:
 1. An accessible entrance;
 2. An accessible route to the altered area;
 3. At least one accessible restroom for each sex;
 4. Accessible telephones;
 5. Accessible drinking fountains; and
 6. When possible, additional accessible elements such as parking, storage and alarms.”

6.2 Additional Accessible Elements: The obligation to upgrade the additional accessible elements in Item 6 applies only to those elements within the primary path of travel serving the project-specific area of alteration. Typically, Item 6 will come into play only when all of the elements in the preceding items either 1) are in compliance with the requirements, 2) have been included in the project’s path of travel upgrades scope of work or 3) are discretionary items, such as public telephones, and not present as existing elements.

6.3 Operational Considerations: In situations where a fully compliant path of travel cannot be required, from a civil rights perspective the public agency operating the facility still has an obligation to make its programs and services accessible. The fact that the building code did not require full compliance does not remove this *program delivery* obligation. However, this is an operational consideration outside of the building code and shall not be used as a condition of approval for projects under DSA’s jurisdiction.

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REFERENCES:

California Code of Regulations (CCR) Title 24
Part 2, California Building Code, Section 11B-202.4

This IR is intended for use by DSA staff and by design professionals to promote statewide consistency for review and approval of plans and specifications as well as construction oversight of projects within the jurisdiction of DSA, which includes State of California public schools (K–12), community colleges and state-owned or state-leased essential services buildings. This IR indicates an acceptable method for achieving compliance with applicable codes and regulations, although other methods proposed by design professionals may be considered by DSA.

This IR is subject to revision at any time. Please check DSA's website for currently effective IRs. Only IRs listed on the webpage at www.dgs.ca.gov/dsa/publications at the time of project application submittal to DSA are considered applicable

SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY ALTERATION, ADDITION AND STRUCTURAL REPAIR PROJECTS
ATTACHMENT 1

Definitions

See CBC Chapter 2, Section 202

The CBC defines “Alteration” as:

- “A change, addition or modification in construction, change in occupancy or use, or structural repair to an existing building or facility. Alterations include but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.”

The CBC defines “Facility” as:

- “All or any portion of buildings, structures, site improvements, elements, and pedestrian routes or vehicular ways located on a site.”

The underlying premise is clear: alterations are not limited to projects within buildings and can occur anywhere on a facility or site.

The CBC defines “path of travel” as:

- “An identifiable accessible route within an existing site, building or facility by means of which a particular area may be approached, entered and exited, and which connects a particular area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. When alterations, structural repairs or additions are made to existing buildings or facilities, the term “path of travel” also includes the toilet and bathing facilities, telephones, drinking fountains and signs serving the area of work.”

The CBC defines “adjusted construction cost” as:

- All costs directly related to the construction of a project, including labor, material, equipment, services, utilities, contractor financing, contractor overhead and profit, and construction management costs. The costs shall not be reduced by the value of components, assemblies, building equipment or construction not directly associated with accessibility or usability. The adjusted construction cost shall not include: project management fees and expenses, architectural and engineering fees, testing and inspection fees, and utility connection or service district fees.