



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL  
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

December 1, 2022

Mr. Kenneth Michael  
Womble Bond Dickinson (US) LLP  
One West Fourth Street  
Winston-Salem, NC 27101

**RE: 2018 NC Building Code Section 1011.5.4 Dimensional uniformity**

Mr. Michael:

This letter is in response to your request for formal interpretation dated November 3, 2022, which NCDOI received by email the same day. Your request for formal interpretation states in relevant part:

“Request No. 1: The NCDOI 9/23/22 Interpretation did not explain how stage steps W constitute a code compliant *Means of Egress* in contradiction to the NCDOI 1/6/22 Interpretation. Stage Steps W include adjacent risers that exceed the allowed maximum tolerance from the smallest to the greatest riser height of 3/8 inch (NC Bldg Code 1011.5.4). Are stage Steps W code compliant as a *Means of Egress*, as well as for purposes of accessibility, general use by the public, and elsewhere in the 2018 NC Building Code?

Request No. 2: The NCDOI 9/23/22 Interpretation did not render any interpretation as to code compliance regarding back stairway Steps A, G, H and I, because they were not included in the WCCC 8/02/22 Request for Interpretation (they were deemed non-code compliant in the NCDOI 9/23/22 Interpretation). At least one side of back stairway Steps A, G, H and I include stair runs with risers that exceed the allowed maximum tolerance from the smallest to the greatest riser height of 3/8 inch (including up to 7/8 inches). Are back stairway Steps A, G, H and I, code compliant as a *Means of Egress*, as well as for purposes of accessibility, general use by the public, and elsewhere in the 2018 NC Building Code?

Request No. 3: It appears the underlying basis of the WCCC 8/02/22 Request for Interpretation and the resultant NCDOI 9/23/22 Interpretation is only in regards to code compliance of the referenced steps *in the context of Means of Egress*. To the extent any of collective Steps A through W on the Project are not Means of Egress, for purposes of accessibility, general use by the public and otherwise, which, if any, risers and runs of steps are not code compliant based on Exhibit C to RCCC 12/16/21 Request for Interpretation – As-Built spot elevation survey, dated August 24, 2021, by Douglas Surveying, PLLC (with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams)?

**Remarks:**

Code sections noted in this letter are referring to the 2018 edition of the NC Building Code unless otherwise noted.

Attachment A is comprised of the request for formal interpretation as well as all supporting information submitted with the request.

**Code Analysis:**

Means of egress from buildings or portions thereof shall comply with the provisions of Chapter 10 Means of Egress.

**1003.1 Applicability.** The general requirements specified in Sections 1003 through 1015 shall apply to all three elements of the *means of egress* system, in addition to those specific requirements for the *exit access*, the *exit* and the *exit discharge* detailed elsewhere in this chapter.

Section 202 defines relevant terms related to egress and accessibility as follows:

**MEANS OF EGRESS.** A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a *public way*. A means of egress consists of three separate and distinct parts: the *exit access*, the *exit* and the *exit discharge*.

...

**EXIT ACCESS.** That portion of a *means of egress* system that leads from any occupied portion of a building or structure to an *exit*.

...

**EXIT.** That portion of a *means of egress* system between the *exit access* and the *exit discharge* or *public way*. Exit components include exterior exit doors at the *level of exit discharge*, *interior exit stairways and ramps*, *exit passageways*, *exterior exit stairways and ramps* and *horizontal exits*.

...

**EXIT DISCHARGE.** That portion of a *means of egress* system between the termination of an *exit* and a *public way*.

...

**[A] PUBLIC WAY.** A street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet (3048 mm).

*Comments: These sections and definitions are the starting point for evaluating the minimum requirements for emergency evacuation of all occupants from buildings, portions thereof and sites to a safe location.*

**1028.4 Egress Courts.** *Egress courts* serving as a portion of the *exit discharge* in the *means of egress* system shall comply with the requirements of Sections 1028.4.1 and 1028.4.2.

...

**EGRESS COURT.** A *court* or *yard* which provides access to a *public way* for one or more exits.

...

**YARD.** An open space, other than a *court*, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.

*Comments: Egress courts such as courts and yards are permitted by code to be used for exit discharge.*

**1018.1 General.** *Aisles* and *aisle accessways* serving as a portion of the *exit access* in the *means of egress* system shall comply with the requirements of this section. *Aisles* or *aisle accessways* shall be provided from all occupied portions of the *exit access* that contain seats, tables, furnishings, displays and similar fixtures or equipment. The minimum width or required capacity of *aisles* shall be unobstructed.

**Exception:** Encroachments complying with Section 1005.7.

*Comments: A yard can be utilized for exit discharge if the yard is at grade level and is not within the confines of an enclosed building. If exit discharge is accomplished from ends of each of the aisles and accessways, stairs A, G, H and I referenced in Request 2 above are no longer required to be used for exit access from the aisles.*

Stair treads and risers shall be of uniform shape and size.

**1011.5.4 Dimensional Uniformity.** *Stair* treads and risers shall be of uniform size and shape. The tolerance between the largest and smallest riser height or between the largest and smallest tread depth shall not exceed 3/8 inch (9.5 mm) in any *flight* of *stairs*. The greatest *winder* tread depth at the walkline within any *flight* of *stairs* shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**Exceptions:**

1. *Stairways* connecting stepped *aisles* to cross *aisles* or concourses shall be permitted to comply with the dimensional nonuniformity in Section 1029.13.2.
2. Consistently shaped *winders*, complying with Section 1011.5, differing from rectangular treads in the same *flight* of *stairs*.
3. Nonuniform riser dimension complying with Section 1011.5.4.1.

**STAIR.** A change in elevation, consisting of one or more risers.

...

**FLIGHT.** A continuous run of rectangular treads, *winders* or combination thereof from one landing to another.

...

**STAIRWAY.** One or more flights of stairs, either exterior or interior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another.

*Comments: Stairways used for means of egress shall be of uniform shape and size.*

**Conclusions:**

- (1)** *Stair W is intended to be used for means of egress therefore its stair treads and risers shall be of uniform shape and size as required by Section 1011.5.4.*
- (2)** *Since a code-compliant means of egress system is provided via each end of the seating rows to a yard at grade level, stairs A, G, H and I are considered landscape steps. Landscape steps are not required to comply with the means of egress or accessibility requirements of the 2018 NC Building Code.*
- (3)** *As per this formal interpretation and the NCDOT Formal Interpretations dated 9/23/22 and 10/17/22, landscape steps A through N are not required to comply with the means of egress or accessibility requirements of the 2018 NC Building Code.*
- (4)** *As per this formal interpretation and the NCDOT Formal Interpretations dated 9/23/22 and 10/17/22, steps P through V are considered means of egress steps and shall comply with the means of egress requirements of the 2018 NC Building Code unless a barrier is provided to prevent use of those steps for egress from the stage. If steps P through V are used as a means of egress, then they must also comply with Section 1009.3 for accessibility. If steps P through V are not used as a means of egress, then the accessibility requirements of Section 1009.3 do not apply.*
- (5)** *The tolerances for the stair heights noted in 2018 NCBC Chapter 10 Means of Egress are not a factor in determining the 2018 NCBC Chapter 11 Accessibility requirements for this project as an accessible means of egress is provided at the top of the outdoor classroom.*

Please call or email if you have comments or questions.

Sincerely,



David B. Rittlinger, PE, LEED AP  
Chief Code Consultant  
NCDOT-OSFM Engineering & Codes Division

cc: File  
Bridget Herring, Chair – BCC  
Mark Matheny, Vice-Chair - BCC  
Michael Ali, Chair, Commercial Super Committee – BCC  
Terence Friedman, Assistant Attorney General, Insurance Section - NCDOT

## ATTACHMENT A

womblebonddickinson.com

November 3, 2022

*Via Electronic Mail*  
[Mike.causey@ncdoi.gov](mailto:Mike.causey@ncdoi.gov)

Marshal Mike Causey  
Commissioner of Insurance  
Engineering Section of the North Carolina Department of Insurance  
430 North Salisbury Street  
1201 Mail Service Center  
Raleigh, NC 27699-1201



One West Fourth Street  
Winston-Salem, NC 27101

t: 336.721.3600  
f: 336.721.3660

Kenneth R. Michael, Esquire  
Partner  
Direct Dial: 336-721-3644  
E-mail: [Ken.Michael@wbd-us.com](mailto:Ken.Michael@wbd-us.com)

Re: Resubmitted for Complete Response  
Request for Formal Interpretation (N.C. Gen. Stats. § 160D-1127)  
Rowan Cabarrus Community College Outdoor Classroom Phase II (the "Project")  
1333 S. Jake Alexander Blvd., Salisbury, NC

*Request for Expedited Response*

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Commissioner Causey,

Womble Bond Dickinson is counsel for Rowan Cabarrus Community College ("RCCC"), submitting this Resubmitted for Complete Response - Request for Formal Interpretation ("Resubmitted for Complete Response (11/03/22) - RCCC 9/28/22 Request for Interpretation"). On October 17, 2022, NCDOI issued its response ("NCDOI 10/17/22 Interpretation") to RCCC's September 28, 2022 (corrected date) Request for Interpretation ("RCCC 9/28/22 Request for Interpretation"). The NCDOI 10/17/22 Interpretation, which includes as an attachment the RCCC 9/28/22 Request for Interpretation, is attached to this letter as Annex 1. For convenience, I am attaching to the email that is transmitting this letter as Annex 2 the 2MB file of the As-built spot elevation survey, dated August 24, 2021, by Douglas Surveying, PLLC, with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams.

All three requests in the RCCC 9/28/22 Request for Interpretation asked if the steps are code compliant for purposes of accessibility, general use by the public, and elsewhere in the 2018 NC Building Code:

**Request No. 1:** The NCDOI 9/23/22 Interpretation did not explain how stage Steps W constitute a code compliant *Means of Egress* in contradiction to the NCDOI 1/6/22 Interpretation. Stage Steps W include adjacent risers that exceed the allowed maximum tolerance from the smallest to the greatest riser height of 3/8 inch (NC Bldg Code § 1011.5.4). **Are stage Steps W code compliant, as a *Means of Egress*, for purposes of accessibility, general use by the public, and elsewhere in the 2018 NC Building Code?**

**Request No. 2:** The NCDOI 9/23/22 Interpretation did not render any interpretation as to code compliance regarding back stairway Steps A, G, H, and I, because they were not included in the WCCC 8/02/22 Request for Interpretation (they were deemed non-code compliant in the NCDOI 9/23/22 Interpretation). At least one side of back stairway Steps A, G, H, and I include stair runs with risers that exceed the allowed maximum tolerance from the smallest to the greatest riser height of 3/8 inch (including up to 7/8 inches). **Are back stairway Steps A, G, H, and I, code compliant,**

Womble Bond Dickinson (US) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see [www.womblebonddickinson.com/us/legal-notice](http://www.womblebonddickinson.com/us/legal-notice) for further details.

as a *Means of Egress*, for purposes of accessibility, general use by the public, and elsewhere in the 2018 NC Building Code?

**Request No. 3:** It appears the underlying basis of the WCCC 8/02/22 Request for Interpretation and the resultant NCDOT 9/23/22 Interpretation are only in regards to code compliance of the referenced steps in the context of *Means of Egress*. To the extent any of collective Steps A through W on the Project are not *Means of Egress*, for purposes of accessibility, general use by the public and otherwise, which, if any, risers and runs of steps are not code compliant based on Exhibit C to RCCC 12/16/21 Request for Interpretation - As-built spot elevation survey, dated August 24, 2021, by Douglas Surveying, PLLC (with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams)?”

Regarding the first two requests, the NCDOT 10/17/22 Interpretation provided guidance on what is code-compliant only with respect to Chapter 10 means of egress, but was non-responsive to the express request for guidance on code compliance regarding Chapter 11 accessibility, general use by the public, and elsewhere in the 2018 NC Building Code. The NCDOT 10/17/22 Interpretation did not respond at all to the third request. The NCDOT 10/17/22 Interpretation only considered Chapter 10 - Means of Egress, with no mention of Chapter 11 - Accessibility.<sup>1</sup>

The back four flights of stairway steps total 32 risers and the ten flights of aisle steps in the amphitheater total 30 risers; therefore the NCDOT 10/17/22 Interpretation deemed 62 risers (excluding stage steps) not to be means of egress, and not having to comply with the stair height tolerances in 2018 NCBC Chapter 10 Means of Egress. While most the public could hypothetically use the landings at the ends of the seating rows and aisles as a path to the sloped yards flanking the amphitheater during an improbable emergency evacuation, all of the 62 steps in the occupied portion of the facility will most certainly be utilized by the public with everyday use of the facility. The RCCC 9/28/22 Request for Interpretation requested guidance on the accessibility and general use code compliance of these 62 steps, as well as the circular stage steps, which was not forthcoming.

Chapter 11 Accessibility Section 1101.2 – Design, provides: “Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1.” §504.2 of ICC A117.1-2009 provides that all steps on a flight of stairs shall have uniform riser heights, with no apparent definition of the tolerance requirements for “uniform”.<sup>2</sup> There is no apparent distinction as to whether the ICC A117.1 referenced “steps on a flight of stairs” are limited to means of egress or exit access, or just general use by the public. ICC A117.1-2009 §104.2 Dimensions provides “Dimensions that are not stated as ‘maximum’ or ‘minimum’ are absolute. All dimensions are subject to conventional industry tolerances.” NCDOT’s pending response to the above referenced Request No. 3 of RCCC 9/28/22 Request for Interpretation should provide guidance on whether all the steps on the subject project are sufficiently uniform and within code requirement tolerances regarding Chapter 11 accessibility, general use by the public, and elsewhere in the 2018 NC Building Code.

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<sup>1</sup> NC Building Code § 202 defines the following terms which were not considered in the NCDOT 10/17/22 Interpretation: “Accessible”, “Accessible Route”, “Circulation Path”, “Public Use Areas”, “Stair” and “Stairway”, all of which are referenced in Chapter 11 (as well as “Assembly area seating” and “Lawn seating” which are discussed in Chapter 11), none of which were mentioned in the NCDOT 10/17/22 Interpretation.

<sup>2</sup> Exhibit C to RCCC 12/16/21 Request for Interpretation - As-built spot elevation survey, dated August 24, 2021, is replete with tolerances that exceed the 3/8 inch and 3/16 inch riser tolerances in § 1011.5.4 and § 1029.13.2.2.1 in 2018 NCBC Chapter 10 Means of Egress (as described in NCDOT’s 01/06/22 Formal Interpretation).

Please do not hesitate to let us know if you need any additional documents or information. From RCCC's perspective, the pending Formal Interpretation from NCDOT to the requests highlighted in yellow above directly impacts what is happening in real time on the project site. Since this Resubmitted for Complete Response (11/03/22) - RCCC 9/28/22 Request for Interpretation is not a new Request for Formal Interpretation, RCCC respectfully requests an expedited response if possible.

Sincerely,

WOMBLE BOND DICKINSON (US) LLP



Kenneth R. Michael

KRM: kwb

cc: Terence Friedman, Esq., NCDOT, counsel for NCDOT, [Tfriedman@ncdot.gov](mailto:Tfriedman@ncdot.gov)  
Nathan Childs, Esq., NCDOT, counsel for NC Building Code Council, [nchilds@ncdot.gov](mailto:nchilds@ncdot.gov)  
Thomas O'Kelly, Director, Rowan County Bldg Inspections, [Thomas.okelly@rowancountync.gov](mailto:Thomas.okelly@rowancountync.gov)  
Scott Lowder, Sr. Inspector, Rowan County Bldg Inspections, [Jessie.Lowder@rowancountync.gov](mailto:Jessie.Lowder@rowancountync.gov)  
Jay Dees, Esq., counsel for Rowan County Bldg Inspections, [jay.dees@rowancountync.gov](mailto:jay.dees@rowancountync.gov)  
Jonathan Chamberlain, Chief Officer, RCCC, [jonathan\\_chamberlain@rccc.edu](mailto:jonathan_chamberlain@rccc.edu)  
Jim Atkinson, Project Manager, RCCC, [jim.atkinson@rccc.edu](mailto:jim.atkinson@rccc.edu)  
Mark Henriques, Esq., counsel for RCCC, [Mark.Henriques@wbd-us.com](mailto:Mark.Henriques@wbd-us.com)  
James Bernier, Jr., Special Deputy Attorney General, NCDOT, [JBernier@ncdot.gov](mailto:JBernier@ncdot.gov)  
Michael Ali, NC SCO, [michael.ali@doa.nc.gov](mailto:michael.ali@doa.nc.gov)  
Jeff Hinkle, NC SCO Monitor, [Jeffrey.Hinkle@doa.nc.gov](mailto:Jeffrey.Hinkle@doa.nc.gov)  
Russell Killen, Esq., counsel for McAdams, [russellkillen@parkerpoe.com](mailto:russellkillen@parkerpoe.com)  
Brian Darer, Esq., counsel for McAdams, [briandarer@parkerpoe.com](mailto:briandarer@parkerpoe.com)  
Nick Lowe, RLA, McAdams, [nlowe@mcadamsco.com](mailto:nlowe@mcadamsco.com)  
Robert Attardo, Esq., counsel for Labella, [RAttardo@LaBellaPC.com](mailto:RAttardo@LaBellaPC.com)  
Bryan Badeaux, Esq. Sr. Surety Claims Counsel, Philadelphia Insurance, [Bryan.Badeaux@phlv.com](mailto:Bryan.Badeaux@phlv.com)  
Jeff Price, Esq., counsel for Philadelphia Insurance, [jprice@manierherod.com](mailto:jprice@manierherod.com)  
Andrew Chapin, Esq., counsel for WC Construction, [AChapin@cgspllc.com](mailto:AChapin@cgspllc.com)

*Attachments (attached to the email transmitting this Resubmitted for Complete Response (11/03/22) - RCCC 9/28/22 Request for Interpretation):*

- Annex 1 NCDOI 10/17/22 Interpretation and attachments, which includes as an attachment the RCCC 9/28/22 Request for Interpretation (attached to the email transmitting this Resubmitted for Complete Response (11/03/22) - RCCC 9/28/22 Request for Interpretation)
- Annex 2 2MB file of the As-built spot elevation survey, dated August 24, 2021, by Douglas Surveying, PLLC, with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams (attached to the email transmitting this Resubmitted for Complete Response (11/03/22) - RCCC 9/28/22 Request for Interpretation)



**ENGINEERING**

Tel 919.647.0000 Fax 919.715.0067

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL  
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

October 17, 2022

Mr. Kenneth Michael  
Womble Bond Dickinson (US) LLP  
One West Fourth Street  
Winston-Salem, NC 27101

**RE: 2018 NC Building Code Section 1011.5.4 Dimensional uniformity**

Mr. Michael:

This letter is in response to your request for formal interpretation dated September 28, 2022, that was received in NCDOI by email on September 28, 2022. Your request for formal interpretation states in part:

“Request No. 1: The NCDOI 9/23/22 Interpretation did not explain how stage steps W constitute a code compliant *Means of Egress* in contradiction to the NCDOI 1/6/22 Interpretation. Stage Steps W include adjacent risers that exceed the allowed maximum tolerance from the smallest to the greatest riser height of 3/8 inch (NC Bldg Code 1011.5.4). Are stage Steps W code compliant as a *Means of Egress*, as well as for purposes of accessibility, general use by the public, and elsewhere in the 2018 NC Building Code?

Request No. 2: The NCDOI 9/23/22 Interpretation did not render any interpretation as to code compliance regarding back stairway Steps A, G, H and I, because they were not included in the WCCC 8/02/22 Request for Interpretation (they were deemed non-code compliant in the NCDOI 9/23/22 Interpretation). At least one side of back stairway Steps A, G, H and I include stair runs with risers that exceed the allowed maximum tolerance from the smallest to the greatest riser height of 3/8 inch (including up to 7/8 inches). Are back stairway Steps A, G, H and I, code compliant as a *Means of Egress*, as well as for purposes of accessibility, general use by the public, and elsewhere in the 2018 NC Building Code?

Request No. 3: It appears the underlying basis of the WCCC 8/02/22 Request for Interpretation and the resultant NCDOI 9/23/22 Interpretation is only in regards to code compliance of the referenced steps *in the context of Means of Egress*. To the extent any of collective Steps A through W on the Project are not Means of Egress, for purposes of accessibility, general use by the public and otherwise, which, if any, risers and runs of steps are not code compliant based on Exhibit C to RCCC 12/16/21 Request for Interpretation – As-Built spot elevation survey, dated August 24, 2021, by Douglas Surveying, PLLC (with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams)?

Remarks:

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**OFFICE OF STATE FIRE MARSHAL**

1202 MAIL SERVICE CENTER | RALEIGH, NC 27699-1202 | [WWW.NCDOI.COM/OSFM](http://WWW.NCDOI.COM/OSFM)



Code sections noted in this letter are referring to the 2018 edition of the NC Building Code unless otherwise noted.

Attachment A is comprised of the request for formal interpretation as well as all supporting information submitted with the request.

**Code Analysis:**

Means of egress from buildings or portions thereof shall comply with the provisions of Chapter 10 Means of Egress.

**1001.3 Applicability.** The general requirements specified in Sections 1003 through 1015 shall apply to all three elements of the *means of egress* system, in addition to those specific requirements for the *exit access*, the *exit* and the *exit discharge* detailed elsewhere in this chapter.

Chapter 2 defines relative terms related to egress as follows:

**MEANS OF EGRESS.** A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a *public way*. A means of egress consists of three separate and distinct parts: the *exit access*, the *exit* and the *exit discharge*.

**EXIT ACCESS.** That portion of a *means of egress* system that leads from any occupied portion of a building or structure to an *exit*.

**EXIT.** That portion of a *means of egress* system between the *exit access* and the *exit discharge* or *public way*. Exit components include exterior exit doors at the *level of exit discharge*, *interior exit stairways and ramps*, *exit passageways*, *exterior exit stairways and ramps* and *horizontal exits*.

**EXIT DISCHARGE.** That portion of a *means of egress* system between the termination of an *exit* and a *public way*.

**[A] PUBLIC WAY.** A street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet (3048 mm).

*Comments: These sections and definitions are the starting point for evaluating the minimum requirements for emergency evacuation of all occupants from buildings, portions thereof and sites to a safe location.*

**1028.4 Egress Courts.** *Egress courts* serving as a portion of the *exit discharge* in the *means of egress* system shall comply with the requirements of Sections 1028.4.1 and 1028.4.2.

**EGRESS COURT.** A *court* or *yard* which provides access to a *public way* for one or more exits.

**YARD.** An open space, other than a *court*, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.

*Comments: Egress courts such as courts and yards are permitted by code to be used for exit discharge.*

**1018.1 General.** *Aisles and aisle accessways serving as a portion of the exit access in the means of egress system shall comply with the requirements of this section. Aisles or aisle accessways shall be provided from all occupied portions of the exit access that contain seats, tables, furnishings, displays and similar fixtures or equipment. The minimum width or required capacity of aisles shall be unobstructed.*

**Exception:** Encroachments complying with Section 1005.7.

*Comments: A yard can be utilized for exit discharge if the yard is at grade level and is not within the confines of an enclosed building. If exit discharge is accomplished from ends of each of the aisles and accessways, stairs A, G, H and I are no longer required to be used for exit access from the aisles.*

Stair treads and risers shall be of uniform shape and size.

**1011.5.4 Dimensional Uniformity.** *Stair treads and risers shall be of uniform size and shape. The tolerance between the largest and smallest riser height or between the largest and smallest tread depth shall not exceed 3/8 inch (9.5 mm) in any flight of stairs. The greatest winder tread depth at the walkline within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).*

**Exceptions:**

1. *Stairways connecting stepped aisles to cross aisles or concourses shall be permitted to comply with the dimensional nonuniformity in Section 1029.13.2.*
2. *Consistently shaped winders, complying with Section 1011.5, differing from rectangular treads in the same flight of stairs.*
3. *Nonuniform riser dimension complying with Section 1011.5.4.1.*

**STAIR.** A change in elevation, consisting of one or more risers.

**FLIGHT.** A continuous run of rectangular treads, winders or combination thereof from one landing to another.

**STAIRWAY.** One or more flights of stairs, either exterior or interior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another.

*Comments: Stairways used for means of egress shall be uniform shape and size.*

*Conclusions: If stair W is intended to be used for means of egress, its stair treads and risers shall be of uniform shape and size as required by 1011.5.4. Since a code-compliant means of egress system is provided via each end of the seating rows to a yard at grade level, stairs A, G, H and I are considered landscape steps. Landscape steps are not required to comply with the means of egress requirements of the 2018 NC Building Code. As per this formal interpretation and the NCDOI Formal Interpretation dated 9/23/22, landscape steps A through N are not required to comply with the means of egress requirements of the 2018 NC Building Code. As per the NCDOI Formal Interpretation dated 9/23/22, steps P through V*

*are considered means of egress steps and shall comply with the means of egress requirements of the 2018 NC Building Code unless a barrier is provided to prevent use of those steps for egress from the stage.*

Please call or email if you have comments or questions.

Sincerely,

A handwritten signature in black ink that reads "D.B. Rittlinger". The signature is written in a cursive style with a large, stylized "D" and "R".

David B. Rittlinger, PE, LEED AP  
Chief Code Consultant  
NCDOL-OSFM Engineering & Codes Division

cc: File  
Bridget Herring, Chair – BCC  
Mark Matheny, Vice-Chair - BCC  
Michael Ali, Chair, Commercial Super Committee – BCC  
Terence Friedman, Assistant Attorney General, Insurance Section - NCDOJ

## ATTACHMENT A

womblebonddickinson.com

September 28, 2021

*Via Electronic Mail*  
[Mike.causey@ncdoi.gov](mailto:Mike.causey@ncdoi.gov)

Marshal Mike Causey  
Commissioner of Insurance  
Engineering Section of the North Carolina Department of Insurance  
430 North Salisbury Street  
1201 Mail Service Center  
Raleigh, NC 27699-1201



One West Fourth Street  
Winston-Salem, NC 27101

t: 336.721.3600  
f: 336.721.3660

Kenneth R. Michael, Esquire  
Partner  
Direct Dial: 336-721-3644  
E-mail: [Ken.Michael@wbd-us.com](mailto:Ken.Michael@wbd-us.com)

Re: Request for Formal Interpretation (N.C. Gen. Stats. § 160D-1127)  
Rowan Cabarrus Community College Outdoor Classroom Phase II (the "Project")  
1333 S. Jake Alexander Blvd., Salisbury, NC

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Commissioner Causey,

Womble Bond Dickinson is counsel for Rowan Cabarrus Community College ("RCCC"), submitting this second Request for Formal Interpretation ("RCCC 9/28/22 Request for Interpretation").

On August 2, 2022, W.C. Construction Company, LLC ("WCCC") submitted a Request for Formal Interpretation ("WCCC 8/02/22 Request for Interpretation") concerning the referenced Project, to which NCDOL issued its response on September 23, 2022 ("NCDOL 9/23/22 Interpretation") (see [Appendix #1](#)) concluding:

"Since a code-compliant *Means of Egress* system is provided via each end of the seating rows to a yard at grade level, stairs B thru F and J thru N are considered landscape steps. Landscape steps are not required to comply with the *Means of Egress* requirements of the 2018 NC Building Code. A code compliant *Means of Egress* system from the stage is provided at stairs O and W. With the addition of a barrier along the curved portion of the stage at stairs P thru V, egress from the stage is prevented from stairs P thru V. Since these steps are no longer used for egress, they become decorative steps and are not regulated by the 2018 NC Building code."

Therefore, in substance:

1. Aisle Steps B through F and J through N are "landscape steps" that are not required to comply with the *Means of Egress* requirements of the 2018 NC Building Code
2. Stage Steps O and W are a code compliant *Means of Egress*, and Stage Steps P through V with the addition of a barrier can become decorative steps that would not be regulated by the 2018 NC Building Code.

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The NCDOI 9/23/22 Interpretation (a) did not explain how stage Steps W were a code compliant *Means of Egress* in contradiction to the NCDOI 1/6/22 Interpretation (see [Footnote 1](#)<sup>1</sup> for background); and (b) did not render any interpretation as to code compliance concerning back stairway Steps A, G, H, and I, because they were not included in the WCCC 8/02/22 Request for Interpretation (they were deemed non-code compliant in the NCDOI 9/23/22 Interpretation, based on NC Bldg Code § 1011.5.4).

**Request No. 1:** The NCDOI 9/23/22 Interpretation did not explain how stage Steps W constitute a code compliant *Means of Egress* in contradiction to the NCDOI 1/6/22 Interpretation. Stage Steps W include adjacent risers that exceed the allowed maximum tolerance from the smallest to the greatest riser height of 3/8 inch (NC Bldg Code § 1011.5.4). Are stage Steps W code compliant as a *Means of Egress*, as well as for purposes of accessibility, general use by the public, and elsewhere in the 2018 NC Building Code?

**Request No. 2:** The NCDOI 9/23/22 Interpretation did not render any interpretation as to code compliance regarding back stairway Steps A, G, H, and I, because they were not included in the WCCC 8/02/22 Request for Interpretation (they were deemed non-code compliant in the NCDOI 9/23/22 Interpretation). At least one side of back stairway Steps A, G, H, and I include stair runs with risers that exceed the allowed maximum tolerance from the smallest to the greatest riser height of 3/8 inch (including up to 7/8 inches). Are back stairway Steps A, G, H, and I, code compliant as a *Means of Egress*, as well as for purposes of accessibility, general use by the public, and elsewhere in the 2018 NC Building Code?

**Request No. 3:** It appears the underlying basis of the WCCC 8/02/22 Request for Interpretation and the resultant NCDOI 9/23/22 Interpretation is only in regards to code compliance of the referenced steps *in the context of Means of Egress*. To the extent any of collective Steps A through W on the Project are not *Means of Egress*, for purposes of accessibility, general use by the public and otherwise, which, if any, risers and

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<sup>1</sup> **Background.** For some background, on December 16, 2021, Womble Bond Dickinson submitted on behalf of RCCC a Request for Formal Interpretation ("RCCC 12/16/21 Request for Interpretation") of the Rowan County Building Inspection Department's interpretation of the NC State Building Code relating to the as-built construction compliance of steps and stairs at the Rowan Cabarrus Community College Outdoor Classroom Phase II project in Salisbury, NC (see [Attachment #A to Appendix #2](#)). On January 6, 2022, NCDOI issued its response to RCCC 12/16/21 Request for Interpretation, in which NCDOI concluded ("NCDOI 1/6/22 Interpretation") (see [Appendix #2](#)) in substance the following (cross referencing Exhibit D to RCCC 12/16/21 Request for Interpretation - Location Key for Stair Runs labeling on the as-built spot elevation survey all the runs of stairs on the project with letters A-W):

1. For back stairway Steps A, G, H and I - the allowed maximum tolerance from the smallest to the greatest riser height is 3/8 inch (NC Bldg. Code § 1011.5.4). All of these are not compliant.
2. For aisle Steps B through F and J through N, the riser height uniformity tolerance is 3/16 inch. All of these are not compliant (NC Bldg. Code § 1029.13.2.2.1).
3. For stage Steps O through W, the allowed maximum tolerance from the smallest to the greatest riser height is 3/8 inch (NC Bldg. Code § 1011.5.4).
  - o Stage Steps O and P are compliant.
  - o Stage Steps Q, R and W are not compliant.
  - o Stage Steps S, T and V are not compliant, but could be made compliant if the bottom riser is marked as required by Section 1011.5.4.1.
  - o Stage Steps U are not compliant, but could be made compliant if the top riser is marked as required by Section 1011.5.4.1.

On February 4, 2022, WCCC filed a Notice of Appeal of the NCDOI 1/6/22 Interpretation ("WCCC 2/4/22 Appeal") with the NC Building Code Council. As of the date of this RCCC 9/28/22 Request for Interpretation, the NC Building Code Council has not issued its ruling on the WCCC 2/4/22 Appeal.

runs of steps are not code compliant based on Exhibit C to RCCC 12/16/21 Request for Interpretation - As-built spot elevation survey, dated August 24, 2021, by Douglas Surveying, PLLC (with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams)?<sup>2</sup>

RCCC appreciates your consideration of the foregoing requests and thanks you in advance for your assistance. RCCC has been attempting to mitigate, complete and use for its intended purposes the subject Project since receiving the NCDOI 1/6/22 Interpretation over eight and a half months ago, but have been delayed by the WCCC 2/4/22 Appeal and subsequent WCCC 8/02/22 Request for Interpretation – both processes of which we acknowledge is within WCCC's rights albeit slow and belated. In this context, we respectfully request that anything NCDOI can do to expedite the processing of this RCCC 9/28/22 Request for Interpretation would be greatly appreciated.

Please do not hesitate to let us know if you need any additional documents or information. Thank you for your prompt attention to this matter.

Sincerely,

WOMBLE BOND DICKINSON (US) LLP



Kenneth R. Michael

KRM: lwb

cc: Terence Friedman, Esq., NCDOJ, counsel for NCDOI, [TFriedman@ncdoj.gov](mailto:TFriedman@ncdoj.gov)  
Nathan Childs, Esq., NCDOJ, counsel for NC Building Code Council, [nchilds@ncdoj.gov](mailto:nchilds@ncdoj.gov)  
Thomas O'Kelly, Director, Rowan County Bldg Inspections, [Thomas.okelly@rowancountync.gov](mailto:Thomas.okelly@rowancountync.gov)  
Scott Lowder, Sr. Inspector, Rowan County Bldg Inspections, [Jessie.Lowder@rowancountync.gov](mailto:Jessie.Lowder@rowancountync.gov)  
Jonathan Chamberlain, Chief Officer, RCCC, [jonathan.chamberlain@rccc.edu](mailto:jonathan.chamberlain@rccc.edu)  
Jim Atkinson, Project Manager, RCCC, [jim.atkinson@rccc.edu](mailto:jim.atkinson@rccc.edu)  
Mark Henriques, Esq., counsel for RCCC, [Mark.Henriques@wbd-us.com](mailto:Mark.Henriques@wbd-us.com)  
James Bernier, Jr., Special Deputy Attorney General, NCDOJ, [JBernier@ncdoj.gov](mailto:JBernier@ncdoj.gov)  
Michael Ali, NC SCO, [michael.ali@dca.nc.gov](mailto:michael.ali@dca.nc.gov)  
Jeff Hinkle, NC SCO Monitor, [Jeffrey.Hinkle@dca.nc.gov](mailto:Jeffrey.Hinkle@dca.nc.gov)  
Russell Killen, Esq., counsel for McAdams, [russellkillen@parkerpoe.com](mailto:russellkillen@parkerpoe.com)  
Brian Darer, Esq., counsel for McAdams, [briandarer@parkerpoe.com](mailto:briandarer@parkerpoe.com)  
Nick Lowe, RLA, McAdams, [nlowe@mcadamsco.com](mailto:nlowe@mcadamsco.com)  
Robert Attardo, Esq., counsel for Labella, [RAttardo@LaBellaPC.com](mailto:RAttardo@LaBellaPC.com)  
Bryan Badeaux, Esq. Sr. Surety Claims Counsel, Philadelphia Insurance, [Bryan.Badeaux@phly.com](mailto:Bryan.Badeaux@phly.com)  
Jeff Price, Esq., counsel for Philadelphia Insurance, [jprice@manierherod.com](mailto:jprice@manierherod.com)  
Andrew Chapin, Esq., counsel for WC Construction, [AChapin@cgspilc.com](mailto:AChapin@cgspilc.com)

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<sup>2</sup> Please refer to separate attachment [4] to email transmitting this RCCC 9/28/22 Request for Interpretation for 2MB File of this Exhibit C.

Appendices:<sup>3</sup>

- Appendix #1    **NCDOT 9/23/22 Interpretation** (separate attachment to email)  
Attachment A    **WCCC 8/02/22 Request for Interpretation**  
Exhibit A        Location Key for Stair Runs that identifies the runs of stairs on the projects with letters A-W.
- Appendix #2:    **NCDOT 1/6/22 Interpretation** (separate attachment to email)  
Attachment A    **RCCC 12/16/21 Request for Interpretation**  
Exhibit A        Inspection Worksheet (INSP-420557-2021) by Scott Lowder of the Rowan County Building Inspection Department, dated December 7, 2021;  
Exhibit B        December 15, 2021 11:44 AM clarification email from Thomas O'Kelly, Director of Rowan County Building Inspections;  
Exhibit C        As-built spot elevation survey, dated August 24, 2021, by Douglas Surveying, PLLC, with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams; (separate attachment [4] to email transmitting *RCCC 9/28/22 Request for Interpretation*) and  
Exhibit D        Location Key for Stair Runs labeling on the as-built spot elevation survey all the runs of stairs on the project with letters A-W.  
Attachment B    Amphitheater Seating Elevation, by McAdams, dated December 28, 2021

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<sup>3</sup> Note, most but not all the documents attached to Appendix #1 and Appendix #2 listed below are pasted into this letter on the following pages; however, with my email transmitting this RCCC 9/28/22 Request for Interpretation.

Appendix #1  
NCDOI 9/23/22 Interpretation



**ENGINEERING**

Tel 919.647.0000 Fax 919.715.0067

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL  
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

September 23, 2022

Mr. Andrew L. Chapin  
Connor, Gwyn, Schenck, PLLC Attorneys at Law  
300 East Market Street, Suite One  
Greensboro, NC 27401  
P.O. BOX 20744  
Greensboro, NC 27420

RE: 2018 NC Building Code Section 1001.1 General and 1003.1 Applicability

Mr. Chapin:

This letter is in response to your request for formal interpretation dated August 2, 2022, that was received in NCDOI by email on August 2, 2022. Your request for formal interpretation states:

"WCCC submits this request seeking a formal interpretation in connection with certain steps/stairs constructed on the project. For location reference purposes, please see the attached Exhibit "A," Location Key for Steir Ruro, that identifies the runs of stairs on the project with letters A-W.

Request No. 1: Whether the steps in the aisles labeled B through F and J through N may be considered landscape steps?

Request No. 2: Without necessarily agreeing that any steps associated with the stairs and labeled O through W are considered egress steps that may not comply with the building code (WCCC expressly reserves the right to argue otherwise), to the extent that such steps are considered egress steps that do not comply with building code, can the steps be brought into compliance with the building code with the use of a barrier?"

**Remarks:**

Code sections noted in this letter are referring to the 2018 edition of the NC Building Code unless otherwise noted.

Attachment A is comprised of the request for formal interpretation as well as all supporting information submitted with the request.

**Code Analysis:**

Means of egress from buildings or portions thereof shall comply with the provision of Chapter 10 Means of Egress.

**1001.1 General.** Buildings or portions thereof shall be provided with a means of egress system as required by this chapter. The provisions of this chapter shall control the design, construction

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and arrangement of means of egress components required to provide an approved means of egress from structures and portions thereof.

**1011.5 Applicability.** The general requirements specified in Sections 1003 through 1015 shall apply to all three elements of the means of egress system, in addition to those specific requirements for the exit access, the exit and the exit discharge detailed elsewhere in this chapter.

Chapter 2 defines relative terms related to egress as follows:

**MEANS OF EGRESS.** A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. A means of egress consists of three separate and distinct parts: the exit access, the exit and the exit discharge.

**EXIT ACCESS.** That portion of a means of egress system that leads from any occupied portion of a building or structure to an exit.

**EXIT.** That portion of a means of egress system between the exit access and the exit discharge or public way. Exit components include exterior exit doors at the level of exit discharge, interior exit stairways and ramps, exit passageways, exterior exit stairways and ramps and horizontal exits.

**EXIT DISCHARGE.** That portion of a means of egress system between the termination of an exit and a public way.

**[A] PUBLIC WAY.** A street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet (3048 mm).

*Comments: These sections and definitions are the starting point for evaluating the minimum requirements for emergency evacuation of all occupants from buildings, portions thereof and sites to a safe location.*

Egress courts such as courts and yards are permitted by code to be used for exit discharge.

**1026.4 Egress Courts.** Egress courts serving as a portion of the exit discharge in the means of egress system shall comply with the requirements of Sections 1028.4.1 and 1028.4.2.

**EGRESS COURT.** A court or yard which provides access to a public way for one or more exits.

**YARD.** An open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.

**1028.4.1 Width or Capacity.** The required capacity of egress courts shall be determined as specified in Section 1005.1, but the minimum width shall be not less than 44 inches (1118 mm), except as specified herein. Egress courts serving Group R-3 and U occupancies shall be not less

than 36 inches (914 mm) in width. The required capacity and width of egress courts shall be unobstructed to a height of 7 feet (2134 mm).

**Exception:** Encroachments complying with Section 1005.7.

Where an egress court exceeds the minimum required width and the width of such egress court is then reduced along the path of exit travel, the reduction in width shall be gradual. The transition in width shall be affected by a guard not less than 36 inches (914 mm) in height and shall not create an angle of more than 30 degrees (0.52 rad) with respect to the axis of the egress court along the path of egress travel. The width of the egress court shall not be less than the required capacity.

**1028.4.2 Construction and Openings.** Where an egress court serving a building or portion thereof is less than 10 feet (3048 mm) in width, the egress court walls shall have not less than 1-hour fire-resistance-rated construction for a distance of 10 feet (3048 mm) above the floor of the egress court. Openings within such walls shall be protected by opening protectives having a fire protection rating of not less than 3/4 hour.

**Exceptions:**

1. Egress courts serving an occupant load of less than 10.
2. Egress courts serving Group R-5.

**1028.5 Access to a public way.** The exit discharge shall provide a direct and unobstructed access to a public way.

**Exception:** Where access to a public way cannot be provided, a safe dispersal area shall be provided where all of the following are met:

1. The area shall be of a size to accommodate not less than 5 square feet (0.46 m<sup>2</sup>) for each person.
2. The area shall be located on the same lot not less than 50 feet (15 240 mm) away from the building requiring egress.
3. The area shall be permanently maintained and identified as a safe dispersal area.
4. The area shall be provided with a safe and unobstructed path of travel from the building.

**1018.1 General.** Aisles and aisle accessways serving as a portion of the exit access in the means of egress system shall comply with the requirements of this section. Aisle or aisle accessways shall be provided from all occupied portions of the exit access that contain seats, tables, furnishings, displays and similar fixtures or equipment. The minimum width or required capacity of aisles shall be unobstructed.

**Exception:** Encroachments complying with Section 1005.7.

**Comments:** A yard can be utilized for exit discharge if the yard is at grade level and is not within the confines of an enclosed building. If exit discharge is accomplished from ends of each of the aisles, aisle accessways are no longer required to be used for exit access to the aisles.

*Conclusions: Since a code-compliant means of egress system is provided via each end of the seating rows to a yard at grade level, stairs A thru F and J thru N are considered landscape steps. Landscape steps are not required to comply with the means of egress requirements of the 2018 NC Building Code. A code-compliant means of egress system from the stage is provided at stairs O and W. With the addition of a barrier along the curved portion of the stage at stairs P thru V, egress from the stage is prevented from stairs P thru V. Since these steps are no longer used for egress, they become decorative steps and are not regulated by the 2018 NC Building code.*

Please call or email if you have comments or questions.

Sincerely,



David D. Rittlinger, PE, LEED AP  
Chief Code Consultant  
NCDOT-GSPM Engineering & Codes Division

cc: File  
Bridget Herring, Chair - BCC  
Mark Maloney, Vice-Chair - BCC  
Michael AB, Chair, Commercial Super Committee - BCC  
Terence Friedman, Assistant Attorney General, Insurance Section - NCDOT

**Attachment A**  
**(to Appendix #1 - NCDOT 9/23/22 Interpretation)**  
**WCCC 8/02/22 Request for Interpretation**

**ATTACHMENT A**



**DONNER  
SWYN  
BONENCK**  
ATTORNEYS AT LAW

214 JONES BRIDGE ROAD, SUITE 100  
FAYETTEVILLE, NORTH CAROLINA 28404  
TEL: 336.438.8100 FAX: 336.438.8101  
WWW.DONNER-SWYN-BONENCK.COM

22001 MARKET STREET, SUITE 200  
APRINGTON, NORTH CAROLINA 28706  
TEL: 336.438.8100 FAX: 336.438.8101  
WWW.DONNER-SWYN-BONENCK.COM

August 2, 2022

**Via Electronic Mail Only**  
[Mike.Causey@ncdi.gov](mailto:Mike.Causey@ncdi.gov)

Michael Mike Causey  
Commissioner of Insurance  
Engineering Section of the North Carolina Department of Insurance  
150 North Salisbury Street  
1201 Mail Service Center  
Raleigh, NC 27689-1201

**Re: Request for Formal Interpretation**  
Dixiee Calamus Community College Outdoor Classroom Phase II  
1336 S. Jove Alexander Blvd., Raleigh, NC

Dear Commissioner Causey,

My firm and I represent W.C. Construction Company, LLC ("WCCC"), the original general contractor on the referenced project. WCCC submits this request seeking a formal interpretation in connection with certain elevations constructed on the project. For location reference purposes, please see the attached Exhibit "A," Location Key for Site Plans, that identifies the name of sites on the project with letters A-W.

**Request No. 1:** Whether the steps in the deck labeled D through F and J through N may be considered landscape steps?

**Request No. 2:** Without necessarily agreeing that any steps associated with the steps and decks D through N are considered egress steps that may not comply with the building code (WCCC expressly reserves the right to argue otherwise), to the extent that such steps are considered egress steps that do not comply with building code, can the deck be brought into compliance with the building code with the use of a barrier?

WCCC and I appreciate your consideration of the foregoing requests and thank you in advance for your assistance. Please let me know if any further information is required in connection with this request.

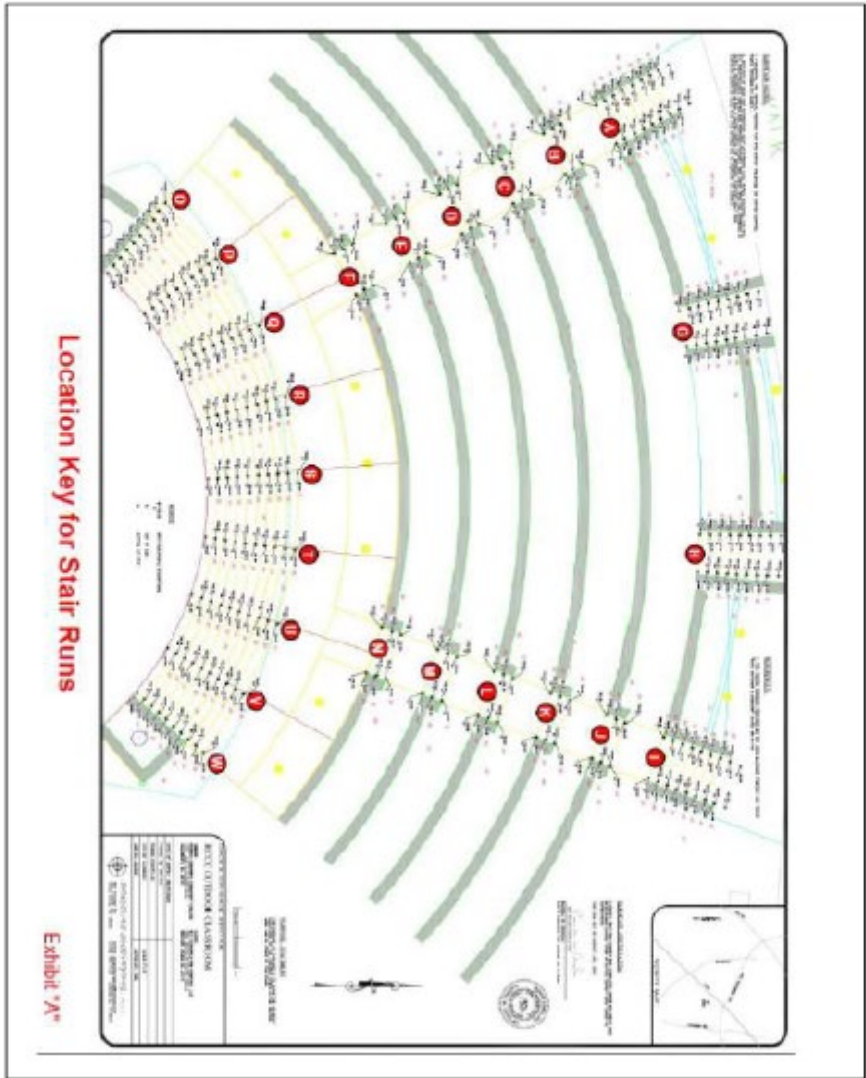
Sincerely,

  
Andrew L. Chappin

Attachment



**Exhibit A**  
(to Attachment A – WCCC 8/02/22 Request for Interpretation)  
**Location Key for Stair Runs that identifies the runs of stairs on project with letters A-W**



**Location Key for Stair Runs**

**Exhibit 'A'**

*For remainder of attachments to NCDOT 9/23/22 Interpretation, see separate attachment [2]  
to email transmitting the RCCC 9/28/22 Request for Interpretation.*

Appendix #2  
NCDOT 1/6/22 Interpretation



ENGINEERING

Tel:919.647.9000 Fax:919.715.0067

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL  
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

January 6, 2022

Kenneth Michael  
Womble Bond Dickinson (US) LLP  
One West Fourth Street  
Winston-Salem, NC 27301

RE: Stopped Aisle and Stairway Riser Uniformity  
2018 NCBC, Sections 1029.13.2.2.1 and 1011.5.4

Mr. Michael:

This letter is in response to your request for formal interpretation dated December 16, 2021 that was received in NCDOT by email on that same date. Your request for formal interpretation states:

"Please confirm the following:

1. Stopped Aisles

- a. Please identify which runs of steps labeled A-W on Exhibit D are "Stopped Aisles".
- b. To the extent there are stopped Aisles on the Project, the applicable code reference is the following:  
**1029.13.2.2.1 Construction Tolerances**  
"The tolerance between adjacent risers on a stepped aisle that were designed to be equal height shall not exceed 3/16 inch (4.8 mm). Where the stepped aisle is designed in accordance with Exception 1 of Section 1029.13.2.2, the stepped aisle shall be constructed so that each riser of unequal height, determined in the direction of descent, is not more than 3/8 inch (9.5 mm) in height different from adjacent risers where stepped aisle treads are less than 22 inches (560 mm) in depth and 3/4 inch (19.1 mm) in height different from adjacent risers where stepped aisles treads are 22 inches (560 mm) or greater in depth."
- c. Even though the tolerance for adjacent riser heights is 3/16 inch per Section 1029.13.2.2.1, a tolerance of 3/8 inch is deemed to be in compliance with Code.

2. Stairways

- a. Please identify which runs of steps labeled A-W on Exhibit D are "Stairways."
- b. To the extent there are Stairways on the Project, please confirm the applicable Code reference is Section 1011.5.4 Dimension Uniformity, to which: "Stair treads and risers shall be uniform size and shape. The tolerance between the largest and smallest riser height or between the largest and the smallest tread depth shall not exceed 2/8 inch (2.0 mm) in any flight of stairs;" with Exception 1 whereby: "Stairways connecting stepped aisles to

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cross aisles or concourses shall be permitted to comply with the dimensional nonuniformity in Section 1029.13.2.”

3. Curved Steps at Stage (labeled O through W on Exhibit D)
  - a. Based on as-built survey (Exhibit C), please identify which runs of steps are not in compliance with 2018 NC Building Code.
  - b. For purposes of Code compliance, is it proper to assess all runs labeled O through W on Exhibit D, or just the ends with handrail (labeled O through W on Exhibit D)?

**Remarks:**

Code sections noted in this letter are referring to the 2018 edition of the NC Building Code unless otherwise noted.

Attachment A is comprised of the request for formal interpretation as well as all supporting information and exhibits submitted with the request.

Attachment B is a drawing of the section through the site as requested by Carl Martin on December 28, 2021. The drawing was provided on December 30, 2021.

Attachment C is a photograph of the seating area of the “as-built” condition taken from the viewpoint of the performance area. The photo is of the left side of the seating area but portrays the condition of the entire seating area.

Attachment D is a photograph of the performance area taken from the viewpoint of the seating area.

Attachment E is a photograph of the walkway passing behind the seating area and providing access to the seating area as well a path of travel not related to the seating area. The seating (steps) seen to the left of the walkway appear to have been existing prior to the project in question.

3/16 inch equals 0.015625 feet.

3/8 inch equals 0.03125 feet.

**Code Analysis:**

Chapter 2 defines “Aisle” as follows:

**Aisle.** An unenclosed exit access component that defines and provides a path of egress travel.

*Comment: Normally all paths of egress within an assembly seating area would be an aisle.*

Chapter 2 defines “Exit Access” as follows:

**Exit Access.** That portion of a means of egress system that leads from any occupied portion of a building or structure to an exit.

*Comment: Aisles used for egress would be exit access aisles. Steps A through N on Exhibit C are, therefore, “stepped aisles” and Section 1029.13.2 will apply.*

The text of Section 1029.13.2.2.1 is included in the request for formal interpretation shown above.

*Comments: 1029.13.2.2.1 references Section 1029.13.2.1, exception #1.*

Section 1029.13.2.2 reads in part as follows:



1029.13.2.2 Risers. Where the gradient of stepped aisles is to be the same as the gradient of adjoining seating areas, the riser height shall be not less than 4 inches (102 mm) nor more than 6 inches (203 mm) and shall be uniform within each flight.

**Exceptions:**

1. Riser height nonuniformity shall be limited to the extent necessitated by changes in the gradient of the adjoining seating area to maintain adequate sightlines. Where nonuniformities exceed 3/16 inch (4.8 mm) between adjacent risers, the exact location of such nonuniformities shall be indicated with a distinctive marking stripe on each tread at the nosing or leading edge adjacent to the nonuniform risers. Such stripe shall be not less than 1 inch (25 mm), and not more than 2 inches (51 mm), wide. The edge marking stripe shall be distinctively different from the contrasting marking stripe.

*Comments: Based on Attachment B below it does not appear that a 3/8 inch riser tolerance is needed for this site to "maintain adequate sightlines".*

Chapter 2 defines "Stairway" as follows:

**Stairway.** One or more flights of stairs, either exterior or interior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another.

*Comment: The steps from the performance area to the cross aisle are for egress or convenience and therefore qualify as an exit access stairway and not a "stepped aisle". Steps A, G, H and I provide access from a walkway down to the seating area and therefore appear to also be exit access stairways.*

Section 1011.5 states in part:

**1011.1 General.** Stairways serving occupied portions of a building shall comply with the requirements of Sections 1011.2 through 1011.13.

*Comment: Steps labeled A, G, H, I and O through W on Exhibit D would qualify as stairways and require compliance with Section 1011.5.*

Section 1011.5.4 states in part:

**1011.5.4 Dimensional uniformity.** Stair treads and risers shall be of uniform size and shape. The tolerance between the largest and smallest riser height or between the largest and smallest tread depth shall not exceed 3/8 inch (9.5 mm) in any flight of stairs.

*Comment: Steps labeled O through W on Exhibit D can have a tolerance of 3/8 inch between the largest and smallest riser. With a curved stair the intent is to meet the uniformity in any likely path of travel which, in the case of the plan shown in exhibit D of Attachment A, would be any path directly down the steps at a 90 degree angle to the top or bottom landings.*

**Conclusions:**

- 1a. Steps labeled B through F and J through N on Exhibit D appear to be "stepped aisles".
- 1b. Section 1029.13.2.2.1 is the correct reference for addressing allowed riser height tolerance for stepped aisles.

1c. Section 1029.13.2.2.1 limits the riser height uniformity tolerance for stepped aisles to 3/16 inch unless an increase to 3/8 inch is required to "maintain adequate sightlines" for adjacent seating served by the stepped aisle. Attachment B below does not demonstrate a need for a 3/8 inch tolerance to maintain adequate sightlines for adjacent seating; therefore, the uniformity tolerance is limited by Section 1029.13.2.2.1 to 3/16 inch for the plan shown in Exhibit C.

2a. Steps labeled O through W on Exhibit D appear to be stairways providing egress and convenience for the performance area. Steps labeled A, G, H and I appear to be stairways providing access from an adjacent walkway to the seating area.

2b. Section 1011.5.4 is the applicable code section for steps labeled A, G, H, I and O through W on Exhibit D. The allowed maximum tolerance from the smallest to the greatest riser height is 3/8 inch.

3a. Any riser difference greater than 0.03125 feet (3/8 inch) of the smallest to the largest riser is not compliant with the applicable code requirement (ref. Section 1011.5.4).

Steps O are in compliance.

Steps P are in compliance.

Steps Q are not compliant because the difference in riser height from 0.50 to 0.56 is 0.06 feet which exceeds the allowed 0.03125 feet.

Steps R are not compliant because the difference in riser height from 0.49 to 0.54 is 0.05 feet which exceeds the allowed 0.03125 feet.

Steps S are not compliant because the difference in riser height from 0.51 to 0.57 is 0.06 feet which exceeds the allowed 0.03125 feet.

Steps T are not compliant because the difference in riser height from 0.49 to 0.56 is 0.07 feet which exceeds the allowed 0.03125 feet.

Steps U are not compliant because the difference in riser height from 0.50 to 0.54 is 0.04 feet which exceeds the allowed 0.03125 feet.

Steps V are not compliant because the difference in riser height from 0.49 to 0.53 is 0.04 feet which exceeds the allowed 0.03125 feet.

Steps W are not compliant because the difference in riser height from 0.50 to 0.54 is 0.04 feet which exceeds the allowed 0.03125 feet.

Summary:

- Steps O and P comply with Section 1011.5.4.
- Steps Q thru W do not comply with Section 1011.5.4.
- Steps S, T and V could be made compliant if the bottom riser is marked as required by Section 1011.5.4.1.
- Steps U could be made compliant if the top riser is marked as required by Section 1011.5.4.1.

3b. Because steps O through W are all available to be traversed, Steps O through W must all comply with Section 1011 – Stairways.

Please call if you have comments or questions.

Sincerely,



Carl Martin, RA  
Deputy Commissioner  
Division Chief of Engineering

CC: File  
Bridget Herring, Chair – BCC  
Danny Priest, Vice-Chair – BCC  
Jason Shepherd, Chairman – BCC Fire Code Standing Committee  
Thomas O’Kelley, Director, Rowan County Bldg Inspections  
Scott Lowder, Sr. Inspector, Rowan County Bldg Inspections  
Jonathan Chamberlain, Chief Officer, RCCC  
Jim Atkinson, Project Manager, RCCC  
James Bernier, Jr., Special Deputy Attorney General, NCDOJ  
Jeff Hinkle, NC BCO Monitor  
Russell Killen, counsel for McAdams  
Nick Lowe, RIA McAdams  
Robert Actardo, counsel for Labella  
Andrew Chapin, counsel for WC Construction  
Bryan Badeaux, Surety Claims Counsel, Philadelphia Insurance

**Attachment A**  
**(to Appendix #2 - NCDOT 1/6/22 Interpretation)**  
**RCCC 12/16/21 Request for Interpretation**

**ATTACHMENT A**

[www.wombledickinson.com](http://www.wombledickinson.com)

December 16, 2021

Via Electronic Mail  
[Mike.Causey@ncdfs.gov](mailto:Mike.Causey@ncdfs.gov)

Marshal Mike Causey  
Commissioner of Insurance  
Engineering Section of the North Carolina Department of Insurance  
430 North Salisbury Street  
1201 Mail Service Center  
Raleigh, NC 27699-1201



Wombles Bond Dickinson ES LLP  
One York Place #1100  
Winston-Salem, NC 27101

T: 336.725.5600  
F: 336.725.3860

Kenneth R. Michael, Esquire  
Partner  
Direct Dial: 336-721-3644  
E-mail: Ken.Michael@wbd-us.com

Re: **Appeal (Request) for Formal Interpretation (N.C. Gen. Stats. § 160D-1127)**  
Rowan Cabarrus Community College Outdoor Classroom Phase II  
1333 S. John Alexander Blvd., Salisbury, NC

Commissioner Causey,

Wombles Bond Dickinson is counsel for Rowan Cabarrus Community College. Pursuant to N.C. Gen. Stats. § 160D-1127, Rowan Cabarrus Community College ("Owner"), submits this appeal or request for a formal interpretation of the Rowan County Building Inspection Department's interpretation of the NC State Building Code relating to the as-built construction compliance of steps and stairs of the Rowan Cabarrus Community College Outdoor Classroom Phase II project in Salisbury, NC ("Project"). Please find attached the following key documents:

- Exhibit A Inspection Worksheet (NSP-429557-2021) by Scott Lowder of the Rowan County Building Inspection Department, dated December 7, 2021.
- Exhibit B December 15, 2021 11:44 AM clarification email from Thomas O'Keely, Director of Rowan County Building Inspections.
- Exhibit C As-built spot elevations survey, dated August 26, 2021, by Douglas Suroy, Inc., PLLC, with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams, and
- Exhibit D For reference purposes only. Location key for stair runs labeling on the as-built spot elevation survey of the runs of stairs on the project with letters A-W.

The Project is to comply with 2018 NC State Building Code. The Owner is concerned that the spot elevations on the as-built survey (Exhibit C) reveal steps and stairs with rises that do not comply with the tolerance between adjacent steps (we think 3/16") and run of steps which are labeled A-W on Exhibit D (we think 3/8").

Please confirm (or clarify) the following:

1. **Stepped Aisles**
  - a. Please identify which runs of steps labeled A-W on Exhibit D are "Stepped Aisles."
  - b. To the extent there are Stepped Aisles on the Project, the applicable Code reference is the following:

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Marshal Mike Causey  
December 16, 2021  
Page 2 of 8

1029.13.2.2.1 Construction Tolerances

The tolerance between adjacent risers on a stepped aisle that were designed to be equal height shall not exceed 3/16 inch (4.8 mm). Where the stepped aisle is designed in accordance with Exception 1 of Section 1029.13.2.2, the stepped aisle shall be constructed so that each riser of unequal height, determined in the direction of descent, is not more than 3/8 inch (9.5 mm) in height different from adjacent risers where stepped aisle treads are less than 22 inches (560 mm) in depth and 3/4 inch (19.1 mm) in height different from adjacent risers where stepped aisle treads are 22 inches (560 mm) or greater in depth.

- c. Even though the tolerance for adjacent riser heights is 3/16 inch per Section 1029.13.2.2.1, a tolerance of 3/8 inch is deemed to be in compliance with Code.

2. Stairways

- a. Please identify which runs of steps labeled A-W on Exhibit D are "Stairways."
- b. To the extent there are Stairways on the Project, please confirm the applicable Code reference is Section 1011.5.4 Dimensional Uniformity, to which: "Stair treads and risers shall be of uniform size and shape. The tolerance between the largest and smallest riser height or between the largest and smallest tread depth shall not exceed 3/8 inch (9.5 mm) in any flight of stairs," with Exception 1 whereby: "Stairways connecting stepped aisles to cross aisles or concourses shall be permitted to comply with the dimensional nonuniformity in Section 1029.13.2."

3. Curved Steps at Stage (labeled O through W on Exhibit D)

- a. Based on the as-built survey (Exhibit C), please identify which runs of steps are not in compliance with 2010 NC Building Code.
- b. For purposes of Code compliance, is it proper to assess all runs labeled O through W on Exhibit D, or just the ends with handrails (labeled O and W on Exhibit D)?

Please note this Appeal (Request) is separate and apart from any independent professional duty of the design professionals on the Project, McAdams and Labelle Associates. Please do not hesitate to let us know if you need any additional documents or information by contacting our design professional of record for the Project:

Nct Lowe RLA, ASLA, NRFA  
McAdams  
direct 919.729.6072 mobile 704.219.5088  
[nlowe@mcadamsco.com](mailto:nlowe@mcadamsco.com)  
3430 Tompkins Way, Suite 110, Charlotte, NC 28277

Thank you for your attention to this matter.

Sincerely,

WOMBLE BOND DICKINSON (US) LLP



---

Marshal Mike Causey  
December 16, 2021  
Page 3 of 8

Kenneth R. Michael

KRM: kwb

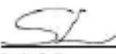
cc: Thomas O'Kelly, Director, Rowan County Bldg Inspections, [Thomas.ckelly@rowancountync.gov](mailto:Thomas.ckelly@rowancountync.gov)  
Scott Lowder, Sr. Inspector, Rowan County Bldg Inspections, [Jessie.Lowder@rowancountync.gov](mailto:Jessie.Lowder@rowancountync.gov)  
Jonathan Chamberlain, Chief Officer, RCCC, [jonathan\\_chamberlain@rccc.edu](mailto:jonathan_chamberlain@rccc.edu)  
Jim Atkinson, Project Manager, RCCC, [jim\\_atkinson@rccc.edu](mailto:jim_atkinson@rccc.edu)  
James Bernier, Jr., Special Deputy Attorney General, NCDJ, [JBernier@ncdji.gov](mailto:JBernier@ncdji.gov)  
Jeff Hinkle, NC SCD Monitor, [Jeffrey.Hinkle@doe.nc.gov](mailto:Jeffrey.Hinkle@doe.nc.gov)  
Russell Killen, Esq., counsel for McAdams, [russellkillen@parkerpoc.com](mailto:russellkillen@parkerpoc.com)  
Nick Lowe, R.L.A., McAdams, [nlowe@mcadamsco.com](mailto:nlowe@mcadamsco.com)  
Robert Abardo, Esq., counsel for Labella, [RA27@303@LabellaPC.com](mailto:RA27@303@LabellaPC.com)  
Andrew Chazin, Esq., counsel for WC Construction, [AChazin@rcsalc.com](mailto:AChazin@rcsalc.com)  
Bryan Bodeaux, Esq. Sr. Surety Claims Counsel, Philadelphia Insurance, [Bryan.Bodeaux@phly.com](mailto:Bryan.Bodeaux@phly.com)

Attachments:

Exhibit A Inspection Worksheet (INSP-420557-2021) by Scott Lowder of the Rowan County Building Inspection Department, dated December 7, 2021;  
Exhibit B December 15, 2021 11:44 AM clarification email from Thomas O'Kelly, Director of Rowan County Building Inspections;  
Exhibit C As-built spot elevation survey, dated August 24, 2021, by Douglas Surveying, PLLC, with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams; and  
Exhibit D Location Key for Stair Runs labeling on the as-built spot elevation survey all the runs of stairs on the project with letters A-W.

---

**Exhibit A**  
 (to Attachment A - RCCC 12/16/21 Request for Interpretation)  
 Inspection Worksheet (INSP-420557-2021) by Scott Lowder  
 of the Rowan County Building Inspection Department, dated December 7, 2021

INSPECTION WORKSHEET (INSP-420557-2021)		
Rowan County Building Inspections 402 North Main Street Suite 207 Salisbury, NC Phone: (704) 215-4619 Fax: (704) 215-7586		
Case Number: CCM04-20-073118	Case Module: Permit	
Inspection Date: Tue Dec 7, 2021	Inspection Status: Failed	
Inspector: Lowder, Scott	Inspection Type: Bldg Final - Res	
Job Address: 1333 S JAKE ALEXANDER BLDG LVL 1 Salisbury, NC, 28146	Parcel Number: 063 068	
Contact Type	Company Name	Name
Owner	ROWAN COUNTY	
Contractor General	*WC Construction Company, LLC	Cocksham, Jr, William
Owner	RCCC	
Checklist Item		Status
Inspector Comments - Inspector Comments		Failed
1. No changes from previous inspection. Conditions of steps in the stepped Aisles are not to code . 1 set on the left . 2 on the right looking down to the steps . These Aisle steps are designed to be equal with the gradient seating areas. The seating areas are all uniform . The construction tolerances per 1028.13.2.2.1 for a design of equal tolerances . needs to be met . 2. Need to test agree lighting in the aisles per the the previous inspection report. 3. Need to have engineers data for bottom plate seating not installed per previous inspection.		
 _____ Lowder, Scott		
DEC 07, 2021	Page 01	

**Exhibit B**  
(to Attachment A - RCCC 12/16/21 Request for Interpretation)  
December 15, 2021 11:44 AM clarification email from  
Thomas O'Kelly, Director of Rowan County Building Inspections

**From:** O'Kelly, Thomas <Thomas.O'Kelly@rowancountync.gov>  
**Sent:** Wednesday, December 15, 2021 11:44 AM  
**To:** Lowe, Nick <nlowe@mcadamsco.com>  
**Cc:** Lowder, Jessie Scott <Jessie.Lowder@rowancountync.gov>; Jim Atkinson <jim.atkinson@rccc.edu>; Danny Carpenter <danny.carpenter@rccc.edu>; David Malcolm <malcolm@mcadamsco.com>; Samuel Bush <samuel@wconstructionco.com>; William Cockerham <william@wconstructionco.com>  
**Subject:** RE: RCCC OLC Phase II

Gentlemen,

Good morning I hope all is well. After several correspondences email and phone with you all concerning the riser heights at the RCCC Outdoor Learning Center we have received from Land Surveyor Russell Douglas a more accurate measurement of the stair riser which show risers exceeding the tolerances of 3/8". Rowan County has field measured with tape measures and determined the stairs exceed 3/8" if you feel this Rowan County inspection is incorrect you may contact the Department of Insurance Building Division for a formal interpretation.



NORTH CAROLINA

Be an original.

Thomas O'Kelly | Director  
Rowan County Building Inspections  
402 N. Main St. Salisbury, NC 28144  
[p] 704-216-8612 [c] 704-202-4132 [f] 704-216-7986  
[Thomas.okelly@rowancountync.gov](mailto:Thomas.okelly@rowancountync.gov)  
[www.rowancountync.gov](http://www.rowancountync.gov)


**From:** Nick Lowe <nlowe@mcadamsco.com>  
**Sent:** Tuesday, December 14, 2021 3:59 PM  
**To:** O'Kelly, Thomas <Thomas.O'Kelly@rowancountync.gov>  
**Cc:** Lowder, Jessie Scott <Jessie.Lowder@rowancountync.gov>; Jim Atkinson <jim.atkinson@rccc.edu>; Danny Carpenter <danny.carpenter@rccc.edu>; David Malcolm <malcolm@mcadamsco.com>; Samuel Bush <samuel@wconstructionco.com>; William Cockerham <william@wconstructionco.com>  
**Subject:** RCCC OLC Phase II

Thomas



I hope you have been doing well. Upon review of the most recent inspection report dated December 7<sup>th</sup>, 2021 for the above mentioned project, we would like to clarify whether particular sets of stairs are approved or disapproved or whether there was a general determination that the stairs do not meet code. Also, I understand that you may need a copy of the survey elevations for the stairs that were taken by WCCC. I have attached that for your convenience.


Thanks,



Nick Lowe RLA, ASLA, NRPA  
senior landscape architect, planning + design

direct 980.729.6071 mobile 704.239.5088  
[nlowe@mcadamsco.com](mailto:nlowe@mcadamsco.com)  
3430 Torington Way, Suite 110, Charlotte, NC 28277

[www.mcadamsco.com](http://www.mcadamsco.com)  
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(NCGS.Ch.132)

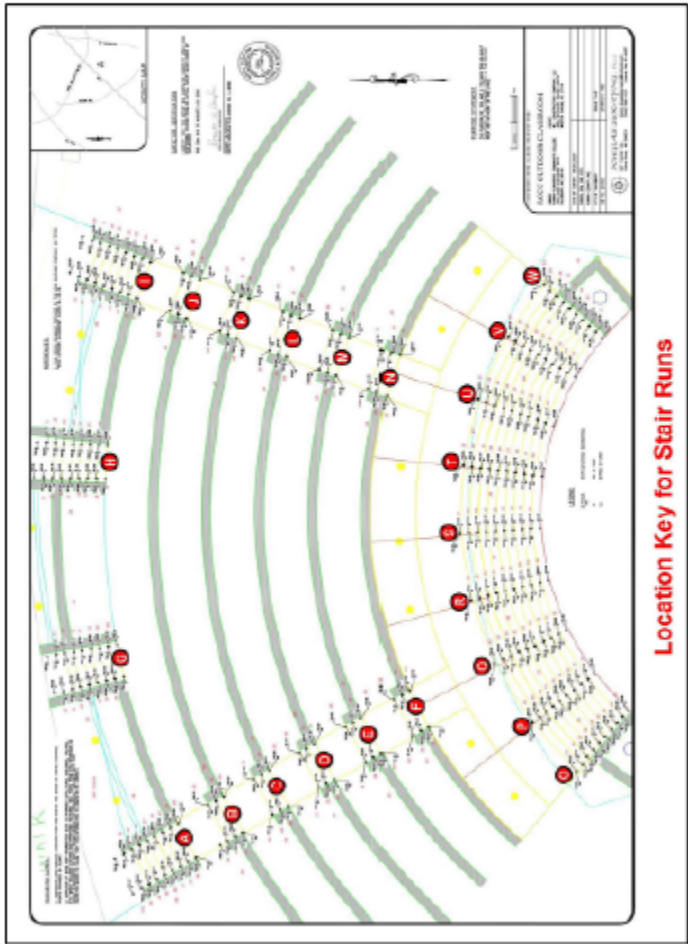
**Exhibit C**

(to Attachment A - RCCC 12/16/21 Request for Interpretation)

As-built spot elevation survey, dated August 24, 2021, by Douglas Surveying, PLLC, with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams

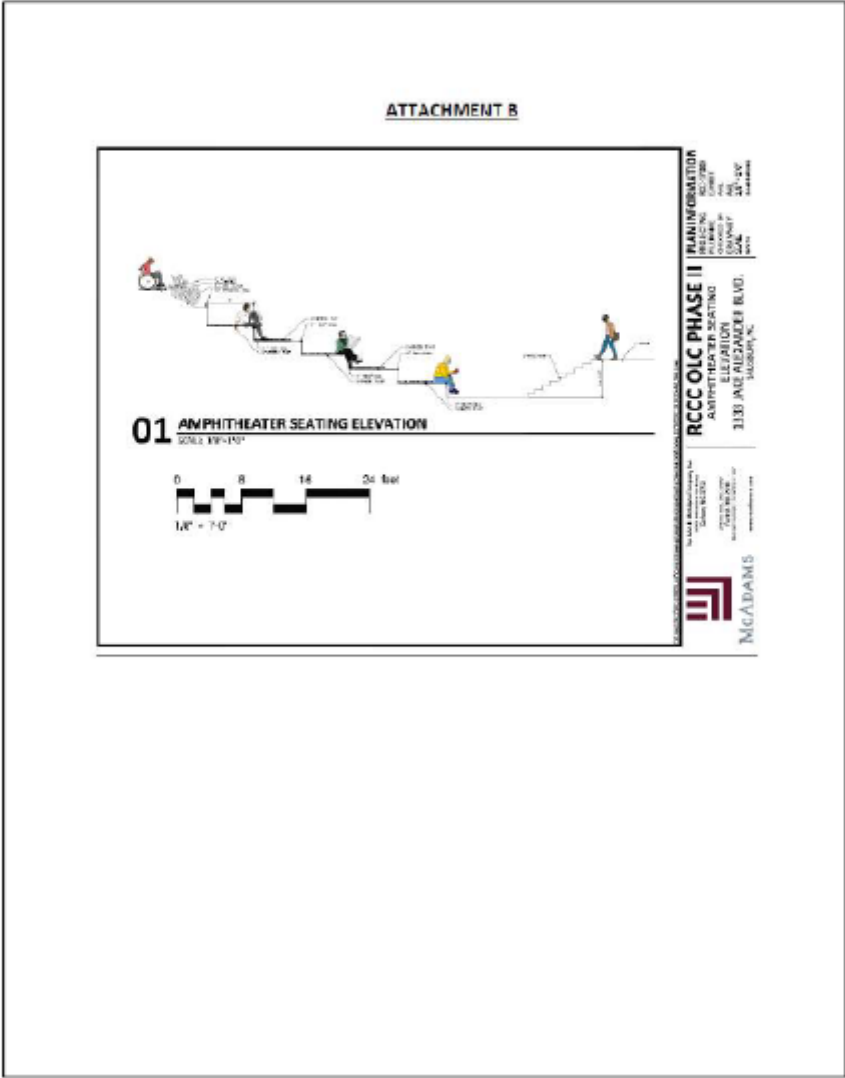
*See separate attachment [4] to email transmitting the RCCC 9/28/22 Request for Interpretation for 2MB File of this Exhibit C.*

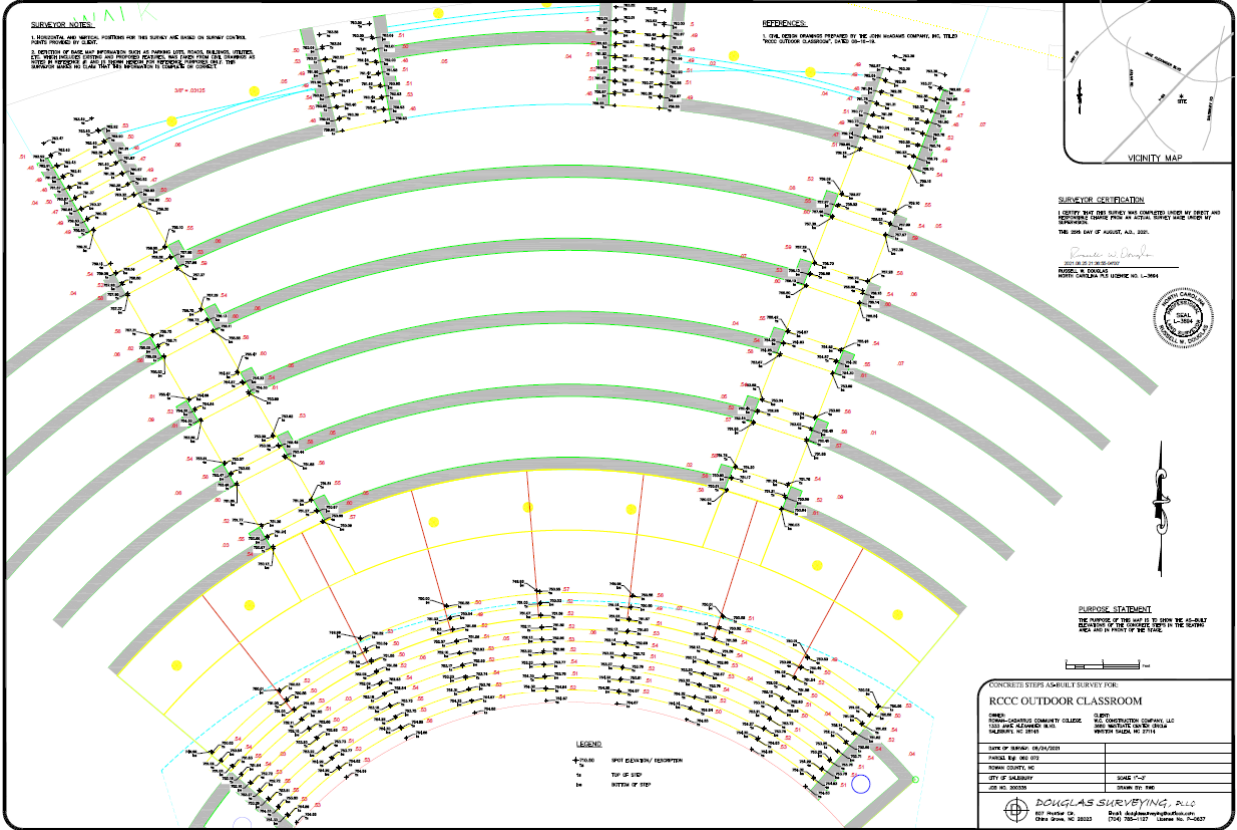
**Exhibit D**  
(to Attachment A - RCCC 12/16/21 Request for Interpretation)  
Location Key for Stair Runs labeling on the as-built spot elevation survey all the runs of stairs on  
the project with letters A-W  
(for reference purposes only)



Location Key for Stair Runs

**Attachment B**  
**(to Appendix #1 - NCDOI 1/6/22 Interpretation)**  
**Amphitheater Seating Elevation, by McAdams, dated December 28, 2021**





[External] RE: RESUBMITTED FOR COMPLETE RESPONSE (11.03.22) - Request for Formal Interpretation by Rowan Cabarrus Community College

Michael, Ken <Ken.Michael@wbd-us.com>  
To: Rittlinger, David B

Reply Reply All Forward

Wed 11/9/2022 11:04 AM

**CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.**

David, the three highlighted requests in RCCC's "Resubmitted for Complete Response (11.03.22) Second Request for a Formal Interpretation" are each questions ending with question marks that speak for themselves. RCCC ultimately needs to know whether the as-constructed Steps A through W are code compliant for general use by the public as it relates to the balance of the North Carolina Building Code, including Chapter 11 Accessibility.

There is a lack of uniformity in as-built riser heights throughout the project as set out in the As-built spot elevation survey we provided for reference in our Request for Formal Interpretation and version Resubmitted for Complete Response. It would be great if in your response you could determine and declare which of the as-constructed Steps A through W comply with the entire North Carolina Building Code. If you are not able to respond with a simple determination of which of the as-constructed Steps A through W do and do not comply with Chapter 11 Accessibility and elsewhere in the North Carolina Building Code, then RCCC will need to know with dimensional specificity what riser height tolerances should be used to make such a determination (adjacent risers and within a particular flights of steps). If not the riser height tolerances set out in Section 1011.5.4 (3/8 inch maximum tolerance between largest and smallest riser height in any flight of stairs) and Section 1029.13.2.2.1 (3/16 inch maximum tolerance between adjacent risers), then what riser dimension tolerances should be used to determine code-compliant uniformity?

Thanks for your commitment to provide a formal response to our 11/03/22 Resubmitted for Complete Response as soon as possible.

Ken

**Ken Michael**  
Partner  
Womble Bond Dickinson (US) LLP  
d: 336-721-3644  
e: [Ken.Michael@wbd-us.com](mailto:Ken.Michael@wbd-us.com)

One West Fourth Street  
Winston-Salem, NC 27101



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From: Rittlinger, David B <[david.rittlinger@ncdoj.gov](mailto:david.rittlinger@ncdoj.gov)>  
Sent: Tuesday, November 8, 2022 12:54 PM  
To: Michael, Ken <[Ken.Michael@wbd-us.com](mailto:Ken.Michael@wbd-us.com)>  
Subject: Request for Formal Interpretation by Rowan Cabarrus Community College

Request for Formal Interpretation by Rowan Cabarrus Community College

Rittlinger, David B  
To: Ken.Michael@wbd-us.com

Reply Reply All Forward

Tue 11/8/2022 12:54 PM

Ken,  
Good afternoon.  
I hope you are well.  
I am receipt of your request for formal interpretation that was sent to our office on 11/3/22. Our office will provide a formal interpretation letter to you as soon as possible.  
I have some questions about each of the three requests before I start work on providing a response.

Request #1: Is the your question to determine if Steps W are code-compliant as it relates to 2018 NCBC Chapter 11 accessibility?  
Request #2: Is the your question to determine if Steps A, G, H and I are code-compliant as it relates to 2018 NCBC Chapter 11 accessibility?  
Request #3: This reads as a statement and not a question. Please clarify this request with a question.

Thank you.

David B. Rittlinger, PE, LEED AP  
Code Interpretation Supervisor  
Chief Code Consultant  
Chief Mechanical & Fuel Gas Code Consultant  
Engineering Division



Link to free view of 2018 NC Codes  
<https://codes.iccsafe.org/codes/north-carolina>

From: Michael, Ken <[Ken.Michael@wbd-us.com](mailto:Ken.Michael@wbd-us.com)>  
Sent: Thursday, November 3, 2022 1:30 PM  
To: Mike.causey@ncdoj.gov <[Mike.causey@ncdoj.gov](mailto:Mike.causey@ncdoj.gov)>; Thomas.okeily@rowancountync.gov <[Thomas.okeily@rowancountync.gov](mailto:Thomas.okeily@rowancountync.gov)>; Jessie.Lowder@rowancountync.gov <[Jessie.Lowder@rowancountync.gov](mailto:Jessie.Lowder@rowancountync.gov)>; jay.dees@rowancountync.gov <[jay.dees@rowancountync.gov](mailto:jay.dees@rowancountync.gov)>; Jonathan.Chamberlain <[jonathan.chamberlain@rccc.edu](mailto:jonathan.chamberlain@rccc.edu)>; Jim.Atkinson <[Jim.Atkinson@rccc.edu](mailto:Jim.Atkinson@rccc.edu)>; Henriques, Mark <[Mark.Henriques@wbd-us.com](mailto:Mark.Henriques@wbd-us.com)>; Bernier, James <[Bernier@ncdoj.gov](mailto:Bernier@ncdoj.gov)>; michael.ali@doa.nc.gov <[michael.ali@doa.nc.gov](mailto:michael.ali@doa.nc.gov)>; Jeffrey.Hinkle@doa.nc.gov <[Jeffrey.Hinkle@doa.nc.gov](mailto:Jeffrey.Hinkle@doa.nc.gov)>; Killen, Russell B. <[rkillen@parkergo.com](mailto:rkillen@parkergo.com)>; Darter, Brian D. <[btdarter@parkergo.com](mailto:btdarter@parkergo.com)>; Nick.Lowe <[nlowe@mcadamsco.com](mailto:nlowe@mcadamsco.com)>; RAttardo@LaBellAPC.com <[RAttardo@LaBellAPC.com](mailto:RAttardo@LaBellAPC.com)>; Badaeux, Bryan <[Bryan.Badaeux@pshy.com](mailto:Bryan.Badaeux@pshy.com)>; Jeff.Price <[jprice@gmanherod.com](mailto:jprice@gmanherod.com)>; Chapin, Andrew <[AChapin@gsppllc.com](mailto:AChapin@gsppllc.com)>  
Subject: RCCC - Resubmitted for Complete Response (11.03.22) Second Request for a Formal Interpretation

Commissioner Causey,

Womble Bond Dickinson is counsel for Rowan Cabarrus Community College (RCCC). Please see attached Resubmitted for Complete Response (11.03.22) Second Request for a Formal Interpretation relating to the as-built construction building code accessibility compliance of steps and stairs at the Rowan Cabarrus Community College Outdoor Classroom Phase II project in Salisbury, NC, seeking requested information that was not provided in NCDOT's Formal Interpretation dated October 17, 2022.

Along with the attached Resubmitted for Complete Response (11.03.22) Second Request for a Formal Interpretation mentioned above, the following documents are attached:

Annex 1 NCDOT 10/17/22 Interpretation and attachments, which includes as an attachment the RCCC 9/28/22 Request for Interpretation.  
Annex 2 2MB file of the As-built spot elevation survey, dated August 24, 2021, by Douglas Surveying, PLLC, with subsequently added text of calculations in red font by the Designer, Nick Lowe, of McAdams.

As mentioned in the attached, this Resubmitted for Complete Response (11/03/22) - RCCC 9/28/22 Request for Interpretation is not a new Request for Formal Interpretation, therefore RCCC respectfully requests an expedited response.

Thank you,  
Ken Michael

**Ken Michael**  
Partner  
Womble Bond Dickinson (US) LLP  
d: 336-721-3644  
e: [Ken.Michael@wbd-us.com](mailto:Ken.Michael@wbd-us.com)

One West Fourth Street  
Winston-Salem, NC 27101



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