

# The Access Board

A Federal Agency Committed to Accessible Design

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## FY 2000 ANNUAL REPORT

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The Access Board is an independent Federal agency devoted to accessibility for people with disabilities. Under several different laws, including the landmark Americans with Disabilities Act (ADA), the Board develops and maintains accessibility guidelines or standards for the built environment, transportation vehicles, telecommunications equipment, and electronic and information technology. The Board also provides technical assistance and training on these design criteria and enforces design standards that cover federally funded facilities. The Board is structured to function as a coordinating body among Federal agencies and to directly represent the public, particularly people with disabilities. Half of its members are representatives from most of the Federal departments. The other half is comprised of members of the public appointed by the President to four-year terms, a majority of whom must have a disability.

## **Accessibility Guidelines and Standards**

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A key mission of the Board is establishing design criteria for accessibility. Over the years, this mandate has broadened considerably in scope. When it was created, the Board was responsible for issuing design guidelines for federally funded facilities, which it maintains to this day. With passage of the ADA in 1990, the Board gained the responsibility to develop similar requirements for facilities in the private and public sectors. The ADA also called on the Board to develop accessibility guidelines for transportation vehicles. More recently, the Board's mission was expanded to not only cover the built environment, but also the world of telecommunications and electronic and information technology. Indeed, this expansion of the Board's mission calls attention to the importance of accessibility in the Information Age.

Developing and keeping these various requirements up-to-date remain essential activities of the Board, and FY 2000 was no exception. The Board proposed two comprehensive rules during the year. One featured new standards for electronic and information technology in the Federal sector. The other involved a combined full-scale update of the Board's guidelines for facilities covered by the ADA and guidelines for federally funded facilities. Both rules were made available for public comment according to a standard procedure for issuing Federal regulations. In addition, the Board furthered work on new guidelines under the ADA in several different areas: recreation facilities, play areas, public rights-of-way, and passenger vessels.

### **Electronic and Information Technology**

In March, the Board proposed access standards for electronic and information technology in the Federal sector, the first of their kind among Federal regulations. These standards were issued under section 508 of the Rehabilitation Act Amendments of 1998, which requires that such technology be accessible when developed, procured, maintained, or used by a Federal agency. The standards cover various means for disseminating information, including computers, software, and electronic office equipment, and will become part of the Federal government's procurement regulations. As a result, the Federal government stands to be in the forefront in ensuring access to electronic and information technology.

The Board made the proposed standards available for public comment for 60 days. Over 100 individuals and organizations submitted comments on the standards. Comments were submitted by Federal agencies, representatives of the information technology industry, disability groups, and persons with disabilities. The standards provide technical criteria specific to various types of technologies and performance-based requirements, which focus on the functional capabilities of covered technologies. Specific criteria cover controls, keyboards, and

keypads; software applications and operating systems (non-embedded); web-based information or applications; telecommunications functions; video or multi-media products; and information kiosks and transaction machines. Also covered is compatibility with adaptive equipment people with disabilities commonly use for information and communication access. The standards are based on recommendations from an advisory committee the Board established for this purpose, the Electronic and Information Technology Access Advisory Committee, which contained 27 members representing industry, various disability organizations, and other groups with an interest in the issues to be addressed. (The Board issued the standards in final form on December 21, 2000.)

### **Updated ADA and ABA Accessibility Guidelines**

Under the Americans with Disabilities Act (ADA), a major civil rights law prohibiting discrimination on the basis of disability in the private and public sectors, the Board develops and maintains accessibility guidelines for buildings and facilities. These guidelines are known as the ADA Accessibility Guidelines (ADAAG). The Board maintains a similar responsibility for facility guidelines under the Architectural Barriers Act (ABA), which requires access to facilities designed, built, altered, or leased with Federal funds.

In November, the Board published a comprehensive proposal to update both its ADA and ABA accessibility guidelines and to make them more consistent. The key goal of this rulemaking is to substantively update the requirements to reflect technological developments so that they continue to meet the needs of persons with disabilities. The Board is reconciling differences between the ADA and ABA guidelines so that a more uniform level of access is specified among the private, public, and Federal sectors. Also, this update is designed to make the guidelines more consistent with model building codes and industry standards in order to facilitate compliance. The changes are based on recommendations from an advisory committee the Board had established to review ADAAG. The ADAAG Review Advisory Committee consisted of 22 members representing the design and construction industry, the building code community, and people with disabilities, among others.

The Board made the proposed guidelines available for public comment for 6 months and held public hearings in Los Angeles and the Washington, D.C. area. About 140 persons provided testimony at these hearings. More than 2,500 individuals and organizations submitted comments on the proposal. The vast majority of comments were submitted by individuals, primarily persons with disabilities. Most of these comments addressed reach range requirements for people of short stature, access for people with multiple chemical sensitivities, movie theater captioning for persons who are deaf or hard of hearing, and access to certain elements, such as ATMs, for people with vision impairments. Comments were also submitted by trade associations and manufacturers, disability groups, design and codes professionals, governments, and building owners and operators. Some of the most common topics included alarms, handrails, assembly areas, van spaces, and ATMs.

After the close of the comment period, the Board began the process of reviewing and analyzing the comments and deliberating on changes arising from this review. The Board intends to issue the guidelines in final form in 2001.

### **Recreation Facilities**

The Board continued work on a new set of guidelines for recreation facilities that will supplement ADAAG. While ADAAG covers a wide range of facilities, it does not specifically

address certain recreation facilities in sufficient detail. The new guidelines cover a variety of facilities, including amusement rides, boating facilities, fishing piers and platforms, golf courses, miniature golf, sports facilities, and swimming pools and spas. The Board published the guidelines in proposed form in July 1999 and made them available for public comment for 150 days. Approximately 300 comments were submitted on the proposal in writing or at public hearings the Board held in Dallas and Boston. Based on its review of comments, the Board identified a number of key issues raised by commenters. In July 2000, the Board published a summary of these issues which outlined the Board's plan to address them. This summary provided an additional opportunity for public comment before the Board proceeded with issuing the guidelines in final form. The Board held meetings on the issues in Washington, D.C. and San Francisco during the comment period. The Board intends to issue the final guidelines in 2001.

### **Play Areas**

In FY 2000, the Board completed work on final guidelines that add a new chapter to ADAAG on play areas. These new guidelines are one of the first of their kind in providing a comprehensive set of criteria for access to such environments. The guidelines cover the number of play components required to be accessible, accessible surfacing in play areas, ramp access and transfer system access to elevated structures, and access to soft contained play structures. They address play areas provided at schools, parks, child care facilities (except those based in the operator's home, which are exempt), and other facilities subject to the ADA. The Board developed the guidelines through regulatory negotiation, a supplement to the traditional rulemaking process that allows face-to-face negotiations among representatives of affected interests in order to achieve consensus on the text of a proposed rule. The regulatory negotiation committee represented a variety of interests, including play equipment manufacturers, landscape architects, parks and recreation facilities, city and county governments, child care operators, and people with disabilities. The final guidelines were published on October 18, 2000.

### **Public Rights-of-Way**

The Board initiated an effort to develop guidelines for accessible public rights-of-way. While the current guidelines for facilities have been applied to such environments, there are a number of issues specific to public rights-of-way that merit further attention. These issues are being explored in this rulemaking. It has become standard practice for the Board to establish an advisory committee as a first step in this process. Through such committees, interested groups, including those representing designers, industry, and people with disabilities, play a substantive role in recommending to the Board the content of the guidelines or standards to be developed. These committees provide significant sources of expertise while enhancing the level of consensus among stakeholders in advance of proposing a rule for public comment.

Early in the fiscal year, the Board established the Public Rights-of-Way Access Advisory Committee to develop recommendations that the Board will use in proposing new guidelines. Members of the committee included representatives from disability organizations, public works departments, transportation and traffic engineering groups, design professionals and civil engineers, pedestrian and bicycle organizations, Federal agencies, and standard-setting bodies. The committee met extensively throughout the year and developed a report of recommendations that was submitted to the Board in January 2001. The Board will propose guidelines for public comment based on the committee's report.

## **Passenger Vessels**

Another Board advisory committee, this one focused on access to passenger vessels, met extensively in FY 2000 and completed its work. The Passenger Vessel Access Advisory Committee was created in August 1998 by the Board to explore ways to achieve access in view of various design considerations and to make recommendations that the Board will use in proposing guidelines. Identifying the types of vessels to be addressed was also part of the committee's mission. A wide variety of vessels were taken into consideration, from those used primarily for transportation, such as ferries, to those used for recreation or other purposes, such as gaming boats, cruise ships, and sightseeing boats.

The committee represented various interests, including vessel owners and operators, designers of passenger vessels, naval engineers, the U.S. Coast Guard, and disability organizations, among others. The committee held its last meeting in FY 2000 and submitted its report to the Board at a special presentation in Miami on November 17, 2000. The Board will propose guidelines for passenger vessels based on the committee's recommendations. These guidelines will supplement the Board's ADA guidelines for transportation vehicles, which currently reserve requirements for passenger vessels.

## **Technical Assistance and Training**

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### **Technical Assistance**

The Board provides technical assistance on its guidelines and on accessible design through its toll-free telephone line, by fax, and by e-mail. In FY 2000, the Board responded to over 12,500 inquiries. Most inquiries request clarification or interpretation of specific requirements in Board guidelines and standards covering facilities, vehicles, or telecommunications equipment.

### **Training**

The Board routinely participates in training and conferences sponsored by other organizations, which often reimburse the Board's travel expenses. Most of these training programs are focused on the ADA and accessible design. In FY 2000, the Board conducted 83 training sessions across the country and reached a collective total audience of approximately 8,900 people.

The Board also teamed up with the American Institute of Architects (AIA) to develop a web-based education course on the Board's ADA guidelines. The course focuses on supplements to ADAAG that cover public sector facilities, including courthouses and prisons, and building elements designed for children's use. The AIA is making this course available on its web site to train architects and provide continuing education credits to its members and others. It is also available through the Board's web site. The interactive course includes case studies, discussion of key issues, and multiple choice questions and allows users to download a course workbook and copies of the guidelines.

### **Information Distribution and Development**

About 30 publications are available from the Board, including copies of all its guidelines and standards and related guidance material, such as technical bulletins and brochures. A total of 5,855 packets of information were mailed to customers in FY 2000.

The Board added to its collection of materials by publishing a new resource, *Accessible Rights-of-Way: A Design Guide*. The Board developed this guide in cooperation with the Federal Highway Administration in order to provide advisory information until guidelines for public rights-of-way are developed. The 148-page guide shows how existing ADA standards for pedestrian routes on sites can be adapted for application to sidewalks and street crossings. It provides best practices recommendations, along with the rationale behind them, for the design, construction, alteration, and retrofit of public pedestrian facilities. The Board believes that use of this guidance will lead to greater consistency in the design of accessible rights-of-way features.

The Board also funded projects to develop information on various topics, including:

- technical bulletins on assistive listening systems for consumers, installers and providers
- a technical bulletin on telephone interference
- guidance material on the new guidelines for play areas, including a bulletin summarizing the guidelines and a slide presentation with a narrative script illustrating the guidelines requirements

### **[www.access-board.gov](http://www.access-board.gov)**

In June, the Board completed a redesign and upgrade of its web site. The new site features a streamlined organization for easier navigation and a host of new material in a variety of file formats (HTML, text, and PDF). This information includes guidance material on various Board guidelines, research reports, and other Board publications. The site also offers new features, such as an on-line form for filing complaints under the ABA, a law enforced by the Board that requires access to federally funded facilities. Since the new site was unveiled, the number of users sessions averaged over 51,000 a month, a three-fold increase over the monthly average for FY 1999.

## **Compliance and Enforcement** ---

The Board investigates complaints filed under the Architectural Barriers Act (ABA). In response to a complaint, the Board conducts an investigation, working with the responsible Federal agency. The first step of an investigation is to determine whether the facility is covered by the law. Generally, facilities designed, built, altered or leased with Federal money after September 1969 are covered. Where the Board has jurisdiction, the next step is to determine which standard applies and whether the facility is in compliance. If not, the Board will work with responsible entities to develop a plan of action to correct identified violations and will monitor corrective action until completion.

The Board strives for amicable resolution of complaints. The Board opened investigations of 82 complaints in FY 2000, in addition to 77 cases that were active at the beginning of the fiscal year. (A total of 175 complaints were received, but the Board referred 81 of these complaints to the appropriate enforcement agencies for action under other accessibility laws.) During the year, 68 investigations were completed. Where the Board had jurisdiction and there was a violation of the applicable standards, successful removal of barriers was achieved in 100% of the cases. The Board also negotiated voluntary corrective action in 41% of the cases closed where the ABA did not apply or the access issue did not technically violate the applicable standard.

Some examples of actions taken this past year to provide accessibility in federally funded facilities include:

- A person who uses a wheelchair complained about the accessible parking and access to various areas of an historic lodge on the north rim of the Grand Canyon in Arizona. This lodge, built by the Union Pacific Railroad in the 1930s to increase passenger traffic out west, is not covered under the ABA. However, the National Park Service concessionaire voluntarily moved accessible parking spaces closer to the entrance and improved directional signage and access to lodge areas.
- An advocacy group filed a complaint about the only post office on the island of Lanai in Hawaii; it did not have an accessible entrance or parking. People with disabilities had to stay outside and ask a passerby to retrieve their mail. Further, there is no home delivery on Lanai so all residents use postal boxes. In response, the U.S. Postal Service built a new post office with an accessible entrance and parking.
- An inmate with a disability raised concerns about the accessibility of a Federal correctional institution in Florida. These included access to cells, inmate showers, the dining hall, hospital, library and recreation yard. The Federal Bureau of Prisons already was planning modifications to this 1993 facility, so corrective actions were taken to address these areas and other violations throughout the institution.

## Research ---

The Board funds a number of research projects to study various aspects of accessibility in relation to architecture, communications, and transportation. These projects gather information that is useful to the Board in developing guidelines and providing technical assistance to the public on accessible design.

### **Report on Detectable Warnings**

In May, the Board completed a study on detectable warnings that surveys the state-of-the-art in the U.S. and abroad and summarizes the installation and effectiveness of various designs. These warnings provide tactile cues at intersections, drop-offs, and other potential hazards to people with vision impairments. The results of this study are contained in a 150-page report, *Detectable Warnings: Synthesis of U.S. and International Practice*, which was developed to provide guidance to transportation engineers, planners, and others involved in the design of public rights-of-way. The report includes information on the need for warning surfaces in the public rights-of-way; a review of research, guidelines, and standards on detectable warnings; the use of detectable warnings in the U.S. and abroad with illustrative case studies; a listing of product manufacturers; and recommendations.

The Board also initiated several other projects designed to:

- enhance the development of industry consensus standards on classroom acoustics;
- obtain information from designers and providers of facilities on assisted use of toilet and bathing fixtures;



- provide sponsorship in an international fire incapacitation study by the National Institute on Standards and Technology that will assist in the development of new international standards for smoke inhalation and related health hazards; and
- expand research that is underway on the design of roundabouts and access for pedestrians with vision impairments.

## Special Events ---

### **Public Forum Celebrating the ADA's 10th Anniversary**

July 26, 2000 marked the 10<sup>th</sup> anniversary of the enactment of the ADA. In recognition of this milestone, the Board held a special public forum, *The Access Board and the ADA: The Next 10 Years*. The event was structured to not only celebrate the achievements of the ADA over the past decade but also to look ahead at the work that remains to be done. The forum provided the opportunity for the public to make recommendations on the work the Board should take into consideration in further fulfilling its ADA mission, which centers on developing and maintaining guidelines for the built environment and transportation vehicles.

Approximately 100 people attended the forum, which was held in downtown Washington, D.C. About a quarter of those in attendance provided comments and recommendations to the Board. Some of the key topics raised by speakers included: multiple chemical sensitivities, the relationship between the Board's guidelines and building codes and standards, and access to electronic and information technology. Other issues raised included: independent access to polling places and the voting process, particularly for people who are blind, telecommunications, movie captioning, research on visual alarms and people who are photosensitive, enforcement, and barriers to people with vision impairments in public transportation and the public right-of-way.

