

Exhibit B

Seismic Rehabilitation Grant Program OARs
 Compilation of Written Comments
 August-October 2010

RULE NUMBER	PROPOSED CHANGE (if any)	COMMENTS	Name	Agency Response
104-050-0010 (4)	<p>“American Society of Civil Engineers Standard for Seismic Rehabilitation of Existing Buildings newest edition” instead of American Society of Civil Engineers Standard for Seismic Evaluation of Existing Buildings newest edition in (4)</p> <p>“Collapse Prevention”: Means a building at this performance level is capable of maintaining gravity loads though structural damage is severe and risk of falling hazard is high as set forth in the American Society of Civil Engineers Standard for Seismic Rehabilitation of Existing Buildings newest edition.</p>		Kent Yu	Accept
104-050-0010 (5)	<p>“Critical Public Buildings”: Includes hospital buildings with acute inpatient care facilities, fire stations, police stations, sheriffs’ offices, other facilities used by <u>law enforcement</u> or other...”</p>	<p>As written, the text appeared to apply to LE agencies at every level but not necessarily other government facilities (e.g., EOCs). My suggested change clarifies what I believe to be the intent, while retaining the emphasis on LE facilities to encourage their participation. Similar change under Section 0020.</p>	Jeff Rubin Emergency Manager Tualatin Valley Fire & Rescue	Current rule is consistent with Statutory language and Constitutional language

104-050-0010 (11)	Add “Community Colleges and Workforce Development Department” and “OUS”	Since community colleges and state universities are eligible under the SRGP and that a stakeholder representative sits on the committee both should be included in rule in addition to the other stakeholder representatives.	Al Newnam CCWD	Accept
104-050-0010 (14)	Remove “and comfortable”	Awkward phasing	Yumei Wang	Accept
104-050-0010 (22)	Amend the definition of “useful life” to mean 30 years instead of 50 years.	Also under “Definitions”, (22) has a useful life structure of 50 years. (up from the 30 years listed in the OAR in April 2009). I know we discussed this but I thought the discussion was that 50 years wasn’t realistic. It might be realistic for a new building but a current building was likely constructed some years ago and is it reasonable to assume at life span of another 50 years? Or is it likely that the institution wouldn’t be able to raise money for the building’s replacement for another 50 years?	Al Newnam CCWD	Accept
104-050-0010 (22)	Amend the definition of “useful life” to mean 30 years instead of 50 years	50 years not realistic	Yumei Wang	Accept
104-050-0020 (1)	“All hospital buildings with acute inpatient care facilities, fire stations, police stations, sheriffs’ offices, other facilities used by <u>law enforcement</u> or other	See comment above	Jeff Rubin Emergency Manager Tualatin Valley Fire & Rescue	Current rule is consistent with Statutory language and Constitutional language

	state....”			
104-050-0050	Amend (b) Emergency Services buildings rehabilitated to immediate occupancy seismic safety level as defined...	<p>This occupancy level does not reflect the intent of ORS 455.400 (words underlined for clarity by author of this letter):</p> <p>Note: Section 3, chapter 798, Oregon Laws 2001, provides:</p> <p>Sec. 3. Subject to available funding, if a building evaluated under section 2 (4) of this 2001 Act is found to pose an undue risk to <u>life safety</u> during a seismic event, the acute inpatient care facility, fire department, fire district or law enforcement agency using the building shall develop a plan for seismic rehabilitation of the building or for other actions to reduce the risk. Subject to available funding, all seismic rehabilitations or other actions to reduce the risk must be completed before January 1, 2022. If the building is listed on a national or state register of historic places or properties or is designated as a landmark by local ordinance, the plan for seismic rehabilitation or other actions shall be developed in a manner that gives consideration to preserving the character of the</p>	Vicki McConnell, DOGAMI	Under further Consideration

		<p>building. [2001 c.798 §3]</p> <p>It is DOGAMI's recommendation to revise this proposed rule change to require emergency services to be rehabilitated to a minimum of life safety level.</p>		
104-050-0050	<p>I recommend that (1) the following proposed change be modified from “(a) Education buildings rehabilitated to life safety seismic safety performance level as defined in OAR 104-050-0010.” to “(a) Education buildings rehabilitated to life safety seismic safety performance level as defined in OAR 104-050-0010 and allow for incremental seismic strengthening over time (e.g., a multi-phased approach promoted by FEMA).”</p>	<p>I have serious concerns about the proposed changes for both eligible and ineligible projects.</p>	Kent Yu	Under further consideration
104-050-0055	<p>Amend “(c) Rehabilitation of a building located in a flood zone, with no previous mitigation activities completed”</p> <p>Amend“(d) Partial rehabilitation of a building that does not holistically address all known seismic deficiencies, as defined in OAR 104-</p>	<p>DOGAMI recommends defining “flood zone” to represent a recognized authoritative standard such as the FEMA National Flood Insurance Program Flood Zone A defined as:</p> <p>Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies.</p> <p>We think there are</p>	Vicki McConnell, DOGAMI	Under further consideration

	050-0010”	<p>many circumstances where partial rehabilitation would be completely satisfactory to provide the level of life safety required by law and yet not overly burden the cost of rehabilitation or cause the applicant to not qualify for any rehabilitation due to an unduly harsh benefit cost score. We recommend deletion of this cause for ineligibility.</p>		
104-050-0055	(2) (d) of Section 104-050-0055 be removed.	<p>The reason for my recommendation is because for many building types it is cost prohibitive and often costs more than the \$1.5M limit to conduct strengthening to life safety performance level all in one phase. In contrast, it is often practical to first strengthen collapse prone buildings to a collapse prevention performance level, and later made additional upgrades to a life safety level. My concerns are that this new language would have the unintended consequences of reducing the mitigation of dangerous schools.</p>	Kent Yu	Under further consideration