

The Long Lines for Women’s Bathrooms Could Be Eliminated. Why Haven’t They Been?

It’s been more than 30 years since states started trying to achieve “potty parity,” but many queues are still unequal.

JOE PINSKER | JAN 23, 2019



Women wait for a public restroom at Yankee Stadium in 2014. TIM CLAYTON / CORBIS

In 1987, a man, a woman, and their daughter attended a Tchaikovsky concert at the Hollywood Bowl. The most notable thing about their outing, all these years later, is something that actually wasn’t the least bit unusual: The two women waited in an interminably long line for the bathroom, while the man did not.

What separates their uncomfortable experience from those of innumerable others is that the man in their party was a California state senator. After witnessing just how long his

family members had to wait, he introduced legislation to guarantee the state's women more toilets.

In the three decades since, dozens of cities and states have joined the cause of “potty parity,” the somewhat trivializing nickname for the goal of giving men and women equal access to public toilets. These legislative efforts, along with changes to plumbing codes that altered the ratio of men's to women's toilets, have certainly helped imbalances in wait times, but they haven't come close to resolving them.

“It still remains a huge problem today, overall,” says **Kathryn Anthony**, an architecture professor at the University of Illinois who has studied the issue for more than a decade. The issue persists for many reasons: the exigencies of real estate, the building codes that govern construction, and, of course, sexism.

One would think that developers could neutralize this problem by simply building more toilets for women. And they could—there's no rule or regulation that would stop them. They're beholden to local or state plumbing codes, but those only stipulate the minimum number of toilets for men and women in a given building, based on occupancy numbers and use.

Anything that exceeds those prescribed minimums becomes a question of spending. “From an economic standpoint, it doesn't make much sense to increase the number of toilet fixtures if that's going to decrease the amount of rentable area in a building,” says Christopher Chwedyk, a building-code consultant at the firm Burnham Nationwide. In other words, toilets don't make money (and are quite expensive to install), so developers don't have a financial reason to go beyond what the code requires.

Chwedyk told me about the variety of ways in which building design does account for occupants' time. Most urgently, developers bring in experts who estimate how long it takes to exit a building, in case of an emergency. Less life-threatening considerations get attention, too. There are traffic consultants who model the building's contributions to nearby congestion, and even estimators of elevator wait times. But it's rare for

developers to undertake any sort of timing study for bathrooms, even though it's not clear that waiting for a toilet is any less important than waiting for an elevator.

Meghan Dufresne, an architect at the nonprofit Institute for Human Centered Design, says it's hard for potty-parity advocates like her to go up against the end goals of real-estate companies. "Nobody is paid for work in this area," she says. "There's no career for this, so I think it's a hard sell to get people to provide extra restrooms."

If most developers aren't going to install more toilets than are required by local or state plumbing codes, then perhaps the solution is to change the requirements. Indeed, that strategy has produced a measure of progress in the past three decades.

To understand how much better regulations have gotten on the issue of wait times, it helps to understand just how horrendous they were. The customs of public-restroom construction began to coalesce in the 19th century. Then, "the main concern of the male city fathers was to provide toilets for men, whose role in public space was accepted and indeed regarded as important to the industrial economy," writes Clara Greed, an urban-planning scholar in the United Kingdom, in her contribution to the 2010 academic anthology *Toilet: Public Restrooms and the Politics of Sharing*. "From the outset," she explained, "public toilet provision for women was seen as an extra, as a luxury, or as problematic in other respects."

As plumbing codes took shape in the following century, they generally overlooked women's needs.

As Greed and others have noted, this was probably not a coincidence, given that architects, engineers, and code officials have historically been much more likely to be men.

John Banzhaf, a law professor at George Washington University, told me that when he started following the issue of potty parity closely three decades ago, it was common for men's and women's restrooms to be equal sizes. "Sometimes," he told me, "they would in fact be built one on top of the other, exactly the same size. The men's would be on the first floor,

third floor, and fifth floor; the women's on two, four, and six.” Of course, thanks to urinals' compactness, more fixtures could be crammed into men's bathrooms than women's, so floor space was not a great proxy for equality.

As state legislators started tinkering with restroom laws in the late 1980s, they thought about fairness not in terms of square footage but in terms of the number of toilets. This was finally a recognition that women take longer to use the restroom—not just because they have to enter a stall to pee, but also because they menstruate. Many jurisdictions started apportioning more toilets in women's rooms than in men's; New York City, for instance, passed a bill in 2005 that required all new bars, arenas, and movie theaters to have a 2-to-1 ratio of women's to men's stalls. From 1987 to 2006, at least 21 states enacted potty-parity legislation.

These laws have no doubt helped, but there are many downsides to treating wait times as a matter of toilet ratios. For one, most potty-parity laws don't apply retroactively, which means that even if the numbers are tweaked in favor of women, older structures will remain unchanged.

Another issue: The difference between men's and women's wait times is most pronounced at times when demand spikes, such as halftime at a sports game or intermission at a play. And plumbing codes, even when they account for what women need, aren't calibrated to reduce wait times to zero during these extremes. “The ideal condition is that there's always a facility open—whenever you walk into a toilet facility, you never stand in line, ever—and you can't have that,” says Fred Grable, a senior staff engineer at the International Code Council (ICC), an organization whose model plumbing code has been adopted in a majority of U.S. states. “You'd have [to] double the toilet facilities in the building.”

Still, there seems to be a mismatch between women's experiences and the code-development process. Grable, who administers the process through which the ICC's plumbing code is updated, told me that “if there was a problem, that people were just really having an issue with, well, ‘We don't

have enough women's facilities,' then they would be coming to the process. Everybody knows by now that you've got to make proposals to the code and demonstrate [the problem] somehow, even if it's just taking photographs of events where people are standing on line, or some sort of counting process." But regular old bathroom-goers are probably not keen on familiarizing themselves with the intricacies of plumbing-code development. "The average person wouldn't understand these ratios and understand which codes apply, so they don't really know where to complain—they're just miserable," says Dufresne, of the Institute for Human Centered Design.

The last objection to fixating on codes is a more philosophical one, about the limits of thinking numerically. As I spoke with architects, plumbing engineers, and design scholars for this piece, it became clear that building codes are looked to as a neutral, value-free lodestar, even though they have a strongly gendered history. As Greed has written, when it comes to restroom design, "an obsession with structural and technical issues predominates over social, ergonomic, health, equality, accessibility, and livability issues, with women's needs peripheral."

Reflecting on the progress that has and hasn't been made, Dufresne said, "I think the ratios are a good try at improving things ... but the main thing we're looking to focus on is equal speed of access to the restrooms." "Equal speed of access" is a standard of fairness that points to a solution that now, unfortunately, often leads to political flare-ups: gender-neutral bathrooms. That is, one way to guarantee that men and women wait the same amount of time for a toilet is to make them wait for the same toilets.

Potty parity is just one salutary outcome of gender-neutral bathrooms. As Joel Sanders, a New York City-based architect who teaches at the Yale School of Architecture, explained to me, they don't force people into a gender binary and they are safer, particularly for trans women and trans women of color, who tend to suffer disproportionately from violence in bathrooms. Sanders favors an arrangement, common in Europe, in which rows of unisex stalls (partitioned more fully

than standard American stalls, without all those “peekaboo cracks”) are accompanied by a bank of sinks for “communal grooming and washing.”

In buildings with lower occupancies, single-user gender-neutral bathrooms—lockable rooms open to anyone—would be similarly helpful. As **Anthony**, the Illinois professor, notes in her book *Defined by Design*, these bathrooms are particularly helpful to families. She writes of single fathers who “may have no choice but to bring their young daughters into the men’s room” and of an elderly woman who “worries about her husband who has Alzheimer’s disease” when he enters a larger men-only restroom. (The 2018 edition of the ICC’s plumbing code is the first to include guidelines for such single-user gender-neutral restrooms, and the 2021 code will establish standards for the layout Sanders likes.)

These approaches are promising, but they might be too expensive an undertaking for existing buildings. Banzhaf, the George Washington law professor, has a suggestion for when that’s the case. He told me about a campus building that recently converted a men’s room into an “all-gender room,” simply by changing the sign. Most of the time, he says, it functions as it used to, as a men’s room. But when demand surges—for instance, right after a mock-trial session ends—women are able to use the stalls there as well as those in the nearby women’s room, whose sign remains the same. I was skeptical that this arrangement would fly—that women wouldn’t mind being in the presence of men using urinals, and that men wouldn’t mind women being there either. But Banzhaf says that he has heard few complaints from students. “Since most public buildings—especially theaters and sports venues where the potty-parity problem is most likely to occur—have paired men’s and women’s restrooms, the same simple approach to the potty-parity problem could be used anywhere at virtually no cost,” he says.

Of course, not every American bathroom user is likely to have the same sensibility as Banzhaf’s urban-dwelling law students, and men do not have a record of responding well when forced to cede facilities to women—see the irate male football fans in

Nashville who in 1999 pushed for a potty-parity exemption when a new state law resulted in stadium-toilet ratios that had some of them waiting 15 to 20 minutes.

There are myriad ways to address potty parity, if the public would accept them and if builders would implement them. It's easy enough to change a sign. Changing minds is harder.