

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE
CONCERNING
2010 CALIFORNIA BUILDING CODE (CBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

Abbreviations Used:

Administrative Procedure Act (APA)

Division of the State Architect-Access Compliance (DSA-AC)

United States Department of Justice (USDOJ)

Americans with Disabilities Act (ADA)

California Building Code (CBC)

California Government Code (GC)

ADA Standards for Accessible Design (ADA Standards)

ADA Certification Items - Throughout this document, notation has been included which references documents associated with the Division of the State Architect's ongoing efforts with the US Department of Justice (USDOJ) to certify that the California Building Code meets or exceeds the ADA Standards for Accessible Design for new construction and alterations. Links to the referenced documents can be found on the DSA website at <http://www.dgs.ca.gov/dsa/Programs/progAccess/adacert.aspx>. For example, USDOJ source comments for an item noted: "Side By Side #540, page 180" would be found on page 180 of the Side-by-Side Analysis.

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action.

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

California Government Code (GC) §4450(b) directs the State Architect to develop and submit proposed building standards to the California Building Standards Commission (CBSC) for approval and adoption pursuant to Health and Safety Code Section (H&SC §) 18935 and shall develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usability by persons with disabilities.

GC §4450(c) indicates that the scope of accessibility regulations in the California Building Standards Code shall not be less than the application and scope of accessibility requirements of the federal Americans with Disabilities Act of 1990 as adopted by the United States Department of Justice (USDOJ).

The Division of the State Architect-Access Compliance (DSA-AC) is in the process of obtaining USDOJ ADA certification of the accessibility provisions of the California Building Code. The DSA-AC prepared and submitted to the USDOJ for evaluation a detailed side-by-side comparison of the ADA Standards and the accessibility requirements of the CBC. The USDOJ provided a letter of initial response which indicates that many of the accessibility requirements of the CBC are substantially equivalent to the requirements of Title III of the ADA; however, the USDOJ identified a number of instances when the State's requirements do not appear equivalent to the ADA. A number of revisions submitted in this proposed action are intended to address those items identified by the USDOJ which do not meet or exceed the accessibility requirements of the ADA Standards for Accessible Design as adopted under Title III of the Americans with Disabilities Act.

The actions described are reasonably necessary to carry out the purpose for which they are proposed. This proposed action by DSA-AC will:

- Incorporate revisions, additions or deletions to eliminate duplicative or conflicting CA Building Code provisions, and provide greater clarity for code users.
- Incorporate revisions, additions or deletions to address those items identified by the USDOJ which do not meet or exceed the accessibility requirements of the ADA Standards for Accessible Design as adopted under Title III of the Americans with Disabilities Act.
- Codify non-substantive editorial and formatting amendments.

The specific purpose and rationale of each adoption, amendment, or repeal is as follows:

CHAPTER 2 – DEFINITIONS

ITEM 1

SECTION 202 – DEFINITIONS

REASON: This proposed code change is related to Items 3 and 11. DSA-AC is proposing to add new definitions for AUTOMATED TELLER MACHINE (ATM) and POINT-OF-SALE DEVICE to Section 1102B. The amendments to Section 202 are references to the new Chapter 11B definitions consistent with model code format. This amendment does not create a change in regulatory effect.

CHAPTER 10 – MEANS OF EGRESS

ITEM 2

SECTION 1017 – AISLES

REASON: DSA-AC is proposing to amend this code section to correct a reference to the applicable Chapter 11B section. An error inadvertently occurred when bringing this language forward from the 2007 CBC. This amendment is non-substantive and does not create a change in regulatory effect.

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLICLY FUNDED HOUSING

ITEM 3

SECTION 1102B – DEFINITIONS

REASON: This proposed code change is related to Items 1 and 11. DSA-AC is proposing to add new definitions for AUTOMATED TELLER MACHINE (ATM) and POINT-OF-SALE DEVICE to this section. Currently, the CBC contains definitions for AUTOMATED TELLER MACHINE (ATM), ATM SITE and ATM INSTALLATION within Section 1117B.7. The terms ATM SITE and ATM INSTALLATION are not used within Chapter 11B and the definitions are being repealed. DSA-AC is amending the definition of AUTOMATED TELLER MACHINE (ATM) to be consistent with the definition found in CA Financial Code, Section

13020(c). The definition of POINT-OF-SALE DEVICE from CA Financial Code, Section 13081(c) is being added. The definitions are being relocated from Section 1117B.7 to Section 1102B, and references are being placed in Section 202, consistent with model code format.

DSA-AC received several comments objecting to limiting the definition of point-of-sale devices to those which require a personal identification number (PIN). Commenters noted that some point-of-sale devices require a customer's signature rather than a PIN. DSA-AC has revised the definition to include devices which require a signature.

ITEM 4

SECTION 1104B – ACCESSIBILITY FOR GROUP A OCCUPANCIES **1104B.3 Auditoriums, assembly halls, theaters and related facilities.**

REASON: DSA-AC is proposing to amend this section to clarify the requirements for accessible aisle seats. The 2010 CBC contains the provisions for accessible aisle seats within Section 1104B.3.4 titled "Wheelchair spaces" which creates some confusion regarding the specific requirements for aisle seats. DSA-AC is proposing to relocate the provisions for accessible aisles seats into Section 1104B.3.9 and renumber the subsequent sections within Section 1104B.3. DSA-AC is further proposing to amend the code language consistent with the new 2010 ADA Standards, Sections 221.4 and 802.4 adopted in July 2010 by USDOJ. The term "designated aisle seats" is being substituted for the term "aisle seats", and new language is being added to clarify that designated aisle seats shall be the aisle seats "located closest to accessible routes". Additionally, DSA-AC is proposing to amend this section to require that 5 percent rather than 1 percent of all fixed seats be designated aisle seats consistent with the new 2010 ADA Standards, Section 221.4. In a related code change, the reference in Section 1104B.4.2 is being revised consistent with the renumbering within Section 1104B.3.

DSA-AC is proposing to amend Table 11B-1 to be consistent with the new ADA Standards, Table 221.2.1.1. Currently, when seating capacity is 51 to 300, 4 wheelchair spaces are required. The proposed amendment would require 4 wheelchair spaces when the seating capacity is 51 to 150, and 5 wheelchair spaces when the seating capacity is 151 to 300. Two rows are being added to the table consistent with the new ADA Standards to include the wheelchair space requirements when the seating capacity exceeds 500, and the duplicative information in 1104B.3.4 Item 2 is being repealed. ADA Standards Table 221.2.1.1 requires 6, *plus 1 for each 150, or fraction thereof*, wheelchair spaces when the seating capacity is 501 to 5000. DSA-AC is proposing to maintain the current requirement of 6, plus 1 for each 100, or fraction thereof, when seating capacity is 501 to 5000. The wheelchair space requirements for a seating capacity of 5001 or over has been adjusted consistently to require 46, plus 1 for each 200, or fraction thereof, over 5000.

DSA-AC has received several comments regarding this item. Several commenters suggested additional identification signage requirements for designated aisle seats; DSA-AC has not incorporated new signage requirements but will study these proposals for

possible inclusion in a future rulemaking cycle. Comments were also received recommending the existing ratio of designated aisle seats to total seats be increased from 1 percent to 5 percent to be consistent with the 2010 ADA Standards; DSA-AC has revised the proposal to require 5 percent.

ITEM 5

SECTION 1104B – ACCESSIBILITY FOR GROUP A OCCUPANCIES

1104B.4 Stadiums, grandstands, bleachers, athletic pavilions, gymnasiums and miscellaneous sport-related facilities.

REASON: This proposed code change is related to Item 4. The reference in Section 1104B.4.2 is being revised consistent with the renumbering within Section 1104B.3.

ITEM 6

SECTION 1106B – ACCESSIBILITY FOR GROUP E OCCUPANCIES

1106B.4 Library general use areas.

Item #4 Card catalogs and magazine displays.

REASON: This proposed code change is related to Items 13 and 14. Section 1106B.4, Item 4 is being amended to remove specific height requirements for card catalogs and magazine displays in libraries and simply provide a reference to the reach range requirements in Sections 1118B.5 and 1118B.6.

DSA-AC received a comment suggesting inclusion of children’s reach ranges from the 2010 ADA Standards. DSA-AC notes the 2010 ADA Standards include technical requirements for children’s dimensions and anthropometrics for drinking fountains, water closets, toilet compartments, lavatories and sinks, dining surfaces, and work surfaces; additionally, the 2010 ADA Standards provides advisory comments which address other aspects of facility design where the primary users are children. DSA-AC has not incorporated alternative reach range requirements for children but will study this proposal for possible inclusion in a future rulemaking cycle.

ITEM 7

SECTION 1115B – BATHING AND TOILET FACILITIES (SANITARY FACILITIES)

1115B.3 Toilet facilities.

1115B.3.1 Multiple-accommodation toilet facilities.

REASON: DSA-AC is proposing to amend this code section to include a reference to the applicable Chapter 11B figure. The inclusion of this reference will help provide clarity for

code users. This amendment does not create a change in regulatory effect.

ITEM 8

SECTION 1115B – BATHING AND TOILET FACILITIES (SANITARY FACILITIES)

1115B.4 Accessible fixtures.

1115B.4.4 Accessible showers.

1115B.4.4.8 Shower accessories.

REASON: DSA-AC is proposing to amend this code section to include a reference to the applicable Chapter 11B figure. The inclusion of this reference will help provide clarity for code users. This amendment does not create a change in regulatory effect.

ITEM 9

SECTION 1115B – BATHING AND TOILET FACILITIES (SANITARY FACILITIES)

1115B.7 Grab bars, tub and shower seats.

1115B.7.4 Unobstructed use.

REASON: DSA-AC is proposing to add a new provision to this section to clarify that unobstructed use of grab bars is required. Adjacent elements must be positioned so persons with disabilities have full use of grab bars at specified locations. DSA-AC is further proposing to add spacing provisions consistent with the new 2010 ADA Standards Section 609.3, including exception. These provisions require the space between the grab bar and projecting objects below and at the ends to be 1-1/2 inches minimum, and the space between the grab bar and projecting objects above to be 12 inches minimum. New Figure 11B-1C (b), consistent with 2010 ADA Standards Figure 609.3, is proposed to provide clarity for code users.

DSA-AC received a comment to provide an exception, similar to that provided in the 2010 ADA Standards Section 609.3, which would permit shower controls, shower fittings and other grab bars within 12 inches above a grab bar but no closer than 1-1/2" above. This exception has been added consistent with the 2010 ADA Standards.

DSA-AC received several comments indicating all objects located above the grab bar are problematic and should be prohibited. CBC Section 1115B.8.3 currently requires sanitary facility accessories to be mounted with the operable parts no higher than 40" from the floor.

The proposed code amendment would prohibit projections within 12" above the grab bar, which would effectively exclude locating nearly all projecting accessories above the grab bar to a height of approximately 45-3/4" (ie. center line of grab bar at 33" + 3/4" to top of grab bar + 12" unobstructed zone). DSA-AC believes this proposed code amendment taken in combination with the existing requirements of Section 1115B.8.3 will encourage designs which locate projecting accessories below the grab bar, consistent with the commenters' concerns.

Finally, DSA-AC received a suggestion that the term UNOBSTRUCTED be defined in a future rulemaking. DSA-AC will consider this proposal for a future rulemaking.

ITEM 10

SECTION 1116B – ELEVATORS AND PLATFORM (WHEELCHAIR) LIFTS

1116B.1 Elevators.

1116B.1.8 Car inside.

REASON: This proposed code change is related to Items 13 and 14. Section 1116B.1.8 is being amended for clarity and is consistent with the new 2010 ADA Standards, Section 407.4.6.1 requirements for elevator car control buttons with floor designations. Specific reach range requirements are being replaced with a reference to Section 1118B.5 and 1118B.6. Exceptions are being provided permitting car control buttons with floor designations to be located at 54 inches above the finish floor, consistent with the 2010 ADA Standards, for new elevator panels serving more than 16 openings and for existing elevators when a parallel approach is provided.

ITEM 11

SECTION 1117B – OTHER BUILDING COMPONENTS

1117B.7 Automated teller machines and point of sale machines.

REASON: DSA-AC is proposing to amend this CBC section to incorporate new requirements of the CA Financial Code and the new 2010 ADA Standards.

DSA-AC is amending the definition of AUTOMATED TELLER MACHINE (ATM) to be consistent with the definition found in CA Financial Code, Section 13020(c). The definition of POINT-OF-SALE DEVICE derived from CA Financial Code, Section 13081(c) is being added. Both new definitions are being placed in Section 1102B, with a reference in Section 202, consistent with model code format. The definitions of ATM SITE and ATM INSTALLATION are not used within Chapter 11B and are being repealed.

DSA-AC is proposing to amend this section to incorporate requirements from the 2010 ADA Standards, Section 707. The scoping language of CBC Chapter 11B has been maintained to clarify requirements for where one ATM, two ATMs and three or more ATMs are provided at a location. New language consistent with the 2010 ADA Standards has been added to clarify requirements for clear floor or ground space, operable parts, privacy, speech output, user controls, receipts, input devices, and function keys at ATMs. Operable parts are required to comply with Section 1117B.6 which includes a reference to the reach range requirements of Sections 1118B.5 and 1118B.6. Corresponding reach ranges included in Table 11B-5 and Figure 11B-5f are no longer relevant and both the table and figure are being repealed. New Figure 11B-41 is being added to illustrate both a 12-key

ascending and 12-key descending numeric key layout. CBC Chapter 11B requirements for visibility of vertically-mounted, angle-mounted and horizontally-mounted display screens have been maintained.

DSA-AC is proposing to add new Section 1117B.7.9 consistent with regulations for point-of-sale devices found in CA Financial Code, Section 13082. The section contains new requirements for tactually discernable keypads or other technology at video touch screen devices that will enable a visually impaired person to enter his or her own personal identification number or any other personal information necessary to process a transaction in a manner that ensures personal privacy of the information being entered.

DSA-AC received several comments objecting to limiting the definition of point-of-sale devices to those which require a personal identification number (PIN). Commenters noted that some point-of-sale devices require a customer's signature rather than a PIN. DSA-AC has revised the definition to include devices which require a signature.

DSA-AC received several comments indicating the proposed definitions of ATM and POINT-OF-SALE DEVICE did not include all of the types of devices previously defined as ATMs. DSA-AC notes that the definition of ATM is more limited than the previous definition of ATM; also, the proposed definition of point-of-sale devices incorporates devices "...used by a financial institution or other business entity and its customers for the primary purpose of executing financial transactions..." as well as "...machines used in grocery stores, ticket sales facilities and other business entities..." When taken together, the regulated machines and devices appear to reference the full breadth of those previously defined as ATMs.

DSA-AC also received comments regarding differences in the existing and proposed language compared to the newly adopted 2010 ADA Standards. As noted above, new language consistent with these federal standards has been incorporated into this proposal.

ITEM 12

SECTION 1117B – OTHER BUILDING COMPONENTS

1117B.7 Automated teller machines and point of sale machines.

Table 11B-5 – Maximum Reach Depth for Automated Teller Machines

REASON: This proposed code change is related to Items 13 and 14. DSA-AC is proposing to amend the side reach range requirements of Section 1117B.7.4.1, Item 3 consistent with the amendments proposed for Section 1118B.6. Specific side reach range requirements are not being duplicated in this section; a reference to Section 1118B.6 is being provided. Corresponding reach ranges included in Table 11B-5 are no longer relevant and the table is being repealed.

ITEM 13

SECTION 1118B – SPACE ALLOWANCE AND REACH RANGES

1118B.5 Forward reach.

REASON: DSA-AC is proposing to amend CBC reach range requirements to comply with the new 2010 ADA Standards, Section 308.2. In the absence of revised reach ranges, any installations incorporating the greatest extent of the existing high forward reach range over an obstruction will be out of compliance with the new federal standards. The CBC currently specifies a maximum 48 inch high forward reach and a minimum 15 inch low forward reach with specific reach limitations referenced in Figure 11B-5F for forward reach over an obstruction. The new standards specify a maximum 48 inch high forward reach and a minimum 15 inch low forward reach for an unobstructed reach; where the forward reach is obstructed clear floor space must extend as far as the depth of obstruction, the high forward reach shall be 48 inches maximum over an obstruction up to 20 inches deep and 44 inches maximum over an obstruction which is more than 20 inches to a maximum of 25 inches. The DSA-AC believes the revised reach range requirements will serve significantly greater numbers of individuals with disabilities, including individuals of short stature, people with limited upper body strength, and others with limited use of their arms and fingers. This proposal was developed by the Access Board over a prolonged period in which there was extensive public participation. This process did not produce any significant data to indicate that applying this requirement in new construction or during alterations would impose a significant burden. Figure 11B-5C is proposed for amendment consistent with 2010 ADA Standards Figures 308.2.1 and 308.2.2.

Related code changes are proposed for several sections within Chapter 11B to provide consistency. Section 1106B.4, Item 4 is being amended to remove specific height requirements for card catalogs and magazine displays in libraries and simply provide a reference to the reach range requirements in Section 1118B. Section 1116B.1.8 is being amended to be consistent with 2010 ADA Standards Section 407.4.6.1 requirements for elevator car control buttons with floor designations; specific reach range requirements are being replaced with a reference to Section 1118B.5 and 1118B.6 and exceptions are being provided permitting car control buttons with floor designations to be located at 54 inches above the finish floor, consistent with the 2010 ADA Standards, for new elevator panels serving more than 16 openings and for existing elevators when a parallel approach is provided. Section 1125B.3 is being amended to remove specific height requirements for closets with clothes rods or shelves and simply provide a reference to the reach range requirements in Sections 1118B.5 and 1118B.6. Additionally, Figures 11B-4, 11B-5C, 11B-5D, 11B-17 and 11B-40B are being revised with consistent reach range requirements.

ITEM 14

SECTION 1118B – SPACE ALLOWANCE AND REACH RANGES

1118B.6 Side reach.

REASON: DSA-AC is proposing to amend CBC reach range requirements to comply with

the new 2010 ADA Standards, Section 308.3. In the absence of revised reach ranges, any installations incorporating the greatest extent of the existing high side reach range will be out of compliance with the new federal standards. The CBC currently specifies a maximum 54 inch high side reach and a minimum 9 inch low side reach for a reach depth of 10 inches maximum. The new standards specify a maximum 48 inch high side reach and a minimum 15 inch low side reach for an unobstructed reach, and a maximum 48 inch high side reach for a reach depth of 10 inches maximum over an obstruction 34 inches maximum in height. An exception is provided for the tops of washing machines and clothes dryers. Changing the side reach will affect a variety of building elements such as light switches, electrical outlets, thermostats, fire-alarm pull stations, card readers, and keypads. The DSA-AC believes that lowered reach range requirements will serve significantly greater numbers of individuals with disabilities, including individuals of short stature, people with limited upper body strength, and others with limited use of their arms and fingers. This proposal was developed by the Access Board over a prolonged period in which there was extensive public participation. This process did not produce any significant data to indicate that applying this requirement in new construction or during alterations would impose a significant burden. Figure 11B-5D is proposed for amendment consistent with 2010 ADA Standards Figures 308.3.1 and 308.3.2.

Related code changes are proposed for several sections within Chapter 11B to provide consistency. Section 1106B.4, Item 4 is being amended to remove specific height requirements for card catalogs and magazine displays in libraries and simply provide a reference to the reach range requirements in Section 1118B. Section 1116B.1.8 is being amended to be consistent with 2010 ADA Standards Section 407.4.6.1 requirements for elevator car control buttons with floor designations; specific reach range requirements are being replaced with a reference to Section 1118B.5 and 1118B.6 and exceptions are being provided permitting car control buttons with floor designations to be located at 54 inches above the finish floor, consistent with the 2010 ADA Standards, for new elevator panels serving more than 16 openings and for existing elevators when a parallel approach is provided. Section 1125B.3 is being amended to remove specific height requirements for closets with clothes rods or shelves and simply provide a reference to the reach range requirements in Sections 1118B.5 and 1118B.6. Additionally, Figures 11B-4, 11B-5C, 11B-5D, 11B-17 and 11B-40B are being revised with consistent reach range requirements.

ITEM 15

SECTION 1125B – STORAGE

1125B.3 Height.

REASON: This proposed code change is related to Items 13 and 14. Section 1125B.3 is being amended to remove specific height requirements for closets with clothes rods or shelves and simply provide a reference to the reach range requirements in Sections 1118B.5 and 1118B.6.

ITEM 16

SECTION 1129B – ACCESSIBLE PARKING REQUIRED

1129B.1 General

Table 11B-6 – Spaces Required

REASON: DSA-AC is proposing to amend this table to clarify the required number of accessible parking spaces based on the total number of parking spaces provided. CBC Table 11B-6 clearly indicates required number of accessible spaces for parking lots with 1 to 1000 total parking stalls. Additionally, the last line of the table indicates required number of accessible spaces for parking lots with 1001 and more total parking spaces provided; however, the minimum required number of accessible parking spaces is: “twenty plus one for each 100, or fraction over 1001.” A close reading of this table leaves vague the required number accessible parking spaces for a parking lot with precisely 1001 total number of parking spaces. This amendment clarifies by revising the requirement to read: “twenty plus one for each 100, or fraction over 1000.” This amendment does not create a change in regulatory effect.

DSA-AC received a comment suggesting inclusion of the new van-accessible-stalls-to-total-accessible-stalls ratio from the 2010 ADA Standards. DSA-AC notes the 2010 ADA Standards include revised requirements for parking, including the van accessible parking ratio. DSA-AC has not incorporated the revised parking requirements but will address this issue during the subsequent rulemaking cycle when DSA-AC will be primarily focused on incorporating requirements from the 2010 ADA Standards.

ITEM 17

SECTION 1129B – ACCESSIBLE PARKING REQUIRED

1129B.4 Identification of parking spaces for off-street parking facilities.

REASON: DSA-AC is proposing to restructure this section to clarify the requirements for surface identification at accessible parking stalls. The term “profile view depicting a wheelchair with occupant” is being replaced with the applicable term “International Symbol of Accessibility” consistently throughout this section. In Item 1, the word “suitable” is being deleted to eliminate confusion. The text providing specific location and size requirements for the International Symbol of Accessibility is being relocated into a separate paragraph following color schemes 1 and 2. A requirement is being added to align the International Symbol of Accessibility with the end of the parking stall or space consistent with Figures 11B-18A, 18B and 18C. This change provides code users with a more specific location for the International Symbol of Accessibility. The current code appears to require a 36 inch high by 36 inch wide depiction of a wheelchair with occupant. This amendment will clarify that the depiction must be a “minimum” of 36 inches high by 36 inches wide. This amendment does not create a change in regulatory effect.

ITEM 18

SECTION 1133B – GENERAL ACCESSIBILITY FOR ENTRANCES, EXITS AND PATHS OF TRAVEL

1133B.2 Doors.

1133B.2.3 Hinged doors.

REASON: ADA Certification Item – Side-By-Side #227, page #79. The USDOJ technical assistance letter questioned whether Exception 1 applies to all doors or just automatic doors. DSA-AC is proposing to amend this section to clarify that Exceptions 1 and 2 apply to all hinged doors not just automatic doors. Archived interpretive manuals indicate that these exceptions were originally applicable to the text of Section 1133B.2.3. The indentation was inadvertently changed during publication to now indicate that these exceptions only apply to Section 1133B.2.3.2. DSA-AC is proposing to revise the indentation of the exceptions to restore the original intent of this code section. In addition, Exception 1 is being reworded consistent with similar exceptions provided within Chapter 11B. DSA-AC is proposing to amend the title of Section 1133B.2.3.1 to be consistent with the text of the section. The “s” is being deleted from the word “pairs” making it singular rather than plural. DSA-AC is proposing to amend this code section to include a reference to the applicable Chapter 11B figure. These amendments do not create a change in regulatory effect.

ITEM 19

SECTION 1133B – GENERAL ACCESSIBILITY FOR ENTRANCES, EXITS AND PATHS OF TRAVEL

1133B.2 Doors.

1133B.2.6 Smooth surface.

REASON: DSA-AC is proposing to amend this code section to include a reference to the applicable Chapter 11B figure. The inclusion of this reference will help provide clarity for code users. This amendment does not create a change in regulatory effect.

ITEM 20

SECTION 1133B – GENERAL ACCESSIBILITY FOR ENTRANCES, EXITS AND PATHS OF TRAVEL

1133B.3 Corridors, hallways and exterior exit balconies.

1133B.3.2 Corridors and hallways over 200 feet (60 960 mm).

REASON: DSA-AC is proposing to amend this code section to include a reference to the applicable Chapter 11B figure. The inclusion of this reference will help provide clarity for code users. This amendment does not create a change in regulatory effect.

ITEM 21

SECTION 1133B – GENERAL ACCESSIBILITY FOR ENTRANCES, EXITS AND PATHS OF TRAVEL

1133B.4 Stairways.

1133B.4.2 Handrail configuration.

1133B.4.2.6 Handgrips.

REASON: DSA-AC is proposing to add a new provision to this section to clarify that unobstructed use of handrails is required. Adjacent elements must be positioned so persons with disabilities have full use of handrails at specified locations. This new provision will provide unobstructed use of handrails for persons with disabilities. In addition, DSA-AC is proposing to amend this code section to include references to the applicable Chapter 11B figures.

DSA-AC received a comment suggesting handrail extensions at stairs be aligned in the direction of the stair flight. Revised language has been proposed to incorporate this suggestion.

DSA-AC received a comment which suggested changing the required space between the handrail and wall from 1-1/2" to 1-1/2" minimum to align with the 2010 ADA Standards. DSA-AC has not incorporated this proposal but will consider inclusion during a future rulemaking.

DSA-AC received a suggestion that the term UNOBSTRUCTED be defined in a future rulemaking. DSA-AC will consider this proposal for a future rulemaking.

DSA-AC also received a suggestion to incorporate requirements from the 2010 ADA Standards regarding obstructions at handrails. DSA-AC has not incorporated the new federal requirements but will consider this issue during the subsequent rulemaking cycle when DSA-AC will be primarily focused on incorporating requirements from the 2010 ADA Standards.

ITEM 22

SECTION 1133B – GENERAL ACCESSIBILITY FOR ENTRANCES, EXITS AND PATHS OF TRAVEL

1133B.4 Stairways.

1133B.4.4 Striping for the visually impaired.

REASON: DSA-AC is proposing to amend this code section to include a reference to the applicable Chapter 11B figure. The inclusion of this reference will help provide clarity for code users. This amendment does not create a change in regulatory effect.

ITEM 23**SECTION 1133B – GENERAL ACCESSIBILITY FOR ENTRANCES, EXITS AND PATHS OF TRAVEL****1133B.4 Stairways.****1133B.4.5 Stair treads, risers and nosing.****1133B.4.5.1 Treads.**

REASON: DSA-AC is proposing to amend this code section to include a reference to the applicable Chapter 11B figure. The inclusion of this reference will help provide clarity for code users. This amendment does not create a change in regulatory effect.

ITEM 24**SECTION 1133B – GENERAL ACCESSIBILITY FOR ENTRANCES, EXITS AND PATHS OF TRAVEL****1133B.5 Ramps****1133B.5.4 Landings****1133B.5.4.6 Change of direction.**

REASON: ADA Certification Item – Side-By-Side #362, page #122. This CBC section requires a landing dimension, in the direction of ramp run, of 72 inches minimum where a ramp changes direction by more than 30 degrees; however, ADA Standards Section 4.8.4(3) requires a 60" x 60" landing in all cases where a ramp changes direction at a ramp landing. DSA-AC is proposing to amend this section to eliminate the 30 degree stipulation while maintaining the existing requirement for 72" length in the direction of ramp run.

ITEM 25**SECTION 1133B – GENERAL ACCESSIBILITY FOR ENTRANCES, EXITS AND PATHS OF TRAVEL****1133B.5.5 Handrails for ramps.**

REASON: DSA-AC is proposing to restructure this section to clarify the exceptions to the requirement for handrails at ramps. The first sentence of this section contains the requirement for handrails at ramps, and also contains an exception to that requirement for ramps at door landings less than 6 inches in rise or 72 inches in length. The exception language is being relocated to the Exceptions section, as new Exception 3. The language specifying that the exception applies only to exterior door landings is being amended to indicate that the exception is equally applicable to ramps either at interior or exterior door landings.

DSA-AC is proposing to further amend this section to clarify the requirements for handrails and handrail extensions at intermediate ramp landings. This amendment will clarify that handrails are to be continuous for the full length of each ramp run; however, they are not required to be continuous at intermediate ramp landings except at switchback or dogleg ramps. This is consistent with 2010 ADA Standards, Section 505.3.

DSA-AC is proposing to add a new provision to this section to clarify that unobstructed use of handrails is required. Adjacent elements must be positioned so persons with disabilities have full use of handrails at specified locations. This new provision will provide unobstructed use of handrails for persons with disabilities.

DSA-AC received a comment suggesting handrail extensions at ramps be aligned in the direction of the ramp run. Revised language has been proposed to incorporate this suggestion.

DSA-AC is proposing to amend this code section to include a reference to the applicable Chapter 11B figure. The inclusion of this reference will help provide clarity for code users.

ITEM 26

SECTION 1134B – ACCESSIBILITY FOR EXISTING BUILDINGS

1134B.2 General.

1134B.2.1 Exception 1

REASON: DSA-AC is proposing to amend the valuation threshold example in this section to reflect the new value of \$132,536.28 for January 2011.

ITEM 27

FIGURE 11B-1D – DSA-AC is proposing to add a new figure, to be consistent with the new 2010 ADA Standards Figure 609.3 adopted in July 2010 by USDOJ. A related change is being made to 1115B.7.

ITEM 28

FIGURE 11B-4 – DSA-AC is proposing to amend this figure to be consistent with the new 2010 ADA Standards Figures 308.2.1, 308.2.2, 308.3.1 and 308.3.2 adopted in July 2010 by USDOJ. Related changes are being made to Sections 1118B.5 and 1118B.6.

ITEM 29

FIGURE 11B-5C – DSA-AC is proposing to amend this figure to be consistent with the new

2010 ADA Standards Figures 308.2.1, 308.2.2, 308.3.1 and 308.3.2 adopted in July 2010 by USDOJ. Related changes are being made to Sections 1118B.5 and 1118B.6.

ITEM 30

FIGURE 11B-5D – DSA-AC is proposing to amend this figure to be consistent with the new 2010 ADA Standards Figures 308.2.1, 308.2.2, 308.3.1 and 308.3.2 adopted in July 2010 by USDOJ. Related changes are being made to Sections 1118B.5 and 1118B.6.

ITEM 31

FIGURE 11B-5F – DSA-AC is proposing to repeal this figure. The corresponding text in Section 1117B.7 is being amended to eliminate the reference to Figure 11B-5F. A reference to Sections 1118B.5 and 1118B.6 and corresponding amended Figures 11B-5C & 5D is being added (see above).

ITEM 32

FIGURE 11B-17 – DSA-AC is proposing to amend this figure to be consistent with the new 2010 ADA Standards Figures 308.2.1, 308.2.2, 308.3.1 and 308.3.2 adopted in July 2010 by USDOJ. Related changes are being made to Sections 1118B.5 and 1118B.6.

ITEM 33

FIGURE 11B-40B – DSA-AC is proposing to amend this figure to be consistent with the new 2010 ADA Standards Figures 308.2.1, 308.2.2, 308.3.1 and 308.3.2 adopted in July 2010 by USDOJ. Related changes are being made to Sections 1118B.5 and 1118B.6.

ITEM 34

FIGURE 11B-41 – DSA-AC is proposing to add a new figure, to be consistent with the new 2010 ADA Standards Figure 707.6.2 adopted in July 2010 by USDOJ. Figure 11B-41 illustrates both a 12-key ascending and 12-key descending numeric key layout. Related changes are being made to Section 1117B.7.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

DSA relied on the following documents in proposing these regulations:

- 2010 edition of the California Building Code, Title 24, Part 2
- Americans with Disabilities Act (ADA) of 1990
- ADA Regulation for Title III
- USDOJ ADA Standards for Accessible Design (1994)
- USDOJ ADA Standards for Accessible Design (2010)
- A detailed side-by-side comparison of the ADA Standards and the accessibility requirements of the California Building Code
- The USDOJ letter of initial response

CONSIDERATION OF REASONABLE ALTERNATIVES

In order to increase public participation and improve the quality of these regulations DSA-AC involved parties who would be subject to these proposed regulations in public discussion. The purpose of the discussion was to receive reasonable alternatives to these regulations from the public.

A public meeting of the Division of the State Architect Advisory Board (DSAAB) Access Committee was held on Monday, October 4, 2010, at the Division of the State Architect, 5th Floor, Conference Room B, 1102 Q Street, Sacramento, CA 95811.

The meeting facilities were accessible. Requests for special accommodations (assisted listening device, sign language interpreters, teleconference equipment, etc) were accepted.

Participation via video conference was also available at the following locations:

<u>DSA – Oakland</u> 1515 Clay Street Suite 1201 Oakland, CA 94612 (510) 622-3101	<u>DSA – Los Angeles</u> 700 N. Alameda Street Suite 5-500 Los Angeles, CA 90012 (213) 897-3995	<u>DSA – San Diego</u> 10920 Via Frontera Suite 300 San Diego, CA 92127 (858) 674-5400
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The Division of the State Architect – Access Compliance (DSA-AC) has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulations.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS:

DSA-AC has made a determination that this proposed regulatory action will not have an adverse impact on small business. DSA-AC has determined that no reasonable alternative

considered by DSA-AC or that has otherwise been identified and brought to the attention of DSA-AC would be more effective in carrying out the purpose for which this action is proposed, or would lessen any adverse impact on small business.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

DSA has made an initial determination that this proposed action would not have a significant adverse economic impact on business. This proposed action would ensure that the State Architect's regulations and accessibility standards published in CCR, Title 24, Part 2, would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the ADA of 1990 (Public Law 101-336), consistent with Government Code Section 4450(c).

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

DSA is not within the Environmental Protection Agency, the Resources Agency or the Office of the State Fire Marshal.

DSA is proposing to amend building standards contained in the 2010 edition of the California Building Code, specifically accessibility standards for accessible design of public buildings, public accommodations, commercial buildings and public housing.

The Division of the State Architect-Access Compliance (DSA-AC) is in the process of obtaining USDOJ ADA certification of the accessibility provisions of the California Building Code to minimize potential conflict between State and federal regulations.