



**California Special
Districts Association**
Districts Stronger Together



Sent via ELECTRONIC MAIL to KGoddard@dir.ca.gov

September 26, 2025

Kevin J. Goddard
Senior Safety Engineer, Committee Chair
Occupational Safety and Health Standards Board
Advisory Committee
2520 Venture Oaks Way, Suite 350
Sacramento, CA 9583

RE: Comment Letter – Horizontal Sliding and Swinging Gates Regulation Recommendations

Dear Chair Goddard,

The undersigned organizations¹ appreciate the opportunity to provide comments on the Occupational Safety and Health Standards Board Advisory Committee's (Advisory Committee's) August discussion draft for the proposed revisions to Title 8, Article 7, section 3324 relating to horizontal sliding and swinging gates.

Local public agencies own horizontal sliding and swinging gates to secure their operational areas and protect critical infrastructure. Our organizations strongly support employee safety and recognize the importance of ensuring that gates in occupational settings are designed, maintained, and operated in a manner that minimizes risks. However, we are concerned that the proposed regulation in its current form does not appropriately balance the actual risks associated with gate operations to employees against the costs and burdens it would impose on local public agencies. Our organizations offer the following comments on the August discussion draft.

¹ The Association of California Water Agencies (ACWA) represents approximately 470 public water agencies that collectively deliver approximately 90 percent of the water in California for domestic, agricultural, and industrial uses. The California Municipal Utilities Association (CMUA) represents 85 publicly owned electric, gas, water, and wastewater utilities statewide who provide water to 75 percent of Californians and energy to 25 percent of the state. The California Special Districts Association (CSDA) represents nearly 1,000 independent special districts throughout the state. The California Association of Recreation and Park Districts (CARPD) represents more than 70 special recreation and park districts, whose facilities provide millions of Californians with community hubs and critical emergency infrastructure. The California-Nevada Section American Water Works Association (CA-NV AWWA) is a professional association focusing on all aspects of water utility operation and management, with over 4,700 members in California collectively responsible for serving nearly all the state's water consumers.

1. Narrow Scope of the Regulation Based on Safety Risk

We have significant concerns with the currently proposed broad applicability of the regulation, which establishes new requirements for all horizontal sliding and swinging gates without regard to individual safety risks and would have significant impacts on local public agencies. This regulation would establish design, maintenance, inspection, and repair requirements for horizontal sliding and swinging gates. **All** horizontal sliding and swing gates would be required to have positive stops or devices and would be required to be locked out if they are discovered to have a missing, faulty, or permanently deformed component or if they are not operating as designed. This broad new standard would necessitate local public agencies to assess **all** gates within their control and make needed retrofits to ensure compliance.

The regulation would also apply additional standards to horizontal sliding and swinging gate panels that exceed four feet tall or seven feet wide or are known by the employer to exceed 100 pounds, including annual inspections. Many of the gates operated by local public agencies would meet the height, width, or weight conditions and would be subject to the additional requirements and inspections.

The scope of this regulation is greatly vast and would impact many gates in California, regardless of safety risk. The regulation would apply to gates that are not accessed regularly, located in secured or remote facilities, or operated solely by public agency personnel. The regulation would also apply to gates operated by public agencies that are located on private property, resulting in additional challenges for compliance. This blanket approach would require public agencies to retrofit gates regardless of their location or function. In addition, the regulation would impose retrofit requirements to gates that are already functioning safely, adding no significant benefit to employee safety. For some public agencies, this regulation could apply to hundreds of gates within their operation and could necessitate inspecting gates every single day to ensure compliance. **We strongly recommend the Advisory Committee narrow the scope of the regulation, considering the real risks to employee safety.**

2. Consider Costs of Compliance and Timeline

Implementing the proposed requirements within the regulation would impose substantial capital and personnel costs on local public agencies without adding the desired employee safety benefits. Capital costs include positive lock devices that meet the specified requirements as well as bracing and cover guards for exposed rollers and edges. Public agencies would need to hire or train personnel, track compliance, and respond to potential enforcement actions. In some cases, costs have been estimated to be \$400 to \$8,300 per gate to retrofit depending on what retrofit and/or repair is needed and \$150 to \$500 per gate to inspect annually. This costly new local mandate would divert limited resources away from the responsibilities of public agencies that serve their communities.

For example, public water agencies ensure the public has access to clean, safe, and affordable drinking water. Public water agencies are subject to the strict requirements under Proposition 218; therefore, all operational costs must be paid through customer rates. Substantial increases in operating and maintenance costs, such as those that would be incurred under this regulation, would be required to be passed on to the customers. This regulation would subsequently impact water affordability and would burden ratepayers without providing a corresponding improvement in service. Additionally, special districts that provide services important to public health and safety and quality of life, including flood control, mosquito abatement and parks and recreation, often rely on fixed special taxes or ad valorem property taxes. These districts do not have general tax authority. They would have to comply with the new regulation without additional revenue, diverting staff and resources from their mission.

In addition, the regulation does not specify the timeline in which public agencies would have to become compliant with new specifications. Given the significant impact, delayed implementation and enforcement, including a phased timeline or prioritization of gates based on risk, may ease economic and operational burdens without compromising safety.

We strongly recommend the Advisory Committee consider the cost of compliance and delayed implementation and enforcement of the regulation when determining the scope and requirements for public agencies.

3. Remove Annual Inspection Requirement

The regulation would require annual inspections of the applicable gates to ensure compliance. This requirement would create a significant administrative burden for local public agencies, which would demand considerable staff time and could necessitate the hiring of additional personnel. Public agencies would already be required to ensure their gates meet the standards established in the regulation; therefore, additional requirements for inspections are unnecessary and would create an undue burden on local public agencies. **We recommend the Advisory Committee remove the annual inspection requirement.**

4. Other Concerns with the Regulation

A. Implementation Challenges for Positive Stop Devices

The regulation requires the installation of positive stop devices for horizontal sliding and swinging gates. The regulation does not provide clarity on how local agencies would be expected to implement these devices for swinging gates, powered gates, or what the restriction distance would be, nor does it explicitly define what devices qualify as positive stop devices. Clarification is also needed for whether a positive stop device on a powered gate must be separate from the motor assembly. Without clear direction or parameters, this requirement could be interpreted inconsistently, creating uncertainty and unnecessary compliance challenges. **Additional guidance is needed to ensure that this provision is practical for swinging and sliding gates.**

B. Safety Concerns with the Lock Out Requirement

The requirement that gates remain locked out until released by an “authorized person” raises concerns in emergency situations, especially for gates that are located in fire prone areas. In emergencies, agency staff and emergency responders often need immediate access to facilities and cannot wait for an authorized individual to arrive and remove the lock. This could delay emergency response, undermine safety, and increase liability. **We recommend that the language be revised to provide flexibility for emergency circumstances where emergency response and public safety access are critical.**

C. The Term “Struck” Does Not Reflect a True Hazard

The regulation would require gates to have an effective number of devices or design elements that prevent an employee from being struck by or caught between the gate or any of its components. The use of the term “struck” is overly broad. As currently written, this requirement could apply to nearly any incidental contact with a gate, even in cases where no injury or real hazard exists. This creates ambiguity and may subject public agencies to enforcement for circumstances that do not present meaningful safety risks. **We recommend the term “struck” be removed from the regulation.**

D. Overly Broad Inspection Requirement

The regulation would require a qualified person when conducting the inspection, to check for defects, corrosion, wear, and improper function of all gate components. These conditions are overly broad; the term “wear” is vague and subject to varying interpretations. All mechanical equipment is subject to some level of natural wear, and without clearer standards, public agencies could be required to repair or replace equipment unnecessarily. **We recommend removing the requirement for a qualified person to check for defects, corrosion, wear, and improper function of all gate components and instead require a qualified person to assess if the gate has a missing, faulty, or permanently deformed component that could cause injury or harm worker safety or if it is not operating as designed.**

E. Natural Movement Should Not Be Regulated

The regulation would require gates to be designed, constructed, and installed such that their movement is not initiated by gravity and result in continuous, unimpeded movement. This requirement does not adequately distinguish between preventable movement that poses safety risks and natural occurrences such as settling or gravity-related shifts. These types of natural movements are unavoidable and should not be considered compliance violations. **We recommend removing the requirement of preventing gravity-initiated movement and instead focus the requirement solely on preventing continuous, unimpeded movement that could cause injury or harm worker safety, as this would achieve the desired goal of preventing unsafe or hazardous movement.**

F. The Exemption Does Not Go Far Enough

The regulation would only exempt gates that are normally locked and secured in a way that will prevent accidental movement and are not used in the daily course of business from the annual inspection requirement and would still require the gates to be inspected upon installation and by a competent person prior to every use. These gates would still need to be retrofitted to comply with the requirements of the regulation. Retrofitting gates that are rarely accessed and already locked and secure would add no meaningful safety benefit while imposing unnecessary costs. **We recommend expanding the exemption to exempt such gates from all the requirements of the regulation, given their infrequent use, secure status, and minimal risk to employees.**

G. Clarification and Guidance Needed

We request making the following clarifications and guidance:

- Clarify the application of the requirement “that gates shall not fall over more than 45 degrees from the vertical plane”, ensuring that compliance does not inadvertently restrict necessary gate movement or functionality.
- Include visual examples of acceptable positive stopping or locking mechanisms to support consistent interpretation and effective implementation across various gate designs.
- Differentiate regulatory guidance for manual and powered gates through separate clauses or tailored examples, recognizing the distinct operational mechanisms and safety considerations involved.
- Clarify that the individual installing or repairing a gate can certify that the gate can be returned to service.

The undersigned organizations appreciate the Advisory Committee’s consideration of these comments. If you have any questions or would like to discuss the comments, please contact Kylie Wright at kyliew@acwa.com or (916) 669-2382.

Sincerely,



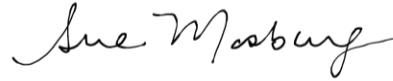
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