

Board of Forestry and Fire Protection

**ADDITIONAL 15-DAY NOTICE OF PROPOSED RULEMAKING**

[Published DATE]

“SRA Fire Safe Regulations, 2014”

**Title 14 of the California Code of Regulations (14 CCR)**  
**Division 1.5, Chapter 7, Subchapter 2, Articles 2-5**

**MODIFICATIONS TO TEXT OF PROPOSED REGULATION, SUPPLEMENTAL  
STATEMENT OF REASONS AND  
PUBLIC HEARING DATE**

**PUBLIC HEARING DATE**

Pursuant to the requirements of Government Code § 11346.8(c), and Title 1 of the California Code of Regulations § 44, the State Board of Forestry and Fire Protection (Board) is providing notice of modifications made to portions of the “SRA Fire Safe Regulations, 2014” proposed action by the Board following the regulatory hearings conducted on August 27, 2014 and October 1, 2014. These modifications are substantially related to the 45-day Noticed rule text, published on July 4, 2014. **The Board will conduct a public hearing to consider adoption of the proposed rule text modifications at their regularly scheduled meeting on Wednesday, January 28, 2015. The meeting will begin at 8:00am in the first floor auditorium of the Resources Building located at 1416 9<sup>th</sup> Street, Sacramento, California.**

**MODIFICATIONS TO TEXT OF PROPOSED REGULATION**

The Board is providing notice of proposed modifications to the 45-day Notice rule text published July 4, 2014. The proposed modifications that were identified by the Board staff during review of public comment and in consultation with the Office of Administrative Law and approved by the Board at the August 27<sup>th</sup> hearing are provided in the first 15-Day Notice and are not provided below. The proposed modifications that are reflected in this Additional 15-Day Notice to address issues of clarity that arose during the Office of Administrative Law’s review are discussed below. Deletions are in lower-case, 8 point font, and additions are in bold. In addition, several changes without regulatory effect were made to the rule text.

### **Modifications to §1273.02 Roadway Surface**

This modification uses the more widely utilized term “aggregate base,” and to clarify that engineering specifications may be required by the local authority having jurisdiction.

and provide an *all-weather* aggregate road base. Project proponent shall provide engineering specifications to support design, if requested **by the local authority having jurisdiction.**

### **Modifications to §1273.05 Roadway Turnarounds**

§1273.05 amended to provide clarity in the required dimensions for roadway turnarounds. **This amendment will also include a diagram, a draft version of which is attached.**

Turnarounds are required on driveways and dead-end roads as specified in this article. The minimum turning radius for a turnaround shall be **forty (40)** feet from the center line of the road, not including parking. **Where the terminus bulb intersects the road, the road shall be no less than thirty eight (38) feet wide and the approach shall be tapered. The aforementioned shall be in accordance with the following figure.** *and the encroachment of the driving surface, from the roadway into and out of the terminus bulb shall not be less than 38'. The driving surface shall be evenly tapered on both sides of the driving surface from the encroachment, 15' back along the roadway. The radius of the taper shall not exceed 40'. If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length.*

### **Modifications to §1273.07 Roadway Structures**

Board staff added language to clarify requirements and approvals for signage are from the local authority having jurisdiction.

Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required **by the local authority having jurisdiction.** Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, *approved barriers, approved* or signs, or both, **as approved by the local authority having jurisdiction,** shall be installed and maintained. A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

### **Modifications to §1273.11 Gate Entrances**

Changes to this section indicate that security gate approvals, and approved means of emergency gate operation, are from the local authority having jurisdiction. In addition unobstructed was added to qualify vertical clearance for the purpose of clarity.

(a) Gate entrances shall be at least two **(2)** feet wider than the width of the traffic lane(s) serving that gate and a minimum width of **fourteen (14)** feet unobstructed horizontal clearance and **unobstructed** vertical clearance of **fifteen (15)** feet.

(c) Security gates shall not be installed without approval **and w**where security gates are installed, they shall have an approved means of emergency operation. **Approval shall be by the local authority having jurisdiction.** The security gates and the emergency operation shall be maintained operational at all times.

### **Modifications to §1274.01 Size of Letters, Numbers and Symbols for Street and Roads Signs**

Modifications to this section simplify the requirements for letters, numbers, and symbols for street and road signs from the previously noticed changes. This change goes back to the original language in the standard but changes the size and stroke of the letters, numbers, and symbols to the previously proposed 4 inches and .5 inches, respectively.

Size of letters, numbers and symbols for addresses shall be a minimum  $\frac{3}{4}$  inch letter height,  $\frac{5}{8}$  inch stroke, reflectorized, contrasting with the background color of the sign. *Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.*

### **Modifications to §1274.09 Size of Letters, Numbers and Symbols for Addresses**

Modifications to this section simplify the requirements for letters, numbers, and symbols for addresses from the previously noticed changes. This change goes back to the original language in the standard, but changes the size and stroke of the letters, numbers, and symbols to the previously proposed 4 inches and .5 inches, respectively. **This section has also been modified to remove references to “building” and “structure” to provide clarity.** Finally, clarifying language was provided to capture the Board’s intent and the language “Arabic numbers or alphabetical letters” was added per OAL’s suggestion.

Size of letters, numbers and symbols for addresses shall be a minimum  $\frac{3}{4}$  inch letter height,  $\frac{5}{8}$  inch stroke, reflectorized, contrasting with the background color of the sign. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is **Address identification shall be** plainly legible and visible from the street or road fronting the property. *These numbers shall contrast with their background. Addresses numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the **address identification** building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the **address**structure.*

### **Modifications to §1275.01 Application**

This section is amended to clarify that parcel approval and alternative methods of fire protection approval are under the authority of the local jurisdiction having authority.

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by **a the local jurisdiction having authority**When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when *approved* alternative methods of protection are provided **and approved by the local authority having jurisdiction.**

### **Modifications to §1275.10 General Standards**

This section is modified to clarify that freeze protection may be required by the local jurisdiction having authority. Also, the “s” was dropped from meet or exceed for the purpose of clarity.

Water systems that comply with the below standard or standards meets or exceeds the

Where freeze protection is required by local jurisdictions **having authority**, such protection measures shall be provided.

### **Modifications to §1276.03 Greenbelts**

This section is modified to clarify the role of CAL FIRE Unit Fire Management Plans and/or Contract County Fire Plans in the selection of community greenbelts.

The locations shall be approved by the *inspection* **local authority having jurisdiction**. *Selected locations should* **and may** be consistent with the **CAL FIRE Unit Fire Management Plan or Contract County Fire Plan**.

### **Modifications to §1276.04 Driveways**

This section is modified to clarify the vegetation clearance and fuel reduction requirements provided in the 45-Day rule text.

**In addition to the fourteen (14) feet unobstructed horizontal clearance required pursuant to 14 CCR § 1273.10, a driveway fuel reduction zone of eight (8) feet or to the property line, whichever comes first, along each side of the driveway shall be treated for fuel reduction. The driveway fuel reduction zone is required from the point at which the driveway intersects the road to the driveway’s intersection with the defensible space of the structure. Fuel reduction treatment in the driveway fuel reduction zone shall be implemented in accordance with the requirements for Zone 2 pursuant to 14 CCR §1299.03. The driveway fuel reduction zone shall include turnouts and turnarounds. The purpose of this zone is to support civilian evacuation and fire equipment access.**

*Driveways shall have minimum of ten feet horizontal fuel reduction, which includes the required clearance in 1273.10, from the traveled surface on both sides of the driveway fuel reduction zone, from the point at which the driveway meets the road to the defensible space of the structure, to support civilian evacuation and fire equipment access. The fuel reduction is such that it reflects CCR title 14, 1299 Defensible Space Zone Two. These shall include turnouts and turnarounds.*

In addition several instances of the following changes without regulatory effect were made to the rule text:

adding the number specified in narrative in parentheses, after the narrative or where a number is provided symbolically, providing the narrative version.

**PUBLIC COMMENTS**

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the 15-Day Notice. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

**WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. **The written comment period ends at 5:00 P.M., on [DATE].** The Board will consider only written comments received at the Office of the Board of Forestry and Fire Protection by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments may be submitted by U.S. mail to the following address:

Board of Forestry and Fire Protection  
Attn: Thembi Borrás  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered or sent by courier to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Attn: Thembi Borrás  
Room 1506-14  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

[public.comments@bof.ca.gov](mailto:public.comments@bof.ca.gov)

### **UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

On December 10, 2014, the Board motioned to re-notice for an additional 15 days the rule text, pursuant to 11346.8(c), to provide all stakeholders the opportunity to comment on modifications which were considered substantially related to the 45-Day Noticed rule text and provide these same stakeholders the opportunity to review the Supplemental Statement of Reasons.

Comment [TB1]: Pending Board Action.

This followed withdrawal of the rulemaking on October 17, 2014, in order to revise portions of the adopted rule text and provide a Supplemental Statement of Reasons to address issues of necessity and clarity that arose during the Office of Administrative Law's review.

This followed a 15-day Noticed rulemaking hearing at its regularly scheduled meeting of October 1, 2014, during which the Board adopted the regulation entitled, "SRA Fire Safe Regulations Update, 2014" and the Final Statement of Reasons. The regulation was adopted in its noticed form. No opposition to the regulation was raised by Board Members or public hearing participants.

This followed a 45-day Noticed rulemaking hearing at its regularly scheduled meeting of August 27, 2014, during which the Board adopted the regulation entitled, "SRA Fire Safe Regulations Update, 2014." The regulation was adopted in its noticed form with the addition of two minor modifications. These modifications were based upon comments received from the Office of Administrative Law and the San Ramon Valley Fire Protection District. No opposition to these modifications was raised by Board Members or public hearing participants. The Board adopted a motion to offer a 15-Day Notice, pursuant to 11346.8(c), to provide all stakeholders the opportunity to comment on these minor modifications, which were considered substantially related to the 45-Day Noticed rule text. No opposition to these revisions was raised by Board members or public hearing participants.

Pursuant to Public Resources Code Section 4290, the Board is authorized to adopt regulations implementing minimum fire safety standards for the perimeters and access to all residential, commercial, and industrial building construction. These regulations apply to construction within state responsibility areas approved after January 1, 1991. These standards address:

- 1) Road standards for fire equipment access
- 2) Standards for signs identifying streets, roads, and buildings
- 3) Minimum private water supply reserves for emergency fire use
- 4) Fuel breaks and greenbelts

These standards were enacted into code May 30, 1991, and underwent minor amendments in 2011 and 2013.

This regulation is intended to provide more up to date standards for land use development in the SRA and to clarify inconsistencies in the regulations. This regulation will make new development in the Wildland Urban Interface (WUI) and

SRA safer for civilians and first responders and help reduce the spread of fire from structure to structure.

The primary benefit of this regulation is increased civilian and firefighter safety in State Responsibility Areas. The changes to the road standards included in this regulation make it possible for modern fire equipment to enter a community under wildfire threat while residents evacuate at the same time. It provides for increased safety on one way roads, gated roads, and structures such as bridges, as well as increased address visibility. By establishing vegetation clearance requirements for driveways, this regulation enhances the ability of pre-existing residential defensible space and roadway clearance requirements to reduce home ignitions from wildfires. The regulation also establishes clearer standards for on-site water supply sources that reduce confusion about installing water supply sources and will result in increased compliance rates.

Two documents are incorporated by reference in these regulations:

American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17)

National Fire Protection Association (NFPA) Standard 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2012 Edition

#### **CONTACT PERSON**

Requests for copies of the proposed text of the regulations, the *Supplemental Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

State Board of Forestry and Fire Protection  
Attn: Thembi Borrás  
P.O. Box 944246  
Sacramento, CA 94244-2460  
(916) 653-9633

The designated backup person in the event Ms. Borrás is not available is Mr. George Gentry, Executive Officer of the Board of Forestry and Fire Protection. Mr. Gentry may be contacted at the above address or by phone at (916) 653-8007.

**AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Board has prepared a Supplemental Statement of Reasons for the “SRA Fire Safe Regulations, 2014” rulemaking proposal. This document provides additional explanation of the necessity for the Board’s adoption of the rules. This Supplemental Statement of Reasons, Final Statement of Reasons and the Initial Statement of Reasons are available from the contact person on request. If the rule text modifications discussed in this Notice are adopted by the Board as proposed on January 28, 2015, a Supplemental Final Statement of Reasons will be prepared to reflect the comments and responses received during the written comment period and public hearing. The Supplemental Final Statement of Reasons, when prepared, will be available from the contact person(s) listed named in this notice.

A copy of the express terms of the original proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at the following address:

California Department of Forestry and Fire Protection  
Resources Building  
Room 1506-14  
1416 9<sup>th</sup> St.  
Sacramento, CA 94244  
Attention: Thembu Borras  
Tel: (916) 653-9633

All of the above referenced information is also available on the Board website at:

[http://bofdata.fire.ca.gov/regulations/proposed\\_rule\\_packages/](http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/)

**15-DAY NOTICE RULE TEXT MODIFICATIONS**

Proposed modifications to the rule text previously adopted by the Board following a public hearing on August 27, 2014 are identified in the 15-Day Notice of Rulemaking rule text as follows:

Existing CCR Text ----- No underline or strikethrough

45-day Notice rule text ----- single underline

Deletions of rule text proposed in the first 15-Day Notice ----- ~~double strikethrough~~

Additions to rule text proposed in the first 15-Day Notice ----- double underline

Deletions of rule text proposed in the second 15-Day Notice ----- 8-point Arial font

Additions of rule text proposed in the second 15-Day Notice ----- **bold 12-point Arial font**

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board again makes modifications which are sufficiently related to the originally proposed text, it will again make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised.

Notice of the comment period and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for no less than 15 days from the date on which they are made publicly available.



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Thambi Borrás  
Regulations Coordinator  
Board of Forestry and Fire Protection