

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED ELECTRICAL STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE (DSA-AC)**

**REGARDING THE 2010 CALIFORNIA ELECTRICAL CODE (CEC)
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3**

The Administrative Procedure Act requires an Initial Statement of Reasons to be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE

Specific Proposed Regulatory Actions: DSA-AC proposes to adopt by reference the 2008 edition of the NEC with amendments into the 2010 CEC. These proposed amendments are intended to provide clarity, specificity and direction to the code user and to implement and make specific existing state laws. These proposed amendments are a result of recommendations for amendment developed during the public participation period prior to submittal to the California Building Standards Commission (CBC). The rationale for each amendment by Ch and Sec is listed below.

The DSA-AC proposes to adopt the 2010 edition of the CEC with existing un-amended regulations (other than revising structure, syntax, cross-reference, grammar, or punctuation) in Article 89, Section 89.9 & 89.9.1 with Note and existing Plumbing regulations and Notes in Articles 404, 406 and 760.

ITEM 1.0

REASON: DSA-AC proposes to revise all Matrix Adoption Tables and text in all Notes to reflect the new re-number format adopted by the CBSC. Notes and Matrix Adoption Tables are being carried forward un-amended other than revising structure, syntax, cross-reference, grammar, or punctuation in Articles 89, 404, 406, and 760.

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

DSA relied on the latest editions of the model building, electrical, mechanical, plumbing and fire codes in proposing these regulation(s).

CONSIDERATION OF REASONABLE ALTERNATIVES

In order to increase public participation and improve the quality of these regulations DSA involved parties who would be subject to these proposed regulations in public discussions. The purpose of the public discussions was to receive reasonable alternatives to these regulations from the public. Public meetings of the Access Committee of the Division of the State Architect Advisory Board (DSAAB) were held on:

December 18, 2008 January 21 & 22, 2009 March 23, 2009 April 07, 2009 April 20, 2009

The meeting facilities were accessible. Requests for special accommodations (assisted listening device, sign language interpreters, teleconference equipment, etc) were accepted. Participation via video conference was also available at the following locations:

Video Conference

DSA – Oakland
1515 Clay Street, Suite 1201
Oakland, CA 94612
(510) 622-3101

Video Conference

DSA – Los Angeles
700 N. Alameda
Ste. 5-500
Conf. Rm 5-599
Los Angeles, CA 90012
(213) 897-3995

Video Conference

DSA – San Diego
16680 W. Bernardo Dr.
Conf. Rm. A
San Diego, CA 92127
(858) 674-5400

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

DSA has made a determination that this proposed regulatory action will not have an adverse impact on small business. DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which this action is proposed, or would lessen any adverse impact on small business.

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

DSA has made an initial determination that this proposed action would not have a significant adverse economic impact on business. This proposed action would ensure that the State Architect's regulations and accessibility standards published in CCR, Title 24 would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the Federal Access Board as adopted by the United States Department of Justice to implement the ADA of 1990 (Public Law 101-336), consistent with Government Code Sec 4450(c).

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

DSA is not within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal. DSA is proposing to amend building standards contained in the 2007 edition of the CCR, Title 24, specifically accessibility standards for accessible design of public buildings, public accommodations, commercial buildings and public housing. DSA is also proposing to adopt, amend or repeal building standards, as part of the United States Department of Justice ADA certification of the CBSC. The Federal Americans with Disabilities Act (ADA) of 1990; ADA Standards for Accessible Design, 28 Code of Federal Regulations Part 36, revised as of July 1, 1994; and the Federal Fair Housing Amendments Act of 1988 are the only federal provisions the DSA is aware of which may apply to the proposed Certification by the United States Department of Justice of these standards.

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