

*September 19, 2011***Amends accessibility provisions in the Oregon Structural Specialty Code****Opportunity for public input:**

Those who would like to provide testimony may attend a public hearing on September 19, 2011 at 10:00 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. September 23, 2011.

**Live broadcast via the internet:**

To view the public hearing live, click on "[View live meeting](#)"

**Purpose of the rule:**

This proposed rule amends the 2010 Oregon Structural Specialty Code (OSSC) to incorporate revised final regulations to Title II and Title III of the Americans with Disabilities Act as published by the U.S. Department of Justice, and Oregon specific amendments. Additionally, this proposed rule implements Section 4 of House Bill 3361 (2011), which provides accessibility requirements for clustered mailboxes.

These proposed amendments make substantive changes to OSSC Chapter 11. Proposed amendments also include revisions to OSSC Chapters 9, 10, and 34.

**Citation:**

Amend OAR 918-460-0015. View the proposed amendments and code matrices click the following links: [Section 1007](#), [Chapter 11](#), [Section 1111](#), [Section 3411](#), [Chapter 11 Matrix](#), [Parking Matrix](#), and [Section 3411 Matrix](#).

This proposed rule would be adopted October 1, 2011, but not enforceable until March 1, 2012.

**History:**

The Division opened the mid-cycle code change process for the OSSC in May 2011. The deadline for public code change proposals was June 17, 2011. The Structural Code Review Committee held three meetings to review code change proposals, evaluate the need to continue existing Oregon amendments, and evaluate new model code changes.

As a result, the OSSC Chapter 11 titled "Accessibility" was deleted in its entirety and replaced with model code language from the 2009 International Building Code and Oregon specific amendments. Amendments made were Chapter 10, Section 1007 was reinserted and Chapter 34, Section 3411 was revised. The proposed amendments use a "building block" approach and references specific sections from 2003 ANSI A117.1. These changes further amend OSSC Chapter 11 to include recent legislation regarding clustered mailboxes.

The Building Codes Structures Board, at the board's August 3, 2011 meeting, considered these proposed amendments and recommended that the Division forward these changes to public hearing with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public, or necessary to conserve scarce resources.

**Contact:**

If you have questions or need further information, contact Hearing Officer Steve Judson at 503-378-4635, or [Steven.W.Judson@state.or.us](mailto:Steven.W.Judson@state.or.us).



Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918
Agency and Division	Administrative Rules Chapter Number

Stephanie Snyder	PO Box 14470, Salem, OR 97309	(503) 373-7438
Rules Coordinator	Address	Telephone

**RULE CAPTION**

Amends accessibility provisions in the 2010 Oregon Structural Specialty Code

**Not more than 15 words that reasonably identify the subject matter of the agency's intended action.**

September 19, 2011	10 a.m.	1535 Edgewater Street NW, Salem, OR 97304	Steve Judson
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:** OAR 918-460-0015

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 455.030, 455.110, 455.112 and Chapter 488, Section 4, 2011 Oregon Laws

Other Auth.: *2010 ADA Standards for Accessible Design*, issued by the U.S. Department of Justice

Stats. Implemented: 455.110 & 455.112

**RULE SUMMARY**

The proposed rule adopts proposed amendments to the accessibility provisions in the 2010 Oregon Structural Specialty Code (OSSC). The changes are based upon revised final regulations to Title II and Title III of the Americans with Disabilities Act published by the U.S. Department of Justice, and existing Oregon laws. The changes are primarily in OSSC Chapter 11 which contains the accessibility provisions, however the amendments also affect OSSC Chapters 9, 10, and 34.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

September 23, 2011 by 5 p.m.

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

	Patrick Allen	
Signature	Printed name	Date

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division  
Agency and Division

918

Administrative Rules Chapter Number

**Amends accessibility provisions in the 2010 Oregon Structural Specialty Code**

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

**In the Matter of:** Amending OAR 918-460-0015

**Statutory Authority:** ORS 447.231, 455.030, 455.110, & 455.112

**Other Authority:** *2010 ADA Standards for Accessible Design*, issued by the U.S. Department of Justice

**Stats. Implemented:** ORS 447.231, 455.110, & 455.112

**Need for the Rule(s):** ORS 455.020 requires the department to adopt a state building code to govern the construction, reconstruction, alteration, and repair of buildings and other structures. ORS 455.110 allows the department, with the approval of the Building Codes Structures Board, to amend the code to conform with nationally recognized code and standards, and align the code with state and federal laws. On September 15, 2011, the U.S. Department of Justice will publish revised final regulations implementing Title II and Title III of the Americans with Disabilities Act. These regulations contain changes to the existing ADA regulations on which the current provisions of the 2010 OSSC are based, and are anticipated to become effective March 15, 2012.

Additionally, the 2011 Oregon Legislature enacted Chapter 488, Section 4, 2011 Oregon Laws (HB 3361), which prescribes accessibility requirements for clustered mailboxes. This legislation directs the department to adopt standards in the OSSC for clustered mailboxes. This proposed rule contains amendments to the accessibility provisions in the OSSC that bring it into conformance with the changes in the federal ADA regulations, and standards mandated by HB 3361.

**Documents Relied Upon, and where they are available:** 2010 Oregon Structural Specialty Code, minutes and materials from the ADA Standards Committee meetings of June 14, 2011, June 28, 2011, and July 12, 2011, minutes and materials from the Building Codes Structures Board meeting August 3, 2011, and the draft rules are available for review from the division's rules coordinator located at 1535 NW Edgewater Street, Salem, Oregon, 97304 and are posted on the division's website: [www.bcd.oregon.gov](http://www.bcd.oregon.gov). The American National Standards Institute Standard A117.1 referenced in the proposed rules is available for viewing at the division's offices located at 1535 NW Edgewater Street, Salem, Oregon, 97304. The *2010 ADA Standards for Accessible Design*, issued by the U.S. Department of Justice, are available at the following URL: <http://www.ada.gov/regs2010/ADAREgs2010.htm> and are also available for inspection at the division's offices located at 1535 NW Edgewater Street, Salem, Oregon, 97304.

**Fiscal and Economic Impact:** The fiscal and economic impact of these rules cannot be determined at this time because some of the current ADA accessibility requirements will increase construction costs while others will decrease construction costs. These rules do not change the groups required to comply under Title II (state and local government services), and Title III (public accommodations and commercial facilities), but the impact to each construction project will vary depending on the specifics of the design. Due to these variables, the fiscal impact of the rules will vary for each structure. The cost of making clustered mailboxes accessible at multi-family housing, public accommodations, and commercial facilities will increase to provide accessible routes to and from those mailboxes. Because the cost will vary based on the site specifics, the amount of the increase cannot be determined.

**Statement of Cost of Compliance:**

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): As stated above, these rules will impact state and local governments, designers, contractors, and building owners, but the cost of compliance cannot be determined because these changes to the existing requirements both increase and decrease the cost of construction, depending on the particulars of the building design or modifications.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Designers, contractors, and owners of commercial facilities, public accommodations, and multi-family housing will be affected. The total number of these groups is unknown, but there are over 24,000 contractors licensed in Oregon that are small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None.

c. Equipment, supplies, labor and increased administration required for compliance: Additional equipment will not be required. Supplies, if any will be minimal. There will be no increased cost of administration. Increased labor cannot be determined because it depends on the particulars of the construction – it will increase in some instances and decrease in others.

**How were small businesses involved in the development of this rule?**

The code committee and the board that considered these changes included representatives of affected small businesses.

**Administrative Rule Advisory Committee consulted? Yes.**

If not, why?:

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Signature	Patrick Allen	Date
	Printed name	

DRAFT RULE  
OSSC ADA Standards

**918-460-0015**

**Amendments to the Oregon Structural Specialty Code**

The 2010 Oregon Structural Specialty Code is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the 2010 Oregon Structural Specialty Code are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

(1) Effective January 1, 2011 the 2010 Oregon Structural Specialty Code is amended by adding Section 1811 Radon Control Methods for Public Buildings and Section 1812 Radon Control Methods for R-2 and R-3 Occupancies.

(a) Radon mitigation provisions in Section 1811 applicable to new public buildings are adopted January 1, 2011 but do not become enforceable until April 1, 2013 as authorized by Chapter 83, 2010 Laws (Senate Bill 1025).

(b) Radon mitigation provisions in Section 1812 applicable to residential buildings indentified as Group R-2 or R-3 are adopted January 1, 2011 but do not become enforceable until April 1, 2011 as authorized by Chapter 83, 2010 Laws (Senate Bill 1025).

(2) Effective April 1, 2011 the **2010 Oregon Structural Specialty Code Section 908** “Emergency Alarm Systems” is amended by adding new subsection 908.7 requirements for Carbon Monoxide Alarms.

(3) Effective May 13, 2011, Section 2308.9.3.2 alternate braced wall panel adjacent to a door or window opening is amended for tie-down devices.

**(4) On October 1, 2011, the 2010 Oregon Structural Specialty Code is amended with revisions to the federal regulations for Title II and Title III of the Americans with Disabilities Act, and Oregon-specific amendments. These amendments are not enforceable until March 1, 2012. The amendments include:**

**(a) Replace Chapter 11 with Chapter 11 from the 2009 edition of the International Building Code (IBC), as amended to include Oregon-specific amendments;**

**(b) Amend Chapter 9 by adding 2009 IBC Table 907.5.2.3.3, Visible Alarms;**

**(c) Amend Chapter 10 by adding 2009 IBC Section 1007, Accessible Means of Egress;**

**(d) Amend Chapter 34 by adding 2009 IBC Section 3411, Accessibility for Existing Buildings;**

DRAFT RULE  
OSSC ADA Standards

**(e) Amend Chapter 11 by adding Section 1111, accessibility standards for clustered mailboxes;**

**(f) Adding as referenced standards American National Standards Institute (ANSI) Standard 117.1, 2003 Edition, Sections 101-106, 201-203, 301-309, 401-406.14 excluding 406.12, 501-506, 601-611, 701-708, 801-807, 901-904, and 1001-1005.**

[Publications: Publications referenced are available for review at the division. See division web site for information on where to purchase publications.]

Stat. Auth.: ORS 447.231, 447.247, 455.030, 455.110, 455.112, & 455.610

Stats. Implemented: ORS 447.247, 455.110 ~~&~~ 455.112, **& Chapter 488 Oregon Laws §5**

Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCD 6-1994, f. 2-25-94, cert. ef. 5-1-94; BCD 22-1994, f. 9-28-94, cert. ef. 1-1-95; BCD 31-1994(Temp), f. & cert. ef. 12-23-94; BCD 32-1994, f. & cert. ef. 12-30-94; BCD 2-1995, f. & cert. ef. 2-9-95; BCD 5-1995, f. & cert. ef. 3-15-95; BCD 2-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 6-1996, f. 3-29-96, cert. ef. 4-1-96; BCD 12-1997, f. 9-10-97, cert. ef. 10-1-97; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 24-1998(Temp), f. & cert. ef. 12-1-98 thru 5-29-99; Temporary Rule repealed by BCD 3-1999, f. 3-12-99, cert. ef. 4-1-99; BCD 5-1999, f. 6-17-99, cert. ef. 10-1-99; BCD 12-1999(Temp), f. 9-23-99, cert. ef. 11-1-99 thru 4-28-00; BCD 2-2000 f. 1-14-00, cert. ef. 4-1-00; BCD 20-2000, f. 9-15-00, cert. ef. 10-1-00; BCD 8-2001, f. 7-17-01, cert. ef. 10-1-01; BCD 18-2001, f. 12-21-01, cert. ef. 1-1-02; BCD 14-2003, f. 8-13-03, cert. ef. 10-1-03; BCD 18-2003(Temp) f. & cert. ef. 11-14-03 thru 5-11-04; BCD 5-2004, f. & cert. ef. 4-1-04; BCD 16-2004, f. 9-24-04, cert. ef. 10-1-04; BCD 21-2004, f. & cert. ef. 10-1-04; BCD 9-2005(Temp), f. & cert. ef. 4-7-05 thru 9-30-05; BCD 14-2005, f. & cert. ef. 7-5-05; BCD 18-2005(Temp), f. & cert. ef. 7-12-05 thru 9-30-05; BCD 22-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 23-2005, f. 9-29-05, cert. ef. 10-1-05; BCD 1-2006, f. & cert. ef. 2-1-06; BCD 9-2006, f. 6-30-2006, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 9-2008(Temp), f. & cert. ef. 6-25-08 thru 12-22-08; BCD 20-2008, f. 9-30-08, cert. ef. 10-1-08; BCD 4-2010, f. 5-14-10, cert. ef. 7-1-10; BCD 1-2011, f. 2-15-11, cert. ef. 4-1-11; BCD 14-2011, f. & cert. ef. 5-13-11