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PLI's Accessibility Guidelines	Issued: August 6, 2020
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**Purpose:** Design professionals are required to design buildings and structures to comply with the accessibility requirements of both the American's with Disabilities Act (ADA) and the PA Uniform Construction Code (UCC). The property owner is ultimately responsible for compliance with both ADA and the UCC.

This document is intended to clarify the differences between ADA requirements and the accessibility requirements of the UCC, and to identify a recommended accessible improvement sequence for existing buildings. Note PLI does not enforce ADA; approval/issuance of a PLI permit does not ensure compliance with ADA. Please consult your design professional for ADA compliance.

## **PLI's ACCESSIBILITY GUIDELINES**

### **PLI's Recommended Sequence of Accessible Route Improvements**

1. Access to the site,
2. Exterior accessible routes to accessible entrances,
3. Access throughout the facility,
4. Access to services in a facility,
5. Access to toilet and bath facilities,
6. Access to drinking fountains.

Please see item 3.b for additional information regarding UCC requirements.

### **Accessibility Regulations and Enforcement**

1. The American's with Disabilities Act (ADA) – Title III - 28 CFR Part 36

- a. Purpose:
  - i. Overall: “prohibits discrimination on the basis of disability by covered public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards established by this part [this act]”<sup>1</sup>
  - ii. Alterations: “Any alteration to a place of public accommodation or a commercial facility, after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.”<sup>2</sup>
- b. Regulation: ADA Title III - Public Accommodations and Commercial Facilities<sup>3</sup>
- c. Enforcement: Title III is enforced by investigations and compliance reviews<sup>4</sup>, and/or civil suits by the US Attorney General’s office<sup>5</sup>; or private civil lawsuit.<sup>6</sup>
- d. How to file a complaint: [US Department of Justice guidance on filing ADA complaints](#).

## 2. The PA Uniform Construction Code (UCC)

- a. Purpose (Accessibility):
  - i. New Buildings: The UCC accessibility regulations are intended to ensure new buildings are designed and constructed to be accessible to persons with disabilities.<sup>7</sup>
  - ii. Existing Buildings: That maintenance of, alterations to, additions to, and change of occupancy of existing buildings are made in compliance with accessibility standards established by the International Code Council (ICC).<sup>8</sup>
- b. Regulation: The UCC<sup>9</sup> adopts the accessibility provisions of the ICC I-Codes; currently these are the accessibility provisions of the [2018 International Building Code \(IBC\)](#), including Appendix E, and the [2018 International Existing Building Code \(IEBC\)](#).<sup>10</sup>

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<sup>1</sup> [28 CFR Part 36 - Section 36.101](#)

<sup>2</sup> [28 CFR Part 36 - Section 36.402](#)

<sup>3</sup> [28 CFR Part 36](#)

<sup>4</sup> [28 CFR Part 36 - Section 36.502](#)

<sup>5</sup> [28 CFR Part 36 - Section 36.503](#)

<sup>6</sup> [28 CFR Part 36 - Section 36.501](#)

<sup>7</sup> [2018 IBC user note to Chapter 11](#)

<sup>8</sup> [2018 IEBC Section 305.1](#)

<sup>9</sup> [UCC Regulations and Statutes](#)

<sup>10</sup> [UCC Regulations - Section 403.21\(a\)](#) Items (2) and (10)(I)

- c. Enforcement: Within the City of Pittsburgh, the Department of Permits, Licenses, and Inspections (PLI) enforces the accessibility provisions of the UCC.<sup>11</sup> Note PLI does not enforce ADA; approval/issuance of a PLI permit does not ensure compliance with ADA. Please consult your design professional for ADA compliance.
- d. How to file a complaint:
  - i. Private Right of Action: written complaints regarding violations of UCC accessibility requirements can be submitted to PLI's [Building Code Official](#).<sup>12</sup>
  - ii. Labor & Industry Compliant Review: written complaints of PLI improper enforcement and regulation of the UCC.<sup>13</sup>
  - iii. Appeal PLI's Decision Regarding UCC Accessibility Provisions: appeals of PLI's decision regarding UCC accessibility provisions can be submitted to Labor & Industries Accessibility Advisory Board.<sup>14</sup>

### 3. Accessible Improvement Requirements

#### a. ADA Title III – Alterations – Path of Travel<sup>15</sup>

##### i. Limitations on providing accessible path of travel:

“(f) *Disproportionality*.

- (1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall
  - (2) alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.
- (2) Costs that may be counted as expenditures required to provide an accessible path of travel may include:
  - (i) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;
  - (ii) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;

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<sup>11</sup> [UCC Regulations - Section 403.102](#)

<sup>12</sup> [PA Act No. 45 of 1999 – Section 501 Subjection \(f\)](#)

<sup>13</sup> [UCC Regulations - Section 403.104](#)

<sup>14</sup> [UCC Regulations - Section 403.142](#)

<sup>15</sup> [28 CFR Part 36 – Section 36.403](#)

(iii) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a text telephone (TTY);

(iv) Costs associated with relocating an inaccessible drinking fountain.”

ii. Priority of accessible path of travel improvement sequencing:

“(g) *Duty to provide accessible features in the event of disproportionality.*

(1) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.

(2) In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order:

- (i) An accessible entrance;
- (ii) An accessible route to the altered area;
- (iii) At least one accessible restroom for each sex or a single unisex restroom;
- (iv) Accessible telephones;
- (v) Accessible drinking fountains; and
- (vi) When possible, additional accessible elements such as parking, storage, and alarms.”

b. UCC – Accessible Route and Primary Function Renovation

i. Limitations on providing an accessible route <sup>16</sup>:

**“305.7 Alterations affecting an area containing a primary function.**

Where an *alteration* affects the accessibility to, or contains an area of *primary function*, the route to the *primary function* area shall be *accessible*. The accessible route to the *primary function* area shall include toilet facilities and drinking foundations serving the area of *primary function*.

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<sup>16</sup> 2018 IEBC Section 305.7

### Exceptions:

1. The costs of providing the *accessible route* are not required to exceed 20 percent of the costs of the alterations affecting the area of *primary function*.<sup>17</sup>

ii. Priority of accessible route improvement sequencing:

While the *2018 IEBC* does not require improvements to be made in a specific sequence, the *2018 IEBC Code and Commentary* identifies the following “logical progression”<sup>17</sup> of improvements:

1. Access to the site,
2. Exterior accessible routes to accessible entrances,
3. Access throughout the facility,
4. Access to services in a facility,
5. Access to toilet and bath facilities,
6. Access to drinking fountains.

The *2018 IEBC Code and Commentary* notes that evaluation of how to allocate accessible improvements are to be made on a case by case basis.

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<sup>17</sup> *2018 IEBC Code and Commentary, International Code Council* – not available as free on-line resource