



The US Access Board
Washington, DC

FISCAL YEAR 2017 BUDGET JUSTIFICATION

Submitted to:

United States House and Senate
Appropriations Committees

Subcommittees on Transportation,
Housing and Urban Development,
and Related Agencies

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ACCESS BOARD

FISCAL YEAR 2017 BUDGET JUSTIFICATION

This document presents the Access Board's budget justification for fiscal year (FY) 2017. We are requesting a total budget authority of \$8,190,000 (See Appendix A).

INTRODUCTION

The Board was established in 1973 under section 502 of the Rehabilitation Act and is the only federal agency whose primary mission is accessibility for people with disabilities. The Board is responsible for developing guidelines under the Americans with Disabilities Act, the Architectural Barriers Act, and the Communications Act for ensuring that buildings and facilities, transportation vehicles, and telecommunications equipment covered by these laws are readily accessible to and usable by people with disabilities. The Board is also responsible for developing standards under the Rehabilitation Act for accessible electronic and information technology procured by federal agencies and standards for accessible medical diagnostic equipment.

Under the Help America Vote Act, the Board serves on the Board of Advisors and the Technical Guidelines Development Committee, which assist the Election Assistance Commission in developing voluntary guidelines for voting systems, including accessibility for people with disabilities. In addition, under the Food and Drug Administration Safety and Innovation Act, the Board is responsible for developing best practices on access to information on prescription drug container labels for individuals who are blind or visually impaired.

The Board enforces the Architectural Barriers Act and provides training and technical assistance on each of its guidelines and standards, and on a variety of other accessibility issues. Additionally, the Board maintains a research program that develops technical assistance materials and provides information needed for rulemaking.

The Board's programs will result in accessible buildings and facilities, transportation vehicles, medical diagnostic equipment, telecommunications equipment, and information and communications technology across our country and, ultimately, the full economic and social integration of people with disabilities into our society. Achieving these results will depend not only on the Board's activities, but also on the level of commitment and action taken by other federal agencies, State and local governments, and businesses that are required to comply with or enforce the various laws that guarantee the civil rights of people with disabilities.

The Access Board's strategic plan includes a vision statement (advancing full access and inclusion for all) and a mission statement (lead the development, advancement, and implementation of accessibility through outreach, rulemaking (standards and guidelines) and education). The plan includes three goals:

- innovate, develop, and maintain accessibility requirements
- educate about accessibility
- enforce compliance with the Architectural Barriers Act

The Board has established long and short-range goals and annual objectives that describe the strategies it will implement to achieve the goals. In developing objectives and strategies for achieving its goals, the Board seeks to work together with its stakeholders toward common objectives. The Board’s plan is simple: establish guidelines and standards that are fair, reasonable, and derived from broad consensus among stakeholders; where the Board has enforcement responsibilities over federal agencies, assist those agencies to achieve full compliance; and involve its stakeholders in developing and disseminating materials and manuals that will help them understand and comply with our guidelines and standards.

INNOVATE, DEVELOP, AND MAINTAIN ACCESSIBILITY REQUIREMENTS

The Board will continue to develop and update accessibility guidelines and standards and work cooperatively with organizations that develop codes and standards affecting accessibility. We have the following two objectives for this program area:

- Complete pending rulemakings: Transportation Vehicles; Information and Communication Technology; Public Rights-of-Way and Shared Use Paths; Medical Diagnostic Equipment; Passenger Vessels; Self-Service Transaction Machines; and Rail Vehicles.
- Improve the effectiveness and efficiency of the rulemaking process to ensure “state-of-the-art” accessibility guidelines and standards.

FY 2015 Results – Rulemaking

The status of current guidelines and standards efforts is presented below.

Transportation Vehicles Guidelines Update (Buses)

In November 2008, the Board released for public comment a second draft of revisions updating its accessibility guidelines for buses and vans covered by the Americans with Disabilities Act. The second draft was issued because the format had been significantly changed, provisions for over-the-road buses were added, and changes were made in response to comments on a first draft that was published in April 2007. In 2009, we contracted with the Volpe National Transportation Systems Center to assist the Board in developing cost estimates for proposed requirements for automated stop and route announcements. A notice of proposed rulemaking (NPRM) to revise and update the accessibility guidelines for buses, over-the-road buses, and vans was published in July 2010. Two public hearings were held during the comment period that closed in November 2010.

One important issue was raised after the close of the comment period. As a result, the Board re-opened the comment period for additional public input related to the late comments. The commenters raised issues about the 1:6 ramp slope requirements and a new design that locates the shallower ramp partially inside the vehicle. This design constrains the maneuvering space within the vehicle at the top of the ramp and at the fare box and creates a grade break within the ramp run. During the extended comment period which ended in October 2012, the Board held two information meetings to gather input on these issues.

Since additional research is needed before revised requirements for vehicle ramps can be finalized, we plan to move forward with a final rule for other requirements that have been vetted through public comment and that will result in better accessibility e.g., automated stop announcements. In September 2014, the Board submitted the final rule to the Office of Management and Budget (OMB) for review and clearance. During the review process, OMB suggested that the rulemaking package, particularly the final regulatory assessment, should be revised to incorporate additional research on cost-related issues. In June 2015, the Board withdrew the final rule to conduct the additional research and address OMB's comments. We are in the process of consulting with bus manufacturers and transit organizations to gather the updates needed for more detailed cost calculations. We expect the revised rulemaking package to be resubmitted to OMB in early 2016, and OMB will continue the review process based on their previous comments. Additional research needs (such as ramp design) for transportation vehicles will be identified in the future, along with a time schedule for completion of the remaining issues.

Information and Communication Technology Update

In July 2006, the Board created an advisory committee to update and revise the Section 508 standards and the Telecommunications Act Accessibility Guidelines. Forty-one organizations served on the Telecommunications and Electronic and Information Technology Advisory Committee. The committee's membership included representatives from industry, disability groups, standard-setting bodies in the U.S. and abroad, and government agencies, among others. The committee completed its work and presented its report to the Board in April 2008. In March 2010, we published an Advance Notice of Proposed Rulemaking (ANPRM) to update our Information and Communications Technologies guidelines and standards based on the committee's report. A second ANPRM was published in December 2011. The Information and Communication Technology notice of proposed rulemaking was published in the Federal Register on February 27, 2015; the comment period ended on May 28. Three public hearings and a webinar on the proposed rule were held during the comment period. We received comments from 141 unique commenters. An ad hoc committee of Board members and staff are working to develop a final rule.

Public Rights-of-Way and Shared Use Paths

In 2009, we contracted with the Volpe National Transportation Systems Center to assist the Board in finalizing a regulatory assessment for the public rights-of-way rulemaking. An NPRM was published for public comment in July 2011.

When the Board approved draft final accessibility guidelines for outdoor developed areas, coverage of shared use paths was deferred to a future rulemaking. Commenters on the outdoor developed areas rule had previously raised concerns about the need for differing guidelines for shared use paths. Commenters noted that shared use paths differ from trails and typically are located in more developed outdoor areas, as opposed to the more primitive trail settings. Unlike trails, they are designed to serve both bicyclists and pedestrians and are used for transportation and recreation purposes.

In September 2010, the Board held a public information meeting in conjunction with the ProWalk/ProBike 2010 Conference. This meeting provided an opportunity for individuals with disabilities, designers of shared use paths, and others with expertise in this area to share information with the Board to assist in the development of new accessibility guidelines. The Board then published an advance notice of proposed rulemaking for shared use paths in March 2011. In February 2013, we published a Supplemental Notice of Proposed Rulemaking to include requirements for shared use paths as part of the public rights-of-way rule. The Board approved the text of the final rule in July 2015; a subsequent vote will take place at a later date to approve the entire rulemaking package, including the preamble to the final rule and final regulatory assessment. We have contracted with the Department of Transportation's Volpe Center to develop cost information needed for the final regulatory assessment.

Medical Diagnostic Equipment

We are developing accessibility standards for medical diagnostic equipment, including examination tables and chairs, weight scales, radiological equipment, and mammography equipment. The Patient Protection and Affordable Care Act requires the Board to issue these standards in consultation with the Food and Drug Administration. The standards are to address independent access to, and use of, equipment by people with disabilities to the maximum extent possible.

In July 2010, we held a public information meeting on this rulemaking to gather information from stakeholders, including consumers, equipment manufacturers, the health care industry, government agencies, and others with an interest in the new standards.

A proposed rule was published in February 2012 and two public hearings were held. The comment period closed in June 2012 and 53 comments were received. In March 2012, we created a 24-member Medical Diagnostic Equipment Accessibility Standards federal advisory committee to advise the Board on matters associated with the comments we received and information requested in the proposed standards. The committee issued its final report and

recommendations in December 2013. The Board approved the text of the final rule in July 2015; a subsequent vote will take place at a later date to approve the entire rulemaking package, including the preamble to the final rule and final regulatory assessment.

Passenger Vessels (Ships)

In June 2013, the Board released for public comment proposed guidelines for passenger vessels. Developed under the Americans with Disabilities Act (ADA), the guidelines provide design criteria for large vessels when newly constructed or altered to ensure that they are accessible to people with disabilities. The guidelines address various features of vessel accessibility and include provisions for onboard routes, vertical access between decks, doorways and coamings, toilet rooms, guest rooms, alarm systems, and other spaces and elements used by passengers. The Board's guidelines apply to passenger vessels that are permitted to carry more than 150 passengers or more than 49 overnight passengers, all ferries, and certain tenders that carry 60 or more passengers. The Cruise Lines International Association requested that the 90-day comment period be extended by an additional 120 days to review and more fully assess the proposed rule. The Board extended the comment period to January 24, 2014. We received 66 comments, including 10 comments received during a public hearing held in July 2013. An ad hoc committee of Board members and staff are working to develop a final rule.

Self-Service Transaction Machines

The Departments of Justice (DOJ) and Transportation (DOT) have related rulemakings on self-service transaction machines. As a result, we have worked collaboratively with them to develop a single set of technical requirements that can be referenced and scoped by each participating agency. In November 2013 DOT published its rule on Nondiscrimination on the Basis of Disability in Air Travel: Accessibility of Web Sites and Automated Kiosks at U.S. Airports. The DOT requirements for automated kiosks at U.S. airports are derived from the technical requirements we helped develop and are consistent with our requirements for automatic teller machines and fare machines, as well as the current requirements of section 508 for self-contained, closed products. In 2010, DOJ published an ANPRM on Equipment and Furniture that would cover kiosks, interactive transaction machines, and point-of-sale devices, among other things. An ad hoc committee of Board members and staff will develop a proposed rule once the Information and Communication Technology (ICT) final rule is completed so we can maintain consistency between updated technical requirements for ICT subject to Section 508 of the Rehabilitation Act or Section 255 of the Communications Act and self-service transaction machines – a form of ICT with closed functionality subject to the Americans with Disabilities Act.

Transportation Vehicles Guidelines Update (Rail)

In 2010 we issued a notice of proposed rulemaking to revise and update our accessibility guidelines for buses, over-the-road buses, and vans. The NPRM noted that we would revise and update our accessibility guidelines for transportation vehicles that operate on fixed guideway

systems (e.g., rapid rail, light rail, commuter rail, high speed, and intercity rail) at a future date. To begin the process of revising and updating our accessibility guidelines for transportation vehicles that operate on fixed guideway systems, we established a 23-member Rail Vehicles Access Advisory Committee in May 2013 to make recommendations for revisions and updates to the guidelines. The committee provided its final report to the Board in July 2015.

FY 2016 Planned Activities – Rulemaking

In FY 2016, it is our objective to issue four final rules:

- Final rule on transportation vehicles (buses, vans, and over-the-road buses)
- Final rule on information and communications technology
- Final rule on public rights-of-way and shared use paths
- Final rule on medical diagnostic equipment

FY 2017 Objectives – Rulemaking

In FY 2017, it is our objective to issue one final rule and two proposed rules:

- Final rule on passenger vessels
- Proposed rule on self-service transaction machines
- Proposed rule on revisions and updates to fixed guideway system guidelines (rail vehicles)

FY 2015 Results – Codes and Standards

Adoption of Board Guidelines as Enforceable Standards

In order for the Board's accessibility guidelines to become enforceable, other federal agencies must generally complete rulemaking to adopt the guidelines as standards. The Department of Housing and Urban Development, the Department of Defense, the General Services Administration, and the U.S. Postal Service use the Board's guidelines to develop enforceable standards under the Architectural Barriers Act. The Departments of Justice and Transportation use the Board's guidelines to develop enforceable standards under the Americans with Disabilities Act. The U.S. Postal Service, General Services Administration, the Department of Defense, and the Departments of Justice and Transportation have adopted the Board's guidelines as standards. The Department of Housing and Urban Development has not acted yet to adopt the Board's guidelines.

Voluntary Consensus Standards

Our long-range goal is to take a leadership role in the development of codes and standards for accessibility. The Board works with model codes organizations and voluntary consensus standards groups that develop and periodically revise codes and standards affecting accessibility.

We have voting membership in several codes and standards organizations, and monitor or are actively involved in the development or revision of dozens of other codes and standards affecting accessibility. Some of the codes and standards groups that we work with include the ICC/American National Standards Institute (ANSI) A117 Committee; American Society of Mechanical Engineers (ASME) A18 Platform Lift and Stairway Chair Lift Committee; National Fire Protection Association (NFPA), Disability Access Review Advisory Committee; National Instructional Materials Accessibility Standard (NIMAS); World Wide Web Consortium (W3C); and the American Society for Testing and Materials (ASTM) Committee on Playground Surfacing Systems.

We believe this goal enhances the Board's credibility as a knowledgeable source of information regarding technical aspects of accessibility. Additionally, by working cooperatively with model codes organizations and standards-setting organizations, federal and private codes and standards will be more similar, or harmonized, and the Board will be more alert to non-federal influences affecting its constituencies. Harmonization between federal and private requirements will make it more likely that buildings and facilities will be accessible, thus reducing the necessity for complaints and litigation.

Two Access Board members serve as members of the Technical Guidelines Development Committee and the Board of Advisors, which provide recommendations to the Election Assistance Commission (EAC) under the Help America Vote Act (HAVA). We are also a member of the Interagency Committee on Standards Policy, which is the body that is responsible for overseeing the use of standards by federal agencies in accordance with the National Technology Transfer and Advancement Act.

FY 2016 Planned Activities – Codes and Standards

We will continue to work with the private sector codes and standards organizations to harmonize the Board's guidelines with model codes and standards and with the EAC in the development of updated voluntary voting system guidelines. The guidelines are voluntary. States may decide to adopt them entirely or in part.

Voluntary Voting System Guidelines (VVSG) are a set of specifications and requirements against which voting systems can be tested to determine if the systems meet required standards. Some factors examined under these tests include basic functionality, accessibility, and security capabilities. HAVA mandates that EAC develop and maintain these requirements.

The EAC adopted the original VVSG in December 2005. In March 2015 version 1.1 of the VVSG were adopted (based on draft guidelines from the Technical Guidelines Development Committee). This new version is a complete rewrite of the 2005 guidelines and addresses the next generation of voting systems.

FY 2017 Objectives – Codes and Standards

We will continue to collaborate with the EAC and will continue our efforts to harmonize the Board's guidelines with model codes and standards, including the ICC/ANSI A117.1 Standard for Accessible and Usable Buildings and Facilities.

EDUCATE ABOUT ACCESSIBILITY

The Board provides technical assistance to a wide variety of people regarding the accessibility guidelines and standards it issues. Our customers include architects, builders, designers, manufacturers, people with disabilities, State and local governments, and federal agencies. The Board's technical assistance program has four components:

- Responding to customer inquiries. We respond to about 13,000 customer inquiries each year. We have toll-free telephone lines for customers to call with questions. Customers also e-mail and occasionally fax us questions. Many literally are sitting at a drawing table or computer with a design problem. They want accurate, reliable, and timely advice. Our customers value being able to discuss their questions directly with our accessibility specialists who developed the guidelines and standards.
- Developing and disseminating manuals and other publications. We maintain numerous publications on accessibility issues. These range from manuals on the Board's guidelines and standards to an online guide to the ADA and ABA Accessibility Standards.
- Providing training. We conduct numerous training sessions each year. Training usually is provided at conferences and seminars sponsored by other organizations; it also includes a series of webinars. Training sponsors generally reimburse us for travel expenses.
- Maintaining the Board's website. Our website (www.access-board.gov) has become a very effective way to distribute information to the public. Customers can download our publications and view our accessibility guidelines and standards from our website.

We have the following two objectives in this program area:

- Broaden education and outreach efforts.
- Use new technologies to deliver training and guidance.

The Board's long-range goal is to be known as the leading source of information about accessibility and to disseminate information to our customers in effective ways. As we develop guidelines for new areas such as passenger vessels and public rights-of-ways, there will be increased demands for technical assistance from existing and new customer groups. The Board has informal partnerships with organizations such as the National Association of ADA Coordinators and the ten Regional ADA National Network Centers to disseminate information

about the Board's programs. Many of the Board's guidelines, standards, and publications are available through these organizations' on-line networks. The Board also provides training for these organizations. As we develop new guidelines and standards, there will be opportunities to use existing partnerships and establish new partnerships with customer groups to disseminate information about the Board's rulemaking.

FY 2015 Results

We launched the first in a series of online guides on the ADA and ABA Accessibility Standards. The initial set of online guides consisted of illustrated technical bulletins covering Chapters 1-3 of the ADA and ABA standards and a supplementary series of short animations that dynamically explain various requirements and the rationale behind them. An additional technical guide for Chapter 4 covering doors and gates, ramps and curb ramps, and elevators and platform lifts was released in July 2015 along with an animation on hazards that protruding objects pose to people with vision impairments. Future installments to the guides will be published as they become available. Users can sign-up on our website to receive email updates on the release of new technical guides in the series.

We released a new guide on accessible outdoor sites, including trails and camping areas. The 100-page document discusses and illustrates provisions of accessibility guidelines the Board issued in September 2013 for outdoor sites developed by the federal government. These guidelines provide detailed specifications for accessible trails, picnic and camping areas, viewing areas, beach access routes and other components of outdoor developed areas when newly built or altered. The new guide serves as a companion resource to the guidelines by explaining the intent of various requirements and how they can be met. It discusses provisions for trails and trailheads, outdoor recreation access routes, and beach access routes such as those addressing surface characteristics, width, and running and cross slopes. Outdoor constructed features, including viewing areas, camp sites, tent pads and platforms, picnic tables, grills, fire rings, and toilet and bathing facilities are also covered. In addition, the guide explains exceptions in the guidelines that may apply where compliance is not practicable because of terrain, prevailing construction practices, or other specified conditions.

We continue to offer our very successful webinar series through a partnership with the National Network of ADA Centers. Sessions are conducted on a monthly basis with most scheduled for 90 minutes. Sessions also provide an opportunity to earn continuing education credits (CEUs) for a fee, but general attendance is free. We have expanded our webinar series by adding an additional six webinars per year on section 508 issues in conjunction with the Chief Information Officers Council Accessibility Community of Practice. In FY 2015, we conducted 16 webinars that were attended by approximately 6,100 people.

Through our toll-free telephone lines, we responded to 13,025 customer inquiries; we conducted 62 training sessions that were attended by approximately 8,950 people.

We have used our website to provide copies of the Board’s guidelines and standards and answers to frequently asked questions so that more customers can get the information they need. The usage of our website continues to grow. There were approximately 1.4 million “visitors” and 69.7 million “hits”. We also distributed six issues of Access Currents, a free newsletter we issue every other month by e-mail.

FY 2016 Planned Activities

Online Guide, Webinars, and Website

We will develop additional materials for the online guide on the ADA and ABA standards. Planned for this year are technical guides and animations covering Chapters 5 and 6 of the standards. The Chapter 5 guides will address parking, passenger loading zones and bus stops, and stairways. Work is progressing on an animation that covers parking issues. The Chapter 6 guides will address plumbing elements and facilities including drinking fountains, grab bars, washing machines and clothes dryers, and saunas and steam rooms.

We will continue to offer our very successful webinar series. Sessions in 2015 and 2016 are planned on Accessible Museum Exhibits, Accessible Trails, and Protruding Objects. We will also continue our webinar series on section 508 issues with the Chief Information Officers Council Accessibility Community of Practice.

Technical Assistance and Research Projects

The following research and technical assistance projects are planned for FY 2016:

- Medical diagnostic equipment (transfer height, phase 2)
- WCAG 2.0 technical assistance (continuation)
- Animations (continuation)
- Regulatory assessments. We will fund a regulatory assessment for the Information and Communications Technology final rule.

FY 2017 Objectives

We will develop training and technical assistance materials on final rules. As we publish final rules, we make every effort to ensure that training and technical assistance materials are available to organizations and individuals that must apply the new requirements. We will continue to improve our website including releasing additional modules for the web-based guide on the ADA and ABA standards.

The following research and technical assistance projects are planned for FY 2017:

- Ramp slope and maneuvering space requirements in transit vehicles (phase one)
- WCAG 2.0 technical assistance (continuation)

- Regulatory assessments. We will fund regulatory assessments for the following rules: Transportation Vehicles: rail (proposed), and Self-service Transaction Machines (proposed).

ENFORCE COMPLIANCE WITH THE ARCHITECTURAL BARRIERS ACT

The Board enforces the Architectural Barriers Act of 1968 (ABA), which requires that most buildings designed, constructed, altered, or leased by the federal government – as well as certain other federally financed facilities – be accessible to individuals with disabilities. Complaints received by the Board concern such facilities as United States Post Offices, National Parks, certain military facilities, Veterans Administration Medical Centers, Federal courthouses, and a variety of other facilities. When we have jurisdiction and find that the applicable accessibility standards were not followed, we request a corrective action plan and monitor the case until the architectural barrier is removed. Even when the Board does not have jurisdiction or no violation is found, we attempt to negotiate voluntary barrier removal by the relevant agency.

We have the following three objectives in this program area:

- Expand partnerships with federal agencies, state and local governments, advocacy groups, and others;
- Increase compliance with the ABA; and
- Develop strategies for better agency compliance with the ABA through analysis of compliance performance data.

These objectives have the overarching goal of making the federal government a model of accessibility for the built environment. Our experience with resolving complaints is that most violations are not intentional. When violations are found, it is usually because the individuals responsible for designing buildings, reviewing plans, and on-site construction did not have a good understanding of the accessibility standards and how to apply them. Key building planning and design officials at headquarters, regional and field offices, and local sites must have a working knowledge of the accessibility standards if compliance is to be achieved. As federal agencies are reorganized and personnel assignments and responsibilities change, it is important that agencies have effective systems for training personnel responsible for applying the accessibility standards and for monitoring compliance with the ABA. Training has become even more important now that new accessibility standards for the ABA have been implemented by three of the standard-setting agencies.

FY 2015 Results - ABA Compliance

The Board received 131 new complaints in FY 2015 and closed 120. Of the 120 complaints that were closed, 50 were closed following an investigation conducted by Board staff; 52 were closed without opening an investigation since the complaints clearly did not concern the ABA,

but in all of these matters Board staff referred the complainants to other Federal agencies charged with enforcement of other disability rights laws, such as DOJ, DOT, HUD, EEOC, or others; and 18 were closed without an investigation and without a referral because the complaint was unintelligible or did not present disability related allegations.

Most complainants now file their complaints with us online; when they do, they receive immediate notification that the system has successfully captured their complaint as well as an automatically generated complaint number. Whether complainants file their complaints online or through one of the other available means (e-mail, mail, fax), Board staff send the complainants an e-mail or letter formally acknowledging the filing of the complaint and information concerning the ABA and other disability rights laws, how Board staff will handle their complaint, and a copy of the Board's compliance and enforcement regulations. It is our practice to send complainants this acknowledgment within an average of 3 business days after we receive the complaint. We strive to keep complainants informed about the status of their complaints on a regular basis throughout the course of our investigations. Upon completing investigations, we give complainants an opportunity to comment on determinations we have made and actions that have been taken before closing complaints. In rare instances, at this stage, complainants make new allegations about the facility or provide information inconsistent with that provided by the respondent agencies, causing us to seek clarification from the agencies or, when warranted, reopen the matter.

As part of our efforts to implement the President's Open Government principles, we are gathering views from the public through a Customer Satisfaction Survey. The surveys are administered to individuals who filed complaints with the Board under the ABA; complainants receive a copy of the questionnaire at the time we notify them that we have completed our work on the complaint and that the case is about to be closed. The survey is voluntary and respondents may respond anonymously, or provide their name and complaint number if they wish.

FY 2016 Planned Activities - ABA Compliance

We will continue to investigate complaints under the ABA. We will continue to issue our formal acknowledgment to complainants within an average of 3 business days after we receive the complaint, and will continue to provide periodic updates to complainants on the status of their complaints. Based on data from the beginning of FY2016, we expect to receive 120 new complaints, and close 125. Of the 125, we expect to close 60 following investigations and 65 without opening an investigation (50 with a referral, and 15 without a referral).

We will continue to refine program processes based on performance measures developed earlier to better increase efficiency in the operation of the compliance and enforcement program. We will consider the input we receive from our Customer Satisfaction Survey to assist us in these efforts. We have updated and revised our software system for managing and tracking ABA complaints as well.

FY 2017 Objectives - ABA Compliance

The Board will continue to investigate complaints under the ABA. We estimate that we will receive 120 new complaints, and close 125. Of the 125, we expect to close 60 following investigations and 65 without opening an investigation (50 with a referral, and 15 without a referral). We will continue to provide good customer service and increase efficiency in the operation of the compliance and enforcement program.

FY 2015 Results - Working in Partnership with Agencies

We completed an update to our Complaint Tracking and Management System so that it can accept online complaints directly from complainants and allow Board staff to not only review, correct, or add complaint information as needed but also to input status updates throughout the investigation of the complaint. As noted above, we also initiated a new Customer Satisfaction Survey for ABA complaints. Because the survey is voluntary, and because individuals responding are permitted to do so anonymously, we are using this data for anecdotal purposes. However, we are pleased to note that over 75 percent of those individuals responding in the 2015 cohort rated their satisfaction with the complaint process, the outcome of their complaint, and staff knowledge, at the highest rating levels.

FY 2016 Planned Activities – Working in Partnership with Agencies

We will continue to work with the Department of Defense (DoD), U.S. Postal Service (USPS), and the General Services Administration (GSA) and agencies covered by its accessibility standards to ensure that covered facilities are in compliance with requirements in the ABA standards. We will continue to work with the Department of Housing and Urban Development (HUD) through the development and adoption of its accessibility standards under the ABA. We will continue to work with agency contacts to increase their customers' awareness of the ABA and the availability of the ABA complaint process. In addition, this year we plan to expand access to our Complaint Tracking and Management System to our points of contact at other federal agencies to allow them to enter information on pending complaints about facilities under their jurisdiction via a web-based questionnaire form.

FY 2017 Objectives – Working in Partnership with Agencies

We will continue working with the ABA standard-setting agencies to ensure that newly constructed, altered, and leased facilities are in compliance with the applicable accessibility standards promulgated under the ABA.

APPENDIX A

ACCESS BOARD BUDGET

DESCRIPTION	FY 2015	FY 2016	FY 2017 Request
BUDGET TOTAL	7,548,000	8,023,000	8,190,000
PERSONNEL	4,858,000	5,119,700	5,324,800
Salary	3,800,000	4,003,500	4,042,100
Staff	3,593,900	3,793,400	3,839,900
Board	206,100	210,100	202,200
Personnel Benefits	1,058,000	1,116,200	1,282,700
TRAVEL	294,700	282,700	253,600
Board Meetings and Public Hearings	237,700	237,700	233,600
Advisory Committee Meetings	30,000	0	0
Training, Site Visits, Conferences, Other	27,000	45,000	20,000
SPACE MANAGEMENT	748,200	755,900	747,000
RESEARCH	300,000	500,000	375,000
Technical Assistance and Research	100,000	400,000	275,000
Regulatory Assessments	200,000	100,000	100,000
FACILITATORS/CONTRACTORS	28,000	51,000	51,100
ADMINISTRATIVE SUPPORT SERVICES	620,000	601,400	559,000
IT SUPPORT SERVICES	497,600	520,500	695,700
PRINTING	90,000	90,000	80,000
MISCELLANEOUS OPERATING EXPENSES	111,500	101,800	103,800
Postage, Courier, and Mailing Services	15,000	10,000	10,000
Phones	5,000	0	0
Staff Training	15,000	15,000	15,000

Equipment	13,000	13,000	13,000
Supplies	15,000	15,000	15,000
Drug Testing	1,500	800	800
Audit	28,000	28,000	30,000
Books	9,000	10,000	10,000
Other	10,000	10,000	10,000
RECEIPTS FOR PUBLICATIONS AND TRAINING ¹	50,000	50,000	50,000

1. We expect to receive this amount in reimbursements for travel associated with training.

COST DISCUSSION

The Board is requesting a total budget authority in FY 2017 of \$8,190,000. In FY 2016, Public Law 114-113 provided the Board with \$8,023,000; in FY 2015, Public Law 113-235 provided the Board with \$7,548,000.

PERSONNEL

FY 2016	\$5,119,700
FY 2017	\$5,324,800

We anticipate the Board will use 34 FTE in 2017. We are planning on 5 days per public (Presidentially appointed) Board member for each of the 5 regular Board meetings and one out-of-town meeting. In addition we have included funds for the following:

- Salaries for 6 additional site visits or information meetings where a few public Board members travel to a location to examine specific accessibility issues and creative solutions.
- 1.3% pay raise and associated benefits increases.
- The Help America Vote Act gives the Board positions on two committees within the Election Assistance Commission. Based on experience, we have estimated that we will pay the salaries of 2 public Board members to attend 7 meetings lasting 2 days each.

We have calculated benefits (including the transit subsidy) based on our experience with the benefit packages employees have chosen in the past. Benefits for public Board members include only the Social Security allotment from the employer.

TRAVEL

FY 2016	\$ 282,700
FY 2017	\$ 253,600

The largest portion of our travel budget is devoted to the cost of travel for 13 public Board members. This line item also includes the costs for Communication Access Realtime Translation (CART) and sign language interpreters for our meetings. We contract with a certified court reporter to provide CART for all Board and advisory committee meetings. We provide sign language interpreters (at a cost of approximately \$950 per day) and CART (at a cost of approximately \$900 per day) at all Board and advisory committee meetings.

SPACE MANAGEMENT		Our rent is set by the General Services Administration.
FY 2016	\$ 755,900	
FY 2017	\$ 747,000	
RESEARCH		Contracting for research to assist in our guideline and standards development and to provide technical assistance materials is crucial to the Board's mission. Funds are also used to conduct required regulatory assessments for our rulemaking.
FY 2016	\$ 500,000	
FY 2017	\$ 375,000	
FACILITATOR/CONTRACTORS		We use contractors to assist the Board in performing management studies and to assist with the development and implementation of agency policies and procedures and in other activities such as maintaining our electronic records system, improving the electronic distribution of electronic media, and technology consulting services.
FY 2016	\$ 51,000	
FY 2017	\$ 51,100	
ADMINISTRATIVE SUPPORT SERVICES		We contract with the Bureau of the Fiscal Service (formerly the Bureau of the Public Debt) in the Department of the Treasury and with the Interior Business Center in the Department of the Interior to provide procurement, financial, payroll, and personnel services. Funds are also used to maintain compliant Federal Personal Identity Verifications under HSPD-12.
FY 2016	\$ 601,400	
FY 2017	\$ 559,000	

**INFORMATION TECHNOLOGY
SUPPORT SERVICES**

FY 2016 \$ 520,500
FY 2017 \$ 695,700

This is the yearly cost of the Board's telephone and desktop computing needs including desktop and laptop computers, assistive technology, local area network servers, software, printers, and maintenance and support services (including website hosting and internet service). Telephone costs that were previously reported in the miscellaneous operating expenses category are now reported here since our telephone service is provided over the internet. Increased expenditures in FY 2017 are to provide network security and operational integrity of the Board's network. They include a network certification and Authority to Operate (ATO). This cost is to meet the Federal Information Security Management Act (FISMA) and to provide certification of the Board's network, required to access other agency networks (e.g., for the Bureau of the Fiscal Service in the Department of Treasury to allow the Board access to their online services such as the HR Connect System for personnel services). Funds will also be used to provide annual security network maintenance for the Continuous Diagnostics and Mitigation (CDM) Cybersecurity program with Department of Homeland Security.

PRINTING

FY 2016 \$ 90,000
FY 2017 \$ 80,000

Publishing proposed and final rules in the Federal Register is a relatively high cost for the Board. Printing in the Federal Register costs \$477 per page. Other items in this category include printing our final rules in the Code of Federal Regulations.

MISCELLANEOUS OPERATING EXPENSES

FY 2016 \$ 101,800
FY 2017 \$ 103,800

Expenditures in this category include postage, overnight shipping for mailing meeting materials to Board members, in-town delivery service, and postage meter rental. We have lowered our postage costs since we have phased out delivery of print publications as a means of implementing Executive Order 13589 (Promoting Efficient Spending). We have lowered our delivery costs since about half of the Board members receive meeting materials electronically. Other costs include staff training, maintenance contracts for our office entry and security system and a copier. We contract with the Interior Business Center in the Department of the Interior to provide services for the mandatory drug testing program. Other expenditures are for a reader to provide audio tapes as alternate format publications and miscellaneous operating expenses not reflected elsewhere. Our yearly financial audit is included along with book purchases for our library collection of accessible design materials, office supplies, and equipment purchases.

RECEIPTS FOR PUBLICATIONS AND TRAINING

We expect to receive \$50,000 in FY 2016 and FY 2017 in reimbursements for travel associated with training.

APPENDIX B

STATUS OF CURRENT ACCESS BOARD RULEMAKING EFFORTS

February 2016

Passenger Vessels. This rulemaking will address access to ferries, cruise ships, excursion boats, and other vessels. In 1994, the Access Board and the Department of Transportation funded a research project to assess the feasibility and impact of providing access to a variety of vessels. This project was completed in July 1996 and provided valuable information for rulemaking. The Board and DOT also held an information meeting with organizations representing people with disabilities and the marine industry to determine the scope and complexity of the rulemaking.

In August 1998, the Board created a 22-member Passenger Vessel Access Advisory Committee to provide recommendations for a proposed rule addressing accessibility guidelines for newly constructed and altered passenger vessels covered by the Americans with Disabilities Act. The committee presented its report with its recommendations to the Board in November 2000.

The Board held public meetings in New Orleans (August 2003) and Seattle (September 2003) to gather information and input on viable access solutions that will allow persons with disabilities independent access onto and off of large vessels. Over 150 vessel designers and operators, pier operators, persons with disabilities, and others attended the meetings. In advance of the meetings, the Board toured vessels and boarding facilities at area ports. In November 2004, the Board published for public comment an advance notice of proposed rulemaking (ANPRM) on access to and in smaller passenger vessels and a notice of availability (NOA) releasing draft guidelines on access to and in larger passenger vessels.

In July 2006, the Board made available for public comment revised draft accessibility guidelines for passenger vessels. We received approximately 175 comments on the draft guidelines. Passenger vessel operators, individuals with disabilities, and organizations representing the various interest groups commented that a provision in the draft guidelines, which required emergency alarm systems to comply with “principles of best practice”, was vague and requested additional guidance. The Board agreed that additional guidance would be helpful and in August 2007 created a Passenger Vessel Emergency Alarms Advisory Committee to assist in this matter. The committee’s membership included representatives from disability organizations, the vessel and cruise ship industry and trade groups, and the National Fire Protection Association, among others. The committee presented its report with its recommendations to the Board in October 2008. In June 2008, we published revised draft guidelines for the purpose of holding information meetings to collect data necessary for a regulatory assessment. Meetings were held in August 2008 to collect this data.

On June 25, 2013, the Board released for public comment proposed guidelines for passenger vessels. On July 15, 2013, the Cruise Lines International Association requested that the 90-day

comment period be extended by an additional 120 days to review and more fully assess the proposed rule. We extended the comment period to January 24, 2014.

- information meeting - April 15, 1996
- notice of intent to establish advisory committee - March 30, 1998
- notice establishing advisory committee - August 12, 1998
- full committee meetings: September 24-25, 1998; November 18-21, 1998; February 4-6, 1999; April 21-23, 1999; July 21-23, 1999; October 20-22, 1999; February 9-11, 2000; April 26-28, 2000; September 19-22, 2000
- committee presented recommendations to the Board - November 17, 2000
- information meetings - August 20, 2003; September 9, 2003
- notice of availability of draft guidelines and advance notice of proposed rulemaking - November 26, 2004
- revised draft guidelines for large vessels, ferries, and tenders - July 7, 2006
- notice of intent to establish advisory committee - June 25, 2007
- notice establishing advisory committee - August 13, 2007
- full committee meetings: September 19-20, 2007; November 28-29, 2007; February 12-13, 2008; August 12-13, 2008
- committee presented recommendations to the Board - October 14, 2008
- revised draft guidelines for large vessels, ferries, and tenders - June 26, 2008
- information meeting - August 11, 2008
- notice of proposed rulemaking - June 25, 2013

Public Rights-of-Way and Shared Use Paths. When the Board issued final rules for State and local governments in 1998, it decided to reserve provisions for public rights-of-way, due in large measure to the concerns of the transportation community expressed in comment to the Board on proposed and interim final rules for entities covered by title II of the ADA. Rather than finalizing the guidelines for public rights-of-way, the Board embarked upon an ambitious outreach plan to the highway industry. We produced a series of videos, an accessibility checklist, and a design guide on accessible public rights-of-way.

Following this outreach, the Board decided to reinstate rulemaking on accessible pedestrian facilities by convening a federal advisory committee to develop recommendations for guidelines for public rights-of-way. In October 1999, we created a 31-member Public Rights-of-Way Access Advisory Committee. Representatives of a wide range of stakeholders, including transportation industry organizations and disability and pedestrian advocates developed recommendations for scoping and technical provisions addressing access to sidewalks, street crossings, and related pedestrian facilities. The committee presented its report with its recommendations to the Board in January 2001.

In June 2002, the Board released for public comment draft guidelines on accessible public rights-of-way. A public meeting on the draft guidelines was held in Portland, OR in October 2002.

In November 2005, the Board revised the draft guidelines based on public comments on the initial draft and released them as a notice of availability. This action was done to assist the Board in preparing a regulatory assessment of the impacts of the rule on State and local governments. A proposed rule was published for public comment in July 2011; two hearings were held and the comment period closed in February 2012.

When the Board approved draft final accessibility guidelines for trails, coverage of shared use paths was deferred to a future rulemaking. Commenters on the outdoor developed areas rule had previously raised concerns about the need for differing guidelines for shared use paths. Commenters noted that shared use paths differ from trails and typically are located in more developed outdoor areas, as opposed to the more primitive trail settings. Unlike trails, they are designed to serve both bicyclists and pedestrians and are used for transportation and recreation purposes.

As a result, we initiated rulemaking to cover shared use paths. On September 13, 2010, we held a public information meeting in conjunction with the ProWalk/ProBike 2010 Conference. This meeting provided an opportunity for individuals with disabilities, designers of shared use paths, and others with expertise in this area to share information with the Board to assist in the development of new accessibility guidelines. We published an advance notice of proposed rulemaking for shared use paths in March 2011. In February 2013, we published a Supplemental Notice of Proposed Rulemaking (SNPRM) to include requirements for shared use paths as part of the public rights-of-way rule.

The Board approved the text of the final rule in July 2015; a subsequent vote will take place at a later date to approve the entire rulemaking package, including the preamble to the final rule and final regulatory assessment.

- notice of proposed rulemaking - December 21, 1992
- interim final rule - June 20, 1994
- final rule - January 13, 1998 (public rights-of-way not included in the final rule)
- notice of intent to establish advisory committee - August 12, 1999
- notice establishing advisory committee - October 20, 1999
- full committee meetings: December 2-3, 1999; February 9-11, 2000; May 18-19, 2000; August 16-18, 2000; October 18-20, 2000
- committee presented recommendations to the Board - January 10, 2001
- draft guidelines - June 17, 2002
- public hearing - October 8, 2002
- notice of availability of second set of draft guidelines - November 23, 2005
- notice of proposed rulemaking - July 26, 2011
- information meeting on shared use paths - September 13, 2010
- advance notice of proposed rulemaking on shared use paths - March 28, 2011
- supplemental notice of proposed rulemaking on shared use paths - February 14, 2013

ADA Accessibility Guidelines (ADAAG) for Transportation Vehicles. In April 2007, the Board released for public comment a preliminary draft of revisions updating its accessibility guidelines for buses and vans covered by the Americans with Disabilities Act. We received approximately 90 comments. The Board used this input to refine the draft and published a second draft in November 2008 for additional comment. An NPRM to revise and update the accessibility guidelines for buses, over-the-road buses, and vans was published in July 2010. Two public hearings were held during the comment period. One important issue was raised after the close of the comment period. As a result, the Board re-opened the comment period for additional public input related to the late comments. The commenters raised issues about the 1:6 ramp slope requirements and a new design that locates the shallower ramp partially inside the vehicle. This design constrains the maneuvering space within the vehicle at the top of the ramp and at the fare box and creates a grade break within the ramp run. During the extended comment period which ended in October 2012, we held two information meetings to gather input on these issues. We plan to issue a final rule on the majority of issues raised in the proposed rule and issue a new proposed rule in the future on the remaining issues.

In May 2013, we created a new federal advisory committee to develop recommendations that the Board can use to update its rail vehicle guidelines which were originally issued in 1991. The committee provided its final report to the Board in July 2015.

- draft guidelines for buses and vans - April 11, 2007
- second draft of guidelines for buses and vans - November 19, 2008
- notice of proposed rulemaking - July 26, 2010
- public hearings - September 30, 2010; November 8, 2010
- re-opening of comment period - August 20, 2012
- public hearings - September 19, 2012; October 2, 2012
- notice of intent to establish advisory committee - February 14, 2013
- notice establishing advisory committee - May 23, 2013
- full committee meetings: November 13-14, 2013; January 9-10, 2014; April 10-11, 2014; September 11-12, 2014; February 26-27, 2015; April 23-24, 2015; June 4-5, 2015
- committee presented recommendations to the Board – July 29, 2015

Information and Communication Technology. In July 2006, the Board created an advisory committee to update and revise the Section 508 standards and the Telecommunications Act Accessibility Guidelines. Forty-one organizations served on the Telecommunications and Electronic and Information Technology Advisory Committee. The committee's membership included representatives from industry, disability groups, standard-setting bodies in the U.S. and abroad, and government agencies, among others. The committee completed its work and presented its report to the Board in April 2008. In March 2010, the Board published an Advance Notice of Proposed Rulemaking and held two public hearings during the comment period. In response to this input, the Board published a second ANPRM in December 2011. Two hearings were held. A proposed rule was published in the Federal Register on February 27, 2015. The comment period ran from February 27 until May 28. Three public hearings and a webinar on the

proposed rule were held during the comment period. An ad hoc committee of Board members and staff are working to develop a final rule.

- notice of intent to establish advisory committee - April 18, 2006
- notice establishing advisory committee - July 6, 2006
- full committee meetings: September 27-29, 2006; November 7-8, 2006; February 6-8, 2007; May 22-24, 2007; July 16-18, 2007; September 4-6, 2007; November 13-16, 2007
- committee presented recommendations to the Board - April 3, 2008
- advance notice of proposed rulemaking - March 22, 2010
- public hearings - March 25, 2010; May 12, 2010
- advance notice of proposed rulemaking - December 8, 2011
- public hearings - January 11, 2012; March 1, 2012
- notice of proposed rulemaking - February 27, 2015

Self-Service Transaction Machines. The Departments of Justice and Transportation (DOT) have related rulemakings on self-service transaction machines. As a result, we have worked collaboratively with them to develop a single set of technical requirements that can be referenced and scoped by each participating agency. On November 12, 2013 DOT published its rule on Nondiscrimination on the Basis of Disability in Air Travel: Accessibility of Web Sites and Automated Kiosks at U.S. Airports. The DOT requirements for automated kiosks at U.S. airports are derived from the technical requirements we helped develop and are consistent with our requirements for automatic teller machines and fare machines, as well as the current requirements of section 508 for self-contained, closed products. In 2010, DOJ published an ANPRM on Equipment and Furniture that would cover kiosks, interactive transaction machines, and point-of-sale devices, among other things.

Medical Diagnostic Equipment. The Access Board is developing accessibility standards for medical diagnostic equipment, including examination tables and chairs, weight scales, radiological equipment, and mammography equipment. The Patient Protection and Affordable Care Act requires the Board to issue these standards in consultation with the Food and Drug Administration. The standards are to address independent access to, and use of, equipment by people with disabilities to the maximum extent possible.

On July 29, 2010, the Board held a public information meeting on this rulemaking to gather information from stakeholders with an interest in the new standards. A proposed rule was published in February 2012 and two public hearings were held. The comment period closed in June 2012; 53 comments were received. In March 2012, the Board created a 24-member Medical Diagnostic Equipment Accessibility Standards federal advisory committee to advise the Board on matters associated with the comments the Board received and information it requested in proposing the standards. The committee issued its final report and recommendations in December 2013.

The Board approved the text of the final rule in July 2015; a subsequent vote will take place at a later date to approve the entire rulemaking package, including the preamble to the final rule and final regulatory assessment.

- information meeting - July 29, 2010
- notice of proposed rulemaking - February 9, 2012
- public hearings - March 14, 2012; May 8, 2012
- notice of intent to establish advisory committee - March 13, 2012
- notice establishing advisory committee - July 5, 2012
- full committee meetings: September 27-28, 2012; December 3-4, 2012; January 22-23, 2013; February 26-27, 2013; March 26-27, 2013; May 7-8, 2013; June 17, 2013
- committee presented draft recommendations to the Board - July 10, 2013
- committee report completed - December 6, 2013

COMPLETED ACCESS BOARD RULEMAKINGS

February 2016

ADAAG Revision and Architectural Barriers Act Accessibility Guidelines. This rulemaking makes revisions to the Americans with Disabilities Act Accessibility Guidelines (ADAAG), updates the Minimum Guidelines and Requirements for Accessible Design (MGRAD) for federal facilities covered by the Architectural Barriers Act (ABA), and creates new guidelines for accessible housing.

The rulemaking consists of separate scoping and application sections for each law and one set of technical requirements for both the ADA and the ABA. The ADA scoping section is based on recommendations of the Board's ADAAG Review Advisory Committee and covers private facilities (places of public accommodation and commercial facilities) and state and local government facilities. The other scoping section addresses federally funded facilities covered by the ABA. New scoping and technical provisions for accessible housing are included in this rule and are based on requirements for "Type A" dwelling units contained in the 1998 edition of the ICC/ANSI A117.1 standard, "Accessible and Usable Buildings and Facilities."

The Board established a 22-member ADAAG Review Advisory Committee to review and make recommendations for updating ADAAG to ensure that it remains consistent with technological developments and changes in model codes and national standards and continues to meet the needs of people with disabilities. The committee developed a comprehensive set of recommendations for changes to sections 1-10 of ADAAG. The recommendations address the format of the guidelines, its numbering system, and changes to the scoping provisions and technical requirements. Cited as an outstanding example of reinventing government, the committee and the Board received the Vice Presidential Hammer Award in July 1996.

The Board issued a proposed rule in November 1999. The comment period closed on May 15, 2000. Over 2,500 comments were received on the proposed rule. The Board held two public hearings on the proposed rule. One hearing was held in Los Angeles, CA on January 31, 2000; the second hearing was held in Arlington, VA on March 13, 2000. The Board also held informational meetings in Washington, DC in October 2000 to hear from industry associations and disability groups on issues regarding automated teller machines, reach ranges, and captioning equipment for movie theaters. The Board required further information on these issues before deciding on how they will be addressed in the final rule. On April 2, 2002, the Board placed in the docket for public review a draft of the final guidelines to promote the harmonization of the Board's guidelines with the International Code Council (ICC)/American National Standards Institute (ANSI) A117.1 Standard on Accessible and Usable Buildings and Facilities and the International Building Code. The ANSI Committee and the ICC are currently in the process of revising the private sector accessibility provisions. Without taking this step, an important opportunity would have been missed to harmonize the Board's guidelines with those of the private sector.

- notice of intent to establish advisory committee - April 6, 1994
- notice establishing advisory committee - September 14, 1994
- full committee meetings: October 24-25, 1994; January 26-27, 1995; April 26-29, 1995; February 26 - March 1, 1996; July 7-9, 1996; August 26-28, 1996 (numerous subcommittee meetings were also held)
- committee presented recommendations to the Board - July 10, 1996
- notice of proposed rulemaking - November 16, 1999
- public hearing - January 31, 2000; March 13, 2000
- information meeting - October 24-25, 2000
- draft final rule - April 2, 2002
- final rule - July 23, 2004
- U.S. Postal Service adopted guidelines - May 17, 2005
- General Services Administration adopted guidelines - November 8, 2005
- Department of Transportation adopted guidelines - October 30, 2006
- Department of Defense adopted guidelines - October 31, 2008
- Department of Justice adopted guidelines - September 15, 2010

ADAAG for Buildings and Facilities (Sections 1-9). ADAAG initially consisted of nine sections. Sections 1 through 4 contain general sections, scoping provisions, and technical specifications applicable to all types of buildings and facilities. The scoping provisions specify which and how many elements and spaces of a building or facility must be accessible (e.g., parking spaces, entrances, toilet rooms). The technical specifications describe how to design the elements and spaces covered by the scoping provisions so that they are accessible to and usable by individuals with disabilities. Sections 5 through 9 contain additional scoping provisions and technical specifications for the following facilities: restaurants and cafeterias (section 5); medical care facilities (section 6); mercantile establishments (section 7); libraries (section 8); and hotels, motels, and transient lodging (section 9). The Department of Justice adopted ADAAG sections 1 through 9 on July 26, 1991 as the standard for accessible design in its regulations for title III of the ADA.

- advance notice of proposed rulemaking - August 31, 1990
- public hearings - February 11, 1991 through March 7, 1991
- notice of proposed rulemaking - January 22, 1991
- final rule - July 26, 1991
- Department of Justice adopted guidelines - July 26, 1991
- Department of Transportation adopted guidelines - September 6, 1991

ADAAG for Transportation Facilities (Section 10). This rulemaking added section 10 to ADAAG which contains additional scoping provisions and technical specifications for transportation facilities.

- supplemental notice of proposed rulemaking - March 20, 1991

- final rule - September 6, 1991
- Department of Transportation adopted guidelines - September 6, 1991
- Department of Justice adopted guidelines - January 18, 1994

State and Local Government Facilities (Sections 11-12). This rulemaking added two special application sections to ADAAG for certain State and local government facilities covered by title II of the ADA. The two sections are 11 -- Judicial, Legislative, and Regulatory Facilities, and 12 -- Detention and Correctional Facilities. The rule also covers miscellaneous provisions that apply to State and local government facilities.

The Board published a notice of proposed rulemaking and conducted five public hearings on the proposed rule. Following an analysis of the comments, the Board published an interim final rule asking for additional comments. Provisions regarding accessible residential housing and public rights-of-way were proposed as part of the NPRM and the interim final rule. However, no action was taken on either of these subjects in the final rule. Provisions for accessible residential housing were proposed as part of the Board's ADAAG Revision and ABA Accessibility Guidelines rulemaking. The Board convened a federal advisory committee to develop recommendations on access to public rights-of-way. The Board published the final rule on January 13, 1998.

- notice of proposed rulemaking - December 21, 1992
- public hearings - February 22, 1993 (two hearings); March 2, 1993; March 9, 1993; March 15, 1993
- interim final rule - June 20, 1994
- final rule - January 13, 1998
- Department of Justice adopted guidelines - July 23, 2010

Automated Teller Machines. In response to a petition for rulemaking, on July 15, 1993, the Board issued a joint final rule with the Department of Transportation amending the reach range requirements for accessible automated teller machines and fare vending machines. The Department of Justice adopted the amended requirements on January 18, 1994.

- notice requesting public comment on petition for rulemaking - May 6, 1992
- public hearing - May 28, 1992
- notice of proposed rulemaking - September 8, 1992
- final rule - July 15, 1993
- Department of Transportation adopted guidelines - July 15, 1993
- Department of Justice adopted guidelines - January 18, 1994

Children's Elements. This rulemaking added provisions to ADAAG for building elements designed for children's use. The Board published an advance notice of proposed rulemaking in February 1993 seeking comment on general issues, such as the scope of the guidelines and the ages or grades that should be covered. Following an analysis of the comments, the Board

published a notice of proposed rulemaking in July 1996. The Board published the final rule on January 13, 1998.

- advance notice of proposed rulemaking - February 3, 1993
- notice of proposed rulemaking - July 22, 1996
- final rule - January 13, 1998
- Department of Justice adopted guidelines - July 23, 2010

Play Areas. The Board convened a 27-member advisory committee to make recommendations on issues related to making various recreation areas accessible. The committee met from July 1993 - May 1994. Some issues remained where consensus was needed for play areas including the extent to which an accessible surface is provided in an exterior play area and what the specific requirements for accessible play equipment should be.

The Board created a 17-member Play Areas Regulatory Negotiation Committee to achieve consensus requirements for access to play areas. The committee presented its consensus report to the Board in July 1997. At the same meeting, the Board approved an NPRM on access to play areas. The Board published the NPRM in April 1998 and held one public hearing in Denver, CO to receive additional feedback during the comment period. The final rule was published on October 18, 2000. On November 20, 2000 the Board published an amended advisory note to the accessibility guidelines for play areas in the Federal Register. The amended advisory note clarifies that play components that are attached to a composite play structure and can be approached from a platform or deck are elevated play components. These play components are not considered ground level play components also, and do not count toward meeting the number of ground level play components that must be located on an accessible route.

- notice of intent to establish regulatory negotiation committee - December 22, 1995
- notice establishing regulatory negotiation committee - February 14, 1996
- full committee meetings: March 5-7, 1996; May 8-10, 1996; August 4-6, 1996; October 26-28; January 6-9, 1997; April 2-4, 1997; July 8-9, 1997
- committee presented report to the Board - July 9, 1997
- notice of proposed rulemaking - April 30, 1998
- public hearing - June 3, 1998
- final rule - October 18, 2000
- amended advisory note - November 20, 2000
- Department of Justice adopted guidelines - July 23, 2010

Recreation Facilities. This rulemaking addresses recreation facilities including sports facilities, places of amusement, golf, and boating and fishing facilities. The Board convened a 27-member advisory committee to make recommendations on issues related to making these areas accessible. The committee met from July 1993 - May 1994. After receiving the committee's report, the Board published it as an advance notice of proposed rulemaking (ANPRM). Over 600 comments were received on the report and questions asked in the ANPRM. The Board also

sponsored an information meeting on access to miniature golf facilities in September 1996 to obtain additional information on some issues related to access to miniature golf courses.

The Board published an NPRM for sports facilities, places of amusement, golf, and boating and fishing facilities in July 1999 and held two public hearings to receive feedback during the comment period. The NPRM was based on the recommendations of the advisory committee and public comments received in response to the ANPRM and information meeting. The comment period closed on December 8, 1999. Over 300 comments were received on the proposed rule. The Board also sponsored an information meeting on access to amusement rides in December 1999 to clarify concerns raised by the amusement industry during the public comment period.

In an effort to provide the public with more opportunities for input into the provisions for a final rule, in July 2000, the Board placed in the docket for review and comment, a summary of recommendations made by an ad hoc committee of the Access Board for the final recreation facilities guidelines. The summary reflected the ad hoc committee's consideration of comments on the proposed rule and information gathered at meetings sponsored by the committee. The Board held two informational meetings in Washington, DC and San Francisco, CA to discuss the summary. On September 3, 2002, the Board issued a final rule.

- notice of intent to establish advisory committee - February 3, 1993
- notice establishing advisory committee - June 10, 1993
- full committee meetings: July 15-16, 1993; October 23-25, 1993; January 28-30, 1994; March 18-20, 1994; May 20-22, 1994 (numerous
- subcommittee meetings were also held)
- committee presented recommendations to the Board - July 13, 1994
- advance notice of proposed rulemaking - September 21, 1994
- information meeting on miniature golf facilities - September 16, 1996
- notice of proposed rulemaking - July 9, 1999
- information meeting on amusement rides - December 1, 1999
- public hearing - August 26, 1999; November 17, 1999
- notice of draft final guidelines summary and informational meetings - July 21, 2000
- information meetings - August 21-22, 2000; September 6-7, 2000
- final rule - September 3, 2002
- Department of Justice adopted guidelines - July 23, 2010

Detectable Warnings Temporary Suspension. In response to a petition for rulemaking, in 1994 the Board, DOJ, and DOT suspended temporarily until July 26, 1996, the requirements for detectable warnings at curb ramps, hazardous vehicular areas, and reflecting pools so that a research project on this subject could be considered in determining whether any changes in the requirements are warranted. The research showed that intersections are complex environments and that blind and visually impaired travelers use a combination of cues to detect and cross intersections. Although detectable warnings helped these individuals locate and identify curb

ramps and provided a useful cue, the research suggested that detectable warnings may be redundant at most intersections. Other technologies may be as effective and less costly.

In March and April 1995, the Board received petitions from two transit agencies and an organization of blind persons to review the requirements for detectable warnings at transit platform edges. The Board's ADAAG Review Advisory Committee also considered the requirements for detectable warnings within the context of the committee's complete review of ADAAG provisions. The committee recommended that the requirements for detectable warnings at curb ramps, hazardous vehicular areas, and reflecting pools that are currently suspended be eliminated. The committee recommended requiring detectable warnings at platform edges in transit stations, and allowing an "equivalent tactile surface," and "equivalent detectability." Since any amendment to the detectable warning requirements will be done as part of the scheduled review and update of ADAAG, in July 1996, the Board, DOJ, and DOT published a final rule to extend the temporary suspension until July 26, 1998 to allow the ADAAG revision process to be completed. Because the ADAAG revision rulemaking was not completed by July 1998, the temporary suspension was continued until July 26, 2001.

- proposed rule to temporarily suspend the requirements - July 9, 1993
- final rule to temporarily suspend the requirements - April 12, 1994
- proposed rule to extend the temporary suspension - April 12, 1996
- final rule to extend the temporary suspension - July 29, 1996
- proposed rule to extend the temporary suspension - June 1, 1998
- final rule to extend the temporary suspension - November 23, 1998

ADAAG for Transportation Vehicles. A separate ADAAG was issued for transportation vehicles which covers the following vehicles and systems: buses and vans, rapid rail vehicles, light rail vehicles, commuter rail cars, intercity rail cars, over-the-road buses, automated guideway transit vehicles, high-speed rail cars, monorails, and trams and similar vehicles. The Department of Transportation adopted ADAAG for transportation vehicles on September 6, 1991 as the standard for accessible design in its ADA regulations.

- notice of proposed rulemaking - March 20, 1991
- final rule - September 6, 1991
- Department of Transportation adopted guidelines - September 6, 1991

Over-the-Road Buses. The ADA requires the Board and the Department of Transportation (DOT) to issue guidelines and regulations for access to over-the-road buses. The Board and DOT co-sponsored an information meeting on over-the-road bus issues and in March 1998, the Board published an NPRM to amend the technical provisions for over-the-road buses to include provisions for wheelchair access and other miscellaneous provisions. The Department of Transportation also published an NPRM on accessible over-the-road bus service. After reviewing the comments received in response to the NPRM, the Board issued final guidelines which include technical provisions for lifts, ramps, wheelchair securement devices, moveable

aisle armrests, and revisions to specifications for doors and lighting. The Department of Transportation adopted the Board's guidelines on September 28, 1998 as the standard for accessible design in its ADA regulations.

- information meeting - October 21, 1993
- notice of proposed rulemaking - March 25, 1998
- final rule - September 28, 1998
- Department of Transportation adopted guidelines - September 28, 1998

Telecommunications Equipment. The Telecommunications Act of 1996 requires the Board to issue accessibility guidelines, in conjunction with the Federal Communications Commission, for telecommunications equipment and customer premises equipment. The Board is also required to review and update the guidelines periodically. The Board convened a 33-member Telecommunications Access Advisory Committee to assist the Board in fulfilling its mandate to issue these guidelines. The committee presented its recommendations to the Board in January 1997. Based on the committee's recommendations, the Board published a notice of proposed rulemaking in April 1997. The Board published a final rule on February 3, 1998.

- notice of intent to establish advisory committee - March 28, 1996
- notice establishing advisory committee - May 24, 1996
- full committee meetings: June 10-12, 1996; August 14-16, 1996; September 25-27, 1996; November 6-8, 1996; December 16-18, 1996; January 13-14, 1997
- committee presented recommendations to the Board - January 15, 1997
- notice of proposed rulemaking - April 18, 1997
- final rule - February 3, 1998
- Federal Communications Commission adopted guidelines - November 19, 1999

Electronic and Information Technology. On August 7, 1998 the Workforce Investment Act of 1998, which includes the Rehabilitation Act Amendments of 1998, was signed into law. Section 508 of the Rehabilitation Act Amendments requires that when federal departments or agencies develop, procure, maintain, or use electronic and information technology, they shall ensure that the technology is accessible to people with disabilities, unless an undue burden would be imposed on the department or agency.

Section 508 required the Board to publish standards setting forth a definition of electronic and information technology and the technical and functional performance criteria for such technology. The Board and the General Services Administration are required to provide technical assistance to individuals and federal departments and agencies concerning the requirements of section 508.

In developing its standards, the Board was required to consult with various federal agencies, the electronic and information technology industry, and appropriate public or nonprofit agencies or organizations, including organizations representing individuals with disabilities. The Board is

also required to periodically review and, as appropriate, amend the standards to reflect technological advances or changes in electronic and information technology. The Board convened a 27-member Electronic and Information Technology Access Advisory Committee to assist it in developing its standards. The Committee presented its report with recommendations to the Board in May 1999. The Board issued a notice of proposed rulemaking on access to electronic and information technology in March 2000. A final rule was published on December 21, 2000. On April 25, 2001, the Federal Acquisition Regulatory Council incorporated the Board's standards into revisions to the Federal Acquisition Regulations.

- notice of intent to establish advisory committee - August 24, 1998
- notice establishing advisory committee - September 29, 1998
- full committee meetings: October 15-16, 1998; December 1-2, 1998; January 5-6, 1999; February 8-9, 1999; March 29-30, 1999; May 11-12, 1999
- committee presented recommendations to the Board - May 12, 1999
- notice of proposed rulemaking - March 31, 2000
- final rule - December 21, 2000
- Federal Acquisition Regulatory Council incorporated the Board's standards into revisions to the Federal Acquisition Regulations - April 25, 2001

Outdoor Developed Areas. The Board created a 26-member Outdoor Developed Areas Regulatory Negotiation Committee to achieve a consensus approach and requirements for making outdoor developed areas accessible. The Committee presented its report to the Board in September 1999. In October 2001 the Board sponsored an information meeting on the final report on Accessibility Guidelines for Outdoor Developed Areas. The meeting was attended by about 50 individuals and was held in Denver, CO during the annual meeting of the National Recreation and Park Association. The meeting was informal and provided an opportunity for a dialogue with Board members about the report.

A Notice of Proposed Rulemaking for federal facilities covered by the Architectural Barriers Act was published in June 2007. The Board held three public hearings on the proposed guidelines in Denver, CO; Washington, DC; and Indianapolis, IN (in conjunction with the National Recreation and Park Association's annual congress). In October 2009 the Board released draft final guidelines for public comment. Approximately 80 comments were received. A final rule was published on September 26, 2013. Proposed guidelines for non-federal sites will be published for comment at a future date.

- notice of intent to establish regulatory negotiation committee - April 18, 1997
- notice establishing regulatory negotiation committee - June 4, 1997
- full committee meetings: June 26-27, 1997; September 24-26, 1997; December 14-16, 1997; January 31-February 2, 1998; May 18-21, 1998; August 11-14, 1998; October 21-24, 1998; January 19-22, 1999; April 27-30, 1999; July 15-16, 1999
- committee presented report to the Board - September 15, 1999
- information meeting - October 4, 2001

- notice of proposed rulemaking - June 20, 2007
- draft final rule - October 19, 2009
- final rule - September 26, 2013

Emergency Transportable Housing. A federal advisory committee on emergency transportable housing was created to provide recommendations on supplementing our guidelines to specifically cover emergency transportable housing. Access to such housing proved problematic in the aftermath of Hurricane Katrina and, after verifying and examining the issues involved, the Board determined that supplementary guidelines was needed. The committee included representation from disability groups, industry and code groups, and government agencies. The committee presented its report with its recommendations to the Board in November 2008. We published a proposed rule in June 2012; the comment period closed in August 2012. One public hearing was held in July 2012. At the close of the comment period, we had received 45 comments, including those from the public hearing. A final rule was published on May 7, 2014.

- notice of intent to establish advisory committee - June 25, 2007
- notice establishing advisory committee - August 23, 2007
- full committee meetings: September 24-25, 2007; November 19-20, 2007; January 24-25, 2008; February 14, 2008; March 27-28, 2008; July 9, 2008; July 24, 2008; August 21, 2008
- committee presented recommendations to the Board - November 18, 2008
- notice of proposed rulemaking - June 18, 2012
- public hearing - July 11, 2012
- final rule - May 7, 2014

APPENDIX C

ARCHITECTURAL BARRIERS ACT CASES

	FY 2013	FY 2014	FY 2015	FY 2016 (est.)	FY 2017 (est.)
Complaints pending at start of the fiscal year	144	128	77	88	83
Complaints received during the fiscal year	92	104	131	120	120
Complaints closed during the fiscal year following an investigation	66	85	50	60	60
Complaints closed during the fiscal year with a referral without opening an investigation	42	47	52	50	50
Complaints closed during the fiscal year without a referral and without opening an investigation	0	23	18	15	15
Complaints pending at end of the fiscal year	128	77	88	83	78

APPENDIX D

TECHNICAL ASSISTANCE DATA

	FY 2013	FY 2014		FY 2015	
Technical Assistance Calls and Faxes	13,575	13,710		13,025	
Website User Sessions ²	3.8 million	1.3 million		1.4 million	
		in-person	webinars	in-person	webinars
Training Sessions	85	35	16	62	16
Training Participants	7,865	4,366	9,076	8,950	6,100

² Data has been collected since March 1998; in 2013 we began using a new web analytics tool which captures data in a different manner than our previous tool.