



Building Standards and Codes

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TB-2008-BCNYS

TECHNICAL BULLETIN

Code Effective Date: May 12, 2020¹
Source Document: 19NYCRR 1221— Building Construction
19NYCRR 1227— Existing Buildings²
Topic: Accessibility Provisions for EV Charging Stations

This document intends to clarify how the accessibility provisions of the Uniform Code apply to electric vehicle (EV) charging stations installed in new and existing facilities. The Uniform Code does not require that EV charging stations be installed in buildings and facilities, but when EV charging stations are provided, their installation triggers the applicable requirements of the Uniform Code.

The term “*facility*” is used in this document and is defined in Chapter 2 of the 2020 Building Code of New York State (2020 BCNYS) as “*all or any portion of buildings, structures, site improvements, elements and pedestrian or vehicular routes located on a site.*”

Installation in new facilities

Section 1102.1 of the 2020 BCNYS provides that “*buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1 [‘Accessible and Usable Buildings and Facilities’ – 2009].*” And Section 1103.1 provides that “*sites, buildings, structures, facilities, elements and spaces, temporary or permanent, shall be accessible to individuals with disabilities.*” As it pertains to EV charging stations, Section 406.2.7 of the 2020 BCNYS indicates in part that “*accessibility to electric vehicle charging stations shall be provided in accordance with Chapter 11.*” Therefore, regardless of where on a site or facility EV charging stations are installed, the applicable provisions of ICC A117.1-2009 must be followed, as well as the applicable provisions of the Uniform Code, including but not limited to, the operating mechanism provisions of Section 1109.13. Also, regardless of where EV charging stations are located, if directional signage is provided indicating the location of accessible EV charging stations, the signage shall meet the requirements of Section 1111.2 of the 2020 BCNYS as applicable.

Beyond the sections noted above, Chapter 11 of the 2020 BCNYS does not contain requirements that are specific to EV charging stations, however, various sections of Chapter 11 as discussed below do contain provisions that relate to the use and features provided by an EV charging station, and should, therefore, be followed in order to make them accessible as required by Sections 406.2.7, 1102.1, and 1103.1 of the 2020 BCNYS.

EV charging stations must be sited in a manner that does not obstruct the accessible features of the site required by other portions of the Uniform Code, such as Section 1104 of the 2020 BCNYS which includes provisions for accessible routes and Section 1104.2 of the BCNYS which requires “*at least one accessible route [connecting] accessible elements and*

¹ The “Code Effective Date” for this Technical Bulletin is May 12, 2020, which is the effective date of the 2020 update of the New York State Uniform Fire Prevention and Building Code (the Uniform Code).

² The Uniform Code is contained in Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York Parts 1220 through 1227 and the publications incorporated by reference into those Parts, including, but not limited to the 2020 NYS specific code books which are based on the 2018 International Code Council books.

accessible spaces that are on the same site.” However, depending on where EV charging stations are located on the site and how they are approached, Exception 1 to Section 1104.2 may apply, and *“an accessible route is not required between accessible buildings, accessible facilities, accessible elements and accessible spaces that have, as the only means of access between them, a vehicular way not providing for pedestrian access [emphasis added].”*

Section 1106 of the 2020 BCNYS includes provisions for accessible parking and passenger loading facilities. There are no exceptions from these requirements due to the installation of EV charging stations, therefore, accessible parking spaces and access aisles shall not be reduced or impeded. Where EV charging stations are located within or adjacent to required accessible parking spaces or aisles, several provisions of the Uniform Code apply in addition to those mentioned above, including but not limited to:

- requirements for the minimum number, size, and configuration of parking spaces and aisles,
- international symbol of accessibility indicating that those parking spaces are dedicated to the exclusive use of persons with disabilities, and
- the use of the accessible parking spaces shall not be limited to EVs or for EV charging only.

Where EV charging stations are located in parking areas that are not required by the Uniform Code to be accessible but are voluntarily designed to be accessible, those parking spaces or charging stations are not required to *“be identified by the International Symbol of Accessibility”* (see Section 1111.1 of the 2020 BCNYS). However, if such signage is used, best practice would dictate that the parking space should comply with the accessibility provisions of the Uniform Code and ICC A117.1-2009 as listed in the previous paragraphs.

Where EV charging stations are located outside of required parking areas, an applicant and code enforcement officer may determine that the location an EV occupies during charging does not constitute a parking space and it may not be subject to the provisions of Section 1106 that are specific to parking spaces, while still being subject to other applicable provisions of Chapter 11. For example, while the EV charging station may not require an accessible aisle or accessible parking signage, the station’s operating mechanism shall still comply with Section 1109.13 and with the applicable provisions of ICC A117.1-2009, including but not limited to, clear floor space, turning space, and operable parts (See ICC A117.1-2009 for more details). Also, Sections 1104.1 and 1104.2 may require that accessible elements be on an accessible route.

Specific provisions for the design of accessible EV charging stations are not included in the version of ICC A117.1 currently incorporated by reference, however, as noted above, various sections of ICC A117.1 – 2009 are applicable in order to make EV charging stations accessible as required by Sections 406.2.7, 1102.1, and 1103.1 of the 2020 BCNYS. Specific provisions for accessible design standards for EV charging stations are included in Chapter 5 of the 2017 version of the ICC A117.1 standard. Although the 2017 version of the standard is not currently incorporated by reference, it may contain helpful information that applicants could voluntarily use as a guide for making EV charging stations accessible. Permit applicants are always allowed to design to not only meet but exceed the requirements of the Uniform Code. This includes the use of an updated version or edition of a Uniform Code’s referenced standard such as ICC A117.1, provided the applicant obtains approval from the authority having jurisdiction, in addition to ensuring compliance with the version of the standard currently incorporated by reference and the applicable provisions of the Uniform Code. Please see the Code Outreach Program titled [“Alternative Materials, Designs, and Methods of Construction”](#) on the Division’s website for more information.

Installation in existing facilities

EV charging stations provided in existing facilities are subject to the requirements of the 2020 Existing Building Code of New York State (2020 EBCNYS). According to Section 305.2, *“a facility that is constructed or altered to be accessible shall be maintained accessible during occupancy.”* Therefore, the requirements outlined above about preserving the function of existing accessible routes, accessible parking spaces, and access aisles also apply to existing facilities.

In accordance with Section 305.6 of the 2020 EBCNYS, *“a facility that is altered shall comply with the applicable provisions in Chapter 11 of the Building Code of New York State, unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.”* Applicants wishing to avail themselves of the *“technically infeasible”* exception need to justify the constraints to the satisfaction of the code official consistent with the definition of the term found in Chapter 2 of the 2020 EBCNYS.

An altered element or space may not be required to be on an accessible route depending on whether that element or space is considered a *“primary function”* as such term is defined in Chapter 2 of the 2020 EBCNYS (see exception 1 to Section 305.6 and Section 305.7).

As previously mentioned, the Uniform Code does not require that EV charging stations be installed in existing facilities or existing accessible parking spaces. However, if they are installed, all accessible elements of the existing facility or parking space such as accessible routes, access aisles, and signage must be maintained and existing accessible parking spaces must remain for the exclusive use of persons with disabilities.

This document is not intended to be an exhaustive list of accessibility requirements found in the Uniform Code and the applicable provisions to a particular site or installation should be reviewed on a case-by case basis. Code users and facility owners and operators should also be aware of zoning requirements and federal accessibility requirements. The Americans with Disabilities Act of 1990, also known as [ADA](#), is a civil rights law that prohibits discrimination based on disability.

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