# 3rd 45-DAY EXPRESS TERMS AND RATIONALEFOR PROPOSED BUILDING STANDARDSOF THE DIVISION OF THE STATE ARCHITECTREGARDING THE 2019 CALIFORNIA BUILDING CODE,

# CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2

# (DSA-AC 01-19)

If using assistive technology, please adjust your settings to recognize underline, strikeout, italics and ellipsis.

# LEGEND for EXPRESS TERMS (Based on model codes - Parts 2, 2.5, 3, 4, 5, 9, 10)

* Model Code language appears upright.
* Unmodified California 45-day amendments appear in *underline and italic and ~~strikeout and italic~~*.
* California 2nd 45-day amendments appear in *double underline and italic* and *double strikethrough and italic*.
* Ellipsis ( . . .) indicate existing text remains unchanged.
* **Rationale:** The justification for the change is shown after each section or series of related changes.

# 3rd 45-DAY EXPRESS TERMS

## Item: 2.03

**Chapter:** 2 Definitions

**Section:** 202 Definitions

**Express Terms:**

**SECTION 202
DEFINITIONS**

***CIRCULATION PATH. [DSA-AC]*** *An accessible or non-accessible prepared exterior or interior way of passage provided for pedestrian travel, including but not limited to, walks, sidewalks, hallways, courtyards, elevators, platform lifts, ramps, stairways and landings.*

**Rationale:** 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 with the intent of resubmitting the entire group of items for approval at an upcoming commission meeting.

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; and will continue to study this issue.

The word “sidewalks” was previously proposed to be added to this definition for clarity. This 3rd 45-Day Express Terms retains the proposed addition of the word “sidewalks”.

**Notation:**

Authority: Government Code Section 4450.

Reference(s): Government Code Sections 4450 through 4461 and Health and Safety Code Section 18949.1.

## Item: 11B.19

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

**Section:** 11B-250 Circulation Paths

**Express Terms:**

***DIVISION* 2: SCOPING REQUIREMENTS**

***11B-250 Circulation paths***

***11B-250.1 General.*** *Circulation paths contiguous to vehicular traffic shall be physically separated from vehicular traffic. Vehicular traffic includes travel through parking facilities, into and out of parking spaces, into and out of electric vehicle charging spaces, and along roadways, driveways and drive aisles. Physical separation shall be provided with circulation paths raised 4 inches (102 mm) minimum above the area where vehicular traffic occurs.*

***Exceptions:***

*3. 1. Curb ramps with detectable warnings complying with Section 11B-247.1.2.2 and blended transitions with detectable warnings complying with Section 11B-247.1.2.5 shall not be required to comply with this section.
Curb ramps and blended transitions with detectable warnings complying with Section 11B-247 may be used to connect raised circulation paths and pedestrian crossings within areas of vehicular traffic. Blended transitions and cut-through medians with detectable warnings complying with Section 11B-247 may be used to connect circulation paths and pedestrian crossings at similar elevations within areas of vehicular traffic.*

*2. At locations where sidewalks and walks in the public right-of-way cross driveways without yield or stop traffic control, compliance with this section shall not be required.*

*1. 3. At locations where circulation paths cross driveways or drive aisles, circulation paths shall not be required to be raised comply with this section and detectable warnings shall not be permitted along the sides of the crossing. Beyond the crossing where continuation of the circulation path within a parking facility leads immediately to and does not continue beyond only parking spaces complying with Section 11B-502, passenger drop-off and loading zones complying with Section 11B-503 and electric vehicle charging stations complying with Section 11B-812, the circulation path shall not be required to be raised.*

*5. 4. In alterations to existing parking facilities, including alterations required by Section 11B-202.4, physical separation may be provided with detectable warnings complying with Sections 11B-247 and 11B-705.1 in lieu of raised circulation paths.*

*4. 5. Access aisles serving any electric vehicle charging station vehicle spaces complying with Section 11B-812, parking spaces complying with Section 11B-502, or passenger drop-off and loading zones complying with Section 11B-503, and electric vehicle charging station vehicle spaces complying with Section 11B-812 shall not be required to comply with this section.*

*6. At each electric vehicle charging station complying with Section 11B-812 where the charger and its controls are oriented toward the vehicle space it serves and the charger’s clear floor spaces for operable parts and point-of-sale devices are at the same elevation as the vehicle space, the accessible route complying with Section 11B-812.5.2 shall not be required to comply with this section.*

**Rationale:** 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 with the intent of resubmitting the entire group of items for approval at an upcoming commission meeting.

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.

Comments indicated the top paragraph did not provide the same level of specificity as is currently provided in Section 11B-247.1.2.5 Hazardous vehicular areas. This section describes the relationship between a walk and a vehicular way as “…crosses or adjoins…” The division has amended its proposal for additional clarity to describe the relationship between circulation paths and vehicular traffic as “contiguous” in order to trigger the requirements of this item. In these conditions both physical separation and raised circulation paths are typically required. Exceptions are provided.

Comments addressed several of the exceptions. The division reordered the exceptions to address topics from more general to specific for additional clarity.

Current Exception 1 (previous Exception 3). Commenters were uncertain how curb ramps and blended transitions were to be regulated in the new requirements. The division has revised this exception to clarify that curb ramps and blended transitions may be used to connect raised circulation paths and pedestrian crossings; and that blended transitions and cut-through medians are used to connect circulation paths and pedestrian crossings at similar elevations.

Current Exception 2 (previous Exception 2) is unchanged.

Current Exception 3 (previous Exception 1). The division has clarified the first sentence by expressly prohibiting detectable warnings in circulation paths where they cross driveways or drive aisles. The division has also clarified the requirements by adding language addressing a common condition where a group of accessible parking spaces, electric vehicle charging stations, or passenger drop-off and loading zones are located across a drive aisle from the facility entrance where an accessible route terminates at the group of facilities and does not continue past; for example, to a public street. The revised language indicates the circulation path is not required to be raised but does not relieve the design from providing physical separation; in this condition providing separation by blended transitions with detectable warning is a solution consistent with this exception and Exception 1.

Current Exception 4 (previous Exception 5). Language has been amended to clarify that in alterations, including alterations to address path of travel deficiencies in Section 11B-202.4, detectable warnings may be used in lieu of raised circulation paths.

Current Exception 5 (previous Exception 4). Language is amended to refer only to access aisles and to remove reference to vehicle spaces at electric vehicle charging stations. This topic is now addressed in Exception 6.

Exception 6 (previous portion of Exception 4) addresses comments specifically about the accessible route between the accessible electric vehicle charger and the vehicle space by Section 11B-812.5.2. Commenters indicated previous proposal was unclear and may have unintended consequences. The division has amended this language to exempt the requirement to comply with Section 11B-250 (i.e. separation and raised circulation path) only in the specific condition where the accessible electric vehicle’s charger is oriented toward the vehicle space and the charger’s clear floor spaces for operable parts and point-of-sale devices are at the same elevation as the vehicle space. These criteria – in combination with the existing requirement in Section 11B-812.10.4 that electric vehicle chargers must be adjacent to, and within the projected width of the vehicle space – will accommodate chargers located adjacent to the vehicle space and operable from the immediate vicinity of the vehicle space. These criteria also accommodate the proper placement of detectable warnings at the connection between walks or sidewalks and the access aisle at electric vehicle charging stations. This connection is typically provided by curb ramps or blended transitions with detectable warnings.

**Notation:**

Authority: Government Code Section 4450.

Reference(s): Government Code Section 4450 through 4461 and Health and Safety Code Section 18949.1.