STATE OF CALIFORNIA
GOVERNMENT OPERATIONS AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
(916) 263-0959 Fax
Email: cbsc@dgs.ca.gov

Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICE DATED MARCH 21, 2014
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: MAY 5, 2014

Date: 04/25/2014

From: Eugene Lozano, Jr.

Name (Print or type) (Signature)

-- California Council of the Blind

Agency, jurisdiction, chapter, company, association, individual, etc.

4537 Sycamore Ave Sacrament CA 95841

Street City State Zip

I/We (do)(**do not**) agree with:

[**X**] The Agency proposed modifications As Submitted on Section No. 11B-705.1.1.3.2, Exception

and request that this section or reference provision be recommended:

[ ] Approved [ ] Disapproved [ ] Held for Further Study [**X**] Approved as Amended

Suggested Revisions to the Text of the Regulations:

11B-705.1.1.3.2 (…)
Exception: ~~Where the detectable warning surface does not with provide a 70 percent minimum contrast with adjacent surfaces, a 1 inch (25 mm) wide minimum black strip shall separate the detectable warning from adjacent surfaces.~~
Where the detectable warning surface does not provide a 70 percent minimum contrast with adjacent surfaces, a 1 inch (25 mm) wide minimum visually contrasting surface shall separate the detectable warning from adjacent surfaces either light-on-dark or dark-on-light

Reason: [The reason should be concise if the request is for “Disapproval,” “Further Study,” or “Approve As Amend” and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

During the February 2014 Access Code Committee meeting with a follow up phone conversation between the California Council of the Blind has had with DSA staff, it was agreed to propose in the 45 Day comment period the removal of the “1 inch black strip” and to replace it with “a minimum 1 inch visually contrasting surface which would contrast with both the adjacent surface and the detectable warning, either light-on-dark or dark-on-light.” The Exception does not reflect the verbal agreement as well as what is written in DSA’s 45-Day Initial Statement of Reasons for Proposed Building Standards which states:
“Additionally, in response to comments from the public and the California Building Standards Commission’s Code Advisory Committee, DSA-AC is proposing to clarify and amend the existing requirement for a black strip around detectable warnings which do not adequately contrast with adjacent surfaces. The term “strip” is being deleted and replaced with the term “visually contrasting surface.” Color requirements are being amended from black to a color that contrasts with both the adjacent surface and the detectable warning, either light-on-dark or dark-on-light. Width requirements are being amended from 1 inch absolute to 1 inch minimum.”
Please revise the exception to match up with what is stated in the 45-Day Initial Statement of Reasons for Proposed Building Standards.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

(a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

(1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

(2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.

(3) The public interest requires the adoption of the building standards.

(4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

(5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

(6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.

(7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

(A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.

(B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.

(8) The format of the proposed building standards is consistent with that adopted by the commission.

(9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.