



SACRAMENTO REGIONAL OFFICE
100 Howe Avenue, Suite 235N
Sacramento, CA 95825
Tel: (916) 488-9950
TTY: (800) 719-5798
Toll Free: (800)776-5746
Fax: (916) 488-9960
www.disabilityrightsca.org

California's protection and advocacy system

VIA ELECTRONIC MAIL

June 27, 2011

Dave Walls, Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 9583

**Re: Public Comments on Title 24 California Code of Regulations
(CCR) Part 2**

Dear Mr. Walls:

Disability Rights California is a non-profit agency that provides legal advice and advocacy services on disability rights issues in California. Disability Rights California provides services pursuant to the Protection and Advocacy for Individuals with Mental Illness Act, 42 U.S.C. § 10801, PL 106-310; the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15001, PL 106-402; the Rehabilitation Act, 29 U.S.C. § 794e, PL 106-402; the Assistive Technology Act, 29 U.S.C. § 3011, 3012, PL 105-394; the Ticket to Work and Work Incentives Improvement Act, 42 U.S.C. § 1320b-20, PL 106-170; the Children's Health Act of 2000, 42 U.S.C. § 300d-53, PL 106-310; and the Help America Vote Act of 2002, 42 U.S.C. § 15461-62, PL 107-252.

Disability Rights California is commenting on the amendments to building standards related to access for individuals with disabilities. Disability Rights California appreciates the California Building Standards Commission (Commission)'s work on amending California regulations in line with the Americans with Disabilities Amendments Act. Our agency has comments on the following provisions:

Item 1, Section 202-Definitions

In the United States Department of Justice (US DOJ)'s letter to the Commission of October 1, 2004, the US DOJ raised concerns about the definition of "accessible route" and "alterations". This section does not address these definition so it is unclear whether the Commission plans on addressing the US DOJ's concern or has done so prior to the comment period for these proposed regulations.

Item 3, Section 1102B-Definitions

Point-of-Sale Device should be amended to read "...any device used for the purchase of a good or service where a personal identification number (PIN), **zip code**, or signature is required".

Item 4, Section 1104B.3.9-Designated aisle seats

Pursuant to the new Americans with Disabilities Act (ADA) standards, designated aisle seats should be located closest to accessible routes.

Designated aisle seats should be identified with signs that contract and that are also photo luminescent. See U.S. Department of Justice ADA Standards §703.7.

Item 6, Section 1106B-Accessibility for Group E Occupancies

Section 1106B.4-Library general use areas

4. Card catalogs and magazine displays

Minimum clear aisle space and maximum reach heights should be clearly indicated for both adults and children in order to prevent confusion.

Item 11, Section 1117B.7.1-General

The unreasonable hardship discussed in exception #1 should be amended to clarify that unreasonable hardship only applies to alterations. Any new construction should, at a minimum, comply with the ADA's structural impracticability exception standards. This was pointed out in the US DOJ's letter to the Commission on October 1, 2004. See note 25, pages 13-14.

The exception based on “legal constraints” should be deleted since legal constraints are not a basis for exception from the requirement of the ADA. See note 25 from the US DOJ’s letter to the Commission on October 1, 2004 regarding technically infeasible.

Item 11, Section 1117B.7.4-Privacy

This section should be amended consistent with US DOJ ADA advisory §707.4, which requires that machines and devices with visible screens have the capacity to make such screens go blank while being used by individuals with visual impairments include the ability of visible screens being blank to protect privacy. The requirement that machines have capacity to show a blank screen is designed to protect the privacy of persons with visual impairments.

Item 11, Section 1117B.7.5-Speech Output

This section should be amended consistent with US DOJ ADA advisory §707.5 so that it requires an ATM machine that provides extra functions, such as selling theater tickets, to be available using speech output and not require specialized training.

Item 11, Section 1117B.7.9-Point-of-sale devices

This section should be amended so that it is consistent with subsections (b)-(d) of California Financial Code section 13082 regarding point-of-sale systems that include a video touch screen. Lack of accessible point-of-sale devices continues to be an issue for our clients at retailers and other business establishment throughout the state.

Item 13, Section 1118B-Space Allowance and Reach Ranges

Minimum clear aisle space and maximum reach heights should be clearly indicated for both adults and children in order to prevent confusion.

Item 16, Section 1129B, Table 11B-6

The left side heading of the table should be amended to say “TOTAL NUMBER OF PARKING SPACES IN **PARKING FACILITY**” to refer to lots and structures consistent with the US DOJ Advisory §208.2.

The table should be amended to incorporate van accessible parking ratio outlined in the US DOJ Advisory.

Item 16, Section 1129B.1-General

This section should be amended so it is consistent with US DOJ Advisory §208.3 requiring accessible parking spaces to be located on the shortest accessible route from the parking area to the entrance of the building.

This section does not mention parking space requirements for hospitals and other facility parking. This section should be amended to include this language consistent with US DOJ Advisory §§ 208.2.1-208.2.3.

Item 21, Section 1133B.4-Stairways

This section should be amended consistent with US DOJ Advisory requirements regarding obstructions at handrails.

Item 21, Section 1133B.4.2.1-Handrail configuration

This section should be amended to include walking surfaces, stair nosings, and ramp surfaces consistent with the US DOJ Advisory §505.4.

Additionally, minimum clear aisle space and maximum reach heights should be clearly indicated for both adults and children in order to prevent confusion.

If you have any questions, please do not hesitate to contact us. Disability Rights California appreciates the California Building Standards Commission's review of our comments.

Sincerely,

A handwritten signature in cursive script that reads "Sean Rashkis".

Sean Rashkis
Attorney