

HOUSE BILL 477

By Beck

AN ACT to amend Tennessee Code Annotated, Title 68,
relative to public buildings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 120, Part 1, is amended by adding the following as a new section:

(a) The requirements of this section shall apply only to a public building constructed, purchased, or leased by the state or its political subdivisions on or after July 1, 2015.

(b) All stairsteps leading into a public entrance of a public building shall be marked with yellow paint. The paint shall be applied at a thickness of two inches (2") and shall mark the entire length of the edge of each stairstep.

(c) All markings required in accordance with this section shall be applied no later than ninety (90) days after a public building is constructed, purchased, or leased by the state or its political subdivisions.

(d) For purposes of this section:

(1) "Public building" means any building or structure owned or leased by the state or its political subdivisions used by the general public for providing or receiving public benefits or public services. "Public building" does not include any building, structure, or improved area owned or leased by the state or its political subdivisions used by the general public as a place of gathering or amusement, including theaters, auditoriums, restaurants, hotels, factories, stadiums, shopping areas, convention centers, and all other places of public accommodations; and

(2) "Public entrance" means the main entrance to a public building.

"Public entrance" does not include any secondary entrance to a public building, including any entrance primarily used by employees.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.

Research Plan: House Bill 477, Stair Step Safety

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Deputy Executive Director Approval: Initial:  Date: 5/21/15

Executive Director Approval: Initial:  Date: 5/21/2015

Purpose

Study legislation requiring main entrance stair steps of certain state and local government buildings to be marked with yellow paint to help visually impaired people use them more safely.

Background

House Bill 477 by Beck, referred to the Commission by the House State Government Committee, would require main entrance stair steps of state and local government buildings to be marked with a two-inch wide stripe of yellow paint covering the entire length of each step edge. This requirement would apply only to buildings that are constructed, purchased, or leased after June 30, 2015, and that are a site for services provided to the general public. Government buildings used as places of gathering or amusement, including theaters, auditoriums, restaurants, hotels, factories, stadiums, shopping areas, and convention centers, would be exempt. The companion bill, Senate Bill 836 by Yager, passed in the Senate.

The Tennessee Council of the Blind requested the legislation, saying that the yellow stripes on the steps would make it safer and easier for the visually impaired to access public buildings. Officials from the Department of General Services and the Office of the State Architect view the stripes as unnecessary and say they could create a slipping hazard. They point out that governments are already required to comply with the federal Americans with Disabilities Act (ADA) guidelines, which at a minimum require accessible routes to public buildings and often require ramps with railings. They have concerns that it might be hard for paint to adhere to some surfaces like granite and marble and that the paint might diminish building aesthetics. Requiring painted steps could also make it more difficult for governments to lease properties, since owners might not want their properties painted.

Step 1. Define the Problem

How to ensure that steps leading to state and local government buildings are safe for the public, including people with visual impairments, without making it unreasonably difficult for governments to maintain and lease properties.

Step 2. Assemble Some Evidence

With assistance from a working group comprising various stakeholders, government officials, and subject matter experts

- Review referred legislation.
 - Review House Bill 477 and related statutes and regulations to determine what the bill does, including any dealing with
 - safety and accessibility requirements, and
 - vision impairments.
 - Review committee hearings on the bill and summarize comments and concerns of committee members, the bill sponsors, and others speaking for or against the bill.
 - Interview the bill's sponsors, proponents, and other stakeholders to determine what is driving this issue.
 - Review the fiscal note. Consult with Fiscal Review Committee staff and follow up with agencies submitting support forms to determine the estimated cost and the method and rationale for the estimates.
- Review relevant federal statutes and regulations.
- Review laws, regulations, and building codes pertaining to stair steps in other states.
- Collect data on
 - how many people, particularly those who are visually impaired, fall or are injured on steps leading to public buildings in Tennessee;
 - how effective in preventing falls is yellow striping on steps;
 - costs of marking steps;
 - projected changes in the number of visually impaired people, including increases caused by the aging of the "baby boomers"; and
 - buildings owned and leased by the state.
- Review literature on vision impairments and safety requirements, their associated costs, and issues with leasing property.

Step 3. Construct Alternatives

Alternatives will be based on

- current law,
- proposed changes in the current law, and
- any additional alternatives drawn from the research and analysis in Step 2.

Each alternative will be described specifically enough to project outcomes in Step 5.

Step 4. Select Criteria

- Cost
 - Direct and indirect (including claims for injuries)
 - To state
 - To local governments
 - Individuals (injuries, etc.)
- Effectiveness at preventing accidents on steps
- Estimate receptiveness of
 - People who are visually impaired
 - State government
 - Local governments
 - General public
 - Private owners of properties leased by government agencies

Step 5. Project Outcomes

- Estimate cost.
- Estimate the effectiveness at preventing accidents.
- Estimate the acceptability to the visually impaired, state and local governments, other affected property owners, and the general public.

Step 6. Confront Trade-offs

- How will the differences between the current law and the other alternatives affect the public?
- What are the pros and cons of the potential solutions?

Step 7. Decide which alternatives to present to the Commission

Based on the results of Step 6, choose the alternatives that most practically and realistically resolve the problem.

Step 8. Produce the Draft Report

Develop and present a draft for review and comment to the Commission.

Revisit Steps 5 through 8.

- Respond to feedback from Commission regarding outcome projections, trade-offs, and selection of alternatives.
- Revise and edit the draft to reflect comments of the Commission.
- Submit final report to the Commission for approval.



