FINDING OF EMERGENCY
OF THE
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE (DSA-AC)
REGARDING THE 2007 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
CONCERNING

Section 1129B – Accessible Parking Required

The adoption of these regulations is necessary for the immediate preservation of the public peace, health and safety, or general welfare, as follows:

The submission of emergency building standards amending 2007 California Building Code (CBC) provisions related to accessible parking spaces for persons with disabilities is necessary for the immediate and general welfare of the state in order to ensure implementation of recently enacted Assembly Bill (AB) 1531 (Chapter (Ch) 413) which revised Government Code Section (GC§) 14679 and Vehicle Code Section (VC§) 22511.

Existing 2007 CBC provisions require accessible parking spaces to be identified by signs and markings in compliance with Section (Sec) 1129B. As a result of the revisions to GC§ 14679 and VC§ 22511.8, all new and replacement signs designating an accessible parking space must conspicuously state the minimum fine imposed on a person who parks a vehicle without the necessary special license plate or distinguishing placard. Further, a method and color(s) for marking the loading and unloading access aisles at accessible parking spaces is specified. Under GC§ 14679(c) and VC§ 22511.8(b), the Department of General Services under the DSA is directed to develop regulations pursuant to GC§ 4450, as appropriate, to ensure compliance with the new requirements. These sections state that "the adoption of these regulations shall be considered by the Department of General Services to be an emergency necessary for the immediate preservation of the public peace, health and safety, or general welfare".

AUTHORITY AND REFERENCE

The California Building Standards Commission (CBSC) proposes to adopt these building standards under the authority granted by Health and Safety Code Section (H&SC§) 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of GC§ 14679 and VC§ 22511.8. The DSA-AC is proposing this regulatory action based on GC§ 4450 et seq.

INFORMATIVE DIGEST

Summary of Existing Laws

Existing law (H&SC§ 18949.1) provides that any responsibilities of the State Architect to adopt regulations relating to building standards are transferred to the CBSC.

Existing law (GC§ 14679(c)) authorizes the DSA to develop, pursuant to GC§ 4450, as appropriate, conforming regulations to ensure compliance for accessible parking.

Existing law (VC§ 22511.8(b)) authorizes the DSA to develop, pursuant to GC§ 4450, as appropriate, conforming regulations to ensure compliance for accessible parking.

Existing law (GC§ 4450 et seq.) provides access to public buildings by persons with disabilities and authorizes the DSA to propose regulations.

Summary of Existing Regulations

Building standards applicable to GC§ 14679 and VC§ 22511.8 are contained in the California Code of Regulations (CCR), Title 24 (T-24), Part (Pt) 2 (CBC). The regulations being modified by this action are contained in Ch 11B which prescribe technical design and construction requirements for accessibility to public buildings, public accommodations, commercial buildings and publicly funded housing. Existing regulations regarding the size and configuration of accessible parking spaces are located in Sec 1129B.3, Items 1 and 2. These regulations require an adjacent loading and unloading access aisle, but do not address the method or color(s) for marking the access aisle. Existing regulations regarding the identification of parking spaces for off-street parking facilities are located in Sec 1129B.4. These

regulations require identification signage, but do not require that the signs state the minimum fine imposed on a person for unauthorized parking in an accessible parking space

Summary of Effect

These regulations would:

- Amend 1129B.3 (Parking Space Size), Item 1 (Dimensions) to include the requirement that the loading and unloading access aisle shall be marked by a border painted blue. Within the blue border, hatched lines a maximum of 36 inches on center shall be painted a color contrasting with the parking surface, preferably blue or white.

- Amend 1129B.3 (Parking Space Size), Item 2 (Van Spaces), to include the requirement that the loading and unloading access aisle shall be marked by a border painted blue. Within the blue border, hatched lines a maximum of 36 inches on center shall be painted a color contrasting with the parking surface, preferably blue or white.

- Amend 1129B.4 (Identification of Parking Spaces for Off-Street Parking Facilities) to include the requirement that an additional sign or additional language below the symbol of accessibility shall state "Minimum Fine $250".

- Amend related figures for consistency:
  Figure 11B-18A – Double Parking Stalls
  Figure 11B-18B – Single Parking Stalls
  Figure 11B-18C – Diagonal Parking Stalls

Comparable Federal Statute or Regulation

The federal ADA Standards for Accessible Design, Sec 4.6, contains comparable accessibility standards. These proposed code changes, as intended by AB 1531 (Ch 413), will exceed federal standards by specifying a method and color(s) for marking access aisles at accessible parking spaces and by requiring signs to state the minimum fine imposed on a person for unauthorized parking in an accessible parking space.

Policy Statement Overview

The objective of these proposed code changes is to comply with the intent of AB 1531 (Ch 413), which revised GC§ 14679 and VC§ 22511.8. AB 1531 revised regulations related to identification at accessible parking spaces. The provisions of this bill are to become effective on July 1, 2008.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

AB 1531 (Ch 413) addresses matters specific to the DSA-AC for existing building standards in the CCR, T-24, Pt 2, Ch 11B, Sec 1129B for accessible parking spaces. Other matters prescribed by AB 1531 are not pertinent to the DSA-AC.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

AB 1531 (Ch 413) imposes a state-mandated local program by placing additional duties on local agencies. AB 1531 provides that no reimbursement is required pursuant to Sec 6 of Article XIII B of the California Constitution for certain costs related to revising the penalty for unauthorized parking that may be incurred by a local agency or school district. However, if the Commission on State Mandates determines that AB 1531 contains other costs mandated by the State, reimbursement to local agencies and school districts for those costs shall be made pursuant to Pt 7 (commencing with Sec 17500) of Division 4 of Title 2 of the GC.

ESTIMATE OF COST OR SAVINGS

A. Cost or savings to any state agency: **Yes**
B. Cost to any local agency required to be reimbursed under Pt 7 (commencing with Sec 17500) of Division 4: **None determined at this time.**
C. Cost to any school district required to be reimbursed under Pt 7 (commencing with Sec 17500) of Division 4: **None determined at this time.**
D. Other nondiscretionary cost or savings imposed on local agencies: **Yes**
E. Cost or savings in federal funding to the state: **None determined at this time.**

Estimate: See Std. form 399.