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December 7, 2012

California Building Standards Commission
Attn: Michael L. Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Re: Proposed Revisions to Incorporate the 2010 ADA Standards for Accessible Design into the 2013 California Building Code (California Code of Regulations, Title 24, Part 2)

Dear Mr. Nearman and Commission Members:

As a member of the California Attractions and Parks Association (CAPA), we are writing to support the revisions proposed by the Division of State Architect (DSA) to the accessibility requirements set forth in Chapter 11B of the California Building Code (CBC). Specifically, we support DSA's proposal to incorporate the requirements for recreation facilities set forth in the 2010 Americans with Disabilities Act Standards for Accessible Design (hereinafter "2010 ADA Standards") into Chapter 11B of the current 2010 CBC. The federal standards for recreation facilities were the product of comprehensive and exhaustive review, study and negotiation over the course of nearly two decades. The DSA's proposed revisions to Chapter 11B also were the product of an extensive effort to merge the 2010 ADA Standards with Chapter 11B, retaining the most stringent provisions of each. Accordingly, we join CAPA in strongly encouraging the California Building Standards Commission to adopt the DSA's proposal without substantive change.

We also support the inclusion of Exception 2 to Section 11B-202.4, which provides that elements of a path of travel (including amenities such as restrooms and drinking fountains) that comply with the applicable accessibility requirements of the 2010 CBC (*i.e,* are already accessible) would not have to be further modified to comply with incremental changes in the 2013 CBC merely because the area these elements serve is being altered. This exception ensures that accessibility is provided, while also ensuring that existing facilities are not unnecessarily burdened by having to make repeated, incremental modifications.

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The proposed modifications to Chapter 11B will substantially impact our facility. While we support the goal of providing access for all, providing accessibility for recreation facilities (particularly for amusement rides and water park features) presents many unique and complex challenges, as discussed in CAPA's comment dated October 15, 2012. Consequently, the basic standards developed in the context of buildings, and the same rationales for altering or expanding accessibility requirements, often cannot simply be applied to recreation facilities. Rather, the

application and development of accessibility standards for recreation facilities must necessarily entail an understanding of the unique design and engineering issues presented by recreation facilities. For this reason, the federal regulatory process to develop accessibility standards for recreational facilities was quite lengthy – initiated in June 1993 and culminating in September 2010 – and involved extensive review, study and negotiation by representatives of various interested stakeholders. Given the extensive effort that went into the federal rulemaking, we believe it would be inappropriate and ill-advised for the Commission to make substantive changes to these requirements – particularly in the absence of the Commission or the DSA themselves undertaking as comprehensive a review of the complicated issues involved as was done on the federal level.

The 2010 ADA Standards acknowledge and accommodate the practical difficulties in providing access to recreation facilities, without sacrificing the provision of access to such facilities. Adoption of the 2010 ADA Standards for recreation facilities without substantive change will satisfy California's mandate for providing access. Chapter 11B of the 2010 CBC currently does not contain any provisions specifically addressing the special features of recreation facilities, such as permanent amusement rides, pools (except for swimming pool lift devices), water slides or miniature golf courses. Consequently, adoption of the 2010 ADA Standards will fill the void in the current code, and also will facilitate compliance by establishing harmonious requirements.

Accordingly, we strongly urge the Commission to adopt the DSA's proposal without substantive change. Any substantive changes would disrupt the careful balance achieved in the 2010 ADA Standards. Given the rigorous and extensive review and negotiation that have already occurred on these issues at the federal level, we respectfully submit that no change to the 2010 ADA Standards is warranted.

We also strongly support the inclusion of Exception 2 to Section 11B-202.4. Exception 2 essentially provides that those path of travel elements that are already accessible (*i.e.,* comply with the accessibility requirements in the 2010 CBC) need not be modified to comply with incremental changes in the 2013 CBC merely because the area the path of travel serves is being altered. Exception 2 is a necessary and critical provision for existing facilities. Existing facilities which have already undertaken to make path of travel elements accessible should not be required to incur additional, and quite possibly substantial, costs retrofitting path of travel elements which are already accessible merely because an alteration is made to an area they serve. Exception 2 is limited only to those elements that already comply with the 2010 CBC and does not apply to path of travel elements that are themselves altered after the effective date of the 2013 CBC. Accordingly, Exception 2 is a critical provision that mitigates the impact of the incremental changes to the 2013 CBC on existing facilities, without sacrificing accessibility for individuals with disabilities. For all these reasons, we strongly support the adoption of Exception 2.

Conclusion

For all the reasons stated herein and in the comments submitted by CAPA, we respectfully request that the Commission adopt the changes to Chapter 11B of the 2010 CBC proposed by the DSA without substantive change.

Sincerely,

Robert L. Lorenzini
Logistics Manager
LEGOLAND California LLC