

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

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

NONE - DSA-AC is relying on the Initial Statement of Reasons regarding the specific adoption, amendments, or repeal to CCR, Title 24, Part 2. This proposed action by the DSA-AC adopts the most current edition of the International Building Code (IBC) of the International Code Council (ICC) the 2009 ed. of the IBC.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

NONE - The DSA-AC has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts regarding the specific adoption, amendments, or repeal to CCR, Title 24, Part 3. The DSA-AC finds that the mandate IS NOT reimbursable. The proposed action would ensure that the State Architect's regulations and building 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 Americans with Disabilities Act of 1990 (Public Law 101-336), consistent with GC§ 4450(c). DSA-AC proposed regulatory action adopts the most current edition of the International Building Code (IBC) of the International Code Council (ICC), the 2009 ed. of the IBC.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

NONE. DSA-AC did not receive any objections or recommendations regarding the specific adoption, amendments, or repeal to CCR, Title 24, Part 2 or DSA-AC proposed action to adopt the most current edition of the International Building Code (IBC) of the International Code Council (ICC), the 2009 ed. of the IBC except from one commenter as follows:

Eugene Lozano, Jr.
California Council of the Blind
4537 Sycamore Ave – Sacramento CA 95841
(See below for DSA-AC response to Mr. Lozano's recommendations.)

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

NONE - The 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 and less burdensome to affected private persons than the adopted regulation. The proposed action would ensure that the State Architect's regulations and electrical 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 Americans with Disabilities Act of 1990 (Public Law 101-336), consistent with GC§ 4450(c). This proposed action by the DSA-AC adopts the most current edition of the International Building Code (IBC) of the International Code Council (ICC) the 2009 ed. of the IBC.
(See below for DSA-AC response to Mr. Lozano's comments below.)

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

NONE - DSA-AC did not receive any alternatives or recommendations that would lessen any adverse economic impact on small businesses, regarding the specific adoption, amendments, or repeal to CCR, Title 24, Part 2 or DSA-AC proposed action to adopt the most current edition of the International Building Code (IBC) of the International Code Council (ICC) the 2009 ed. of the IBC except from one commenter as follows:

Eugene Lozano, Jr.
California Council of the Blind
4537 Sycamore Ave – Sacramento CA 95841
(See below for DSA-AC response to Mr. Lozano’s comments.)

DSA-AC response to Mr. Lozano’s comments:

CHAPTER 10 – MEANS OF EGRESS

ITEM 10.3

SECTION 1008 – DOORS, GATES AND TURNSTILES

1008.1.9.7 (formerly 1008.1.8.6) Delayed egress locks.

GENE LOZANO – RECOMMENDATION – APPROVE (RELATED TO 11B-50)

Summary of Comment – Mr. Lozano agrees with DSA-AC’s proposal to renumber Section 1008.1.8.6 as Section 1008.1.9.7. For consistency, DSA should revise the reference in Section 1117B.5.1, Item 1 (Item 11B-50) to reflect the section number change.

DSA-AC CHANGE(S) TO ACCOMMODATE: DSA-AC is proposing no further revisions to this section; however, in response to Mr. Lozano’s comment, DSA-AC is proposing to revise Section 1117B.5.1, Item 1 to reflect the section number change. See Item 11B.50.

DSA-AC REASON(S) FOR MAKING NO CHANGE: None.

ITEM 10.6

SECTION 1022 – EXIT ENCLOSURES

1022.8 (formerly 1020.1.6.2) Tactile floor designation signs in stairways.

INTERAGENCY COORDINATION – RECOMMENDATION – REVISE

Summary of Comment – During interagency coordination with the State Fire Marshal and Department of Housing and Community Development, it was noted that language being brought forward from the 2007 CBC Section 1020.1.6.2 appeared in different locations in the proposed express terms documents prepared by the individual agencies. It was also noted that the State Fire Marshal was proposing a terminology change consistent with the 2009 IBC model code.

GENE LOZANO – RECOMMENDATION – APPROVE (RELATED TO 11B-51)

Summary of Comment – Mr. Lozano agrees with DSA-AC’s proposal to renumber Section 1020.1.6.2 as Section 1022.8.2. For consistency, DSA should revise the reference in Section 1117B.5.1, Item 1 (Item 11B-51) to reflect the section number change.

DSA-AC CHANGE(S) TO ACCOMMODATE: In coordination with the State Fire Marshal and Department of Housing and Community Development, DSA-AC is proposing to further revise this section to create consistency for code users. The term “tactile floor designation signs” is being revised to read “tactile floor identification signs” and the requirements of 2007 CBC Section 1020.1.6.2 are being relocated into 2010 CBC Section 1022.8, rather than Section 1022.8.2.

DSA-AC CHANGE(S) TO ACCOMMODATE: In response to Mr. Lozano’s comment, DSA-AC is proposing to further revise Section 1117B.5.1, Item 4.3 to reflect the section number change. See Item 11B.51.

DSA-AC REASON(S) FOR MAKING NO CHANGE: None.

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

ITEM 11B.44

SECTION 1116B – ELEVATORS AND PLATFORM (WHEELCHAIR) LIFTS

1116B.1 Elevators

1116B.1.14 Doorjamb marking.

GENE LOZANO – RECOMMENDATION – APPROVE AS AMENDED

Summary of Comment – Mr. Lozano agrees with DSA-AC’s proposal to amend this section. However, Mr. Lozano recommends that DSA-AC further revise this section to delete the reference to Section 1117B.5.4 in the second paragraph. Tactile signs are not required to comply with the requirements of Section 1117B.5.4 which contains the requirements for the height of visual characters on directional and informational signs.

DSA-AC CHANGE(S) TO ACCOMMODATE: In response to Mr. Lozano’s comment, DSA-AC is proposing to further revise this section to delete the reference to Section 1117B.5.4 in the second paragraph. Also, the remaining references to Sections 1117B.5.2 and 1117B.5.3 are being placed in numerical order.

DSA-AC REASON(S) FOR MAKING NO CHANGE: None.

ITEM 11B.46

SECTION 1116B – ELEVATORS AND PLATFORM (WHEELCHAIR) LIFTS

1116B.2 Platform (wheelchair) lifts

1116B.2.7 Restriction sign.

GENE LOZANO – RECOMMENDATION – APPROVE

Summary of Comment – Mr. Lozano agrees with DSA-AC’s proposed amendment and recommends approval of this item.

DSA-AC CHANGE(S) TO ACCOMMODATE: None.

DSA-AC REASON(S) FOR MAKING NO CHANGE: Supporting statement.

ITEM 11B.47

SECTION 1117B – OTHER BUILDING COMPONENTS

1117B.1 Accessible drinking fountains – Item 3, Alcoves

GENE LOZANO – RECOMMENDATION – APPROVE AS AMENDED

Summary of Comment – Mr. Lozano recommends adding language that specifies a “reference point” on the drinking fountain for determining the projection of the wing walls from the supporting wall. His suggested revision is, “Wing walls shall project out from the supporting wall at least as far as the leading edge of the drinking fountain to within 6 inches (152 mm) of the surface of the path of travel.”

DSA-AC CHANGE(S) TO ACCOMMODATE: None.

DSA-AC REASON(S) FOR MAKING NO CHANGE: DSA-AC finds that the “reference point” proposed by Mr. Lozano can be interpreted in differing ways depending on whether the “leading edge” is based on approach from the front or from the side of the drinking fountain. Confusion may result regarding the location of the reference point from which to determine the required projection of the wing walls from the supporting wall. DSA-AC has determined that the first sentence of this section, which requires all drinking fountains to be positioned “completely” between wing walls, adequately addresses Mr. Lozano’s concerns.

ITEM 11B.50**SECTION 1117B – OTHER BUILDING COMPONENTS**

1117B.5 Signs and Identification

1117B.5.1 General – Item 1

GENE LOZANO – RECOMMENDATION – APPROVE AS AMENDED (RELATED TO ITEM 10.3)

Summary of Comment – Mr. Lozano agrees with DSA-AC's proposal in Item 10.3 to renumber Section 1008.1.8.6 as Section 1008.1.9.7. For consistency, DSA should revise the reference in Section 1117B.5.1, Item 1 to reflect the section number change.

DSA-AC CHANGE(S) TO ACCOMMODATE: In response to Mr. Lozano's comment, DSA-AC is proposing to revise Section 1117B.5.1, Item 1 to reflect the section number change. See Item 10.3.

DSA-AC REASON(S) FOR MAKING NO CHANGE: None.

ITEM 11B.51**SECTION 1117B – OTHER BUILDING COMPONENTS**

1117B.5 Signs and identification

1117B.5.1 General – Item 4.3, Other signs and identification

GENE LOZANO – RECOMMENDATION – APPROVE AS AMENDED (RELATED TO ITEM 10.6)

Summary of Comment – Mr. Lozano agrees with DSA-AC's proposal in Item 10.6 to renumber Section 1020.1.6.2 as Section 1022.8.2. For consistency, DSA should revise the reference in Section 1117B.5.1, Item 4.3 to reflect the section number change.

DSA-AC CHANGE(S) TO ACCOMMODATE: In response to Mr. Lozano's comment, DSA-AC is proposing to revise Section 1117B.5.1, Item 4.3 to reflect the section number change. See Item 10.6.

DSA-AC REASON(S) FOR MAKING NO CHANGE: None.

ITEM 11B.62**SECTION 1121B – TRANSPORTATION FACILITIES**

1121B.3 Fixed facilities and stations

1121B.3.1 New construction - Item 8(a) Detectable warnings at transit boarding platforms

GENE LOZANO – RECOMMENDATION – APPROVE AS AMENDED

Summary of Comment – Mr. Lozano agrees with DSA-AC's proposal to correct the typographical error in the contrast formula found in this section making it consistent with the federal ADA Standards Appendix Section A4.30.5. However, Mr. Lozano states that the formula found in the ADA Standards is flawed and a more updated version should be included in the California Building Code. Mr. Lozano's comment discusses in detail the rationale behind making the formula change that he is proposing, citing research and opinions from various sources that is currently available on the US Access Board website.

DSA-AC CHANGE(S) TO ACCOMMODATE: None.

DSA-AC REASON(S) FOR MAKING NO CHANGE: DSA-AC appreciates the extensive analysis and discussion of the current contrast formula that Mr. Lozano submitted. However, a specific change to the contrast formula other than to correct a typographical error has not been proposed in this rulemaking package. DSA-AC has determined that the change being proposed is not sufficiently related to the original text and that parties subject to the proposed regulations have not been adequately noticed. DSA-AC finds that Mr. Lozano's proposed code change regarding the contrast formula may have merit, and will consider the proposal in the development of future rulemaking packages.