

**15-DAY RATIONALE
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT
REGARDING THE 2019 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(DSA-AC 01-19)**

The Division of the State Architect is proposing changes to its Initial Statement of Reasons in compliance with Government Code Section 11346.8, 11346.9 and 11347.1
Government Code Section 11346.8(d):

No state agency shall add any material to the record of the rulemaking proceeding after the close of the public hearing or comment period, unless the agency complies with Section 11347.1. This subdivision does not apply to material prepared pursuant to Section 11346.9

15-DAY INITIAL STATEMENT OF REASON CHANGE

Item: 11B.09

Chapter: 11B Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing

Section: 11B-211.4 Drinking fountains, Bottle filling stations

Rationale: During the 45-Day Public Comment Period, Division of the State Architect staff noted the rationale for this item did not include discussion of the rationale for the exception to proposed Section 11B-211.4. The Division of the State Architect is amending its rationale as follows to include rationale for the exception in the second and third paragraph.

The Division of the State Architect is proposing this code change in response to requests from code users and facility owners. Bottle filling station provisions are addressed in the plumbing code and currently there are no specific provisions for accessibility for this type of fixture in California Building Code, Chapter 11B. This proposed code change specifically addresses the scoping and technical provisions for bottle filling stations to provide for access compliance.

Current language in General Exception Section 11B-203.7 provides a broad exception at detention and correctional facilities' "...common use areas that are used only by inmates or detainees and security personnel and that do not serve holding cells or housing cells required to comply with Section 11B-232..." These locations are not required to comply with accessibility requirements or to be on an accessible route.

The proposed exception in Item 11B.09 is consistent with the general exception and exempts bottle filling stations from providing accessibility in compliance with Section 11B-211.4. As an element that is not accessible, an accessible route is not required to be provided to bottle filling stations in such locations.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

Notation:

Authority: Government Code Section 4450

Reference(s): Government Code Sections 4450 through 4461, and 14679; Health and Safety Code Section 18949.1 and Vehicle Code Section 22511.8.

Item: 11B.19

Chapter: 11B Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing

Section: 11B-250 Circulation Paths

Rationale: During the 45-Day Public Comment Period, Division of the State Architect received a comment that the rationale did not match the express terms; specifically, the rationale indicated physical separation between circulation paths may be provided by planters or benches, while the express terms did not allow such separation. The intent of this item is to require separation by raised circulation paths, with certain exceptions provided. To eliminate confusion, the Division of the State Architect is amending its rationale as follows to omit the parenthetical language referring to planters or benches in the last sentence of the last paragraph.

This proposed scoping section in Chapter 11B clarifies the existing scoping requirements in Section 11B-247.1.2.5 that walking surfaces need to be separated from vehicular areas. The new language requires circulation paths, as defined, be physically separated from vehicular traffic (i.e. movement) with a 4-inch minimum raised circulation path – typically a walk or sidewalk – in all locations to enhance safety for people with visual disabilities; several exceptions are provided. In part, these requirements address conditions currently addressed as hazardous vehicular areas.

Exception 1 allows circulation paths to cross driveways or drive aisles without providing physical separation by raised circulation paths or other means and prohibits detectable warnings along the side of the crossing. Exception 2 indicates that within the public right of way, no separation is required where sidewalks and walks cross driveways without stop signs, stop lights, or yield signs. Exception 3 indicates compliance with Section 11B-250 is not required where curb ramps and blended transitions are provided with detectable warnings. Detectable warnings at curb ramps and blended transitions are already required by other provisions. Exception 4 indicates no separation is required between access aisles and the vehicle spaces or the drive aisle. Exception 5 indicates existing facilities may use detectable warnings to provide separation.

CBSC-CAC Action: Disapprove

DSA Response to CAC: Disagree

The California Building Standards Commission’s Code Advisory Committee expressed significant concerns about several aspects of this item. First, due to the similarity between the terms “flush transition” and “blended transition” code users may be confused; in response, the Division of the State Architect has removed references to “flush transition” from this proposal. Second, that this item would require detectable warnings along any circulation path adjacent to vehicle areas; in

response, the Division of the State Architect notes the proposal primarily requires raised circulation paths adjacent to and through vehicle areas with detectable warnings allowed in some conditions; also, newly-revised language in Exception 1 explicitly prohibits detectable warnings along the side of circulation paths where they cross driveways and drive aisles. Third, the committee had concerns about the absence of a specific minimum height above the vehicle area required for raised circulation paths; in response, the Division of the State Architect has added a required minimum height of 4 inches to address these concerns.

The Division of the State Architect takes very seriously the comments of the committee and has well-considered our response to committee action. The language of this item has been amended to address the specific concerns of the committee. This proposal seeks to clarify and make specific the preference that pedestrian areas be physically separated from vehicular areas to the greatest extent possible for the safety of blind people and those with visual impairments. Exceptions are provided to limit the impact on existing facilities by allowing detectable warnings as is currently allowed in the code. The requirement for physical separation by raised circulation paths will primarily impact designs for new construction, when the opportunity to include these features is most economical.

Notation:

Authority: Government Code Section 4450

Reference(s): Government Code Sections 4450 through 4461, and 14679; Health and Safety Code Section 18949.1 and Vehicle Code Section 22511.8.