

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
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(916) 653-8007

**Board of Forestry and Fire Protection****15-DAY NOTICE OF ADDITION OF DOCUMENTS AND INFORMATION TO RULEMAKING
FILE AND MODIFIED TEXT****“Fire Safety Survey, 2019”****Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 7, Subchapter 1, Article 2**

[Notice Published November 22, 2019]

**MODIFICATIONS TO TEXT OF PROPOSED REGULATION AND SUPPLEMENTAL
STATEMENT OF REASONS**

Pursuant to the requirements of Government Code §§ 11346.8 and 11347.1, the Board of Forestry and Fire Protection (Board) is providing notice that documents which the Board has relied upon in adopting the proposed regulations pertaining to the “Fire Safety Survey, 2019,” specifically related to modifications of the 45-Day Noticed rule text, have been added to the rulemaking file and are available for public inspection and comment.

The following documents have been added to the rulemaking file:

- Revised 45-Day Rule Text- as revised by the Board at their November 6 meeting.
- Supplement to the Initial Statement of Reasons.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written, facsimile, electronic or hand-delivered comments relevant to the proposed regulatory action to the Board. **The written comment period ends on December 8, 2019**, which is 15 days following the publication of this Notice. The Board will consider only comments received by that time. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the proposed action 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: Edith Hannigan, Land Use Planning Program Manager
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: Edith Hannigan, Land Use Planning Program Manager
Room 1506-14
1416 9th 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:

PublicComments@bof.ca.gov

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: Edith Hannigan, Land Use Planning Program Manager
P.O. Box 944246
Sacramento, CA 94244-2460
(916) 653-8007

The designated backup person in the event Ms. Hannigan is not available is Mr. Eric Hedge, Regulations Program Manager for the Board of Forestry and Fire Protection. Mr. Hedge 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 proposed action, entitled "Fire Safety Survey, 2019", that provides additional information regarding the clarity and necessity of the amendments to 14 CCR §§ 1267.00 *et. seq.* This Supplemental 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 November 6, 2019, a Final Statement of Reasons will be made available reflecting the comments and responses received during the written comment period. The Final Statement of Reasons will be available from the contact person(s) 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
 State Board of Forestry and Fire Protection
 Resources Building
 Room 1506-14
 1416 9th St.
 Sacramento, CA 94244
 Attention: Edith Hannigan
 Tel: (916) 862-0120

All of the above referenced information is also available on the Board's "Proposed Rule Packages" website at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>

15-DAY NOTICE RULE TEXT MODIFICATIONS KEY

Proposed modifications to the 45-Day Noticed rule text, published on June 1, 2018 are identified in this 15-Day Notice of Rulemaking as follows:

- Existing CCR Text ----- No underline or strikethrough
- 45-Day Noticed rule text addition (published 05/26/17) ----- single underline
- 45-Day Noticed rule text deletion (published 05/26/17) ----- ~~single strikethrough~~
- Deletions of 45-Day Noticed rule text proposed in this 15-Day Notice ----- ~~double strikethrough~~
- Additional rule text proposed in this 15-Day Notice ----- double underline

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After 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.

Board of Forestry and Fire Protection**SUPPLEMENTAL STATEMENT OF REASONS****“Fire Safety Survey, 2019”****Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 7, Subchapter 1, Article 2**

The Board of Forestry and Fire Protection (Board) intends this Supplement to the Initial Statement of Reasons (ISOR) to reflect changes that have been made to the 45-Day proposed rule text and Initial Statement of Reasons, which was distributed on March 22, 2019.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GOV § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY’S DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GOV §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)).

Amend § 1267.00 Definitions

The phrase “The following definitions apply to Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 7, Subchapter 1, Article 2.” was added to the beginning of this section to clarify the applicability of these definitions. As these definitions may conflict with other definitions in this Chapter or Subchapter, a statement to the effect that these definitions only apply to this specific Subchapter and Article is required.

Amend § 1267.01 Fire Safety Survey

Section 1267.01(a)(i) was amended to provide greater clarity regarding the size and type of vehicles qualified as an adequate secondary egress route. Upon review of the 45-day published regulation, it was unclear which definition of “class one vehicles” from the Federal Highway Administration the regulation was referring to. The Federal Highway Administration does not have a statutory or regulatory definition for “class one vehicles,” so it was determined the most effective way to reference these vehicles would be to state their weight class. Vehicles that are 6,000 pounds or less include compact cars and other smaller passenger cars typically owned and operated for personal use (e.g., mini pickups, minivans, SUVs, utility vans, and some full sized pickups). By requiring the secondary access road to accommodate these vehicles, the Board can ensure that no specialty vehicles, such as those requiring four wheel drive or high clearances, are required to travel down this road. This ensures all residents of a subdivision can escape via the secondary route.

1 **Board of Forestry and Fire Protection**
2 **Title 14 of the California Code of Regulations (14 CCR),**
3 **Division 1.5, Chapter 7, Subchapter ~~3~~1, Article ~~4~~2**
4 **Fire Safety Survey, 2019**

5
6 Subchapter 1 ~~Fire Protection (Reserved)~~ Subdivision Safety

7 Article 2 ~~4~~ Fire Safety Survey

8 § 1267.00 Definitions

9 The following definitions apply to Title 14 of the California
10 Code of Regulations (14 CCR), Division 1.5, Chapter 7,
11 Subchapter 1, Article 2.

12 Dwelling unit: A "dwelling unit" has the same definition as a
13 "residential unit" below.

14 Local responsibility area (LRA): Those areas of land classified
15 by the Board of Forestry and Fire Protection (Board) where the
16 financial responsibility of preventing and suppressing wildfires
17 is not that of the state or federal government, pursuant to
18 Public Resources Code (PRC) 4125.

19 Residential unit: Any building or portion thereof which contains
20 living facilities, including provisions for sleeping, eating,
21 cooking and/or sanitation, for one or more persons. Manufactured
22 homes, mobilehomes, and factory-built housing are considered
23 residential units (14 CCR § 1271.00).

24 Road: Any surface designed, improved, or ordinarily used for
25 vehicle travel. Includes public and private streets and lanes.

1 State Responsibility Area (SRA): as defined in Public Resources
2 Code 4102.

3 Subdivision: an existing development of more than thirty (30)
4 residential units, not necessarily subdivided as defined in
5 Government Code 66424.

6 Very high fire hazard severity zone (VHFHSZ): as defined in
7 Government Code 51177(i) and identified pursuant to Government
8 Code 51178.

9 Note: Authority cited: Sections 4202, 4203, 4204, and 4290.5,
10 Public Resources Code. Reference: Sections 4201, 4202, 4203,
11 4204, 4290, and 4290.5, Public Resources Code.

12
13 § 1267.01 Fire Safety Survey

14 (a) On or before July 1, 2021, and every five years thereafter,
15 the board, in consultation with the State Fire Marshal, shall
16 survey local governments, including counties, cities, and fire
17 districts, to identify existing subdivisions without an adequate
18 secondary egress route in all SRA or LRA mapped as a very high
19 fire hazard severity zone.

20 (i) An adequate secondary egress route is a road, navigable
21 by a passenger vehicle weighing 6,000 pounds or less, ~~class one~~
22 ~~vehicles as defined by the Federal Highway Administration,~~ of
23 equal construction standard to the primary road (e.g., two paved
24 roads). The secondary road does not have to be rated to carry
25 the same quantity of traffic (e.g., a two-lane paved road and a
one-lane paved road is acceptable).

1 (ii) An adequate secondary egress route is not:

2 (A) a road with locked gates or limited access; or

3 (B) a road that directs traffic to the same outlet
4 road as the primary road or results in a circular
5 traffic flow, to the extent practicable.

6 (b) Local government officials, including elected officials,
7 fire officials, or representatives of agencies that govern land
8 use planning and subdivision design, may request the board and
9 the State Fire Marshal survey specific subdivisions in their
10 jurisdiction.

11 Note: Authority cited: Section 4290.5, Public Resources Code.

12 Reference: Sections 4290 and 4290.5, Public Resources Code.

13
14 § 1267.02 Fire Safety Recommendations

15 (a) The board, in consultation with the State Fire Marshal and
16 the local government that identified the subdivision, shall
17 develop recommendations to improve the subdivision's fire
18 safety.

19 (b) The board shall provide the final recommendations developed
20 pursuant to § 1267.03(a) to the local government that identified
21 the subdivision and to the residents of the subdivision.

22 Note: Authority cited: Section 4290.5, Public Resources Code.

23 Reference: Sections 4290 and 4290.5, Public Resources Code.

24 § 1267.03 Implementation Monitoring

1 (a) The board shall maintain a list of the subdivisions
2 identified in § 1267.01.

3 (b) The board shall track the status of the implementation of
4 the recommendations provided pursuant to § 1267.02.

5 Note: Authority cited: Section 4290.5, Public Resources Code.

6 Reference: Sections 4290 and 4290.5, Public Resources Code.

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