

**INITIAL STATEMENT OF REASONS
FOR PROPOSED ELECTRICAL STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT -- ACCESS COMPLIANCE**

**REGARDING THE ADOPTION BY REFERENCE OF THE
2005 EDITION OF THE NATIONAL ELECTRICAL CODE
INTO THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3**

Articles 89, 404, 406, 760, 770 and 800

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

1) The Public Problem, Administrative Requirements, or Other Circumstance Addressed.

Administrative Requirement:

Government Code Section (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. California electrical standards are published by the CBSC in the California Code of Regulations (CCR), Title 24, Part 3 (CEC).

2) Specific Purpose

The specific purpose of these electrical standards is to update the CEC to coordinate with the Division of the State Architect Access Compliance (DSA/AC) adoption of the 2006 International Building Code (IBC) with necessary California (CA) amendments, as indicated in the matrix table shown in the Express Terms, into the CEC, CCR for the following programs:

- **Access To Public Buildings by Persons with Disabilities:** To ensure that all buildings, structures, sidewalks, curbs, and related facilities, constructed in CA by the use of state, county, or municipal funds, or the funds of any political subdivision of CA to be accessible to and usable by persons with disabilities.
- **Access to Public Accommodations and Commercial Facilities by Persons with Disabilities:** To ensure that all buildings, structures, sidewalks, curbs, and related facilities used by the general public and constructed in CA by the use of private funds will be accessible to and usable by persons with disabilities.
- **Public Housing:** Regulations adopting building standards are to be developed by the Division of the State Architect for public housing.

3) Rationale for Necessity:

The necessity for these electrical standards in Part 3 is to update the CEC to be consistent with the technical building standards adopted in Part 2 (CBC) by the DSA/AC.

It is necessary to codify non-substantive editorial and formatting amendments from the format based upon the 2002 National Electrical Code (NEC) to the format of the 2005 NEC. Some of the existing CA amendments will be amended as follows:

1. The DSA/AC is proposing to include a Fine Print Note (FPN) under the title of Article 404, Article 406 and Article 760 cross-referencing to CCR, Title 24, Part 2, as applicable. In Article 89 DSA/AC is proposing to adopt a FPN only in Section 89.7 (Application), #5 (DSA/AC-Division of the State Architect).

2. The DSA/AC is proposing to relocate or repeal all 2004 CEC provisions from the electrical code into the latest edition of the CBC.

Article 89 – Administration

DSA/AC is repealing the entire Article 89 (Administration) as published in the 2004 edition of the CEC. DSA/AC is adopting a Fine Print Note (FPN) only under Section 89.7 (Application) #5 (DSA/AC Division of the State Architect/Access Compliance) as a cross-reference to Part 2, California Chapter 1 (GENERAL CODE PROVISIONS). This FPN is necessary as all electrical technical provisions are relocated to CCR, Title 24, Part 2.

CHAPTER 4 -- EQUIPMENT FOR GENERAL USE

Article 404 – Switches

Section 404.8 Accessibility and Grouping, (C) Installation Height, (1)

DSA/AC is repealing the entire Article 404 (Switches), I. (Installation), Section 404.8 (Accessibility and Grouping), (C) (Installation Height) (1) (For DSA/AC) from the 2004 edition of the CEC because technical provisions exist in CCR, Title 24, Part 2, Chapter 11B, Section 1117B.6. These provisions are relocated into CBC, Chapter 11B and renumbered as 1117B.6, item 5 (Electrical switches and receptacle outlets), #5.1 (Electrical switches). Because DSA/AC is relocating Article 404 (Switches) DSA/AC are proposing to adopt a Fine Print Note (FPN) only, under the title of the CEC Article 404, as a cross-reference to Part 2, Chapter 11B, Section 1117B.6, items 5 and 5.1 and listing DSA/AC authority and reference citations.

Article 406 – Receptacles, cord connectors, and attachment plugs (Caps)

Section 406.3 General Installation Requirements, (G) Installation Heights, (1)

DSA/AC is repealing the entire Article 406 (Receptacle, Cord Connectors, and Attachment Plugs (Caps), Section 406.3 (General Installation Requirements) (G) (Installation Heights) (1) (For DSA/AC) as published in the 2004 edition of the CEC because technical provisions exist in CCR, Title 24, Part 2, Chapter 11B, Section 1117B.6. These provisions are relocated into the CBC, Chapter 11B and renumbered as 1117B.6, item 5 (Electrical switches and receptacle outlets), #5.2 (Electrical receptacle outlets). Because DSA/AC is relocating Article 406 (Receptacles, cord connectors, and attachment plugs (caps)) DSA/AC are proposing to adopt a Fine Print Note (FPN) only, under the title of the CEC Article 406, as a cross-reference to Part 2, Chapter 11B, Section 1117B.6, items 5 and 5.2 and listing DSA/AC authority and reference citations.

CHAPTER 7 -- SPECIAL CONDITIONS

Article 760 – Fire Alarm Systems

Section 760.16 Fire Alarm Manual Pull Stations

DSA/AC is repealing the entire Article 760 (Fire Alarm Systems), Section 760.16 (Fire Alarm Manual Pull Stations) as published in the 2004 edition of the CEC because technical provisions exist in CCR, Title 24, Part 2, Chapter 9, Section 907.4. These provisions are relocated into the CBC, Chapter 9 and renumbered as 907.4.2 (Height). Because DSA/AC is relocating Article 760 (Fire Alarm Systems) DSA/AC is proposing to adopt a Fine Print Note (FPN) only, under the title of the CEC Article 760, as a cross-reference to Part 2, Chapter 9, Section 907.4.2 and listing DSA/AC authority and reference citations.

Article 770 -- Optical Fiber Cables and Raceways

DSA/AC is repealing the entire Article 770 (Optical Fiber Cables and Raceways), as published in the 2004 edition of the CEC because technical provisions which exist in CCR, Title 24, Part 2, Chapter 35, are proposed for repeal with the new adoption of the 2006 IBC.

CHAPTER 8 – COMMUNICATION SYSTEMS

Article 800 – Communications Circuits

DSA/AC is repealing the entire Article 800 (Communications Circuits), as published in the 2004 edition of the CEC because technical provisions which exist in CCR, Title 24, Part 2, Chapter 35, are proposed for repeal with the new adoption of the 2006 IBC.

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

The DSA/AC relied on the 2005 edition of the National Electrical Code of the National Fire Protection Association, Inc. and the 2006 edition of the International Building Code of the International Code Council, Inc.

CONSIDERATION OF REASONABLE ALTERNATIVES

The alternative to repealing the indicated electrical standards contained in this Part is to maintain them in place. This alternative was rejected since it would result in technical requirements that are outdated and in conflict with the current national standards.

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

TDSA/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

The DSA/AC 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 electrical standards published in CCR, Title 24, Part 3, 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 Government Code Section 4450(c).

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The DSA/AC is not within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal. The DSA/AC is proposing to amend electrical standards applicable to the adoption of the 2005 edition of the NEC and 2006 edition of the International Building Code accessibility standards for accessible design of public buildings, public accommodations, commercial buildings and publicly funded housing. The Federal Americans with Disabilities Act (ADA) of 1990; ADA Standards for Accessible Design, 28 Code of Federal Regulations Part 36, revised as of July 1, 1994; and the Federal Fair Housing Amendments Act of 1988 are the only Federal provisions the DSA/AC is aware of which may apply to the proposed adoption of these standards.