

November 9, 2012

California Building Standards Commission,

We have some questions, comments and recommendations to submit regarding the proposed 2013 CBC based on the Express Terms (August 30, 2012) as presented at the California Building Standards Commission on September 25-27.

In case you're unfamiliar with our organization, Schools Insurance Authority (SIA) is a non-profit, joint powers authority which provides risk management services to 30 school districts (over 600 schools) and two COE's in the Sacramento and surrounding regions. Our districts are self-insured through our insurance pool for liability and workers comp. I work in conjunction with our Loss Prevention Department to provide information and support to our school districts on state accessibility and federal ADA Title II-related compliance issues.

Sections 11B-247.1.2.5 and 11B-705.1.2.5 Hazardous vehicular areas

We would like to see a more detailed definition and description of what constitutes a hazardous vehicular area.

Many school parking lots have their accessible parking located in the middle of the lot with a crosswalk extending across the vehicular pathway to a curb ramp on the adjacent walkway. The curb ramp will generally have truncated domes (as required by 11B-406.5.12), but there typically is not a detectable warning located on the other side at what would usually be the bottom of the access aisle.

In my own experience with reviewing school parking lot plans submitted to DSA, my understanding is that DSA does not allow truncated domes to be placed at the bottom of an access aisle in this type of parking design. I believe the rationale used by DSA is that an individual who is blind or visually impaired would not be driving and therefore would not require detectable warnings to be located at the bottom of the access aisle prior to crossing the vehicular way.

Conversely, there are ADA consultants who perform facility accessibility surveys whose position is that a literal reading of the code for Section 11B-247.1.2.5 (formerly 2010 Section 1133B.8.5) would indicate that detectable warnings should be placed at the bottom of the access aisles because they fit the criteria of "If a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and the vehicular areas....."

We are not advocating a position either way but would like greater clarity added to the language to address this situation. In our opinion the current language is broad enough that it would be difficult to predict how a court would view and rule on this. DSA's point is well taken since a person with visual impairment would not be driving. However, I also heard Ms. Toji reference at the September CBSC hearings the idea of a person with blindness or low-vision being "dropped off" at accessible parking

during this discussion. With the basis of the ADA and California accessibility laws and regulations being the independent use of the built environment by people with disabilities, it's often difficult to ascertain the extent to which this applies. Any information you can provide on this matter or modifications to the code to clarify the specifics of what constitutes a hazardous vehicular area would be beneficial.

Section 11B-705.1.2.2 Curb ramps

We would recommend the addition of diagrams for 705.1.2.2 and the Exception regarding parallel curb ramps to clearly illustrate the proper layout and positioning of truncated domes within curb ramps. Curb detail illustrations similar to those in the 2010 CBC in Figures 11B-19 and 11B-20 would be helpful but with the addition of the truncated domes to fully demonstrate a typical perpendicular and parallel curb ramp.

Section 11B-503.3.3 Passenger Drop-off and Loading Zone - Marking.

We would recommend greater clarification in the Passenger Loading Zone section with regard to the marked access aisles and specifically more detail on the inclusion of truncated domes.

The 2010 CBC includes language in 1131B.2 that requires providing a 5' x 20' access aisle adjacent and parallel to the vehicle pull-up space. However, in my experience, this has either not been strictly enforced during DSA plan check or has just not been done during the final striping of parking lot renovation projects. The majority of schools I visit do not have a marked access aisle at the passenger loading zones.

The attached photo is from a parking lot renovation project done a couple of years ago and is a fairly typical example. The truncated domes run along the along 20-foot stretch of walkway which seems to double as the loading zone area. Marking the sidewalk area would both look odd and involve painting over or around the truncated domes. If the marked access aisle is placed on the asphalt adjacent to the walkway, then the drop-off vehicle would likely be blocking not just the lane on the right but both lanes of traffic.

It seems like a reasonable answer could be to place truncated domes at the bottom portion of the ramp on both sides to act as the detectable warnings and then mark the 5' x 20' walkway concrete area in blue paint as the access aisle.

This is strictly an example to help demonstrate this issue encountered commonly in the field. Clearly, the 2010 ADA Standards are emphasizing marked access aisle at PLZ's and the proposed 2013 is following suit with Figure 11B-503.3. However, additional code language, diagrams, description of truncated domes in PLZ's, etc., would be beneficial in interpreting this section in real world scenarios.

Children's dimensions

The proposed 2013 CBC appears to remove Table 1115B-1 which contained Suggested Dimensions for Children's Use. This appears to eliminate the suggested children's dimensions regarding urinals, drinking fountains (other than the 602.2 Exception), toilet paper dispenser distance in front of the water closet and the napkin disposal elements.

The 2010 ADA Standards still do not mandate the use of children's dimensions, but there does appear to be a greater emphasis on incorporating the children's dimensions into the standards, particularly with the inclusion of technical requirements (when the design decision is made to build to children's standards) in the body of the standards which were not in the 1991 ADA Standards.

I also note that the Suggested Dimensions for Children's Table 604.9 is in the proposed 2013 CBC but the Children's Reach Ranges section under 308.1 has been removed.

We would like clarification on what children's dimensions will be included in the 2013 CBC. Derek Shaw of DSA had indicated during the September CBSC hearings that there would be a separate document with information for Children's dimensions. Will this document be incorporated into the body of 2013 CBC or be an appendix?

SIA believes there is good reason to build our school facilities which are specifically designated for children to meet the dimensional requirements that will provide greater age-appropriate accessibility for children. Our recommendation would be to incorporate these dimensions to the greatest extent possible within the body of the standards (as it is in the 2010 ADA Standards) to encourage their use in the design and construction of elementary school construction projects.

Section 11B-603.5 – Accessories

This language in the Accessories section has changed from the 2010 CBC 1115B.8.3 and now includes the phrase "within toilet facilities". Is this intended as a specific clarification that the max 40" height for operable parts of dispensers only applies in a restroom rather but not in other settings which would have paper towel, soap or other dispensers? For instance, would the proper placement for soap and paper towel dispenser at a classroom sink now be within the reach ranges as defined in Section 11B-308 or would they continue to be max 40".

Section 11B-208.3.1 "Shortest accessible route"

In some parking areas, the shortest accessible route to the main entrance is from parking spaces located in the middle of the lot which require a crosswalk across vehicular traffic, although there is nearby parking adjacent to a pedestrian walkway which provides an accessible path of travel to the main entrance that does not require crossing traffic.

My question is: At what point is there a greater overall benefit to the individual with disabilities to have a safer path of travel exclusively on a dedicated pedestrian walkway rather than a shorter route that crosses vehicular traffic?

As an organization that deals with liability issues of safety as well as accessibility, we feel this is a legitimate question to ask. School parking lots can be very hectic and chaotic during drop-off and pickup and tragically we have had a fatality occur in the parking lot of one our districts within the last few years. Designing parking areas which have persons with mobility, visual, hearing or other disabilities on designated pedestrian walkways when possible rather than crossing traffic would seem to be worth the effort of traveling an additional short distance. We do not specific empirical evidence to demonstrate an additional level of safety achieved with this change, but believe there is a benefit to safety which does not need to inordinately reduce accessibility.

We understand that the shortest accessible route language has long been ingrained in the federal ADA standards and that is where this language would need to be changed prior to California following suit. The proposed 2013 CBC language uses the same language as in the 2010 ADA Standards, so in the interest of achieving a CA certification we're not recommending any changes in this language during this code cycle. However, we do believe this is an issue that is worth further study and evaluation in future code cycle review.

Thank you for the opportunity to comment on the proposed 2013 CBC language. Please contact me if there are any follow-up questions to these comments.

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