

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
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Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICES DATED MAY 13, 2011
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: JUNE 27, 2011

Date: June 22, 2011 revised

From:

Eugene Lozano, Jr.

Name (Print or type)

(Signature)

-- California Council of the Blind

Agency, jurisdiction, chapter, company, association, individual, etc.

4537 Sycamore Avenue Sacramento

Street

CA

State

95841

Zip

I/We (do)(do not) agree with:

The Agency proposed modifications As Submitted on Section No. _____

and request that this section or reference provision be recommended:

Approved Disapproved Held for Further Study Approved as Amended

Suggested Revisions to the Text of the Regulations:

1117B.7.1.3 Where point-of-sale devices are provided including those at accessible check stands, sales or service counters, all devices at each location shall comply with Sections 1117B.6 Item 4, 1117B.7.2, 1117B.7.3, 1117B.4, and 1117B.7.9 and 1117B.7.7.2. Where a point-of-sale system is changed or modified to include a video touch screen or any other non-tactile keypad, all changed or modified point-of-sale devices at each location shall comply with Sections 1117B.6 Item 4, 1117B.7.2, 1117B.7.3, 1117B.4, and 1117B.7.9 and 1117B.7.7.2. ~~Where point-of-sale devices are provided at accessible check stands, sales or service counters, they shall also comply with Sections 1117B.7.2, 1117B.7.3 and 1117B.7.4.~~

Reason: [The reason should be concise if the request is for “Disapproval,” “Further Study,” or “Approve As Amend” and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

Consistency and standardization in the operation of point of sales devices in their design specifications (operable parts, privacy, characters, tactilely discernable numerical keypads, etc.) provide a message that is clear and not open to interpretation. If there is no harmony, this may lead to situations in which the device is not readily useable, and can lead to incorrect interpretation. The outcome may be an increased likelihood that the person who is blind or visually impaired fails to use point of sales devices. Consistency is important in facilitating expectations in the general population, including those with visual impairments. Consistency in design specifications helps the individual to develop expectations about what constitutes an accessible point of sales device. This principle also guides the development of traffic control systems in general (Federal Highway Administration, 2009). The Manual on Uniform Traffic Control Devices recognizes the absolute importance of uniformity as a nationwide objective to achieve effective traffic control results, economy in the manufacture, installation, maintenance and administration of control devices, and as a defense against adverse judgments in tort liability cases.

Therefore, it is the position of the California Council of the Blind (CCB) that there should never be any differentiation in design specifications for point of sales devices based on location. Further it is the CCB’s position that there must be a specification for characters on point of sales device displays like there is for ATMs (Section 1117B.7.7.2). A character specification for point of sales devices insures that a person with some functioning vision can see text displayed on the screen.

Criteria 3, 4 and 5.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.