

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT (DSA-AC)
REGARDING THE 2019 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.**

(DSA-AC 01-19)

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:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The Division of the State Architect has not relied on any data, studies, reports, or similar document that was not identified in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

The Division of the State Architect has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

Proposed amendments clarify existing accessibility requirements of the CBC.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

Regarding Item 2.01,

CHAPTER 2: DEFINITIONS

Section 202 – DEFINITIONS (*Blended Transition*).

This proposal replaces the term “pedestrian access route” with “circulation path,” and includes additional amendments for clarity.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

CBSC Action: Further Study

DSA Response: Agree

This item was heard previously by the California Building Standards Commission at the July 2020 meeting and sent back for further study. The division has additionally studied this item. No additional amendments have been proposed to this item since the July 2020 meeting.

Regarding Item 2.03,

CHAPTER 2: DEFINITIONS

Section 202 – DEFINITIONS (*Circulation Path*).

This revision removes previously proposed amendments that defined a circulation path as “an accessible or non-accessible prepared” way of passage. Proposed amendment retains the addition of “sidewalks” in the examples of elements that are considered circulation paths.

CBSC-CAC Action: Approve as Submitted

DSA Response to CAC: Accept

CBSC Action: Further Study

DSA Response: Agree

The division has additionally studied this item. Public comments about this item received at the commission meeting stated that proposed new language describing circulation paths, in part, as being accessible or non-accessible would diminish the accessibility requirements adopted by the Division of the State Architect. The division does not agree with the commenter’s assessment. However, the division is amending its proposal to omit the language describing circulation paths, in part, as being accessible or non-accessible

Regarding Item 2.03,

CHAPTER 2: DEFINITIONS

Section 202 – DEFINITIONS (*Circulation Path*).

This definition removes previously proposed amendments that defined a circulation path as “an accessible or non-accessible prepared” way of passage. Proposed amendment

retains the addition of “sidewalks” in the example of elements that are considered circulation paths.

Commenter(s): Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC)

Commenter(s) Recommendation: Approve

Agency Response: This is a comment in support of the proposed amendment. DSA provides no further response to this comment.

Regarding Item 2.03,

CHAPTER 2: DEFINITIONS

Section 202 – DEFINITIONS (*Circulation Path*).

This definition removes previously proposed amendments that defined a circulation path as “an accessible or non-accessible prepared” way of passage. Proposed amendment retains the addition of “sidewalks” in the example of elements that are considered circulation paths.

Commenter(s): Alejandra Warner, City of San Diego

Commenter(s) Recommendation: Approve as amended with the inclusion of “bikeways” in the definition.

Agency Response: This is a comment in support of the proposed amendment. DSA will consider the proposed amendment by the commenter in future rulemaking.

Regarding Item 2.03,

CHAPTER 2: DEFINITIONS

Section 202 – DEFINITIONS (*Circulation Path*).

This definition removes previously proposed amendments that defined a circulation path as “an accessible or non-accessible prepared” way of passage. Proposed amendment retains the addition of “sidewalks” in the example of elements that are considered circulation paths.

Commenter(s): Michael P. Gibbens, Gibbens & Associates

Commenter(s) Recommendation: There is no need to alter the current definition of a “circulation path”. It was taken directly from the ADAS and there is no reason to add “sidewalks”.

Agency Response: DSA respectfully declines to consider withdrawal of this amendment in response to the comment. The proposed amendment offers additional clarity when added to the list of items that are defined as circulation paths, particularly in the context of Chapter 11B of the California Building Code which covers sidewalks in the public right-of-way where the national standards do not in the ADA.

Regarding Item 2.03,

CHAPTER 2: DEFINITIONS

Section 202 – DEFINITIONS (*Circulation Path*).

This definition removes previously proposed amendments that defined a circulation path as “an accessible or non-accessible prepared” way of passage. Proposed amendment retains the addition of “sidewalks” in the example of elements that are considered circulation paths.

Commenter(s): Kerwin Lee

Commenter(s) Recommendation: The current definition was taken directly from the ADA Standards and there is no reason to change this from the National Standards.

Agency Response: DSA respectfully declines to consider withdrawal of this amendment in response to the comment. The proposed amendment offers additional clarity when added to the list of items that are defined as circulation paths, particularly in the context of Chapter 11B of the California Building Code which covers sidewalks in the public right-of-way where the national standards do not in the ADA.

Regarding Item 2.03,

CHAPTER 2: DEFINITIONS

Section 202 – DEFINITIONS (*Circulation Path*).

This definition removes previously proposed amendments that defined a circulation path as “an accessible or non-accessible prepared” way of passage. Proposed amendment retains the addition of “sidewalks” in the example of elements that are considered circulation paths.

Commenter(s): Mehdi Shadyab

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA provides no further response to this comment.

Regarding Item 11B.18,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

Section 11B-247 Detectable warnings and detectable directional texture

11B-247.1 Detectable warnings.

11B-247.1.2 Where required.

11B-247.1.2.5 Hazardous vehicular areas.

The proposed changes to Sections 11B-247.1.2.5 and 11B-705.1.2.5 replace language requiring detectable warnings at hazardous vehicular areas with requirements for detectable warnings at blended transitions. Proposed language is intended to include requirements for detectable warnings at all locations covered by the current language for hazardous vehicular areas. These changes are intended to minimize confusion about the required placement of detectable warnings.

CBSC-CAC Action: Disapprove
DSA Response to CAC: Disagree

The California Building Standards Commission's Code Advisory Committee expressed concerns about the similarity between the terms "flush transition" and "blended transition" and the possibility that code users may be confused; in response, DSA confirmed that within the current code use of the term "flush transition" is limited to the exception in Section 11B-705.1.2.2. DSA amended Item 11B.37 of this code package to eliminate the use of the term in Section 11B-705.1.2.2.

CBSC Action: Further Study
DSA Response: Agree

This item was heard previously by the California Building Standards Commission at the July 2020 meeting. The division has additionally studied this item. No additional amendments have been proposed to this item since the July 2020 meeting.

Regarding Item 11B.19,

CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING **DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

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.

CBSC Action: Further Study

DSA Response: Agree

At its July 13-15, 2020 meeting, the California Building Standards Commission sent back this item along with four items related to circulation paths and detectable warnings for further study. The Division of the State Architect has revised two of the five items and is resubmitting the entire group of items for commission approval.

Public comments about this item received at the commission meeting indicated confusion about the applicability and the extent to which this item would require raised circulation paths in and around areas of vehicular traffic. The division consulted with commenters, the California Council of the Blind and California Building Officials as revised proposals were prepared to address the comments.

In response to CBSC and public comments, the Division of the State Architect further studied this item and prepared related changes subject to the 3rd 45-Day Public Comment Period. Clarifying revisions include:

1. Revised Section 11B-250.1 to clarify that physical separation is required between circulation paths that are contiguous to vehicular traffic.
2. Added new Exception 1 to clarify curb ramps and blended transitions are used to connect raised circulation paths and pedestrian crossings; and blended transitions and cut-through medians are used to connect circulation paths and pedestrian crossings at similar elevations.
3. Added new Exception 3 to address a common condition where accessible parking, passenger drop-off and loading zones, and/or electric vehicle charging stations are the terminus of a pedestrian crossing.
4. Reorganized and renumbered other exceptions.

The language of this item has been amended to address the specific concerns of the commission and the public. 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 they are 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.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

Commenter(s): Mark Wood

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA provides no further response to this comment.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

Commenter(s): John Caprarelli

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA provides no further response to this comment.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

Commenter(s): Mehdi Shadyab

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA provides no further response to this comment.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

Commenter(s): Shane Diller, M.P.A. President, California Building Officials

Commenter(s) Recommendation: Support

Agency Response: This is a comment in support of the proposed amendment. DSA provides no further response to this comment.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

Commenter(s): Michael Ellars

Commenter(s) Recommendation: Support with the recommendation that figures are provided to illustrate the physical separation.

Agency Response: This is a comment in support of the proposed amendment. DSA will consider the proposed amendment by the commenter in future rulemaking.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

Commenter(s): Gene Lozano, California Council of the Blind, Inc.

Commenter(s) Recommendation: Approve as amended with revisions to Exceptions 3 and 6.

Agency Response: This is a comment in support of the proposed amendment. DSA will consider the proposed amendment by the commenter in future rulemaking.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

Commenter(s): Dara Schur, Senior Counsel, Natasha Reyes, Attorney, Disability Rights California (DRC).

Commenter(s) Recommendation: Approve as amended with revisions to Exceptions 3 and 6.

Agency Response: This is a comment in support of the proposed amendment. DSA will consider the proposed amendment by the commenter in future rulemaking.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

Commenter(s): Alejandra Warner

Commenter(s) Recommendation: Approve as amended with the inclusion of “bikeways” in this section.

Agency Response: This is a comment in support of the proposed amendment. DSA will consider the proposed amendment by the commenter in future rulemaking.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

Commenter(s): Michael P. Gibbens, Gibbens & Associates

Commenter(s) Recommendation: The item should be denied for the following reasons; the change is problematic and needs further consideration, the proposed language does not resemble the previous submittal, the proposed regulation is ambiguous and the scoping does not exist in any state or federal standards. The problem with this proposed language is that everywhere a person ambulates into, through, or out of, is a circulation path.

Agency Response: DSA respectfully declines to withdraw its proposal in response to these comments. Amendments address clarity of application of the original amendments proposed at the July 2020 Building Standards Commission meeting where the Commission recommended further study. The revised proposal is substantially related to the original proposal and proceeded through an additional 45-day comment process. In response to the commenter, the amendments DSA proposes requires only circulation paths that are contiguous to vehicular traffic to be raised, with the option of using detectable warnings in lieu of raised circulation paths provided in Exception 1. The proposed code requirement addresses the preferable condition of raised circulation paths when contiguous to vehicular traffic for safety purposes, with the option of detectable warnings by exception where appropriate.

Regarding Item 11B.19,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

11B-250 Circulation paths

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.

Commenter(s): Kerwin Lee

Commenter(s) Recommendation: The item should be disapproved and not brought forward for the following reasons; there is no national standard requiring this, having a raised walk is too narrow of a solution, the proposed language does not clarify what is required, existing conditions are not considered and no cost effect has been stated.

Agency Response: DSA respectfully declines to withdraw its proposal in response to these comments. Amendments address clarity of application of the original

amendments proposed at the July 2020 Building Standards Commission meeting where the Commission recommended further study. The revised proposal is substantially related to the original proposal and proceeded through an additional 45-day comment process. In response to the commenter, the amendments DSA proposes requires only circulation paths that are contiguous to vehicular traffic to be raised, with the option of using detectable warnings in lieu of raised circulation paths provided in Exception 1. The proposed code requirement addresses the preferable condition of raised circulation paths when contiguous to vehicular traffic for safety purposes, with the option of detectable warnings by exception where appropriate. In addition, Exception 4 addresses the requirement for existing conditions, which permits detectable warnings in lieu of raised circulation paths.

Regarding Item 11B.38,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 7: COMMUNICATION ELEMENTS AND FEATURES**

Section 11B-705 Detectable warnings and detectable directional texture

11B-705.1 Detectable warnings

11B-705.1.2 Locations

11B-705.1.2.5 Hazardous vehicular areas.

The proposed changes to Sections 11B-247.1.2.5 and 11B-705.1.2.5 replace language requiring detectable warnings at hazardous vehicular areas with requirements for detectable warnings at blended transitions. Proposed language is intended to include requirements for detectable warnings at all locations covered by the current language for hazardous vehicular areas. These changes are intended to minimize confusion about the required placement of detectable warnings.

CBSC-CAC Action: Disapprove

DSA Response to CAC: Disagree

The California Building Standards Commission’s Code Advisory Committee expressed concerns about the similarity between the terms “flush transition” and “blended transition” and the possibility that code users may be confused; in response, DSA confirmed that within the current code use of the term “flush transition” is limited to the exception in Section 11B-705.1.2.2. DSA amended Item 11B.37 of this code package to eliminate the use of the term in Section 11B-705.1.2.2.

CBSC Action: Further Study

DSA Response: Agree

This item was heard previously by the California Building Standards Commission at the July 2020 meeting. The division has additionally studied this item. No additional amendments have been proposed to this item since the July 2020 meeting.

Regarding item not a part of the 3rd 45-day Public Comment Period,

**CHAPTER 11B – ACCESSIBILITY TO PUBLIC BUILDINGS, PUBLIC
ACCOMMODATIONS, COMMERCIAL BUILDINGS AND PUBLIC HOUSING
DIVISION 2: SCOPING REQUIREMENTS**

**11B-202.4 Path of travel requirements in alterations, additions and structural
repairs.**

Commenter(s): Mariana Moncada

Commenter(s) Recommendation: Revise this section to elaborate on parking lots as defined as "area" that is not the building in the scoping section.

Agency Response: The comment is for an item that was not part of the 3rd 45-Day Public Comment Period. DSA will consider the proposed amendment by the commenter in future rulemaking.

**DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE
PERSONS**

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no adverse impact to small business due to these proposed changes is expected.

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

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

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.