

**NOTICE OF PROPOSED ACTION
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE
CONCERNING
2010 CALIFORNIA BUILDING CODE (CBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect – Access Compliance (DSA-AC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The DSA-AC is proposing building standards related to access for persons with disabilities.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from May 13, 2011, until 5:00 PM on June 27, 2011. 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

The California Building Standards Commission proposes to adopt these building standards under the authority granted by California Health and Safety Code Sections (H&SC§) 18930 and 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Government Code Sections (GC§) 4450 through 4461 and 12955.1 and H&SC§ 18949.1 and 19952 through 19959. DSA-AC is proposing this regulatory action based on GC§ 4450.

INFORMATIVE DIGEST

Summary of Existing Laws

GC§ 4450 authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. GC§ 12955.1(d) authorizes the State Architect to establish building standards for public housing. California Financial Code Section (FC§) 13082 requires a tactually discernible numerical keypad or other technology that enables a visually impaired person to access a point-of-sale system equipped with a video touch screen.

Summary of Existing Regulations

Existing building standards which prescribe requirements for accessibility to public buildings, public accommodations, commercial buildings and publicly funded housing are promulgated by the DSA-AC. These regulations are contained in the California Building Code (Title 24, Part 2).

Summary of Effect

The proposed action would amend the California Building Code (Title 24, Part 2). Adoption of the proposed building standards will enable the DSA to fulfill the legislative mandates of GC§ 4450(b) and GC§ 12955.1(c) relating to access for persons with disabilities. Additionally, DSA is proposing building standards consistent with FC§ 13082 to make code users aware of the new requirement for a tactually discernible numerical keypad or other technology that enables a visually impaired person to access a point-of-sale system equipped with a video touch screen.

Comparable Federal Statute or Regulations

Comparable federal statutes and regulations include the federal Americans with Disabilities Standards as adopted by the United States Department of Justice to implement the federal Americans with Disabilities Act of 1990 (Public Law 101-336), and the federal Fair Housing Accessibility Guidelines adopted by the United States Department of Housing and Urban Development to provide builders and developers with technical guidance on how to comply with the specific accessibility requirements of the federal Fair Housing Amendments Act of 1988 (Public Law 100-430).

Policy Statement Overview

The proposed building standards are intended to clarify existing accessibility provisions contained in the 2010 CBC, ensure consistency with federal accessibility requirements, and make code users aware of recent legislation pertaining to point-of-sale systems.

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

Per California Government Code Section (GC§) 4450(d), the DSA is directed to prepare and submit for certification to the United States Department of Justice (USDOJ) proposed amendments to the California Building Code (CBC) which ensure California's building standards for disability access in commercial occupancies are consistent with federal regulations. The proposed building standards will, in part, help to ensure that the accessibility regulations promulgated by DSA and published in CCR, Title 24, Part 2 do not prescribe a lesser standard of accessibility than provided by the federal ADA Standards as adopted by the USDOJ.

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 NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Division of the State Architect has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

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 regulatory action does not require a report by an business or agency, therefore the Division of the State Architect has not made a finding of necessity for the 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 regulatory 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 regulatory 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 the proposed regulatory action 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 regulatory action has no effect.

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 has determined 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:

Jane Taylor, Senior Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

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:

Richard Conrad, Principal Architect
richard.conrad@dgs.ca.gov
Telephone No.: (916) 324-7180

**Division of the State Architect
1102 Q Street, Suite 5100
Sacramento, CA 95811**

**DSA Telephone No.: (916) 445-8100
DSA Facsimile No.: (916) 445-3521**