

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT (DSA-AC)**

**REGARDING PROPOSED CHANGES TO
THE CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

**2016 CALIFORNIA BUILDING CODE
TRIENNIAL CODE CYCLE**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

The Division of the State Architect - Access Compliance (DSA-AC) is relying on the Initial Statement of Reasons regarding specific adoptions, amendments, or repeals to CCR, Title 24, Part 2.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The DSA-AC has determined that the proposed regulatory action WOULD NOT impose a new mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

Name: David Cordova, Senior Civil Engineer, California Department of Transportation

Item: 11B.25

Section: 11B-403.5.1.1 (Clear width) Sidewalks and walks

Summary of Comment on First 45-Day Item: Mr. Cordova submitted a statement in support of the proposed amendments to CBC Section 11B-403.5.1.1. Numerous times, in highway projects, Caltrans and local agencies encounter above ground features in sidewalks that were put in place under the Federal clear width standard of 36 inches. Features such as light poles, traffic signal poles, utility poles, etc., are necessary in the public rights-of-way, but may not allow 48 inches of clear width due to the restricted width of available public rights-of-way. The limited reduction in clear width is reasonable.

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. DSA-AC is proposing no further changes to this section in response to this comment.

Name: Catherine Wampler, PE, Senior Civil Engineer, Project Manager, ADA Coordinator
County of Riverside, Transportation Department

Item: 11B.25

Section: 11B-403.5.1.1 (Clear width) Sidewalks and walks

Summary of Comment on First 45-Day Item: Ms. Wampler submitted a statement in support of the code's allowable reduction in the clear width requirement around an object (such as a utility pole) from 48-inches to 36-inches for distances not to exceed 24-inches. In addition, she recommends that the reduction in clearance be allowed without the requirement for a local agency to justify an "unreasonable hardship", and she recommends an advisory statement for clear widths to be "48-inches preferred" and "36-inches minimum".

DSA-AC Change to Accommodate: This is a comment in support of the proposed amendment. The initially proposed language requiring a determination of "unreasonable hardship" was deleted in DSA-AC's First 45-Day Express Terms document based on a recommendation from the BSC Code Advisory Committee. The proposed amendment provides a limited reduction in sidewalk clear width in alterations without the need for a determination of "unreasonable hardship". In addition, Section 11B-202.3 provides an exception for alterations when the enforcing authority determines compliance with applicable requirements is "technically infeasible" and "equivalent facilitation" is provided. DSA-AC is proposing no further changes to this code section in response to this comment, however, will consider adding an advisory statement regarding this section to DSA-AC's on-line Advisory Manual per Ms. Wampler's recommendation.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

The DSA-AC has determined that no reasonable alternative considered by DSA-AC or that has otherwise been identified and brought to the attention of DSA-AC would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

In order to increase public participation and improve the quality of these regulations DSA-AC involved parties who would be subject to these proposed regulations in stakeholder forums. The purpose of the public discussions was to receive reasonable alternatives to these regulations from the public. DSA-AC stakeholder forums were held as follows:

- Stakeholder Forum No. 1 – April 21, 2015
- Stakeholder Forum No. 2 – May 12, 2015
- Stakeholder Forum No. 3 – May 21, 2015
- Stakeholder Forum No. 4 – June 23, 2015
- Stakeholder Forum No. 5 – July 7, 2015

Interested parties were able to participate via teleconference. In addition, participation via video conference was available at the following locations:

Sacramento Regional Office
1102 Q Street, Suite 5100
Sacramento CA 95811

Oakland Regional Office
1515 Clay Street, Suite 1201
Oakland CA 94612

Los Angeles Regional Office
700 North Alameda Street, Suite 5-500
Los Angeles CA 90012

San Diego Regional Office
10920 Via Frontera, Suite 300
San Diego CA 92127

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The DSA-AC did not receive any reasonable proposals for alternatives that would lessen any adverse economic impact on small businesses. No adverse impact to small business due to these proposed changes is expected.