



U.S. Access Board  
Washington, DC

**FISCAL YEAR 2019  
BUDGET JUSTIFICATION**

Submitted to:

United States House  
Appropriations Committee

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

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## **ACCESS BOARD**

### **FISCAL YEAR 2019 BUDGET JUSTIFICATION**

This document presents the Access Board's budget justification for fiscal year (FY) 2019. We are requesting a total budget authority of \$8,400,000 (See Appendix A).

#### **INTRODUCTION**

The Access 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. We are 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. We are also responsible for developing standards under the Rehabilitation Act for accessible information and communication technology procured by federal agencies and establishing standards for accessible medical diagnostic equipment.

Under the Help America Vote Act, the Access 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, we developed best practices on access to information on prescription drug container labels for individuals who are blind or visually impaired.

The Access Board enforces the Architectural Barriers Act (ABA) and provides training and technical assistance on all its guidelines and standards, and on a variety of other accessibility issues. Additionally, we maintain a research program that develops technical assistance materials and provides information needed for rulemaking.

Our programs will result in accessible buildings and facilities, transportation vehicles, medical diagnostic equipment, telecommunications equipment, and information and communication 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 our 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, developed in 2017, includes a vision statement (advancing accessibility and inclusion for all) and a mission statement (promote accessibility through standards and guidelines, education, enforcement, and outreach). The plan includes four goals:

- Establish state-of-the-art accessibility standards and guidelines
- Provide training and technical assistance on accessibility
- Increase Architectural Barriers Act awareness and compliance
- Expand awareness of the Access Board's functions and objectives

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

### **ESTABLISH STATE-OF-THE-ART ACCESSIBILITY STANDARDS AND GUIDELINES**

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

- Maximize public participation and stakeholder collaboration in the development of standards and guidelines
- Anticipate and respond to emerging barriers to accessibility in a changing environment
- Develop and maintain accessibility standards and guidelines, and keep them up to date
- Promote accessibility through coordination with standards and codes organizations and harmonization of accessibility requirements

#### **FY 2017 Results – Rulemaking**

A summary of recently completed standards and guidelines is presented below.

#### *ADA Accessibility Guidelines (ADAAG) for Transportation Vehicles – Update (non-rail vehicles)*

In December 2016, the Access Board issued a final rule updating sections of its accessibility guidelines for transportation vehicles covered by the Americans with Disabilities Act (ADA). The rule revises provisions in the guidelines that apply to buses and vans to enhance accessibility and to address industry trends and improvements in design and technology. The updated guidelines will apply to new or remanufactured vehicles once specified by the Department of Transportation (DOT) in a future update of its ADA standards. The rulemaking began in April 2007 when we released for public comment a preliminary draft of revisions; 90 comments were received. We used this input to refine the draft and then published a second draft in November

2008 for additional comment. A proposed rule to revise and update the guidelines was published in July 2010.

The newly updated guidelines address boarding access, fare devices, interior circulation, seating and securement, signs, lighting, and announcement systems. The rule reduces the maximum slope for vehicle ramps because low floor buses are now ubiquitous in fixed route systems. New provisions also address level boarding systems for bus rapid transit systems, and incorporate updated standards for wheelchair securement systems. The rule improves communication access by requiring that buses in fixed route systems with at least 100 buses have automated stop and route announcements that are visual as well as audible.

### *Medical Diagnostic Equipment*

In January 2017, the Access Board issued new accessibility standards for medical diagnostic equipment under section 510 of the Rehabilitation Act. The standards provide design criteria for examination tables and chairs, weight scales, radiological and mammography equipment, and other diagnostic equipment that are accessible to people with disabilities to the maximum extent possible. The standards address transfer surfaces, support rails, armrests, and other features. We developed the standards in consultation with the Food and Drug Administration. The rulemaking began with a proposed rule in February 2012. Then, in March 2012, we created a 24-member federal advisory committee to advise the Board on matters associated with the comments we received and information requested in proposing the standards. The committee issued its final report in December 2013. The standards are not mandatory on health care providers and equipment manufacturers.

### *Information and Communication Technology (ICT)*

In January 2017, the Access Board issued a final rule that updates and reorganizes accessibility requirements for information and communication technology (ICT) in the federal sector covered by Section 508 of the Rehabilitation Act. The rule also updates guidelines for telecommunications equipment subject to Section 255 of the Communications Act. The final rule also harmonizes our requirements with other guidelines and standards both in the U.S. and abroad, including standards issued by the European Commission and with the Web Content Accessibility Guidelines (WCAG), a globally recognized voluntary consensus standard for web content and ICT. The rule references Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.0 and applies them not only to websites, but also to electronic documents and software. The updated requirements specify the technologies covered and provide both performance-based and technical requirements for hardware, software, and support documentation and services. The rule restructures provisions so they are categorized by functionality instead of by product type due to the increasingly multi-functional capabilities of ICT products. The revised 508 Standards include a “safe harbor” provision for existing (i.e., legacy) ICT. Under this safe harbor, unaltered, existing ICT (including content) that complies with the existing 508 Standards need not be modified or upgraded to conform to the revised 508 Standards. The rule took effect in January 2018.

The rulemaking began in July 2006, when we created a 41-member federal advisory committee to advise the Board. The committee completed its work and presented its report in April 2008. In March 2010, we published an advance notice of proposed rulemaking (ANPRM) and held two public hearings. In response to this input, we published a second ANPRM in December 2011; two hearings were held. A proposed rule was published in February 2015.

### **FY 2018 Planned Activities – Rulemaking**

In FY 2018, it is our objective to issue two rules:

- Direct final rule on information and communication technology
- Advance notice of proposed rulemaking on revisions and updates to fixed guideway system guidelines (rail vehicles)

#### *Direct Final Rule on Information and Communication Technology*

On January 22, 2018, we issued a correction to our updated accessibility requirements for ICT to restore provisions on TTY access that were inadvertently omitted. The action applies to the final rule the Board published in January 2017 to jointly refresh its Section 508 standards for ICT in the federal sector and its Section 255 guidelines for telecommunications equipment.

The original Section 508 standards and Section 255 guidelines required that devices with two-way voice communication support use of TTY devices which provide text communication across phone connections for persons with hearing or speech impairments. In its ICT refresh, the Board had proposed replacing this provision with a requirement for real-time text (RTT) functionality, a new technology with significant advantages over TTYs. In finalizing the rule, however, the Board chose to reserve the RTT requirement because the Federal Communications Commission had initiated its own rulemaking to address RTT functionality. In doing so, the Board intended to add the original TTY provision back into the rule, but the necessary language was unintentionally left out. The correction notice restores the TTY requirement with minor editorial changes for consistency with the new format and terminology of the updated requirements and corrects two typographical errors in other sections of the rule.

#### *ADA Accessibility Guidelines (ADAAG) for Transportation Vehicles – Update (rail vehicles)*

This rulemaking will update the Access Board's existing accessibility guidelines for transportation vehicles that operate on fixed guideway systems (e.g., rapid rail, light rail, commuter rail, and intercity rail) covered by the ADA. The existing rail vehicles guidelines were initially promulgated in 1991, and need an update to, among other things, keep pace with newer accessibility-related technologies, and harmonize with recently-developed national and international consensus standards. In May 2013, we created a federal advisory committee to develop recommendations. The committee provided its final report in July 2015. The next step for this rulemaking is an advance notice of proposed rulemaking (ANPRM) planned for FY

2018. Compliance with any revised rail vehicles guidelines would not be required until they are adopted by DOT in a separate rulemaking.

### **FY 2019 Objectives – Rulemaking**

In FY 2019, it is our objective to begin one rulemaking:

- ANPRM on Self-Service Transaction Machines

#### *Self-Service Transaction Machines*

We have worked collaboratively with the Departments of Justice and DOT to develop a single set of technical requirements for self-service transaction machines (e.g., kiosks, point-of-sale machines, self-checkout machines) that can be referenced and scoped by each agency. In November 2013, DOT published a rule under the Air Carrier Access Act addressing accessibility of web sites and automated kiosks. The DOT requirements for automated kiosks 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 section 508 requirements. The first step for this rulemaking is an ANPRM to help determine scoping requirements for self-service transaction machines.

### **FY 2017 Results – Codes and Standards**

#### *Adoption of Board Guidelines as Enforceable Standards*

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 our guidelines to develop enforceable standards under the ABA. The Departments of Justice and Transportation use our guidelines to develop enforceable standards under the ADA. The U.S. Postal Service, General Services Administration, the Department of Defense, and the Departments of Justice and Transportation have adopted the Access Board's guidelines as standards. The Department of Housing and Urban Development has not acted yet.

#### *Voluntary Consensus Standards*

Our long-range goal is to take a leadership role in the development of codes and standards for accessibility. We work 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 International Code Council (ICC) Consensus Committee on Accessible and Usable Buildings and Facilities, ICC (ASC A117); 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); the American Society for Testing and Materials (ASTM) Committee on Playground Surfacing Systems; and the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) Standards Committee on Cognitive Accessibility.

We believe this goal enhances our credibility as a knowledgeable source of information regarding technical aspects of accessibility. Additionally, by working cooperatively with model codes organizations and standards development organizations, federal and private codes and standards will be more similar, or harmonized, and the Access Board will be more alert to non-federal influences affecting our constituencies. Harmonization between federal and private requirements will make it more likely that buildings and facilities as well as information and communication technology 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). We are also a member of the Interagency Committee on Standards Policy, which is the group that is responsible for overseeing the use of standards by federal agencies in accordance with the National Technology Transfer and Advancement Act.

### **FY 2018 Planned Activities – Codes and Standards**

We will continue to work with 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 (VVSG; a set of specifications and requirements against which voting systems can be tested to determine if the systems meet required standards).

The EAC adopted the original VVSG 1.0 in December 2005. In March 2015, version 1.1 of the VVSG was adopted. This new version is a complete rewrite of the 2005 guidelines and addresses the next generation of voting systems. The guidelines are voluntary. States may decide to adopt them entirely or in part. Almost immediately following the adoption of VVSG 1.1, a public working group process was developed to help inform the development of the next iteration of voluntary voting system guidelines, VVSG 2.0. A draft of the VVSG 2.0 is being circulated by the EAC with an anticipated adoption date in early 2018.

While the Access Board was in the process of updating its existing 508 standards and 255 guidelines, a similar process began in Europe to create the first European ICT accessibility standards. Beginning in 2005, the Access Board and the European Commission began to work closely to harmonize ICT accessibility requirements. In early 2014, the three European standardization organizations – European Telecommunications Standards Institute (ETSI); European Committee for Standardization (CEN); and, the European Committee for Electrotechnical Standardization (CENELEC) – published the first European specifications on e-



accessibility for public ICT procurements, EN 301 549, “Accessibility requirements suitable for public procurement of ICT products and services in Europe”.

The current European standard is largely harmonized with our 2011 advance notice of proposed rulemaking. However, since the European standard was finalized, we issued a notice of proposed rulemaking in February 2015 and a final rule in January 2017 updating our ICT standards and guidelines. We have been working since publication of our final rule with a European Joint Working Group on eAccessibility to further harmonize the U.S. and European standards and will continue that effort in 2018.

### **FY 2019 Objectives – Codes and Standards**

We will continue to collaborate with the EAC and the European Joint Working Group on eAccessibility and will continue our efforts to harmonize the Board’s guidelines with model codes and standards, including the ICC A117.1 Standard for Accessible and Usable Buildings and Facilities.

#### **PROVIDE TRAINING AND TECHNICAL ASSISTANCE ON ACCESSIBILITY**

The Access Board provides technical assistance to a wide variety of people regarding the accessibility guidelines and standards we issue. Our customers include architects, builders, designers, technology companies, manufacturers, people with disabilities, State and local governments, and federal agencies. Our 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 our 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](http://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. On the website, we provide downloadable animations illustrating the rationale behind the

guidelines and standards showing how accessible features are used by individuals with disabilities.

We have the following objectives in this program area:

- Promote and publicize the Board's training and technical assistance services to reach more customers
- Use multiple communications platforms to reach a broader audience
- Develop and update educational materials to promote understanding of and compliance with accessibility standards and guidelines

Our 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 rail vehicles and self-service transaction machines, there will be increased demands for technical assistance from existing and new customer groups. We have 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 our guidelines, standards, and publications are available through these organizations' on-line networks. We also provide 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 Access Board's rulemaking.

## **FY 2017 Results**

In January 2017, we released a new animation on accessible signage as part of our online guide to standards issued under the ADA and the ABA. The 15-minute animated film reviews and illustrates requirements in the standards for signs and clarifies common sources of confusion. It covers provisions for visual access, tactile signs, required access symbols, and other pictograms. The signs animation is the latest in a series we produced. Other animations address wheelchair maneuvering, entrances and doors, toilet and bathing facilities, protruding objects, and parking and passenger loading zones. The animations are viewable on our website, and copies can be downloaded as well. Our online guide to the ADA and ABA standards also features technical bulletins that explain and illustrate requirements and address common questions. Bulletins are currently available on the first five chapters of the standards, including application and scoping, building blocks, accessible routes, accessible means of egress, parking and passenger loading zones, and stairways. Future installments to the guides will be released as they become available. Users can sign-up to receive email updates on the release of other animations and bulletins in the series.

In March 2017, we provided guidance on use of the International Symbol of Accessibility (ISA). This guidance explains how use of a symbol other than the ISA may impact compliance with standards issued under the ADA and the ABA. Use of a symbol other than the ISA is permitted under the ADA Standards only if it satisfies the equivalent facilitation provision and under the

ABA Standards only if a waiver or modification is issued. Otherwise, where the ADA or ABA standards require accessible spaces or elements to be identified by the ISA, the ISA must be used even where a state or local code or regulation specifies a different symbol.

We continue to offer our very successful monthly webinar series through a partnership with the National Network of ADA Centers. Sessions are conducted monthly for built environment issues and bi-monthly for information and communication technology issues (in conjunction with the Chief Information Officers Council Accessibility Community of Practice) with most webinars scheduled for 90 minutes. Sessions also provide an opportunity to earn continuing education credits (CEUs) for a fee, but general attendance is free. In FY 2017, we conducted 17 webinars that were attended by approximately 8,204 people.

We responded to 11,508 customer inquiries and conducted 69 training sessions that were attended by approximately 7,603 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 1.35 million unique visitors looking at 3.123 million pages. We also distributed six issues of Access Currents, a free newsletter we issue every other month by e-mail. Our Twitter page -- @AccessBoard -- also provides a good method of communicating with our customers; we currently have 1,188 followers. We livestream all of our Board meetings as well.

## **FY 2018 Planned Activities**

### *Online Guide, Webinars, and Website*

We will develop additional materials for the online guide to the ADA and ABA standards. Planned for this year are technical guides and animations covering Chapters 6 and 7 of the standards. 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. The Chapter 7 guides will address communication elements and features including fire alarm systems, telephones, detectable warnings, assistive listening systems, automatic teller machines and fare machines, and two-way communication systems. A new animation planned for this year includes an 11-minute video on sales and service counters.

We will continue to offer our very successful webinar series. Sessions in 2018 are planned on: Outdoor Developed Areas; Accessible Shared Streets: Notable Practices and Considerations for Accommodating Pedestrians with Vision Disabilities; Recreation Facilities; Federal Facilities and the Architectural Barriers Act Accessibility Standards; Transportation Facilities; and, Accessible Airport Terminals.

We will also continue our webinar series on section 508 issues with the Chief Information Officers Council Accessibility Community of Practice. Sessions in 2018 are planned on:

Roadmap for Transitioning to the Revised Section 508 Standards; Accessibility of Electronic Content; Putting the Revised 508 Standards into Practice for Procurement; How to Update Agency Policies for the Revised Section 508 Standards; Incorporation of Accessibility into the ICT Lifecycle; and, Effective Communication About Accessibility.

In 2018, we plan to offer a new Access Board YouTube channel to share our already developed animations and to distribute new videos on accessibility issues.

### *Technical Assistance and Research Projects*

The following research and technical assistance projects are planned for FY 2018:

- We will develop additional guidance on the revised 508 Standards to enhance the materials presented in webinars jointly sponsored by the Access Board and the Chief Information Officers Council Accessibility Community of Practice. This guidance will illustrate through best practices how users with disabilities use and benefit from accessible ICT.
- We plan to contract for assistance in addressing portions of the online guide to the ADA and ABA standards addressing assembly areas.

### **FY 2019 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 for the ADA and ABA standards.

The following research and technical assistance projects are planned for FY 2019:

- We plan to contract for a project to address accessibility of ICT that is not currently fully covered by current guidelines or standards. For example, although the World Wide Web Consortium is examining ways to make ICT more accessible to people with low vision and limited cognition, research supporting such changes is sparse.
- Regulatory assessments. We will fund one regulatory assessment for the following rule: Transportation Vehicles: rail (proposed)

### **INCREASE ARCHITECTURAL BARRIERS ACT AWARENESS AND COMPLIANCE**

The Access Board enforces the Architectural Barriers Act which requires that most buildings designed, constructed, altered, or leased by the federal government and certain other federally financed facilities be accessible to people with disabilities. Complaints we receive concern post offices, national parks, military facilities, veterans' hospitals, 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 barrier is removed. Even when we do not have jurisdiction or no violation is found, we attempt to negotiate voluntary barrier removal.

We have the following objectives in this program area:

- Proactively promote compliance through outreach to federal agencies and design professionals
- Educate the public about rights under the ABA and the complaint process
- Improve the efficiency of the complaint resolution process

In addition to enforcement, we work with federal agencies and others to ensure compliance with the ABA and make the federal government a model of accessibility. Our experience with resolving complaints is that most violations are not intentional. When violations are found, it is usually because the people 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. For covered buildings where corrective action is required, we have a 100% compliance rate.

People responsible for building planning and design 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 new people 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 are being implemented by the standard-setting agencies.

### **FY 2017 Results - ABA Compliance**

During FY 2017, we received 157 new complaints, and closed 131 complaints. These included complaints investigated under the ABA, and those concerning facilities not covered by that law but potentially covered by other laws, such as the ADA and the Rehabilitation Act. Of the complaints closed during FY 2017, 31 were closed following our investigations and the completion of corrective actions by the relevant agencies. Although we did not have authority in the other complaints, we responded to the complainants, usually by referring them to the appropriate enforcement agency. In addition, we referred another 49 complainants to other agencies for action when our investigations revealed there was no violation of the ABA, there was a waiver, or we did not have jurisdiction.

We respond quickly to all new complaints. Most complainants now file their complaints with us on-line; they receive immediate notice that their complaint has been received, together with a complaint tracking number for their future reference. It is our practice to keep complainants informed on a regular basis throughout the course of our investigations. We periodically contact complainants to provide updates on the status of their complaints. We find that these contacts

can be helpful in obtaining additional information about actions being taken that may not have been provided by respondent agencies. Upon completing investigations, we always give complainants an opportunity to comment on determinations we have made and actions that have been taken before closing complaints. At the end of the complaint process, we seek feedback through a Customer Satisfaction Survey. The survey is voluntary and respondents may respond anonymously, or provide their name and complaint number if they wish.

### **FY 2018 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 FY 2017, we expect to receive 128 new complaints, and close 138. Of the 138, we expect to close 63 following investigations and 59 without opening an investigation.

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. To make the survey easier to use for customers, and to expedite the processing and refine the recordkeeping for completed surveys, we will convert from a paper survey to an online survey platform. In addition, we will continue to update and revise our software system for managing and tracking ABA complaints to optimize system performance and further expedite complaint handling.

August 12, 2018 will mark the 50th Anniversary of the signing of the ABA by President Lyndon Johnson. We are planning ways to celebrate this milestone anniversary such as webinars on the ABA, enforcement, and standards; video anniversary messages on our website; website and newsletter articles on passage of the ABA; and highlighting ABA enforcement cases.

### **FY 2019 Objectives - ABA Compliance**

The Board will continue to investigate complaints under the ABA. Based on historical data, we estimate that we will receive 140 new complaints, and close 138. Of the 138, we expect to close 63 following investigations and 75 without opening an investigation. We will continue to provide good customer service and increase efficiency in the operation of the compliance and enforcement program.

### **FY 2017 Results - Working in Partnership with Agencies**

We completed certain performance-optimizing updates to our Complaint Tracking and Management System so that Board staff would be able to more quickly update complaint data and track progress in open complaints. In addition, we continued to use our 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 80 percent of those individuals responding in the 2016 cohort rated their satisfaction with the complaint process, the outcome of their complaint, and staff knowledge, at the highest rating levels. Finally, we worked with the contractor who manages our Complaint Tracking and Management System to make software upgrades that will allow our points of contact at other federal agencies to upload complaint-related documentation (such as completed jurisdictional questionnaires, correspondence, building information, and photographs and/or architectural drawings relevant to the building in question).

### **FY 2018 Planned Activities – Working in Partnership with Agencies**

We will continue to work with the Department of Defense, Postal Service, and the General Services Administration and agencies covered by its accessibility standards to ensure that covered facilities comply with requirements in the ABA standards. We will continue to work with the Department of Housing and Urban Development 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 launch the upgraded features of our Complaint Tracking and Management System to allow information uploads by our points of contact at other federal agencies. Access to the system will be password-protected and limited to uploading documentation; confidential identifying information for complainants will not be able to be viewed by anyone other than Board staff. This functionality will further expedite complaint handling and processing.

### **FY 2019 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 following the applicable accessibility standards promulgated under the ABA.

## **EXPAND AWARENESS OF THE ACCESS BOARD'S FUNCTIONS AND OBJECTIVES**

This is a new goal that began in FY 2017. We have the following objectives in this program area:

- Engage other organizations and pursue partnerships to promote the Access Board's work
- Promote accessibility throughout all segments of society, including holding events in various locations across the country

### **FY 2017 Results**

The Access Board holds six meetings each year. Five are business meetings in Washington, DC and the sixth is held outside the Washington, DC area and serves as an opportunity for the Board to examine innovations in accessible design undertaken around the country and to promote

accessibility throughout our society. In 2017 we travelled to Minneapolis, MN where we met with various public and private entities highlighting implementation of accessibility standards. We also held a town hall forum to hear directly from interested citizens regarding accessibility successes and challenges. When the Board meets in-town, we have begun to reach out to trade associations, other federal agencies, and non-profit organizations to help build partnerships and to get the word out about our services. Access Board public members and staff have met with representatives from the Construction Management Association of America; International Code Council; The Corps Network; Transportation Research Board; and the International Parking Institute.

### **FY 2018 Planned Activities**

As part of our technical assistance program, we often hear from first-time inquirers that they were surprised to learn about our technical assistance services, and we know from anecdotal evidence that accessibility standards are not uniformly followed. To improve effectiveness of our technical assistance program, we plan a concerted effort to promote and publicize our technical assistance services to additional design and construction professionals through targeted outreach. We will identify professional associations, trade groups, and other organizations whose members can benefit from our technical assistance services. We will contact and meet with representatives from identified organizations using prepared outreach materials to promote our technical assistance services. Technical staff will log information from technical assistance inquiries to determine the effectiveness of the outreach efforts. In addition, staff will follow up with targeted professional and trade associations to assess additional opportunities for partnership with the Access Board, such as webinars, trainings, or technical assistance materials.

### **FY 2019 Objectives**

In addition to expanding technical assistance, we plan to explore more cost-effective methods of providing training. Specifically, we plan to explore the possibility of providing scripted online video-based trainings on our website. We would like to reach a larger audience than is possible with in-person trainings and webinars. Over the past several years, we have steadily created animations, which we provide on our website to illustrate how accessibility requirements solve specific problems. We plan to complement these animated training videos with scripted video trainings that could be viewed on the Access Board's website by the public on-demand. We also plan to improve the effectiveness of our webinar-based training program by building a portfolio of evidence from customer service feedback and employing the results to improve the learning experience and we plan to expand self-paced webinar offerings that provide continuing education credit to architects. We will place the short scripted online training videos on our soon to be released YouTube channel.



**APPENDIX A**

**ACCESS BOARD BUDGET**

<b>DESCRIPTION</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019 Request</b>
<b>BUDGET TOTAL</b>	<b>8,190,000</b>	<b>8,190,000</b>	<b>8,400,000</b>
<b>PERSONNEL</b>	<b>5,324,800</b>	<b>5,148,400</b>	<b>5,261,000</b>
Salary	4,042,100	3,902,600	3,976,300
Staff	3,839,900	3,673,000	3,742,600
Board	202,200	229,600	233,700
Personnel Benefits	1,282,700	1,245,800	1,284,700
<b>TRAVEL</b>	<b>253,600</b>	<b>283,600</b>	<b>283,600</b>
Board Meetings and Public Hearings	233,600	263,600	263,600
Advisory Committee Meetings	0	0	0
Training, Site Visits, Conferences, Other	20,000	20,000	20,000
<b>SPACE MANAGEMENT</b>	<b>747,000</b>	<b>758,000</b>	<b>844,400</b>
<b>RESEARCH</b>	<b>375,000</b>	<b>100,000</b>	<b>200,000</b>
Technical Assistance and Research	275,000	100,000	200,000
Regulatory Assessments	100,000	0	0
<b>FACILITATORS/CONTRACTORS</b>	<b>51,100</b>	<b>0</b>	<b>0</b>
<b>ADMINISTRATIVE SUPPORT SERVICES</b>	<b>559,000</b>	<b>619,000</b>	<b>642,000</b>
<b>IT SUPPORT SERVICES</b>	<b>695,700</b>	<b>1,153,200</b>	<b>1,039,200</b>
<b>PRINTING</b>	<b>80,000</b>	<b>40,000</b>	<b>40,000</b>
<b>MISCELLANEOUS OPERATING EXPENSES</b>	<b>103,800</b>	<b>87,800</b>	<b>89,800</b>
Postage, Courier, and Mailing Services	10,000	10,000	10,000
Staff Training	15,000	15,000	15,000
Equipment	13,000	5,000	5,000
Supplies	15,000	10,000	10,000

Drug Testing	800	800	800
Audit	30,000	32,000	34,000
Books	10,000	5,000	5,000
Other	10,000	10,000	10,000
<b>RECEIPTS FOR PUBLICATIONS AND TRAINING <sup>1</sup></b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>

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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 2019 of \$8,400,000. A full-year 2018 appropriation was not enacted at the time this budget was prepared; therefore, the budget assumes the Board is operating under the Further Extension of Continuing Appropriations Act, 2018 (Division B). The amounts included for 2018 reflect the annualized level provided by the continuing resolution.

### **PERSONNEL**

FY 2018	\$5,148,400
FY 2019	\$5,261,000

We anticipate the Board will use 34 FTE in 2019. We are planning on 4 days of pay per public Board member (Presidentially appointed) for each of the 5 regular Board meetings and 5 days of pay for the one out-of-town meeting. In addition, we have included funds for the following:

- Salaries for a total of 20 additional days for information meetings where some of our public Board members participate in committee meetings or represent the agency in other meetings.

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 2018	\$ 283,600
FY 2019	\$ 283,600

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 all Board and other public meetings (at a total cost of approximately \$2,000 per day).

### **SPACE MANAGEMENT**

FY 2018	\$ 758,000
FY 2019	\$ 844,400

Our rent is set by the General Services Administration. Our current lease expires in June 2018. We are working with GSA to determine whether we will continue operating at our current location or relocate. Until GSA finalizes its assessment, we cannot accurately determine costs; therefore, our estimate assumes that we will remain in our current location with a modest increase in rent.

**RESEARCH**

FY 2018	\$ 100,000
FY 2019	\$ 200,000

Contracting for research to assist in our guidelines and standards development and to provide technical assistance materials is crucial to the Board’s mission. Funds also are used to conduct required regulatory assessments for our rulemaking. Historically, we have requested a research budget of approximately \$400,000. With limitations on rulemaking our budget request is adjusted accordingly.

**FACILITATOR/CONTRACTORS**

FY 2018	\$ 0
FY 2019	\$ 0

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. We do not anticipate using these types of services in FY 2019.

**ADMINISTRATIVE SUPPORT SERVICES**

FY 2018	\$ 619,000
FY 2019	\$ 642,000

We contract with the Bureau of the Fiscal Service 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 also are used to maintain compliant Federal Personal Identity Verifications under HSPD-12.

**INFORMATION TECHNOLOGY SUPPORT SERVICES**

FY 2018	\$ 1,153,200
FY 2019	\$ 1,039,200

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). Increased expenditures in FY 2019 are to provide network security and operational integrity of the Board’s network. They include a network certification and Authority to Operate, Trusted Internet Connection, and use of the Einstein system to comply with Executive Order M-17-25. These expenditures will help us meet the Federal Information Security Management Act and provide certification of the Board’s network, required to access other agency networks (e.g., the Bureau of the Fiscal Service’s HR Connect System for personnel services). Funds will also be used to provide annual security network maintenance for the Continuous Diagnostics and Mitigation Cybersecurity program.

**PRINTING**

FY 2018	\$ 40,000
FY 2019	\$ 40,000

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. We anticipate lower than usual costs in FY 2019, due to restrictions on rulemaking and, therefore, limited printing in the Federal Register.

**MISCELLANEOUS OPERATING EXPENSES**

FY 2018	\$ 87,800
FY 2019	\$ 89,800

Expenditures in this category include postage, overnight shipping, and in-town delivery service. 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 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, staff training, office supplies, and equipment purchases.

**RECEIPTS FOR PUBLICATIONS AND TRAINING**

We expect to receive approximately \$50,000 in FY 2019 in reimbursements for travel associated with training.

## APPENDIX B

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### STATUS OF CURRENT ACCESS BOARD RULEMAKING EFFORTS

*February 2018*

**ADA Accessibility Guidelines (ADAAG) for Transportation Vehicles – Update (rail vehicles).** This rulemaking would update the Board’s existing accessibility guidelines for transportation vehicles that operate on fixed guideway systems (e.g., rapid rail, light rail, commuter rail, and intercity rail) covered by the ADA. The existing rail vehicles guidelines were initially promulgated in 1991, and need an update to, among other things, keep pace with newer accessibility-related technologies, harmonize with recently-developed national and international consensus standards, and incorporate recommendations from the Board’s Rail Vehicles Access Advisory Committee’s report. In May 2013, we created a 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 met from November 2013 through June 2015 and provided its final report to the Board in July 2015. The next step for this rulemaking is an ANPRM planned for FY 2018. Compliance with any revised rail vehicles guidelines would not be required until they are adopted by DOT in a separate rulemaking.

- 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

**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 began 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 by convening a federal advisory committee to develop recommendations for the guidelines. 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 to the Board in January 2001.

In June 2002, the Board released for public comment draft guidelines based on the committee's recommendations. 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. 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 in more developed outdoor areas, as opposed to the more primitive trail settings. Unlike trails, shared use paths 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. In September 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 then published an ANPRM 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 next step for this rulemaking is a final rule; a time-line for the final rule has not been established.

- 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

**Self-Service Transaction Machines.** We have worked collaboratively with other agencies to develop a single set of technical requirements that can be referenced and scoped by each participating agency. In November 2013, DOT published a rule under the Air Carrier Access Act addressing accessibility of web sites and automated kiosks. The DOT requirements for automated kiosks 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. The next step for the Board's rulemaking is an ANPRM planned for FY 2019.

**Passenger Vessels.** This rulemaking will address access to ferries, cruise ships, excursion boats, and other vessels. In 1994, the Access Board and DOT 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 ADA. The committee presented its report 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 ANPRM on access to and in smaller passenger vessels and a notice of availability 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 to the Board in October 2008. In June 2008, we published revised draft guidelines to hold information meetings to collect data necessary for a regulatory assessment. Meetings were held in August 2008 to collect this data.



In June 2013, the Board released for public comment proposed guidelines for passenger vessels. The comment period ended in January 2014. The next step for this rulemaking is a final rule; a time-line for the final rule has not been established.

- 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

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## COMPLETED ACCESS BOARD RULEMAKINGS

*February 2018*

**ADAAG for Buildings and Facilities (Sections 1-9).** The ADA Accessibility Guidelines (ADAAG) initially consisted of nine sections. Sections 1 through 4 include 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 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).

- 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

**ADAAG for Transportation Vehicles.** A separate ADAAG was issued for transportation vehicles for 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.

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

**Automated Teller Machines.** In response to a petition for rulemaking, on July 15, 1993, the Board issued a joint final rule with DOT amending the reach range requirements for accessible automated teller machines and fare vending machines.

- 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 ANPRM 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 in January 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

**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. We convened a federal advisory committee to develop recommendations on access to public rights-of-way. We published a final rule in January 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

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

**Over-the-Road Buses.** The ADA requires the Board and 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, we 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.

- 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

**Detectable Warnings Temporary Suspension.** In response to a petition for rulemaking, in 1994 the Board, DOJ, and DOT suspended temporarily until July 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 were warranted.

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 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 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

**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. This included play areas, playground surfaces, and play equipment.

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 in October 2000. In November 2000, the Board published an amended advisory note to the accessibility guidelines which clarified 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

**Electronic and Information Technology.** In August 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 were 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. We convened a 27-member Electronic and Information Technology Access Advisory Committee to assist in developing our standards. The Committee presented its report 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 in December 2000. In April 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

**Recreation Facilities.** This rulemaking addresses recreation facilities including sports facilities, places of amusement, golf, and boating and fishing facilities. We 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 ANPRM. Over 600 comments were received on the report and questions asked in the ANPRM. We 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 in December 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.

To provide more opportunities for input, 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. We held two information meetings in Washington, DC and San Francisco, CA to discuss the summary. In September 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

**ADAAG Revision and Architectural Barriers Act Accessibility Guidelines.** This rulemaking revised ADAAG, updated the Minimum Guidelines and Requirements for Accessible Design (MGRAD) for federal facilities covered by the ABA, and created 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 addressing 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.

We issued a proposed rule in November 1999. The comment period closed in May 2000. Over 2,500 comments were received on the proposed rule. The Board held two public hearings (Los Angeles, CA on January 31, 2000 and Arlington, VA on March 13, 2000). We 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. In April 2002, we 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 were 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



**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 in September 1999. In October 2001, we sponsored an information meeting on the committee's report in Denver, CO during the annual meeting of the National Recreation and Park Association.

An NPRM for federal facilities covered by the ABA was published in June 2007. We held three public hearings in Denver, CO; Washington, DC; and Indianapolis, IN. In October 2009, we released draft final guidelines for public comment. Approximately 80 comments were received. A final rule was published in September 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 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 in May 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

**ADA Accessibility Guidelines (ADAAG) for Transportation Vehicles – Update (non-rail vehicles).** In April 2007, the Board released for public comment a preliminary draft of revisions updating our accessibility guidelines for buses and vans covered by the ADA. We received approximately 90 comments. We used this input to refine the draft and then 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, we 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. A final rule was published in December 2016.

- 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
- final rule - December 14, 2016

**Medical Diagnostic Equipment.** Section 510 of the Rehabilitation Act required the Board to issue accessibility standards for medical diagnostic equipment, including examination tables and chairs, weight scales, radiological equipment, and mammography equipment in consultation with the Food and Drug Administration. The standards were required to address independent access to, and use of, equipment by people with disabilities to the maximum extent possible.

In July 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 in December 2013. A final rule was published in January 2017.

- 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
- final rule - January 9, 2017

**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, we published an ANPRM and held two public hearings during the comment period. In response to this input, we published a second ANPRM in December 2011; two hearings were held. A proposed rule was published in February 2015. Three public hearings and a webinar on the proposed rule were held during the comment period. A final rule was published in January 2017.

On January 22, 2018, we issued a correction to our updated accessibility requirements for ICT to restore provisions on TTY access that were inadvertently omitted. The original Section 508 standards and Section 255 guidelines required that devices with two-way voice communication support use of TTY devices which provide text communication across phone connections for persons with hearing or speech impairments. In its ICT refresh, the Board had proposed replacing this provision with a requirement for real-time text (RTT) functionality, a new technology with significant advantages over TTYs. In finalizing the rule, however, the Board chose to reserve the RTT requirement because the Federal Communications Commission had initiated its own rulemaking to address RTT functionality. In doing so, the Board intended to add the original TTY provision back into the rule, but the necessary language was unintentionally left out. The correction notice restores the TTY requirement with minor editorial changes for consistency with the new format and terminology of the updated requirements and corrects two typographical errors in other sections of the rule.

Corrections to the Information and Communication Technology (ICT) Final Standards and Guidelines Direct final rule; request for comments

- 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
- final rule - January 18, 2017
- correction notice (direct final rule; request for comments) - January 22, 2018

**APPENDIX C**

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**ARCHITECTURAL BARRIERS ACT CASES**

	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018 (est.)</b>	<b>FY 2019 (est.)</b>
Complaints pending at start of the fiscal year	77	88	56	82	72
Complaints received during the fiscal year	131	134	157	128	140
Complaints closed during the fiscal year following an investigation	50	70	69	63	63
Complaints closed during the fiscal year with a referral without opening an investigation	52	76	49	59	59
Complaints closed during the fiscal year without a referral and without opening an investigation	18	20	13	16	16
Complaints pending at end of the fiscal year	88	56	82	72	74

**APPENDIX D**

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**TECHNICAL ASSISTANCE DATA**

	<b>FY 2015</b>		<b>FY 2016</b>		<b>FY 2017</b>	
Technical Assistance Calls and Faxes	13,025		12,115		11,508	
Website User Sessions <sup>2</sup>	1.4 million		1.8 million		1.35 million	
	in-person	webinars	in-person	webinars	in-person	webinars
Training Sessions	62	16	62	18	69	17
Training Participants	8,950	6,100	5,043	8,986	7,603	8,204

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<sup>2</sup> 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.