

**NOTICE OF FILING
OF PROPOSED EMERGENCY BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – STRUCTURAL SAFETY (DSA-SS)**

**REGARDING THE 2010 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
CONCERNING**

**CHAPTER 4 – GROUP 1
SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS**

Notice is hereby given that the California Building Standards Commission (CBSC) is proposing to adopt, approve, codify, and publish regulations in California Code of Regulations (CCR), Title 24, Part 1. The Division of the State Architect-Structural Safety, for which CBSC has adoption responsibilities, is proposing building standards related to safety of construction of public schools.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from October 1, 2010, until 5:00 PM on November 15, 2010. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

CBSC proposes to adopt these emergency building standards under the authority granted by Health and Safety Code Sections 18930. The purpose of these building standards is to implement, interpret, and make specific the provisions of Education Code Sections 17280 and 81130 (e.g. the "Field Act"). DSA-SS is proposing this regulatory action based on authority in Education Code Sections 17280-17316 and 81130-81147.

INFORMATIVE DIGEST

Summary of Existing Laws

Education Code Section 17310 authorizes the State Architect to establish administrative building standards for public elementary and secondary schools, and Education Code Section 81142 authorizes the State Architect to establish administrative building standards for community colleges.

Summary of Existing Regulations

Administrative building standards applicable to public schools are contained in Chapter 4 of Part 1, Title 24 (California Building Standards Administrative Code). These administrative building regulations include provisions pertaining safety of construction of public schools.

With regard to this proposal, existing regulations being amended pertain to the following Articles:

- Article 2 - Definitions
- Article 3 - Approval of Drawings and Specifications
- Article 4 - Fees
- Article 5 - Certification of Construction
- Article 6 - Duties Under the Act

Summary of Effect

The effect of this code change proposal would result in permanent, long-term cost savings for school and community college districts and the DSA. This code change proposal would permit DSA to expedite Certification. The adoption of this code change proposal is required because DSA's Certification ensures a building project has been completed in accordance with requirements as to the safety of design and construction of public schools pursuant to Education Code Section 17280-17316 and 81130-81147.

Comparable Federal Statutes or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law and administrative procedures. Public schools would benefit from streamlined processes by expediting the delivery of construction projects on previously un-certified buildings.

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

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Division of the State Architect has no evidence indicating any potential significant adverse impact on business; including the ability of California businesses to compete with business in other states with regard to this proposed action.

Alternatives to the proposal is to maintain current process which will not resolve the existing back log of 12,000 uncertified projects and will contribute to accumulation of new additional projects that cannot be certified. Total cost and benefits from this regulation and each alternative considered:

Regulation:	Benefit: <u>\$ 5.8 million</u>	Cost: \$ _____
Alternative 1:	Benefit: \$ _____	Cost: \$ _____
Alternative 2:	Benefit: \$ _____	Cost: <u>\$11.6 – 17.4 mil</u>

This proposal will limit districts' expenditures to one re-opening fee (\$5.8 million for 12,000 projects) to ensure certification. Alternative: re-opening project multiple times (each time for a fee) that will not result in certification.

DECLARATION OF EVIDENCE

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed action does not require a report by any business or agency, so the Division of the State Architect has not made a finding of necessity for public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
The Division of the State Architect has determined that the proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
The Division of the State Architect has determined that this proposal has no effect.
- The expansion of businesses currently doing business with the State of California.
The Division of the State Architect has determined that the proposed action has no effect.

This proposal streamlines current processes resulting in reduction in costs and resources for DSA and K-14 schools.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Division of the State Architect has made an initial determination that this proposal WOULD NOT have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Division of the State Architect must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman (916) 263-5888
Russell Frank (916) 263-5383
(916) 263-0959 FAX
Michael.Nearman@dgs.ca.gov
Russell.Frank@dgs.ca.gov

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Masha Lutsuk, Operations Deputy
Department of General Service – Division of the State Architect
(916) 324-5799
Masha.Lutsuk@dgs.ca.gov
(916) 324-0207 FAX