

OUD & Planned Projects

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JUNE 30, 2003 – JULY 1, 2004

STATEWIDE ACCESS TECHNICAL TRAINING

Division of State Architect (DSA) access technical training focuses on continuous improvement.

Office of Universal Design (OUD) staff provides internal training to architects, engineers and contract consultants to enhance their knowledge in the accessibility field.



Several sessions have been offered statewide to DSA staff throughout the 2003-04 fiscal year. In February 2004, an improved *Access Checklist* for plan review was implemented and has met with great success.

Another effort to achieve greater success in the access field revolves around the leasing of State property. Training offered to Department of General Services, Real Estate Services Division (RESD) in December 2003 focused on assisting current plan review consultants in the complex business of evaluating leased facilities. DSA professionals developed an accessibility survey to be used as a tool dedicated specifically to leased space evaluation. This training expanded to DSA Regional Offices in June 2004.

OUD staff is working closely with the State Historical Buildings Safety Board to achieve accessibility while preserving the unique quality of historic structures. Access compliance regulations are being reviewed for potential revisions, exemptions and equivalent facilitation relating to state historical projects.

In league with the Department of General Services, Office of Legal Services (OLS), DSA is performing an extensive appraisal of the Access Compliance Plan Review Submittal process. A trend toward standardizing the plan review process to the greatest extent possible will assist DSA professional staff performance project evaluations for our customers. The training currently under development will greatly enhance these efforts.

CERTIFIED ACCESS SPECIALIST PROGRAM (SENATE BILL 262 IMPLEMENTATION)

Senate Bill 262 (Kuehl-Chapter 872, Statutes 2003) modified California Government Code Sections 4458 and 4459. DSA was charged with establishing and publicizing a program for voluntary State certification of any person who meets specified criteria as a Certified Access Specialist (CAS). This directive includes the following elements for DSA compliance:

- Determining minimum criteria to be met by the CAS applicant by January 1, 2005
- Appointing an ad hoc advisory committee — including persons with disabilities, specific State and local government agency representatives, members of the architectural and business communities and building inspectors — to assist in developing the requirements for certification.
- Maintaining an annual qualified public listing of CAS professionals who have met

the requirements. The list shall be established in three-year periods.

- Following up on the work of CAS professionals by reviewing project files.
- Designing a self-sustaining fee structure for all aspects of the CAS Program to be deposited in the Certified Access Specialist Fund.

The CAS Program advisory committee is established and conducting business. The current focus is on the minimum criteria requirement. All meetings are announced on the DSA web site.

ADA CONFORMANCE REQUIRED BY SENATE BILL 1242

In compliance with SB 1242 (Ortiz — Chapter 989, Statutes 2000), DSA is committed to bringing the California Building Code (CBC) into conformance with the Americans with Disabilities Act (ADA). DSA has identified this responsibility as ADA Certification Implementation.

With passage of SB 1242, the State Architect is required to develop regulations to ensure that Braille, tactile, or visual signage for elevators, rooms, spaces, functions, and directional information is installed as required. DSA is collaborating with the California Council for the Blind to meet this obligation.

QUALITY ASSURANCE

Post-approval plan review is vital to the integrity of the process as a whole. Customer agencies may hire DSA-approved consultants to review their construction projects for accessibility. DSA completes periodic performance reviews on these contractors to ensure that our customers receive quality services.

DSA is currently performing post-approval plan reviews for the California Department of Transportation and the California State University system. Arrangements are being made to work with the other State entities.

DSA also partners with the Department of General Services, Real Estate Services Division (RESA) during complex barrier removals in existing State-owned buildings. DSA provides guidance regarding project scope, periodic project phase review and review of the finished product. This partnership is activated as needed.



REGULATIONS

Proposed Code Changes

In response to requests generated by public petition, public comment, or DSA staff, DSA currently has approximately 63 pending rulemaking code changes. The 2004 rulemaking package is posted on the DSA web site and has been forwarded to the Division of the State Architect Advisory Board (DSAAB), Universal Design Committee for review and further public comment.

In response to Executive Order S-2-03, November 17, 2003:

- DSA completed a list of all Structural Safety policies, interpretive regulations, and other code explanatory documents that have not been adopted as regulation. This list was submitted to the Office of Administrative Law (OAL) and Legal Affairs Secretary in December 2003.
- A report of all regulations adopted, amended or replaced since January 6, 1999 went forward through departmental channels.
- DSA delayed and subsequently retracted its 2003 rulemaking package.

DSA completed a side-by-side analysis of the CBC and the ADA in Fall 2002 and submitted it to the U.S. Department of Justice for review. The analysis includes corrective language to the CBC that can be accepted or rejected. Response to DSA has been completed by U.S. Department of Justice and is currently under review by the U.S. Access Board.

National Fire Protection Association (NFPA) 5000 Code Adoption

As a result of the California Building Standards Commission (CBSC) selecting a new basis for the California building and fire codes in July 2003, California Accessibility Compliance Codes will be revised. DSA is waiting for NFPA to deliver the proposed amendments incorporating the American National Standards Institute (ANSI) code.

Significant legal concerns exist regarding use of copyrighted documents. Workload assessment for DSA is complete. The work plan for code conversion conservatively extends through the 2005-2006 fiscal year. This plan was presented to the CBSC on March 18, 2004.

DSA is collaborating with the Department of Housing and Community Development on their substantial revision of the California Building Code, Chapter 11A, Housing Accessibility.

POLICIES AND INTERPRETIVE REGULATIONS

To enhance customer service to building officials and other code enforcement agency personnel with building code related questions, the DSA Help-Line was initiated. The result has been minimal response time and effective redirecting of inquiries from other sources through internal training and revision of procedures.

DSA is developing a policy for accessibility of public art to persons with disabilities. The policy is projected for completion late Summer 2004. A revision of the Interpretive Regulation of Strobes in the Classroom was forwarded to the DSAAB Universal Design Committee for review and public comment on May 14, 2004. This document will revise past operational history of DSA by requiring visual alarms in school classrooms and will comply with federal regulations.

The Federal Highway Administration informed DSA that federal funding for California Department of Transportation projects is in jeopardy, unless California can align with federal standards for curb ramp design. This affects millions of dollars received annually from the federal Department of Transportation for highway construction. This

policy was presented to the DSAAB Universal Design Committee for review on May 14, 2004.

DSA staff organized and assembled a series of Frequently Asked Questions about accessibility issues in May 2002. This valuable source of information is on the Universal Design web site: http://www.dsa.dgs.ca.gov/UniversalDesign/ud_faqs.htm.

Conceptual approval of a set of standardized plan documents to facilitate DSA plan review of California Department of Transportation projects occurred May 2004.



These pre-approved drawings will be used as references to simplify the plan review process to preserve the customer's project timetable.

DETECTABLE WARNING

Assembly Bill 685 (Thomson — Chapter 386, Statutes 1999) declares DSA has oversight of the approval and installation of detectable warning products and directional surfaces installed after January 1, 2001. California Government Code Section 4460 describes the process. In March 2003, Underwriters Laboratories (UL) was selected to charter an ad hoc Evaluation of Detectable Warnings Advisory Committee to define testing criteria/protocol standards for product assessment. A letter of interest was mailed on June 4, 2004 to prospective committee members. UL will provide highly technical support throughout this process, including proposed regulatory development.

DSAAB UNIVERSAL DESIGN COMMITTEE (UDC)

The UDC was established in August 2003 to address DSA access issues and provide advice to the State Architect. In the access arena, the committee is currently working on:

- Establishing an operating protocol.
- Determining how to interface with the public.

- Defining the makeup of committee membership, setting goals, and establishing an agenda.

ADA INTERAGENCY TASK FORCE

The Office of Universal Design Chief is an active member of the ADA Interagency Task Force that oversees \$26 million in barrier removal projects within State buildings. This group also adopts statewide policy as it relates to employment or to public accommodation. The last meeting was held September 2003. Currently, no meetings are scheduled due to budget constraints.



CUSTOMER AGENCY ISSUES

Establishing partnerships with individual State agencies that have access concerns unique to their environment, DSA is developing individualized access checklists, proposing legislation, interpreting current construction code, and communicating issues and collaborative solutions.

Examples of unique situations include:

- The Departments of Parks and Recreation and Boating and Waterways have some distinctive mitigation and equivalent facilitation issues, since outdoor construction is the rule rather than the exception.
- Employment Development Department One-Stop Service Centers that incorporate working together with federal and local government agencies. Varying accessibility requirements complicate finding solutions.
- For Department of Transportation, blending accessibility with highway and bridge construction produces unique challenges.
- The temperament of the work environment in correctional facilities requires a redefinition

of accessibility for the Departments of Corrections and the Youth Authority. Collaborating with these agencies to develop guidelines specific to their needs will provide them with a set of tools to help them meet access obligations.

- The Secretary of State faces a distinctive challenge in rewriting accessibility guidelines for polling places throughout the state.
- The Department of General Services, Real Estate Services Division, deals with all State leased facilities. Since the structures are already in place, site-specific accessibility issues arise on a daily basis. When State entities cohabit with private or local government occupants, this formula can be complex.
- Several DSA customers — Department of Transportation and Cal State University are prime examples — receive federal and other bond-related funding. Like school bonds, these funds are earmarked for a specific use within a specific timeframe. These constraints create a need for expeditious handling while maintaining high quality standards.

PUBLICATIONS

The DSA brochure, *Cleaner Air Fact Sheet*, was completed in April 2004. It focuses on indoor environmental quality in public places. The cleaner air symbol will be used to identify a room, a facility and the paths of travel that are accessible to and usable by people who are adversely impacted by airborne chemicals or particulates and/or the use of certain electrical fixtures or devices. The symbol will only be used when the minimum conditions addressed in this brochure are met.

http://www.documents.dgs.ca.gov/dsa/pubs/cleaner_air_factsheet.pdf

The DSA document, *Rulemaking Processes*, is nearly complete; posting to the DSA web site is expected July 2004. The step-by-step process implemented when DSA proposes regulations to the California Building Standards Commission is clearly outlined.

Petition Processes describes the sequence of events that follow a public petition for the proposal, adoption, amendment or repeal of a State building standard (California Code of Regulations, Title 24, Part 1, Section 1-8. Public Petition Regulations). This document will be published July 2004.

The ***Five Phases of Access Compliance*** flow chart was completed and published on the DSA web site April 20, 2004. This document leads State and local government agencies through the Self-Evaluation and Transition Plan process to evaluate facility accessibility. This is an ideal tool to determine accessibility prior to relocation. This chart will be updated next year.

http://www.documents.dgs.ca.gov/dsa/pubs/5phases_accesscompliance.pdf

ACCESS FEE STRUCTURE

Prior to September 1, 1984, the filing fee for projects submitted for review to the Division of the State Architect (DSA) was established in the *California Building Standards Administrative Code - Part 1, Title 24, California Code of Regulations, Article 1, Sections 5-104*. The fees established for plan review and other services have not kept pace with new legislative responsibilities and evaluation of this fee structure is overdue. Redistributing fees according to the range of services provided will assist DSA in meeting fiscal responsibilities.