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Board Advances Rulemaking on Outdoor Sites and Rights-of-Way

The Board continues to make progress on guidelines it is developing or updating in a variety of areas. At its January meeting, the Board approved the text of final guidelines for Federal outdoor developed areas and the text of proposed guidelines for accessible public rights-of-ways. The Board will proceed with the remaining steps that must be completed before these guidelines can be published, including adding figures and advisory notes, drafting companion discussions of the rules, and preparing cost impact assessments. At the same time, work will proceed on several other rulemaking initiatives.

Final Guidelines for Federal Outdoor Developed Areas

The guidelines for outdoor developed areas will cover access to trails, beach access routes, and picnic and camping areas on sites managed by the Federal government. They will address how, and to what extent, access can be achieved in light of challenges and constraints posed by terrain, the degree of development, construction practices and materials, and other factors. The Board is finalizing the guidelines based on input received from the public on a proposed version published in 2007. In response to the proposed guidelines, the Board received comments from Federal land management agencies, professional and trade groups, individuals with disabilities, disability groups, trail and park operators and designers, and state and local parks and recreation agencies. The comments addressed all sections of the proposed guidelines, including provisions covering trails and outdoor recreation access routes, beach access routes, picnic areas, and camp sites, and called attention to compliance concerns and areas where further guidance is needed.

Proposed Guidelines for Public Rights-of-Way

The Board's guidelines for public rights-of-way will cover access to sidewalks and streets, including street crossings, access for pedestrians with vision impairments, on-street parking, and constraints posed by terrain and space limitations, among other topics. The Board previously released drafts of the guidelines for public input but must follow up with an official proposal and comment period before the guidelines can be finalized. In addition to the feedback received on earlier drafts, the upcoming proposal will incorporate information gained through close coordination with counterpart agencies and research on rights-of-way issues the Board has sponsored or promoted. The proposed guidelines also will be responsive to issues further identified through the Board's extensive outreach and training program on rights-of-way accessibility.

Other Rulemaking Initiatives

Other Board rulemaking efforts include new guidelines for passenger vessels, updates to guidelines for transportation vehicles, and a joint refresh of the section 508 standards for electronic and information technology and guidelines for telecommunications products issued under the Telecommunications Act. In addition, the Board plans to develop supplements to its facility guidelines that will incorporate provisions specific to emergency transportable housing. Further information on these rulemakings is available on the Board's website at www.access-board.gov.

DOJ Postpones Review of Updated ADA Regulations

The U.S. Department of Justice (DOJ) has delayed publication of updated final regulations under the Americans with Disabilities Act (ADA) due to the presidential transition. DOJ, which had submitted the new regulations to the Office of Management and Budget for review and clearance in early December, withdrew its submission in response to a memorandum from the Obama Administration directing Federal agencies to postpone publication of any new regulations until incoming administration officials have had an opportunity to review them. According to a statement posted on DOJ's website at www.ada.gov/ADAregrwithdraw09.htm, "No final action will be taken by the Department with respect to these rules until the incoming officials have had the opportunity to review the rulemaking record." Withdrawal of the draft final rules does not affect existing ADA regulations."

DOJ's rulemaking will update regulations for state and local governments under title II of the ADA and regulations for places of public accommodation and commercial facilities covered by title III. Last June, DOJ published proposed changes to these regulations for public comment. As part of this update, DOJ intends to adopt new accessibility standards based on guidelines issued by the Board. DOJ also proposed updates to sections of the regulations covering existing facilities, service animals, policies and programs, maintenance of accessible features, auxiliary aids and services, effective communication, and other topics. DOJ has not yet indicated a timeframe for resubmitting the final rules. DOJ's existing ADA regulations, including the standards they contain or reference, remain in effect.

Updated ADA standards are in effect for transportation facilities subject to regulations issued by the U.S. Department of Transportation. Similar standards are also in place for most federally funded facilities under the Architectural Barriers Act (ABA), except housing which remains subject to earlier standards. Further information on the status of ADA and ABA standards is available on the Board's website at www.access-board.gov/ada-aba/guide.htm.

Input Received on Draft Updates to Guidelines for Buses and Vans

Last November, the Board released draft updates to its ADA Accessibility Guidelines for buses and vans to gather feedback from the public. By the close of the comment period on January 20th, the Board had received comments from trade associations, disability groups, consumers, transit operators and authorities, researchers, and manufacturers of buses and vehicle components, including lifts, seats, and wheelchair securement systems.

Commenters addressed a range of provisions in the draft as well as questions posed by the Board, including those pertaining to boarding devices, level boarding, automated stop announcement systems, wheelchair spaces and securement, circulation routes, and bus stops. In particular, comments focused on retaining a definition of the types of wheelchairs that must be accommodated by accessible vehicles, revisions to specifications for vehicle lifts and ramps, new requirements for bus stop announcements, criteria for wheelchair positioning and securement systems, including head rests, and onboard accessible routes. The comments and related information on this rulemaking can be viewed on the Board's website at www.access-board.gov/transit/.

The Board will use this input to refine a proposed set of updated guidelines. Updates to other sections of the vehicle guidelines, including those covering rail cars and other modes of public transportation, will be released at a later date.

Board Continues Outreach on Public Rights-of-Way Accessibility

As work on new rights-of-way guidelines progresses, the Board remains committed to an active outreach program to provide interim guidance on achieving accessible streetscapes. The Board regularly delivers training, technical assistance, and resources on the topic, often in partnership with various organizations, including professional associations, advocacy groups, and counterpart agencies. Most recently, the Board conducted a series of trainings for the Michigan Department of

Transportation as part of a course developed by the Association of Pedestrian and Bicycle Professionals. The Board also provides training programs of its own upon request at different locations across the country. Training sessions, which range from hour-long workshops to full day programs, are targeted to the needs and interests of each audience.

Individualized guidance is available from the Board as well. A number of state and local transportation departments have met with the Board for input on accessibility planning and programming. The Board also routinely provides one-on-one technical assistance on specific projects or accessibility issues through its help line. For technical assistance on rights-of-way accessibility, contact the Board at (800) 872-2253 (v), (800) 993-2822 (TTY), or row@access-board.gov. Training requests should be directed to Peggy Greenwell, the Board's training coordinator at training@access-board.gov, (202) 272-0017 (v), or (202) 272-0082 (TTY). In addition, various resources on rights-of-way accessibility are available free on the Board's website at www.access-board.gov/prowac/, including a guide on improvement projects, Accessible Public Rights-of-Way: Planning and Designing for Alterations, a video series demonstrating access issues, and bulletins developed through research on accessible pedestrian signals, roundabouts, and other topics.

Workshop Explores Standards for Emergency Preparedness

The American National Standards Institute (ANSI), an organization that supports development of a wide range of consensus standards, is exploring coverage of emergency preparedness for people with disabilities. This effort is being led by the ANSI Homeland Security Standards Panel (HSSP) which was organized several years ago to facilitate, coordinate, and promote development of voluntary standards that are responsive to homeland security needs. In early February, the ANSI-HSSP held a workshop on the topic in Washington, D.C. at Gallaudet University. Organized in collaboration with the National Organization on Disability and the National Fire Protection Association, the event focused on the need for standards covering accessible evacuation and relocation of people with disabilities in emergencies and disasters. Through panel discussions and breakout sessions, invited experts surveyed the current landscape to identify gaps in coverage relating to the built environment and to evacuation equipment, planning, and procedures.

In opening remarks, ANSI President and CEO S. Joe Bhatia and Access Board Executive Director David Capozzi outlined the focus and goals of the workshop. The workshop featured presentations and roundtable discussions on the population of people with disabilities, accessible evacuation procedures and needs, the results of case studies, and a survey of relevant standards. Participants included representatives from the Board and other Federal agencies, the codes and life safety communities, disability groups, and other stakeholders. Open forums provided an opportunity for input from the public. The results of the workshop will be used by the ANSI-HSSP to advance the development of standards. For further information, contact Jessica Carl, ANSI-HSSP program administrator, at jcarl@ansi.org or (212) 642.4903, or visit ANSI's website at www.ansi.org

ADA Amendments Act Takes Effect

Amendments to the Americans with Disabilities Act (ADA) signed into law last fall became effective January 1st. The "ADA Amendments Act of 2008" revises the definition of "disability" to more broadly encompass impairments that substantially limit a major life activity. The Equal Employment Opportunity Commission (EEOC), which regulates and enforces requirements of the ADA covering employment and hiring practices, will revise definitions in its ADA regulations under the new amendments. For further information, visit EEOC's website at www.eeoc.gov. In addition, the Office of Disability Employment Policy, through its Job Accommodation Network, has released additional information on the effect of the amendments that is available online at www.jan.wvu.edu/bulletins/adaaa1.htm. A complete copy of the ADA as amended is posted on the Board's website at www.access-board.gov/about/laws/ADA.htm.

Census Bureau Releases New Data on the Population of People with Disabilities

Newly released estimates from the U.S. Census Bureau indicate that the population of people with disabilities is increasing. A total of 54.4 million Americans (19% of the population) is estimated as having some level of disability based on the Bureau's 2005 Survey of Income and Program Participation which is used to develop national-level estimates. Of this total, 35 million were classified as having a severe disability. These latest figures represent an increase from the results of a previous survey of 2002 data (51.2 million or 18%). The study, "Americans with Disabilities: 2005," also found that among people 15 and older, 10.2 million use canes, crutches, or walkers, and 3.3 million use wheeled mobility aids. An estimated 7.8 million are reported to have difficulty hearing a normal conversation, including 1 million without any hearing. Another 7.8 million are estimated to have difficulty seeing ordinary newspaper print, including 1.8 million without any vision. Other findings from the survey indicate that over 16 million people have a cognitive, mental, or emotional disability and that over 5.4 million children under age 15 have some type of disability. For more information on the study, visit the Bureau's website at www.census.gov/Press-Release/www/releases/archives/income_wealth/013041.html.

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