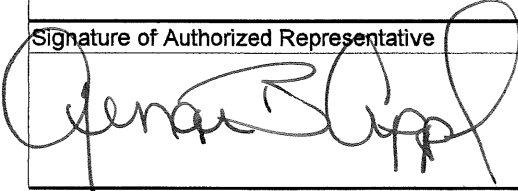


State of California		
COMMISSION ON STATE MANDATES		For Official Use Only
980 Ninth Street, Suite 300		<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED JUN 26 2003 COMMISSION ON STATE MANDATES </div>
Sacramento, CA 95814		
(916) 323-3562		
CSM 1 (2 91)		
	TEST CLAIM FORM	
		Claim No.
Local Agency or School District Submitting Claim		
Sacramento Metropolitan Fire District		
Contact Person		Telephone No.
Allan P. Burdick/Juliana F. Gmur (MAXIMUS, INC.)		(916) 485-8102
		Fax (916) 485-0111
Address		
4320 Auburn Blvd., Suite 2000		
Sacramento, CA 95841		
Representative Organization to be Notified		
California Association of Special Districts		
This test claim alleges the existence of a reimbursable state mandated program within the meaning of section 17514 of the Government Code and section 6, article XIII B of the California Constitution. This test claim is filed pursuant to section 17551(a) of the Government Code.		
Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code section(s) within the chaptered bill, if applicable.		
Chapter 1521, Statutes of 1985; Chapter 72, Statutes of 1990; Chapter 463, Statutes of 2000;		
California Code of Regulations, Title 24, Part 1, Ch. 4, Art. 1		
IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING A TEST CLAIM ON THE REVERSE SIDE.		
Name and Title of Authorized Representative		Telephone No.
George B. Appel, Deputy Chief		(916) 566-4302
Signature of Authorized Representative		Date:
		25 June 2003

**BEFORE THE
COMMISSION ON STATE MANDATES**

Test Claim of:
Sacramento Metropolitan Fire District

Essential Services Buildings

Chapter 1521, Statutes of 1985; Chapter 72, Statutes of 1990; Chapter 463, Statutes of
2000; California Code of Regulations, Title 24, Part 1, Ch. 4, Art. 1

STATEMENT OF THE CLAIM

A. MANDATE SUMMARY

In 1985, the Legislature added Chapter 2 to Division 12.5 of the Health and Safety Code. The Essential Services Buildings Seismic Safety Act of 1986 (The Act), which begins at §16000, imposes upon those who would construct or remodel essential services buildings — those buildings from which essential services would be provided to the public after a disaster — stringent requirements for their design and construction. These requirements include that both the structural and non-structural components of the essential services buildings must minimize fire hazards and must be resistant to the effects of earthquakes, wind and gravity. The statutes, and the regulations promulgated to give these statutes effect, require design approval be based upon geological assessments before construction can begin of an essential services building built or remodeled from buildings in existence on January 1, 1986. Beginning on July 1, 1986, before new construction can begin, approval must be obtained from on the design calculations, drawings and design specifications. Throughout the construction, the building is subjected to detailed inspection by qualified inspectors. In 1990, The Legislature amended portions of The Act to clarify which regulations are to be followed for design approval and subsequent inspections.

Health and Safety Code §16000 sets for the short title as the Essential Services Buildings Seismic Act of 1986. Section 16001 reads:

It is the intent of the Legislature that essential services buildings, which shall be capable of providing essential services to the public after a disaster, shall be designed and constructed to minimize fire hazards and to resist, insofar as practical, the forces generated by earthquakes, gravity,

and winds. It is also the intent of the Legislature that the structural systems and details set forth in working drawings and specifications be carefully reviewed by responsible enforcement agencies using qualified personnel, and that the construction process be carefully and completely inspected. In order to accomplish these purposes, the Legislature intends to provide for the establishment of building standards for earthquake, gravity, fire and wind resistance based upon current knowledge, and intends that procedures for the design and construction of essential services buildings be subjected to qualified design review and construction inspection.

It is further the intent of the Legislature that the nonstructural components vital to the operation of essential services buildings shall also be able to resist, insofar as practical, the forces generated by earthquakes, gravity, fire, and winds. The Legislature recognizes that certain nonstructural components housed in essential services buildings, including, but not limited to, communications systems, main transformers and switching equipment, and emergency backup systems, are essential to facility operations and that these nonstructural components should be given adequate consideration during the design and construction process to assure, insofar as practical, continued operation of a building after a disaster.

Section 16002 of the Health and Safety Code states that the definitions that follow govern the construction of the chapter. Sections 16003 through 16008, define the following terms: Architect, Civil Engineer, Construction or alteration, Enforcement agency, Essential services building and Structural engineer, respectively.

Section 16007 defines Essential services building as: “any building, including buildings designed and constructed, for public agencies used, or designed to be used, or any building a portion of which is used or designed to be used, as a fire station, police station, emergency operations center, California Highway Patrol office, sheriff’s office, or emergency communication dispatch center.”

Section 16009, as amended in 1990, sets forth that construction or alteration design review and inspections shall be carried out by the appropriate enforcement agency which meets the requirements of §§16017 and 16018. Section 16010 exempts from compliance with the chapter one-story Type V and Type II N construction that are 2,000 square feet or less.

Section 16011 reads:

Unless a contract for the construction or alteration of an essential services building is entered into prior to July 1, 1986, before adopting any drawings or specifications for the essential services building, the governing board, authority, owner, corporation, or other agency proposing to construct any essential service building shall submit the design calculations, drawings, and specifications of the essential services building to the appropriate enforcement agency. The enforcement agency shall stamp the drawings and specifications if the construction or alteration is approved by the enforcement agency. Included with the stamp shall be the signature of the qualified person referred to in Section 16018 or Section 16019.

Section 16012 reads:

In each case, the application for approval of the drawings and specifications for essential services buildings shall be accompanied by comprehensive and complete drawings, design calculations, and specifications, and required fees, all of which shall comply with the requirements prescribed by the enforcement agency. The review shall not preclude incremental submission and approval of drawings and specifications.

Thus beginning on July 1, 1986, the design calculations, comprehensive and complete drawings and specifications for the essential services building must be submitted, with required fees, to the enforcement agency for approval prior to any construction of a new or alteration of an existing essential service building. This additional step of obtaining approval imposes a significant burden on those who would build or remodel an essential service building. And, the burden becomes more onerous if the design calculations, comprehensive and complete drawings and specifications are not immediately approved. Since approval is required prior to the commencement of any construction work, additional submissions will be necessary unless and until approval is obtained.

Section 16013, as amended in 1990, sets forth that the enforcement agency must review design calculations, drawings and specifications for compliance with this chapter, approve or reject them, and maintain a record of the approval or rejection.

Section 16014 reads:

(a) Except as otherwise provided in subdivision (b), drawings and specifications submitted pursuant to this chapter for construction, reconstruction, remodeling,

additions, or alterations which affect structural elements of structures in existence on January 1, 1986, shall be based upon an assessment of the geological conditions of the site and the potential for earthquake damage, relying upon geologic and engineering investigations and studies by personnel who are competent to report on geologic conditions and their potential for causing earthquake damage. One-story Type V and Type II N construction of 4,000 square feet or less shall be exempt from this section, unless the project is within a special studies zone established pursuant to Section 2622 of the Public Utilities Code.

(b) The requirements of subdivision (a) may be waived by the enforcement agency if it determines that these requirements for the proposed essential services building project are unnecessary and would not be beneficial to the safety of the public.

In addition to the requirement of obtaining approval on the design of the building, this section adds the requirement of obtaining a geological assessment to serve as a basis for the drawings and specifications.

Section 16015 reads:

All drawings and specifications shall be prepared under the responsible charge of an architect, civil engineer, or structural engineer, who shall sign all drawings and specifications for approval of the enforcement agency. Observation of the work of construction shall be under the general responsible charge of the same architect, civil engineer or structural engineer when feasible, as determined by the enforcement agency, except that if drawings and specifications do not involve architectural or structural conditions, the drawings and specifications may be prepared and the work of construction may be administered by a registered professional engineer qualified in the branch of engineering that is appropriate to the drawings, specifications, estimates and work of construction.

Thus this section imposes a requirement that the above-required drawings and specifications need to be prepared under and signed by an architect and engineer who shall also serve as observer throughout the construction.

Section 16016 reads:

Except as provided in Section 16011, on and after July 1, 1986, construction of an essential services building shall not begin unless the drawings and specifications comply with this chapter and the requirements prescribed by the enforcement agency and the approval of those drawings and specifications has been obtained from the enforcement agency.

Section 16017 reads:

During construction or alteration of an essential services building, the building owner shall provide for, and the local enforcement agency shall require, competent, adequate and detailed inspection by a qualified inspector. To be qualified, inspectors shall have an adequate level of expertise and experience in the subject matter for which they have responsibilities for inspection as prescribed by this section. Qualification shall include current certification by the International Conference of Building Officials; or qualifications as an inspector meeting the requirement of subdivision (a) of Section 305 and subdivision (b) of Section 306 of the 1982 Edition of the Uniform Building Code. Additionally, the architect, civil engineer, or structural engineer responsible for designing the essential services facility is qualified to inspect construction of the facility.

Finally, in addition to the requirement that an architect or engineer sign off on the drawings and observe the construction, a qualified inspector must inspect during the construction as well.

Section 16017.5 empowers the Department of General Services to issue stop work orders when construction does not comply with law jeopardizing the structural integrity of the building. Sections 16018 and 16019 concern the qualifications of enforcement agencies. Sections 16020 and 10621 address the periodic review and reports that must be made during construction. Section 16022 sets forth the duties of the State Architect.

B. LEGISLATIVE HISTORY PRIOR TO 1975

There was no requirement prior to 1975, nor in any of the intervening years, until the passage of Chapter 1521 and its filing with the Secretary of State on October 2, 1985. Chapter 1521 created the term essential services building and burdened the builders of

such buildings with additional requirements that must be met prior to and during the construction or alteration.

C. SPECIFIC STATUTORY SECTIONS THAT CONTAIN THE MANDATED ACTIVITIES

As stated above, the mandated activities are contained in Health and Safety Code §§16011, 16012, 16014, 16015, 16016, 16017, and California Code of Regulations, Title 24, Part 1, Ch. 4, Art. 1. These code sections and regulations directly relate to the reimbursable provisions of this test claim.

D. COST ESTIMATES

The Sacramento Metropolitan Fire District does not have full estimates on the costs of discharging this program, but estimates that the costs will substantially exceed \$1000.00 per year.

E. REIMBURSABLE COSTS MANDATED BY THE STATE

The costs incurred by the Sacramento Metropolitan Fire District as a result of the statutes on which this test claim is based are all reimbursable costs as such costs are “costs mandated by the State” under Article XIII B (6) of the California Constitution, and Government Code §17500 *et seq.* Section 17514 of the Government Code defines “costs mandated by the state”, and specifies the following three requirements:

1. There are “increased costs which a local agency is required to incur after July 1, 1980.”
2. The costs are incurred “as a result of any statute enacted on or after January 1, 1975.”
3. The costs are the result of “a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

All three of the above requirements for finding costs mandated by the State are met as described previously herein.

F. MANDATE MEETS BOTH SUPREME COURT TESTS

The mandate created by this statute clearly meets both tests that the Supreme Court in the *County of Los Angeles v. State of California* (1987) created for determining what constitutes a reimbursable state mandated local program. Those two tests, which the Commission on State Mandates relies upon to determine if a reimbursable mandate exists, are the “unique to government” and the “carry out a state policy” tests. Their application to this test claim is discussed below.

Mandate Is Unique to Local Government

Section 16007 defines Essential services building as: “any building, including buildings designed and constructed, for public agencies used, or designed to be used, or any building a portion of which is used or designed to be used, as a fire station, police station, emergency operations center, California Highway Patrol office, sheriff’s office, or emergency communication dispatch center.” Only local government and local districts would have or require the use of such buildings. Thus, this requirement is unique to government.

Mandate Carries Out a State Policy

From the legislative intent specifically stated in the legislation, it is clear that the Legislature wishes to create new guidelines and minimum requirements for the construction of buildings from which essential services will be supplied in the event of an emergency. These requirements carry out the state policy of ensuring that earthquakes and other emergencies will not damage these buildings and thus hamper the efforts of supplying the necessary support services to the affected community.

In summary, the statutes mandate that the Sacramento Metropolitan Fire District bear the burden of obtaining the necessary reviews of calculations, drawings, and specifications, prior to and during the construction or alteration of an essential services building. The Sacramento Metropolitan Fire District believes that the additional construction requirements satisfy the constitutional requirements for a mandate.

STATE FUNDING DISCLAIMERS ARE NOT APPLICABLE

There are seven disclaimers specified in Government Code §17556 which could serve to bar recovery of “costs mandated by the State.” None of the seven disclaimers apply to this test claim:

1. The claim is submitted by a local agency or school district which requests legislative authority for that local agency or school district to implement the program specified in the statutes, and that statute imposes costs upon the local agency or school district requesting the legislative authority.
2. The statute or executive order affirmed for the State that which had been declared existing law or regulation by action of the courts.
3. The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.

4. The local agency or school district has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.
5. The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the State mandate in an amount sufficient to fund the cost of the State mandate.
6. The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in a Statewide election.
7. The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

None of the above disclaimers have any application to the test claim herein stated by the Sacramento Metropolitan Fire District.

CONCLUSION

The enactment of Chapter 1521, Statutes of 1985; Chapter 72, Statutes of 1990; Chapter 463, Statutes of 2000; and the regulations promulgated pursuant to these enactments, imposed a new state mandated program and cost on the Sacramento Metropolitan Fire District by requiring additional reviews of calculations, drawings, and specifications, prior to and during the construction or alteration of an essential services building. The mandated program meets all of the criteria and tests for the Commission on State Mandates to find a reimbursable state mandated program. None of the so-called disclaimers or other statutory or constitutional provisions that would relieve the State from its constitutional obligation to provide reimbursement have any application to this claim.

G. CLAIM REQUIREMENTS

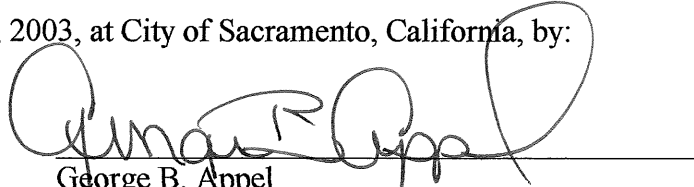
The following elements of this test claim are provided pursuant to Section 1183, Title 2, of the California Code of Regulations:

- Exhibit 1: Chapter 1521, Statutes of 1985
- Exhibit 2: Chapter 72, Statutes of 1990
- Exhibit 3: Chapter 463, Statutes of 2000
- Exhibit 4: California Code of Regulations, Title 24, Part 1, Ch. 4, Art. 1

CLAIM CERTIFICATION

The foregoing facts are known to me personally and if so required, I could and would testify to the statements made herein. I declare under penalty of perjury under the laws of the State of California that the statements made in this document are true and complete to the best of my personal knowledge and as to all matters, I believe them to be true.

Executed this 25 day of June, 2003, at City of Sacramento, California, by:

A handwritten signature in black ink, appearing to read "George B. Appel", written over a horizontal line.

George B. Appel
Deputy Chief
Sacramento Metropolitan Fire District

DECLARATION OF GEORGE B. APPEL

I, George B. Appel, make the following declaration under oath:

I am a Deputy Chief for the Sacramento Metropolitan Fire District. As part of my duties, I am responsible for the complete and timely recovery of costs mandated by the State.

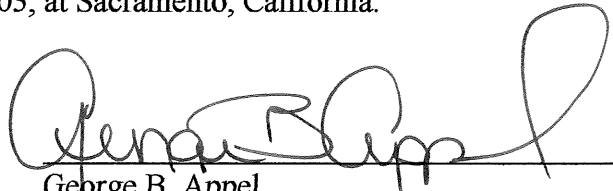
I declare that I have examined the Sacramento Metropolitan Fire District's State mandated duties and resulting costs in implementing the subject law and guidelines, and find that such costs are, in my opinion, "costs mandated by the State", as defined in Government Code, Section 17514:

"Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts, and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are stated upon information or belief, and as to those matters, I believe them to be true.

Executed this 25 day of June, 2003, at Sacramento, California.



George B. Appel
Deputy Chief
Sacramento Metropolitan Fire District

board of any change in that personnel. A change considered significant by the state board shall be cause for reevaluation of the certification and payment of an appropriate fee.

(f) The state board may have all or any part of the certification program administered under contract with other governmental agencies or, subject to Article VII of the California Constitution, with private entities.

SEC. 2. The sum of two hundred thousand dollars (\$200,000) is hereby appropriated from the General Fund to the State Water Resources Control Board for the program established in Section 13176 of the Water Code for the 1985-86 fiscal year.

The State Water Resources Control Board shall, not later than January 1, 1988, reimburse the General Fund for the amount appropriated by this section from fees established by the board and deposited in the General Fund pursuant to subdivision (c) of Section 13176 of the Water Code.

CHAPTER 1521

An act to add Chapter 2 (commencing with Section 16000) to Division 12.5 of the Health and Safety Code, relating to essential services buildings, and making an appropriation therefor.

[Approved by Governor October 2, 1985. Filed with
Secretary of State October 2, 1985.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 16000) is added to Division 12.5 of the Health and Safety Code, to read:

CHAPTER 2. ESSENTIAL SERVICES BUILDINGS

Article 1. General Provisions

16000. This chapter shall be known and may be cited as the Essential Services Buildings Seismic Safety Act of 1986.

16001. It is the intent of the Legislature that essential services buildings, which shall be capable of providing essential services to the public after a disaster, shall be designed and constructed to minimize fire hazards and to resist, insofar as practical, the forces generated by earthquakes, gravity, and winds. It is also the intent of the Legislature that the structural systems and details set forth in working drawings and specifications be carefully reviewed by the responsible enforcement agencies using qualified personnel, and that the construction process be carefully and completely inspected. In order to accomplish these purposes, the Legislature intends to provide for the establishment of building standards for earthquake,

gravity, fire, and wind resistance based upon current knowledge, and intends that procedures for the design and construction of essential services buildings be subjected to qualified design review and construction inspection.

It is further the intent of the Legislature that the nonstructural components vital to the operation of essential services buildings shall also be able to resist, insofar as practical, the forces generated by earthquakes, gravity, fire, and winds. The Legislature recognizes that certain nonstructural components housed in essential services buildings, including, but not limited to, communications systems, main transformers and switching equipment, and emergency backup systems, are essential to facility operations and that these nonstructural components should be given adequate consideration during the design and construction process to assure, insofar as practical, continued operation of the building after a disaster.

Article 2. Definitions

16002. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

16003. "Architect" means a person who is certified under Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code.

16004. "Civil engineer" means a person who is registered as a civil engineer under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code.

16005. "Construction or alteration" includes any construction of, addition to, reconstruction of, or alteration to any essential services building.

16006. "Enforcement agency" means the agency of a city, city and county, or county responsible for building safety within its jurisdiction. The office of the State Architect is the enforcement agency for state-owned facilities or facilities leased by the state.

16007. "Essential services building" means any building, including buildings designed and constructed, for public agencies used, or designed to be used, or any building a portion of which is used or designed to be used, as a fire station, police station, emergency operations center, California Highway Patrol office, sheriff's office, or emergency communication dispatch center.

16008. "Structural engineer" means a person who is authorized to use the title structural engineer under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code.

Article 3. General Requirements and Administration

16009. The appropriate enforcement agency which meets the requirements of Sections 16017 and 16018 shall review the design and inspect the construction of essential services buildings or the reconstruction, alteration, or addition to any essential services

building to the extent it deems necessary to ensure that drawings and specifications comply with the applicable sections of the Model Code, as defined in Section 18916 and specified in Title 24 of the California Administrative Code, and to ensure for the protection of life and property that the work of construction has been performed in accordance with the approved drawings and specifications and this chapter.

16010. Essential services buildings of one-story Type V and Type II N construction that are 2,000 square feet or less in floor area are exempt from the provisions of this chapter.

16011. Unless a contract for the construction or alteration of an essential services building is entered into prior to July 1, 1986, before adopting any drawings or specifications for the essential services building, the governing board, authority, owner, corporation, or other agency proposing to construct any essential services building shall submit the design calculations, drawings, and specifications of the essential services buildings to the appropriate enforcement agency. The enforcement agency shall stamp the drawings and specifications if the construction or alteration is approved by the enforcement agency. Included with the stamp shall be the signature of the qualified person referred to in Section 16018 or Section 16019.

16012. In each case, the application for approval of the drawings and specifications for essential services buildings shall be accompanied by comprehensive and complete drawings, design calculations, and specifications, and required fees, all of which shall comply with the requirements prescribed by the enforcement agency. This review shall not preclude incremental submission and approval of drawings and specifications.

16013. The enforcement agency shall approve or reject all drawings and specifications for the construction or the alteration of all essential services buildings, and in doing so, shall review the design calculations, drawings, and specifications to ensure compliance with the requirements of this chapter. A record shall be kept by the enforcement agency indicating that design calculations, drawings, and specifications have been reviewed and conform with the applicable sections of the Model Code, as defined in Section 18916 and specified in Title 24 of the California Administrative Code.

16014. (a) Except as otherwise provided in subdivision (b), drawings and specifications submitted pursuant to this chapter for construction, reconstruction, remodeling, additions, or alterations which affect structural elements of structures in existence on January 1, 1986, shall be based upon an assessment of the geological conditions of the site and the potential for earthquake damage, relying upon geologic and engineering investigations and studies by personnel who are competent to report on geologic conditions and their potential for causing earthquake damage. One-story Type V and Type II N construction of 4,000 square feet or less shall be exempt from this section, unless the project is within a special studies zone established pursuant to Section 2622 of the Public Resources Code.

(b) The requirements of subdivision (a) may be waived by the enforcement agency if it determines that these requirements for the proposed essential services building project are unnecessary and would not be beneficial to the safety of the public.

16015. All drawings and specifications shall be prepared under the responsible charge of an architect, civil engineer, or structural engineer, who shall sign all drawings and specifications for approval of the enforcement agency. Observation of the work of construction shall be under the general responsible charge of the same architect, civil engineer, or structural engineer when feasible, as determined by the enforcement agency, except that if drawings and specifications do not involve architectural or structural conditions, the drawings and specifications may be prepared and the work of construction may be administered by a registered professional engineer qualified in the branch of engineering that is appropriate to the drawings, specifications, estimates, and work of construction.

16016. Except as provided in Section 16011, on and after July 1, 1986, construction of an essential services building shall not begin unless the drawings and specifications comply with this chapter and the requirements prescribed by the enforcement agency and approval of those drawings and specifications has been obtained from the enforcement agency.

Article 4. Qualifications and Reporting

16017. During construction or alteration of an essential services building, the building owner shall provide for, and the local enforcement agency shall require, competent, adequate, and detailed inspection by a qualified inspector. To be qualified, inspectors shall have an adequate level of expertise and experience in the subject matter for which they have responsibilities for inspection as prescribed by this section. Qualification shall include current certification by the International Conference of Building Officials; or qualifications as an inspector meeting the requirements of subdivision (a) of Section 305 and subdivision (b) of Section 306 of, the 1982 Edition of the Uniform Building Code. Additionally, the architect, civil engineer, or structural engineer responsible for designing the essential services facility is qualified to inspect construction of the facility.

16018. An enforcement agency is qualified to undertake the review of plans, drawings, and specifications for essential services buildings if the enforcement agency has an architect, civil engineer, or structural engineer on its staff or under contract who is responsible for all design review conducted by the enforcement agency and the record prepared under Section 16013.

16019. A jurisdiction whose enforcement agency does not meet the qualifications specified in Sections 16017 and 16018 shall obtain necessary qualified personnel to meet the requirements of this chapter by contracting with other public agencies, private sector

firms, or individuals qualified to perform the necessary services.

16020. Periodically, as the work of construction or alteration progresses and whenever the enforcement agency requires, except as exempt under Section 16010, the architect, civil engineer, or structural engineer in general responsible charge of the work of construction, and the registered engineer shall make a report, duly verified by him or her through periodic review of construction, showing that the work during the period covered by the report has been performed and that the materials used and installed are in accordance with the approved drawings and specifications, setting forth any detailed statements of fact required by the enforcement agency.

"Periodic review of construction," as used in this section and as applied to the architect, civil engineer, or structural engineer and the registered engineer, means the knowledge which is obtained from periodic visits to the project site of reasonable frequency for the purpose of general observation of the work, and also which is obtained from the reporting of others as to the progress of the work, testing of materials, inspection and superintendence of the work that is performed between those periodic visits of the architect, civil engineer, or structural engineer, or the registered engineer. The exercise of reasonable diligence to obtain the facts is required. The term "periodic review of construction" does not include responsibility for superintendence of construction processes, site conditions, operations, equipment, personnel, or the maintenance of a safe place to work or any safety in, on, or about the site of work.

16021. Periodically, as the work of construction or alteration progresses and whenever the enforcement agency requires, except as exempt under Section 16010, the inspector on the work and the contractor shall each make a report, duly verified by him or her, showing in his or her own personal knowledge, that the work during the period covered by the report has been performed and that the materials used and installed are in accordance with the approved drawings and specifications, setting forth any detailed statements of fact required by the enforcement agency.

"Personal knowledge" as applied to the inspector, means the actual personal knowledge which is obtained from his or her personal continuous inspection of the work of construction in all stages of its progress at the site where he or she is responsible for inspection and when work is carried out away from the site, that personal knowledge which is obtained from the reporting of others of the testing or inspection of materials and workmanship for compliance with plans, specifications, or applicable standards. The exercise of reasonable diligence to obtain the facts is required.

"Personal knowledge," as applied to the contractor, means the personal knowledge which is obtained from the construction of the building. The exercise of reasonable diligence to obtain the facts is required.

16022. The State Architect shall do all of the following:

(a) Observe the implementation and administration of this chapter.

(b) Establish and adopt, in consultation with the League of Cities, County Supervisors Association, and California Building Officials, those regulations deemed necessary for carrying out this chapter.

(c) Provide advice and assistance to local jurisdictions regarding essential services buildings.

(d) Hear appeals relative to the administration of this chapter.

The State Architect may establish an advisory committee to assist the State Architect with his or her responsibilities under this chapter. The State Architect shall periodically inform the Seismic Safety Commission and the State Fire Marshal with respect to the implementation and the administration of this chapter.

Article 5. Offenses

16023. Any person who willfully violates this chapter is guilty of a misdemeanor.

SEC. 2. The sum of ninety-five thousand dollars (\$95,000) is hereby appropriated from the General Fund to the office of the State Architect to carry out the activities required by Chapter 2 (commencing with Section 16000) of Division 12.5 of the Health and Safety Code.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

CHAPTER 1522

An act to amend Sections 14601, 14601.1, and 14601.2 of the Vehicle Code, relating to vehicles.

[Approved by Governor October 2, 1985. Filed with
Secretary of State October 2, 1985.]

The people of the State of California do enact as follows:

SECTION 1. Section 14601 of the Vehicle Code is amended to read:

14601. (a) No person shall drive a motor vehicle at any time

CHAPTER 72

An act to amend Sections 16009 and 16013 of the Health and Safety Code, relating to essential services buildings.

[Approved by Governor May 1, 1990. Filed with Secretary of State May 1, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 16009 of the Health and Safety Code is amended to read:

16009. The appropriate enforcement agency which meets the requirements of Sections 16017 and 16018 shall review the design and inspect the construction of essential services buildings or the reconstruction, alteration, or addition to any essential services building to the extent it deems necessary to ensure that:

(1) When the enforcement agency is a local agency, drawings and specifications comply with the locally adopted editions of the model codes, as defined in Section 18916, the administrative regulations contained in Part 1 (commencing with Section 1-101) of Title 24 of the California Code of Regulations, and the regulations contained in Part 2 (commencing with Section 101), except for Chapters 23 to 30, inclusive, and Chapter 47 of Title 24 of the California Code of Regulations.

(2) When the enforcement agency is the Office of the State Architect, that drawings and specifications comply with all parts of the State Building Standards Code, as contained in Title 24 of the California Code of Regulations, as adopted by that agency.

(3) For the protection of life and property that the work of construction has been performed in accordance with the approved drawings and specifications and this chapter.

SEC. 2. Section 16013 of the Health and Safety Code is amended to read:

16013. The enforcement agency shall approve or reject all drawings and specifications for the construction or the alteration of all essential services buildings, and in doing so, shall review the design calculations, drawings, and specifications to ensure compliance with the requirements of this chapter. A record shall be kept by the enforcement agency indicating that design calculations, drawings, and specifications have been reviewed and conform with:

(1) When the enforcement agency is a local agency, the locally adopted editions of the model codes, as defined in Section 18916, the administrative regulations contained in Part 1 (commencing with Section 1-101) of Title 24 of the California Code of Regulations, and the regulations contained in Part 2 (commencing with Section 101), except for Chapters 23 to 30, inclusive, and Chapter 47 of Title 24 of the California Code of Regulations.

(2) When the enforcement agency is the Office of the State

Architect, all parts of the State Building Standards Code, as contained in Title 24 of the California Code of Regulations and adopted by that agency.

CHAPTER 73

An act to add Section 22651.2 to the Vehicle Code, relating to vehicles.

[Approved by Governor May 1, 1990. Filed with Secretary of State May 1, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 22651.2 is added to the Vehicle Code, to read:

22651.2. (a) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code; or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city or a county in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act when the vehicle is found upon a highway or any public lands, and if all of the following requirements are satisfied:

(1) Because of the size and placement of signs or placards on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to advertise to the public an event or function on private property or on public property hired for a private event or function to which the public is invited.

(2) The vehicle is known to have been previously issued a notice of parking violation which was accompanied by a notice warning that an additional parking violation may result in the impoundment of the vehicle.

(3) The registered owner of the vehicle has been mailed a notice advising of the existence of the parking violation and that an additional violation may result in the impoundment of the vehicle.

(b) Subdivision (a) does not apply to a vehicle bearing any sign or placard advertising any business or enterprise carried on by or through the use of that vehicle.

(c) Section 22852 applies to the removal of any vehicle pursuant to this section.

Assembly Bill No. 2791

CHAPTER 463

An act to add Sections 17307.5 and 81133.5 to the Education Code, and to add Section 16017.5 to the Health and Safety Code, relating to facilities construction.

[Approved by Governor September 15, 2000. Filed with Secretary of State September 18, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2791, Alquist. School and essential services facilities: stop work notice.

Existing law, the Field Act, provides for seismic safety review and approval of school building design and construction by the Department of General Services. Existing law sets forth requirements relating to the construction and seismic safety of essential services facilities, as defined.

This bill would, notwithstanding any provision of law to the contrary, authorize the Department of General Services to issue a stop work order when construction work on a public school, a community college, or an essential services facility, as defined, is not being performed in accordance with existing law and would compromise the structural integrity of the building thereby endangering the public. The bill would provide that a public board, body, or officer whose construction work on a public school, community college, or essential services facility is subject to a stop work order shall not be held liable in any action filed against the public board, body, or officer for stopping work as required by the stop work order, or for any delays caused by compliance with the stop work order, except as provided. The bill would also require the Department of General Services to allow construction of incidental and minor nonstructural additions or nonstructural alterations without invoking its stop work authority.

The people of the State of California do enact as follows:

SECTION 1. Section 17307.5 is added to the Education Code, to read:

17307.5. (a) Notwithstanding any provision of law to the contrary, including, but not limited to, Title 15 (commencing with Section 3082) of Part 4 of the Civil Code, the Department of General Services may issue a stop work order when construction work on a public school is not being performed in accordance with existing law and would compromise the structural integrity of the building,

thereby endangering the public safety. The Department of General Services shall allow construction of incidental and minor nonstructural additions or nonstructural alterations without invoking its stop work authority.

(b) A school district, county superintendent of schools, county board of education, or other public board, body, or officer whose construction work on a public school is subject to a stop work order issued pursuant to subdivision (a) shall not be held liable in any action filed against the public board, body, or officer for stopping work as required by the stop work order, or for any delays caused by compliance with the stop work order, except to the extent that an error or omission by the public board, body, or officer is the basis for the issuance of the stop work order.

SEC. 2. Section 81133.5 is added to the Education Code, to read:

81133.5. (a) Notwithstanding any provision of law to the contrary, including, but not limited to, Title 15 (commencing with Section 3082) of Part 4 of the Civil Code, the Department of General Services may issue a stop work order when construction work on a community college is not being performed in accordance with existing law and would compromise the structural integrity of the building, thereby endangering the public safety. The Department of General Services shall allow construction of incidental and minor nonstructural additions or nonstructural alterations without invoking its stop work authority.

(b) A community college district or other public board, body, or officer whose construction work on a community college is subject to a stop work order issued pursuant to subdivision (a) shall not be held liable in any action filed against the public board, body, or officer for stopping work as required by the stop work order, or for any delays caused by compliance with the stop work order, except to the extent that an error or omission by the public board, body, or officer is that basis for the issuance of the stop work order.

SEC. 3. Section 16017.5 is added to the Health and Safety Code, to read:

16017.5. (a) Notwithstanding any provision of law to the contrary, including, but not limited to, Title 15 (commencing with Section 3082) of Part 4 of the Civil Code, the Department of General Services may issue a stop work order when construction work on an essential services facility is not being performed in accordance with existing law and would compromise the structural integrity of the building, thereby endangering the public safety. The Department of General Services shall allow construction of incidental and minor nonstructural additions or nonstructural alterations without invoking its stop work authority.

(b) A public board, body, or officer whose construction work on an essential services facility is subject to a stop work order issued pursuant to subdivision (a) shall not be held liable in any action filed

against the public board, body, or officer for stopping work as required by the stop work order, or for any delays caused by compliance with the stop work order, except to the extent that an error or omission by the public board, body, or officer is the basis for the issuance of the stop work order.

O

└

CHAPTER 4. ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE STATE ARCHITECT—STRUCTURAL SAFETY SECTION (DSA/SS)

Article 1. Essential Services Buildings

4-201. Purpose. Essential services buildings constructed pursuant to these rules and regulations shall be designed and constructed to resist gravity forces, to minimize fire hazards and to resist, insofar as practical, the forces generated by winds and major earthquakes of the intensity and severity of the strongest anticipated at the building site without catastrophic collapse, but with some repairable architectural or structural damage. The essential services buildings as designed and constructed shall be capable of providing essential services to the public after a disaster. In addition, the equipment and other accessories which are necessary for the continued functioning of the essential services operation shall be anchored and braced to resist earthquake forces.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16001.

4-202. Scope. These regulations apply to the administrative procedures concerning the construction, reconstruction, alteration of or addition to any public essential services buildings under the jurisdiction of a city, city and county, county (including special fire districts) or the State of California.

When the enforcement agency is the Division of the State Architect/Office of Regulation Services (DSA/ORS) all parts of the State Building Standards Code, as contained in Title 24 of the California Code of Regulations and adopted by that agency designate the structural building regulations which shall apply to essential services buildings as defined in Section 16007 of the Health and Safety Code. The term "essential services" building shall include all buildings, structures, appurtenances and related systems or facilities as interpreted in Section 4-207.

These rules and regulations establish reasonable standards and minimum requirements for the structural integrity of essential services buildings. The essential services buildings shall be designed and constructed to conform to the regulations adopted by the California State Fire Marshal in Title 24, CCR, for the particular occupancy concerned.

When the enforcement agency is a local agency, the locally adopted editions of the model codes and the administrative regulations contained in Part 1 (Sections 4-201 through 4-222 and 4-243 through 4-249) Title 24, California Code of Regulations (CCR) designate the structural building regulations which shall apply to essential services buildings as defined in Section 16007 of the Health and Safety Code. The term "essential services" building shall include all buildings, structures, appurtenances and related systems or facilities as interpreted in Section 4-207.

If the building standards and regulations adopted by the city, city and county or county agency responsible for building safety are more stringent than those adopted in the applicable sections of Title 24, CCR, then the local building standards and regulations shall govern within its jurisdiction.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16001.

4-203. Interpretation. No regulation shall be construed to deprive the enforcing agency of its right to exercise the powers conferred upon it by law or limit the enforcing agency in such enforcement as is necessary to secure the safety of construction as required in the act.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16001.

4-204. Delegation of Authority. All powers, duties and responsibilities pursuant to carrying out the provisions of the Essential Services Buildings Seismic Safety Act designated in Section 16022 of the Act for the State Architect have been delegated by the State Architect to the Chief of the Office of Regulation Services, Division of the State Architect subject to the direction of the State Architect.

Those powers, duties and responsibilities so delegated shall include the observation of the implementation and administration of the Act, the adoption in consultation with local jurisdictions of the regulations necessary for carrying out the provisions of the Act, providing advice and assistance to local jurisdictions in matters concerning the Act or these regulations and acting as an appeals agency relative to the administration of the Act.

Authority: Health & Safety Code Section 16022.

Reference: Government Code Section 14608.

4-205. Application of Building Standards. Building standards are set forth in Parts 2, 3, 4, 5 and 7 of Title 24, CCR, and have been adopted as a basis for the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards nor to restrict the use of new or innovative design or construction techniques.

Where the designer desires to use innovative design or construction techniques not included in these regulations, it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The Division of the State Architect or local enforcement agency must be satisfied that the degree of safety achieved is equivalent to that achieved by the standard procedures. The enforcement agency review and approval of the innovative design or construction techniques shall precede the submission of plans and specifications utilizing these techniques.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16001.

4-206. Approval of New Essential Services Buildings. Plans and specifications shall be submitted to the appropriate enforcement agency for every new owned or leased essential services building before the plans are adopted by the governing board, authority, owner, corporation or other agency proposing to construct any essential services building.

Before any agency may convert an existing building into an essential services building, that agency shall submit an application and plans of the building to the appropriate enforcement agency for approval. The plans shall provide for the reconstruction and alterations necessary for compliance with the requirements of these rules and regulations.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16011.

4-207. Definitions. The words defined in this section shall have the meaning stated therein throughout the rules and regulations contained in Part I (Administrative), Title 24, CCR.

"Act" shall mean the Essential Services Buildings Seismic Safety Act of 1986, Sections 16000-16023, inclusive, of the Health and Safety Code.

"Addition" shall mean an increase in floor area or volume of enclosed space which is physically attached to an existing building by connections which are required for transmitting vertical or horizontal loads between units. The area exemption in Section 16010 of the act does not apply to additions to essential services

buildings when the total area of the existing building and the addition exceeds 2000 square feet. An "addition" which is not required to be physically attached either for its own support or for support of the existing building shall be separated as required by Section 2331, Part 2, Title 24, CCR, and shall be deemed to be the construction of a new essential services building.

"Alteration" shall mean changes within an existing building as defined in Section 2331 of Part 2 Title 24, CCR. Alterations to existing essential services buildings shall conform to the requirements of Title 24, CCR. Major alterations will be permitted provided the entire essential services building as modified, including the structural alterations or additions, conform to the requirements of Title 24, CCR, if the area of the existing building, including additions, exceeds 2,000 square feet.

"Approved Plans and Specifications" shall mean plans, specifications, addenda and change orders which have been duly approved by the appropriate enforcement agency pursuant to Sections 16013 and 16016 of the Health and Safety Code and which are identified by a stamp bearing the name of the enforcement agency, the identification number, the date and the signature of the qualified reviewer as required in Section 16011 of the act.

"Complying Building" shall mean a building which has been constructed or reconstructed in accordance with these rules and regulations.

"Enforcement Agency" shall mean the Office of Regulation Services of the Division of the State Architect for state owned or leased buildings and shall mean the enforcement agency of any city, county or city and county having jurisdiction over locally owned or leased essential services facilities.

"Equipment" shall mean all new or replacement equipment installed in any new or existing owned or leased building which is required for the functioning of the essential services operation. The installation of such equipment shall meet the support, bracing and anchorage requirements of Title 24, CCR. The area exemption in Section 16010 of the Act does not apply to the anchorage or bracing of equipment necessary to the operation of the essential services function.

"Fire Station" shall mean any building that contains the operational facilities, fire suppression, alarm and communications equipment necessary to respond to fire emergencies.

"Maintenance" shall mean and include ordinary upkeep or repair work such as replacement in kind, repainting, replastering and reroofing.

"New Essential Services Building" shall mean any newly erected essential services building or any existing building converted to essential services use subsequent to the effective date of the act regardless of whether the building is owned or leased by the public agency. Existing buildings housing essential services facilities owned or leased by the state, a city, a city and county or a county prior to the effective date of the act are exempt from these regulations except for the installation of new or replacement equipment. When a portion of a building is to be utilized for an essential services operation, the area so utilized and the utilities systems and components servicing the area shall be constructed according to these rules and regulations and shall be separated or protected from damage due to failures of other portions of the structure to the extent determined by the enforcement agency to insure continued functioning after an earthquake or other disaster. Ancillary buildings and facilities related to the essential services building function may be exempt from these regulations if the enforcement agency determines that such buildings and facilities are not necessary to the functioning of the essential services operation after an earthquake or other disaster.

"Nonstructural Alterations" shall mean only such alterations which do not affect the safety of the essential services building and do not change, in any manner, its structural elements.

"Division of the State Architect," or "Office" or the initials "DSA/ORS" shall mean the Office of Regulation Services of the Division of the State Architect in the State Department of General Services. Approvals, disapprovals, orders and certificates of compliance for state owned or leased buildings shall be issued directly by the Chief of the Office of Regulation Services, who shall act for the State Architect in carrying out the provisions of the act.

"Owner" for the purposes of these regulations shall mean the public agency responsible for the essential services functions performed under its authority within an essential services building. The owner is responsible for applying for and obtaining the approvals and certifications required by these regulations.

"Plans" as used in these regulations shall mean the drawings associated with the project such as, but not limited to, vicinity maps, site plans, foundation plans, floor plans, ceiling plans, roof plans, cross-sections, interior elevations, exterior elevations and details which are used in conjunction with the project specifications and which are necessary to accomplish construction in conformance with the requirements of the act.

"Police Station" shall mean any building that contains the operational facilities and the alarm and communications equipment necessary to respond to police emergencies. This definition shall include the offices of local police departments, county sheriffs, California State Police, California Highway Patrol and all offices necessary to the functioning of the essential services operation after an earthquake or other disaster.

"Project Inspector" shall mean any individual duly approved by the enforcement agency as the on-site inspector for a particular project. The project inspector shall be hired by and paid by the owner and he/she shall act as the agent of the owner at the project site under the general direction of the architect or registered engineer in general responsible charge and under the supervision of the enforcement agency. The project inspector shall be independent of the contractor. The project inspector shall be responsible for inspecting all work included in the contract. A special inspector shall be responsible only for inspecting the work for which he/she is approved. (See Section 4-211 (c) for special inspection.)

"Reconstruction" is the repair of damage to an existing complying essential services building or an alteration of an existing non-complying building to bring it into conformance with the safety standards established by these regulations for essential services buildings.

"Registered Engineer" as used in these regulations shall mean a structural engineer, civil engineer, mechanical engineer or electrical engineer holding a valid certificate under Chapter 7, Division 3, of the California Business and Professions Code.

"Specifications" as used in these regulations shall mean the written document which is used in conjunction with the project plans to establish the job conditions, the quality and quantity of construction materials used in the project and the quality of workmanship required to accomplish the construction in conformance with the provisions of the act.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16003, 16011, 16018 and 16019.

4-208. Application for Approval of Drawings and Specifications.

(a) **General.** Before adopting plans and specifications, the agency responsible for the essential services function shall submit an application to the appropriate enforcing agency for written approval of said plans and specifications except where the new construction is a Type V or Type II N one-story structure which

contains 2000 square feet or less of floor area and is not located in a special studies zone as defined in Section 2622 of the Public Resources Code.

(b) An architect, structural engineer or civil engineer may act as the agent for the essential services agency when filing the application for approval of plans and specifications. An architect or registered engineer who is a contracting party or who has any employment relationship with any entity which may be a contracting party for the construction of the essential services building shall not perform the functions prescribed by Section 16015 of the Health and Safety Code or be delegated responsibility for any portion of the work.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16010, 16011 and 16015.

4-209. Designation of Responsibilities.

(a) **General Responsible Charge.** For every essential services building project there shall be an architect, structural engineer or civil engineer in general responsible charge of plans, specifications and observation of construction, except that where plans, specifications and observation of the work of construction for alterations or repairs do not involve architectural or structural changes, said plans, specifications and observation of construction may be under the responsible charge of a registered mechanical or electrical engineer for work involving only those branches of engineering. A project may be divided into parts, provided that each part is clearly defined by a building or similar distinct unit. The part, so defined, shall include all portions and utility systems or facilities necessary to the complete functioning of that part. Separate assignments of general responsible charge may be made for the parts.

(b) **Delegation of Responsibility.** The architect, structural engineer or civil engineer in general responsible charge may delegate responsibility for any portion of the work to, or may employ, or retain other architects, structural engineers or civil engineers. Registered mechanical and electrical engineers may be delegated responsibility for the mechanical and electrical portions of the work, respectively.

(c) **Evidence of Responsibility.** The manual signature of the architect or registered engineer on a plan, specification, or other document shall be deemed evidence that full responsibility is assumed by the signator for the work shown thereon, including also those portions of the accompanying computations, specifications or plans which pertain to such work.

(d) **Alternates.** The applicant, or the architect or registered engineer having general or delegated responsibility, may name one or more persons to act as alternate(s) for the design and/or observations of the work of construction provided such persons are architects or registered engineers who themselves are qualified under these regulations to assume the responsibility assigned.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16011, 16012 and 16015.

4-210. Plans, Specifications, Computations and Other Data.

(a) **General.** When an application is filed, it shall be accompanied by the required number of complete sets of the plans and specifications, the full structural design calculations, site data and a fee as established by the enforcement agency.

(b) **Plans.** Plans shall show the use or occupancy of all parts of the essential services buildings and shall give such other information as may be required to indicate the nature of the work proposed and to show compliance with the act and these regulations. The drawings shall be legible and sufficiently detailed and cross-referenced to show clearly the pertinent features of the construction, and shall have sufficient dimensions to be readily

interpreted. Where a project includes several buildings, the plans for each shall be drawn independently except that details common to all need not be repeated. Submitted plans and specifications, which are obviously incomplete or incorrect, shall be returned to the architect or registered engineer in general responsible charge with a request for compliance with these regulations before checking is begun or resumed by the enforcement agency.

(c) **Specifications.** Specifications shall completely set forth the requirements for the various types of materials that will enter into the permanent construction and shall describe the methods not covered in the technical regulations which are to be used to obtain the required quality of the work shown on the plans and described in the specifications.

(d) **Design Computations.** Computations, stress diagrams and other pertinent data shall accompany the plans and specifications and shall be sufficiently complete so that calculations for individual structural members can be readily interpreted. The computations shall be prefaced by a statement clearly and concisely outlining the basis for the structural design and indicating the manner in which the proposed essential services building will resist vertical loads and horizontal forces. The computations shall be sufficiently complete to establish that the structure will resist the loads and forces prescribed in Part 2, Title 24, CCR. Assumed safe bearing pressures on soils and specified strengths of concrete shall be given in the computations and noted on the plans. Where unusual conditions occur, such additional data as are pertinent to the work shall be submitted.

(e) **Site Data.** Site data for all essential services buildings covered by these regulations shall include a soil investigation report providing information on subsurface site work and laboratory testing, an evaluation of site soil conditions, a recommendation for the type of foundation to be used and an allowable design value for the soil bearing capacity. For all essential services building sites not exempted from the provisions of the act, a geologic and earthquake hazard report including an evaluation of both known and potentially active local and regional fault systems, slope stability, liquefaction potential and other hazards shall be prepared by competent persons and submitted with the application, plans and specifications. All or parts of the geologic and earthquake hazard investigation and report may be waived by the enforcement agency when in the judgment of the enforcement agency those requirements are unnecessary and would not be beneficial to public safety.

(f) **Signatures Required.** All plans and specifications submitted for approval shall bear the manual signature of the architect or professional engineer in general responsible charge of design. When responsibility for a portion of the work has been delegated, the plans and specifications covering that portion of design shall also bear the manual signature of the responsible registered engineer or architect.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16009, 16011, 16012, 16013 and 16014.

4-211. Observation and Inspection of Construction.

(a) **Observation by Architect or Registered Engineer.** The act provides that the observation of the work of construction, reconstruction, alteration or addition shall be under the general responsible charge of an architect, structural engineer, civil engineer or, under certain conditions, a registered mechanical or electrical engineer for work involving only those branches of engineering. A civil engineer qualified in soil engineering shall provide the observation for placement of fills and shall submit a verified report attesting to the compliance of the engineered fill.

(b) **Inspection by Project Inspector.** The owner must provide for and require competent, adequate and continuous inspection by

a project inspector approved by the enforcement agency. The project inspector so approved shall cooperate with the architect or registered engineer in general responsible charge of the observation of the work of construction to insure compliance with the approved drawings and specifications. The project inspector shall request interpretations and clarifications of the approved contract drawings and specifications when necessary from the responsible architect or registered engineer. Code interpretations received by the project inspector which cause deviations from the approved drawings and specifications shall be referred to the responsible architect or registered engineer for preparation of change orders to cover the required work.

For every project there shall be a project inspector who shall have personal knowledge as defined in Section 16021 of the Health and Safety Code of all work done on the project or its parts. On large projects adequate inspection may require the employment of assistant inspectors. The employment of special inspectors or assistant inspectors shall not be construed as relieving the project inspector of his/her duties and responsibilities under Section 16021 and Sections 214 and 219 of these regulations.

No work shall be carried out except under the inspection of the project inspector approved by the enforcement agency. The project inspector shall have had at least three years equivalent experience in construction work of a type similar to that for which he/she is proposed as inspector, shall have a thorough knowledge of building materials, and shall be able to read and interpret plans and specifications.

The cost of project inspection shall be paid for by the owner.

(c) **Special Inspection.** Special inspection by inspectors specially approved by the enforcement agency may be required on all masonry construction, glued laminated lumber fabrication, wood framing using timber connectors, ready mixed concrete batching, gunite, prestressed concrete, important steel fabrication, high strength steel bolt installations, welding, pile driving, electrical and mechanical work.

The project inspector may be used for special inspections if he/she has been specially approved for such purposes and if he/she has the time available for the work.

The detailed inspection of all work covered by this section is the responsibility of the project inspector when special inspection is not provided. The enforcement agency may also require special inspection for any other shop fabrication procedures that preclude the complete inspection of the work after assembly. It may require special inspection at the site in addition to those listed above if found necessary because of the special use of material or methods of construction.

Special inspectors shall submit verified progress reports as required by Section 214, for the special work covered.

Authority: Health & Safety Code Sections 16017 and 16022.
Reference: Health & Safety Code Sections 16015, 16017, 16020 and 16021.

4-212. Supervision of Construction by the Enforcement Agency. During the construction, reconstruction, repair, alteration of or addition to any essential services building, the enforcement agency as provided in the act, shall make such site visits and observations as in its judgment is necessary or proper for enforcement of the act and the protection of the safety of the occupants of the building and the public. If at any time as the work progresses, prior to the issuance of the final certification of compliance, it is found that modifications or changes are necessary to secure safety, the enforcement agency shall direct the architect or registered engineer in general responsible charge to prepare and submit documents covering such modifications or changes for the review and approval of the enforcement agency.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16001, 16009 and 16020.

4-213. Tests.

(a) **General.** Tests of materials are required as set forth in the approved plans and specifications and in Part 2, Title 24, CCR. Other materials or combination of materials may require additional tests. Where job conditions warrant the architect or registered engineer may waive certain tests with the approval of the enforcement agency. A list of all required tests of materials and of all required special inspections shall be prepared and submitted by the architect, structural engineer or civil engineer in general responsible charge of the project at the time the plans and specifications are stamped for identification by the enforcement agency.

(b) **Test Sampling.** Test samples or specimens of material for testing may be taken by the architect or registered engineer, his representative, the project inspector, or a representative of the testing agency. In no case shall the contractor, his employee or a vendor select the sample.

(c) **Test Reports.** One copy each of all test reports shall be forwarded to the enforcement agency, the architect, the registered engineer and the project inspector by the testing agency. Such reports shall include all tests made, regardless of whether such tests indicate that the material is satisfactory or unsatisfactory. Records of special sampling operations as required shall also be reported. The reports shall show that the material or materials were sampled and tested in accordance with the requirements of these regulations and with the approved specifications. In the case of masonry or concrete, test reports shall show the specified design strength. They shall also state definitely whether or not the material or materials tested comply with the requirements.

(d) **Verification of Test Reports.** Each testing agency shall submit to the enforcement agency a verified report, in duplicate, covering all of the tests which were required to be performed each time that work on the project is suspended, covering the tests up to that time, and at the completion of the project, covering all of the tests. The verified report shall contain all the information included in the sample Laboratory Verified Report (see Appendix).

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16009, 16020 and 16021.

4-214. Verified Reports. Sections 16020 and 16021 of the act require that from time to time as the work progresses, the architect or registered engineer in charge of observation of construction of the work, each architect or registered engineer delegated responsibility for a portion of the work, the project inspector and the contractor shall each make a duly verified report to the enforcement agency upon a prescribed form or forms, showing that of his or her own personal knowledge the work during the period covered by the report has been performed and materials have been used and installed in every material respect in compliance with the duly approved plans and specifications, and setting forth such detailed statement of fact as shall be required. For a definition of personal knowledge refer to Sections 16020 and 16021 of the act. See Articles 2 and 3 for the reporting requirements for state and local enforcement agencies, respectively.

Authority: Health & Safety Code Sections 16020, 16021 and 16022.

Reference: Health & Safety Code Sections 16020 and 16021.

4-215. Changes in the Approved Drawings and Specifications.

(a) **General.** All work shall be executed in accordance with the approved plans and specifications except where documents authorizing changes have been submitted by the responsible architect or registered engineer to the enforcement agency for review and approval. These documents shall describe the authorized changes, show the increase or decrease in the contract cost involved and shall contain the signatures of the responsible archi-

tect or registered engineer and the owner and shall bear the approval stamp of the enforcement agency.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16011, 16013 and 16015.

4-216. Final Certification of Compliance. The certification of compliance for the essential services building by the enforcement agency will be issued when the work has been completed in accordance with the requirements as to safety of design and construction with Sections 16000-16023 of the Health and Safety Code (Essential Services Buildings Seismic Safety Act) and with the requirements of these regulations. The certification of compliance will be evidenced by a letter or a certificate of occupancy each of which shall contain a statement that the building design and review and the work of construction have been completed in accordance with the requirements of Sections 16000 through 16023 of the Health and Safety Code and of Part 1, Title 24, CCR. The certificate of compliance will be directed to the owner of the essential services building.

Local enforcement agencies shall forward one copy of the certification of compliance to the DSA/ORS Headquarters Office in Sacramento.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16009 and 16022.

4-217. Duties of the Architect and Registered Engineers.

(a) **General.** The architect or registered engineer is responsible to the owner and to the enforcement agency to see that the completed work conforms in every material respect to these regulations and the approved plans and specifications. He or she may, if so authorized, act as agent for the owner in completing and submitting the application to the enforcement agency.

The architect or registered engineer, in no way, is relieved of any responsibility by the activities of the enforcement agency in the performance of its duties.

(b) **General Responsible Charge.** The architect or registered engineer in general responsible charge shall advise the owner in regard to filing of the application for approval of plans, the selection of a project inspector and the selection of a testing laboratory. He or she shall prepare the plans, specifications, design computations and other data and shall prepare documents authorizing changes in the approved drawings and specifications when so directed by the owner or as required by conditions on the project. He or she shall make, or cause to be made, the corrections required on the various documents to comply with the requirements of these regulations and shall provide the project inspector and testing agency with a complete set of stamped plans, specifications and documents authorizing changes.

The enforcement agency directs all technical correspondence to the architect or registered engineer in general responsible charge of the project.

(c) **Verified Reports.** All architects and registered engineers having responsibility for observation of the work of construction shall maintain such personal contact with the project as is necessary to assure themselves of compliance in every material respect with the approved plans and specifications and shall submit verified reports to the enforcement agency as required in Section 214. The architect or registered engineer in general responsible charge shall be responsible for the timely submittal of the required verified reports from the project inspector, the contractor and the other architects and engineers who have been delegated responsibility for a portion of the project.

(d) **Testing Program.** The architect or registered engineer in general responsible charge shall establish the extent of the testing

of materials consistent with the needs of the particular project and shall issue specific instructions to the testing agency. He or she shall also notify the enforcement agency as to the disposition of materials noted on laboratory reports as not conforming to the approved plans and specifications.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16015 and 16020.

4-218. Duties of the Mechanical and Electrical Engineers. The architect, structural engineer or civil engineer in general responsible charge retains overall responsibility for the mechanical and electrical portions of the work when the design responsibility for that work has been delegated and the plans have been prepared by registered mechanical and electrical engineers.

Where plans, specifications, and estimates for alterations or repairs do not involve architectural or structural changes, said plans, specifications and estimates may be prepared and the work of construction observed by a registered mechanical or electrical engineer who shall be in general responsible charge.

The mechanical or electrical engineer shall fulfill the duties outlined in Section 4-217 when assuming general responsible charge and shall submit verified reports as required in Section 4-214. When accepting delegated responsibility, he or she shall comply with the requirements of Sections 4-209 and 4-210 insofar as these may relate to the work delegated to him or her.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16015.

4-219. Duties of the Project Inspector.

(a) **General.** The project inspector as an agent for the owner shall act under the general direction of the architect or registered engineer and under the supervision of the enforcement agency.

(b) **Duties.** The general duties of the project inspector in fulfilling his or her responsibilities are as follows:

1. **Continuous Inspection Requirements.** He or she must have actual personal knowledge obtained by his or her personal and continuous inspection of the work of construction in all stages of its progress that the requirements of the approved plans and specifications are being executed.

Continuous inspection means complete inspection of every part of the work. Work, such as concrete work or brick work which can be inspected only as it is placed, shall require the constant presence of the project inspector. Other types of work which can be completely inspected after the work is installed may be carried on while the project inspector is not present. In any case, the project inspector must personally inspect every part of the work. In no case shall the project inspector have or assume any duties which will prevent him or her from providing continuous inspection.

The project inspector may obtain personal knowledge of the work of construction, either on-site or off-site, from the inspections performed by special inspectors or assistant inspectors and from the reporting of others on testing and inspection of materials and workmanship for compliance with the plans, specifications and applicable standards. The exercise of reasonable diligence to obtain the facts shall be required.

2. **Relations with the Architect or Engineer.** The project inspector shall work under the general direction of the architect or registered engineer. All inconsistencies or seeming errors in the plans and specifications shall be reported promptly to the architect or registered engineer for his/her interpretation and instructions. In no case shall the instructions of the architect or registered engineer be construed to cause work to be done which is not in conformity with the approved plans, specifications and documents authorizing changes.

3. **Job File.** The project inspector shall keep a file of approved plans and specifications (including all approved documents authorizing changes) on the job at all times, and shall immediately return any unapproved documents to the architect or registered engineer for proper action.

4. **Construction Procedure Records.** The project inspector shall keep a record of certain phases of construction procedures including, but not limited to the following:

- A. Concrete pouring operations. The records show the time and date of placing concrete and the time and date of removal of forms in each portion of the structure.
- B. Welding operations. The record shall include identification marks of welders, lists of defective welds, manner of correction of defects, etc.
- C. Penetration under the last ten (10) blows for each pile when piles are driven for foundations. All such records of construction procedures shall be kept on the job until the completion of the work. These records shall be made a part of the permanent records of the owner.

5. **Deviations.** The project inspector shall notify the contractor, in writing, of any deviations from the approved plans and specifications which are not immediately corrected by the contractor when brought to his or her attention. Copies of such notice shall be forwarded immediately to the architect or registered engineer and to the enforcement agency.

Failure on the part of the project inspector to notify the contractor of deviations from the approved plans and specifications shall in no way relieve the contractor of any responsibility to complete the work covered by his or her contract in accordance with the approved plans and specifications and all laws and regulations.

6. **Verified Reports.** The project inspector shall submit to the enforcement agency verified reports as required in Section 4-214.

(c) **Violations.** Failure, refusal or neglect on the part of the project inspector to notify the contractor of any work which does not comply with the requirements of the approved plans and specifications, or failure, refusal or neglect to report immediately, in writing any such violation to the architect or registered engineer, to the owner and to the enforcement agency shall constitute a violation of the act and shall be cause for the enforcement agency to take action.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16017 and 16021.

4-220. Duties of the Contractor.

(a) **Responsibilities.** It is the duty of the contractor to complete the work covered by his or her contract in accordance with the approved plans and specifications therefor. The contractor in no way is relieved of any responsibility by the activities of the architect, registered engineer, project inspector or the enforcement agency in the performance of their duties.

(b) **Performance of the Work.** The contractor shall study carefully the approved plans and specifications and shall plan his schedule of operations well ahead of time. If at any time it is discovered the work is being done which is not in accordance with the approved plans and specifications, the contractor shall correct the work immediately.

All inconsistencies or items which appear to be in error in the plans and specifications shall be promptly called to the attention of the architect or registered engineer, through the project inspector, for interpretation or correction. Local conditions which may affect the structure shall likewise be brought to the architect's or registered engineer's attention at once. In no case, however, shall

the instruction of the architect or registered engineer be construed to cause work to be done which is not in conformity with the approved plans, specifications and change orders.

The contractor shall not carry on work except with the knowledge of the project inspector.

(c) **Verified Reports.** The contractor shall make and submit to the enforcement agency from time to time, verified reports as required in Section 4-214.

If work on the building is being done by independent contractors having contracts with the owner, verified reports shall be submitted by each contractor regardless of the type of work involved.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16021.

4-221. Records. DSA/ORS shall maintain a record of the approved plans, specifications, addenda, change orders and letters of certification for the state owned or leased essential services buildings which have been certified as complying with the provisions of the act. This record shall be kept in the Essential Services Buildings Central File at the DSA/ORS Headquarters Office in Sacramento. The Office shall also maintain a record of the letters of compliance for essential services buildings built under the jurisdiction of local enforcement agencies which have been submitted to the Office by those agencies.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16022.

4-222. Advisory Board.

(a) **General.** The State Architect may appoint an advisory board whose duty it is to serve in an advisory capacity to the DSA/ORS in connection with administrative matters and with reference to regulations and requirements pertaining to the administration of the act. This board shall also act as a board of review to which appeal can be made by owners, architects, engineers or other interested parties in case of disagreement with the interpretation by the local enforcement agencies and/or local appeals board of the Essential Services Seismic Safety Act or the regulations adopted pursuant thereto. For state agencies, the Advisory Board shall act as an appeals board for disagreements with the rulings, decisions, interpretations or acts of DSA/ORS.

(b) **Membership.** The said board shall consist of nine members appointed by the State Architect and four ex-officio members who are: State Architect, the Chief of the Office of Regulation Services, the California State Fire Marshal, the Executive Director of the Building Standards Commission and the Chairman of the Seismic Safety Commission. The ex-officio board members may appoint alternates to serve on the board as their representatives. Of the appointive members, one shall be an architect, one shall be a structural engineer, one shall be a civil engineer, one shall be a mechanical engineer or an electrical engineer, one shall be a representative of the League of California Cities, one shall be a representative of the County Supervisors Association, one shall be a representative of the California Building Officials, one shall be a representative of the California Fire Chiefs Association and one shall be a representative of the law enforcement agencies. The appointive members shall serve at the pleasure of the State Architect. The State Architect will select appointive members from nominations solicited from the California Council, American Institute of Architects, the Structural Engineers Association of California, the Consulting Engineers and Land Surveyors Association of California, the California Building Officials, the League of California Cities, the County Supervisors Association, the California Peace Officers Association and from the California Fire Chiefs Association. He or she may also appoint as many ex-officio members as he or she may desire. Ex-officio members are not entitled to vote in board actions.

(c) **Meetings.** The board shall elect its own chairperson and vice-chairperson and shall convene upon the call of the chairperson or the State Architect whenever it may be necessary in his or her judgment for the board to meet. The board shall adopt such rules of procedure as are necessary to enable it to perform the obligations delegated to it. The chairperson of the board shall at his or her discretion or upon the instruction of the board designate subcommittees to study and report back to the board on any tech-

nical subject or matter for which an independent study is desired or regarding appeals which are made to the board from interpretations of the enforcement agencies. The board members will be reimbursed for their reasonable expenses in attending meetings but shall receive no compensation for their services.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16022.

Article 2. State Buildings

4-223. General. The provisions of Article 1 and Article 2 of these regulations shall apply to state owned or leased essential services buildings. Article 2 requirements do not apply to essential services buildings under the jurisdiction of local enforcement agencies.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16001.

4-224. Application for DSA Approval of Drawings and Specifications.

(a) The required written approval of drawings and specifications shall consist of a letter signed by the Chief of the Office of Regulation Services, DSA/ORS which will be issued when the procedures of Section 4-229 of these regulations are completed.

(b) The agency responsible for the essential services function shall submit an application, in duplicate, for the approval of drawings and specifications with DSA/ORS. A separate application shall be submitted for each essential services building or group of buildings on the same site. Applications shall be submitted to DSA/ORS on Form SSS-1, Application for Approval of Plans and Specifications (see facsimile copy in the Appendix).

(c) The application shall contain a definite identifying name and location of the essential services building or buildings, the name of the architect or registered engineer in general responsible charge of the work, the names of the architects or registered engineers who have been delegated responsibility for portions of the work (see Section 4-209), the estimated cost of the project and all such other information as is requested thereon.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16001 and 16011.

4-225. Designation of Responsibility. In addition to the requirements of Section 4-209, Article 1 of these regulations, the following provisions shall apply;

(a) **Delegation of Responsibility.** The architect, structural engineer or civil engineer in general responsible charge shall employ or retain, under his/her supervision, registered mechanical and electrical engineers to design and observe the construction of the mechanical and electrical portions of the work when these elements are significant to the safety of the building or its occupants or the continuing functioning of the building. The requirement for observation of construction of the mechanical and electrical portions of the work by the mechanical and electrical engineers may be waived where the mechanical and electrical elements are not considered to be significant to the safety of the building or its occupants or its continuing functioning and when special mechanical and electrical inspection in accordance with Section 4-211 is provided.

No delegation to or employment or retention of others shall be construed as relieving the architect, structural engineer or civil engineer in general responsible charge of his/her rights, duties and responsibilities under Section 16015 of the act and Section 4-217 of these regulations.

(b) **Assumption of Responsibility.** The architect, structural engineer or civil engineer who submits for approval plans and specifications for any project or any portion of any project which have been prepared by others shall assume responsibility for the safety of design of the completed construction and for the interpretation of and any necessary amplification of the plans and specifications of the project. He/she shall manually sign all plans submitted for approval to indicate his/her assumption of responsibility or may in lieu thereof, sign and submit plans prepared under his/her own charge. (See Section 4-210 for other signatures.) When an architect, structural engineer or civil engineer accepts the responsibility for completion of a project or a portion of a project relinquished by another, that architect, structural engineer or civil engineer thereby assumes responsibility as follows:

1. If the relinquishment occurs prior to the completion of the design documents, all responsibility shall be assumed. [See Section 4-225 (c) for the procedure.]

2. If the relinquishment occurs after the design drawings and specifications have been completed and approved by the enforcement agency, the assuming architect or registered engineer shall be responsible for the construction of the project in accordance with the design of the relinquishing architect or engineer. The assuming architect or registered engineer shall assume responsibility for the interpretation of and any necessary amplification of the plans and specifications and shall manually sign any such documents prepared for that purpose.

(c) **Acceptance of Responsibility.** The assumption of general responsible charge or of delegated responsibility shall be clearly outlined, accepted and approved by the parties concerned including the owner. The enforcement agency shall be notified when any change is made in the individuals in general responsible charge or delegated responsible charge.

Form SSS-1, Application for Approval of Plans and Specifications, provides for the common conditions of delegation of responsibility but for unusual cases, or for changes in responsibility taking place after the plans have been submitted for approval, the delegation of responsibility, acceptances and approvals thereof, shall be submitted in letter form in duplicate, which shall include an indication that the owner has been notified.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Sections 16011 and 16015.

4-226. Alternates in General Responsible Charge or Delegated Responsible Charge. Alternates may be named on Form SSS-1, Application for Approval of Plans and Specifications, or in letter form in duplicate. Letter forms shall be submitted prior to performance of work by the alternate and shall include an indication that the owner has been notified.

Authority: Health & Safety Code Section 16022.

Reference: Health & Safety Code Section 16015.

4-227. Estimate of Cost. Estimates of cost shall be based on the cost of construction prevailing at the time the plans and specifications for the project are submitted to the DSA/ORS. The estimated cost of a project shall be increased as necessary to include