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Board Holds Information Meeting on Beach Access

On July 23 the Board held a meeting to gather additional information on beach access routes for its use in finalizing guidelines covering access to outdoor sites. In addition to beach access routes, these guidelines, which the Board proposed for public comment last year, provide specifications for trails, camp sites, and picnic areas at national parks and other Federal lands. Participants included representatives from the American Shore and Beach Preservation Association, the National Center on Accessibility, the Paralyzed Veterans of America, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service, as well as parks and recreation officials, architects, and product manufacturers who shared their experiences providing access routes at beaches.

The Board presented leading questions and issues it has identified from its review of comments on the proposed guidelines and visits to beaches where access routes have been provided. It sought information on the types of projects that should trigger the provision of beach access routes, the experiences agencies and officials have had providing access to beaches, and environmental impacts, route maintenance, and other considerations that could affect compliance. The Board also posed questions on technical specifications for beach access routes, including their width, frequency along a shore, distance, and connection to other beach sites.

Participants indicated that access improvements can be incorporated into beach nourishment and replenishment efforts. State and county officials from Delaware and Florida, an architect from California, and representatives from the Army Corps of Engineers shared their experiences providing access routes to ocean and lake beaches. Beach officials noted that route products, including mat systems, have been very popular with the public, not only among people with disabilities, but other beach goers as well, including those with baby strollers or wheeled totes. A representative from an architectural firm described challenges posed by the terrain in providing access at various beaches in northern California. The Army Corps of Engineers presented information on projects where permanent routes and ramps have been installed to provide access to lakes. A mat system manufacturer described available route products and feedback received on a number of installations at various beaches along the eastern seaboard. Beach operators and product manufacturers recommended that routes be at least 60 inches wide based on their experiences.

Concerns were expressed about the amount of maintenance that may be required for routes at ocean beaches and the impact on budgets and staffing. It was pointed out that certain conditions will likely require routes to be temporarily moved or stored, including storm surges, extreme tides, beach maintenance and replenishment efforts. Attendees recommended that route systems stop short of the high water mark at ocean beaches, although this point is not fixed and fluctuates due to a number of environmental factors.

The Board also received information on environmental impacts, including threats to endangered plant and animal species. The Board previously heard concerns about harm beach routes may pose to endangered species, such as sea turtles, and protections implemented at certain beaches to protect nesting environments. A representative from the U.S. Fish and Wildlife Service briefed

the Board on responsibilities Federal agencies have under the Endangered Species Act and noted that Service field offices are available to help local entities assess impacts on a case-by-case basis.

The Board will use the information gained in this meeting to finalize the guidelines for Federal outdoor sites. For further information on the meeting or this rulemaking, visit the Board's website at www.access-board.gov/news/beach-infomtg.htm or contact Bill Botten at botten@access-board.gov, (202) 272-0014 (v), or (202) 272-0082 (TTY).

Board Briefs House Subcommittee on Access to Outdoor Areas

In July the Board briefed a congressional subcommittee on its work to develop new guidelines for Federal outdoor sites as part of a hearing on expanding access to Federal lands. Board member Philip Pearce provided members of the House Subcommittee on National Parks, Forests and Public Lands a progress report on the guidelines, including action completed to date and efforts that are underway to finalize them.

He was joined by representatives from Federal land management agencies who provided testimony on efforts undertaken to improve access to outdoor recreation throughout national parks and on Federal lands. U.S. Forest Service officials discussed agency actions completed to date, including the implementation of guidelines for trails and outdoor sites based on those being developed by the Board. National Park Service representatives outlined initiatives to improve access to trails, campgrounds, exhibits, and visitor programs in national parks, and noted that a new website portal provides information on park access nationwide. Pearce commended these agencies for their cooperation and input in the Board's rulemaking and their proactive approaches to accessibility. He also called attention to the initiative other entities have shown. "The Board has been pleased to learn that many State and local governments and some in the private sector have already begun to use portions of the proposed rule to increase access for persons with disabilities," Pearce noted.

Additional information, including testimony, from the hearing is available on the subcommittee's website at <http://resourcescommittee.house.gov>.

Website Resources on Outdoor Accessibility

Access Board: www.access-board.gov/outdoor/

U.S. Forest Service: www.fs.fed.us/recreation/programs/accessibility/

National Park Service: www.nps.gov/pub_aff/access/index.htm

DOJ Holds Hearing on Proposed Regulations

On July 15 the U.S. Department of Justice (DOJ) held a public hearing on proposals to update its Americans with Disabilities Act (ADA) regulations, including its standards for facilities. The daylong event, which was broadcast through the web, provided an opportunity for interested parties to weigh in on proposed changes to the regulations covering state and local government facilities under title II and places of public accommodation and commercial facilities under title III. DOJ's proposed rules, which were published mid-June, revised or supplement provisions covering existing facilities, accommodation of service animals, policies and practices, auxiliary aids and services, effective communication, and other topics. DOJ intends to adopt new standards for the construction and alteration of facilities based on revised guidelines issued by the Board. DOJ will publish a final version of the regulations based on comments received at the hearing and in writing. Further information, including a transcript of the hearing and a copy of the webcast, is available on DOJ's website at www.ada.gov. Public comments submitted to DOJ, which were due by August 18th, can be viewed online at www.regulations.gov.

Lawrence Roffee to Retire as the Board's Executive Director

Lawrence W. Roffee, the Board's executive director for two decades, will retire from Federal service in late August. During his tenure, he oversaw considerable expansion of the Board's

mission and services. When he joined the Board in 1988, its work focused primarily on federally funded buildings. With passage of the ADA in 1990 and other laws however, its mission grew to encompass access to much of the built environment nationwide, transportation vehicles, and telecommunication and information technologies. Roffee implemented programming measures and reforms enabling the Board to meet its growing responsibilities writing new guidelines and standards in these areas and delivering guidance and training on them to a much wider audience. He also spearheaded efforts to make the Board a leading resource on accessible design both nationally and abroad.

"It has been a true honor to lead the Board during such an exciting and pivotal time in its history," Roffee noted at a meeting of the Board in July. "I am deeply grateful to the many exceptional and dedicated people at the Board and beyond I have had the privilege to work with over the years. Looking back at what we have accomplished together is as rewarding as it is humbling." David Capozzi, Director of the Board's Office of Technical and Information Services, will serve as acting executive director until a successor is named.

Vacancy Announcement

A vacancy announcement on the executive director position is posted on the USA Jobs website at <http://jobsearch.usajobs.gov/getjob.asp?JobID=74790369>. Applications are due by September 15.

White House Names New Board Members

President Bush recently named four new members to the Access Board: Edward H. Gee of Stone Mountain, Georgia, Phillip D. Jenkins of Austin, Texas, Nancy Starnes of Arlington, Virginia, and Hans A. Van Winkle of Lumberton, New Jersey. The new members, whose terms on the Board will begin in December, will be sworn in at the Board's January meeting.

Gee is president of the ISES Corporation, a facilities engineering and management support firm that he founded in 1987. He has almost 35 years of experience providing capital planning and budgeting services to corporate, institutional, and government clients. Through his company, Gee has pioneered and developed a range of management services and tools, including facility condition analyses, operations and maintenance programming, asset management studies, life cycle modeling, and accessibility surveys, among others.

Jenkins is a senior software engineer in IBM's Research Division who has over 27 years of experience with the company. He has been active in the development of innovations to enhance the accessibility of IBM technologies, products, and services through IBM's Human Ability and Accessibility Center. He represented IBM on Access Board advisory committees involved in drafting and more recently updating access standards for electronic and information technologies issued under Section 508 of the Rehabilitation Act.

Starnes serves as Senior Vice President of the National Organization on Disability which is dedicated to expanding the participation and contributions of people with disabilities in all aspects of life. She directs the organization's efforts to close the participation gaps between those with and without disabilities in the nation's towns, cities and counties. Starnes has been active in disability rights advocacy for over 30 years and has served on numerous organization and consumer boards and coalitions.

Van Winkle is President of the Project Management Group at Hill International, Inc., a leading construction management firm, and has over 35 years of experience in engineering, operations, construction and project management. Before joining Hill, he was director of the Construction Industry Institute, a non-profit consortium at the University of Texas at Austin, and served for more than 30 years with the U.S. Army Corps of Engineers where he rose to become Deputy Commander.

The Architectural Barriers Act: 40 Years of Ensuring Accessibility

In 1968, Lyndon Johnson was president, gas averaged about 30 cents a gallon, and facilities nationwide, including government buildings, were inaccessible to most people with disabilities. It was also the year that Congress unanimously passed the Architectural Barriers Act (ABA), the first law on the books addressing accessibility. It was the idea of Hugh Gallagher, a Senate aide

who was frustrated by barriers to access at many government buildings, including landmark museums along the Mall. The ABA made accessibility a condition of Federal funding in construction, alterations, and leasing. President Johnson, who signed the ABA into law on August 13th, characterized barriers to access as a failure on the part of government that perpetuated "needless and cruel discrimination."

Initially, the ABA left compliance up to each Federal agency with little guidance or support. At the time, accessible design was a new concept and few standards or resources were available. Congress addressed these shortcomings several years later by passing a law creating the Access Board. The Board was charged with developing minimum guidelines under the law, providing technical assistance, and making sure design standards were met through the investigation of complaints, responsibilities it maintains to this day. In 2004, the Board updated its ABA guidelines so that they continue to meet the needs of people with disabilities and keep pace with technological innovations. It has provided extensive training on the new guidelines to Federal agencies and other entities and continues to examine compliance issues. Over the years, complaints filed with the Board have become fewer and more nuanced as Federal agencies greatly improved their compliance procedures.

Although narrow in scope, the ABA laid the foundation for other laws that would pick up where it left off. These include the Rehabilitation Act of 1973, which extended accessibility beyond building design to programs and services funded by the government, and the landmark Americans with Disabilities Act of 1990, which made equal access a civil right and covers access in the private and public sectors without regard to Federal funding. For more information on the ABA and other Federal disability rights laws, visit the Board's website at www.access-board.gov/enforce.htm.

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