

**INITIAL STATEMENT OF REASONS  
FOR  
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 Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information pertains to this particular emergency rulemaking action intended to amend existing provisions pertaining to accessible parking spaces for persons with disabilities in California Code of Regulations, Title 24, Part 2 - California Building Code (CBC), Chapter 11B, Sections 1129B.3 and 1129B.4.

**SPECIFIC PURPOSE OF EACH SECTION**

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 413) which revised Government Code Section (GC§) 14679 and Vehicle Code Section (VC§) 22511. These revised code 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”. The provisions of this bill are to become effective on July 1, 2008.

• **1129B.3 Parking space size, Item 1 (Dimensions) & Item 2 (Van spaces(s))**

Section 1129B.3, Items 1 & 2 are being amended 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.

**Reason:** The objective of these proposed code changes is to comply with the intent of AB 1531 (Chapter 413), which revised GC§ 14679 and VC§ 22511.8. Existing 2007 CBC provisions require accessible parking spaces to be identified by signs and markings in compliance with Section 1129B. As a result of the revisions to GC§ 14679 and VC§ 22511.8, a method and color(s) for marking the loading and unloading access aisles at accessible parking spaces is specified. Additional language is being proposed to clarify the requirements for striping within the loading and unloading access aisle. Under GC§ 14679(c) and VC§ 22511.8(b), the Department of General Services under the DSA-AC is directed to develop regulations pursuant to GC§ 4450, as appropriate, to ensure compliance with the new requirements.

• **1129B.4 Identification of parking spaces for off-street parking facilities**

Section 1129B.4 (Identification of Parking Spaces for Off-Street Parking Facilities) is being amended to include the requirement that an additional sign or additional language below the symbol of accessibility shall state “Minimum Fine \$250”.

**Reason:** The objective of this proposed code change is to comply with the intent of AB 1531 (Chapter 413), which revised GC§ 14679 and VC§ 22511.8. Existing 2007 CBC provisions require accessible parking spaces to be identified by signs and markings in compliance with Section 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. Under GC§ 14679(c) and VC§ 22511.8(b), the Department of General Services under the DSA-AC is directed to develop regulations pursuant to GC§ 4450, as appropriate, to ensure compliance with the new requirements.

**Figures 11B-18A, 11B-18B and 11B-18C**

These figures are being amended to be consistent with the proposed code changes to Section 1129B.3 Items 1 and 2. The dimension indicating the distance between hatched lines within the loading and unloading access aisle is being revised to read "STRIPES AT 36" MAXIMUM ON CENTER".

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

AB 1531 (Chapter 413) filed with the Secretary of State on October 10, 2007 is the only document DSA-AC is relying on to support these proposed emergency amendments.

**CONSIDERATION OF REASONABLE ALTERNATIVES:**

In 2007, the Legislature passed and the Governor signed AB 1531 (Chapter 413), which amended the requirements for identification at accessible parking spaces. Further, it directed the Department of General Services under the DSA to develop regulations pursuant to GC§ 4450, as appropriate, to ensure compliance with the new requirements. No alternatives were considered.

**REASONABLE ALTERNATIVES IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS:**

The DSA-AC finds that the proposed changes to the 2007 CBC may minimally increase certain costs for small business; however, costs to provide accessible parking space signs and to paint the access aisle border and crosshatched lines are not triggered unless the accessible parking space is newly designated or other factors require sign replacement or repainting. No reasonable alternatives were identified.

**FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS:**

According to the Assembly Appropriations analysis during the development of AB 1531 (Chapter 413), minor statewide costs, if any, may occur. The DSA-AC has determined that, based on the resulting benefits of this proposal, these costs are reasonable. Providing required accessible parking eliminates barriers to public accommodations and commercial facilities for persons with disabilities.

**DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS:**

The federal ADA Standards for Accessible Design, Section 4.6, contains comparable accessibility standards. These proposed state building standards, as intended by AB 1531, will exceed the 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.