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Justice Department Updates ADA Regulations and Standards

The Department of Justice released updated Americans with Disabilities Act (ADA) regulations and standards on July 26, the 20th anniversary of the law's enactment. The rules update requirements for state and local governments covered by title II of the ADA and those for private sector entities subject to title III. President Barack Obama announced the release along with other administrative initiatives to promote equality for people with disabilities at a ceremony on the south lawn of the White House celebrating the ADA's anniversary.

"Today, the Department of Justice is publishing two new rules prohibiting disability-based discrimination," the President noted, "and beginning 18 months from now, all new buildings must be constructed in a way that's compliant with the new 2010 standards."

The DOJ regulations update ADA standards governing the construction and alteration of facilities covered by the ADA, including places of public accommodation, commercial facilities, and state and local government facilities. The new standards are based on revised minimum [guidelines](#) previously established by the Access Board that include supplements for certain types of facilities and sites not addressed before. "For the very first time, these rules will cover recreational facilities like amusement parks and marinas and gyms and golf facilities and swimming pools, and municipal facilities like courtrooms and prisons," Obama stated.

DOJ's regulations allow covered entities the choice of following either the updated standards or the original standards during the first 18 months. After this period of time, use of the 2010 standards will become mandatory. In setting the effective dates, DOJ sought to allow sufficient time for transitioning to the updated standards so as not to disrupt design and construction projects already underway. DOJ's new rules also revise or supplement other sections of its ADA regulations, including those covering existing facilities, service animals, policies and programs, maintenance of accessible features, auxiliary aids and services, and effective communication. The new rules and additional information are available on DOJ's [ADA website](#).

DOJ also initiated new [rulemaking](#) under the ADA to address access to websites, movie theaters, next generation 911 emergency services, and equipment and furniture. In addition, President Obama noted other initiatives to advance equal opportunity for people with disabilities. These include a new executive order establishing the Federal government as a model employer of individuals with disabilities, expansion of broadband internet access, creation of new disability



offices at the State Department, the Department of Transportation, and Federal Emergency Management Agency, the U.S. signing of the U.N. Convention on the Rights of Persons with Disabilities, and efforts to improve independent living.

Board Proposes Updates to Its ADA Guidelines for Buses and Vans

On July 26, the Board published for public comment a [proposal](#) to update sections of its ADA Accessibility Guidelines for Transportation Vehicles that cover access to buses and vans. The proposal contains revisions to the guidelines, which apply to new or remanufactured vehicles, to address new types of systems, such as bus rapid transit and low floor buses, and advances in technology, including automation of announcements. The current [guidelines](#) were issued by the Board in 1991 and later supplemented to address over-the-road buses. The Board plans to update sections of the guidelines covering rail systems and other modes of public transportation at a later date.

The proposed rule, which is available for comment for 120 days, would revise both the substance and structure of the bus and van guidelines. In addition to a new organization and format, the proposed guidelines include revisions to specifications covering vehicle ramp slopes, onboard circulation routes, wheelchair spaces, and securement systems. In addition, the Board is proposing a new requirement for automated stop and route announcements in systems with 100 or more buses and has added provisions specific to bus rapid transit systems. The proposed rule provides a discussion of the changes and poses specific questions to the public on various topics.

The proposed guidelines incorporate public input previously received on this update. In laying the groundwork for this rulemaking, the Board held several public meetings to identify and examine issues to address. In addition, the Board released for comment preliminary drafts of the rule in 2007 and 2008. Disability groups, consumers, industry groups and manufacturers and other interested parties provided recommendations on how the criteria for buses and vans should be updated.

The deadline for comments on the recent proposal is November 23, 2010. The Board plans to hold public hearings on the proposed rule in Chicago on September 30 and Washington, D.C. on November 8 that will provide additional venues for submitting comment. The Board will also conduct a [webinar](#) to review the proposed changes on August 5.

The proposal, which provides instructions on submitting comments, and related materials, including a side-by-side comparison of the proposed and the existing guidelines, are posted on the vehicles [homepage](#). This information is also posted on www.regulations.gov which allows visitors to view and submit public comments. For further information, contact Jim Pecht at pecht@access-board.gov, (202) 272-0021 (voice), or (202) 272-0082 (TTY).

Board to Undertake Rulemaking on Classroom Acoustics

Poor classroom acoustics impact learning for all children, but the effects are pronounced for those with hearing loss, speech or learning impairments, and those who learn English as a second language. At a recent meeting, the Board unanimously voted to undertake rulemaking to address acoustics in classrooms by referencing a voluntary consensus standard that was developed with support from the Board.

The Board, which has been active in this subject for a number of years, first became involved in response to a petition from the parents of a child with a hearing loss urging action to ensure access to learning through good classroom acoustics. In response, the Board supported the Acoustical Society of America (ASA) in establishing a new acoustical standard for classrooms. More recently, the Board worked with ASA on revising and reformatting this standard, which has been accredited by the American National Standards Institute (ANSI). Consistent with long-standing recommendations for good practice in educational settings, the ANSI/ASA S12.60 Classroom Acoustics Standard sets specific criteria for maximum background noise and reverberation time in classrooms. By itself, the standard is voluntary unless referenced by a state code, ordinance, or regulation. A growing number of states, local jurisdictions, and boards of education have adopted the standard or implemented their own requirements or directives with

similar criteria.

The Board worked with the International Code Council (ICC) to make the standard applicable to school construction and renovation through building codes. In May, the Board submitted a proposal to the ICC to reference the standards in the next edition of the International Building Code, the lead model building code in the U.S., but was unsuccessful despite growing support among the codes community, design professionals, and trade associations. Consequently, the Board is proceeding with rulemaking to add scoping provisions to its ADA and ABA Accessibility Guidelines that would apply the ANSI/ASA standard to classrooms that are newly constructed or significantly renovated. The Board will gather information on cost impacts in preparation for a proposed rule that will be made available for public comment. For further information, visit the Board's [website](#) or contact Lois Thibault at thibault@access-board.gov, (202) 272-0023 (v), or (202) 272-0082 (TTY).

Board Holds Forum on Medical Diagnostic Equipment

The Board conducted a public information meeting on new accessibility standards to be developed for medical diagnostic equipment on July 29. The full-day event enabled interested parties and members of the public to provide input on the approach to this rulemaking. The new standards, which will cover access to examination tables and chairs, weight scales, radiological equipment, mammography equipment, and other types of medical diagnostic equipment, are required by the "Patient Protection and Affordable Care Act" signed into law in March. The law tasks the Board with establishing technical standards in consultation with the Food and Drug Administration within two years.

Board Member Gary Talbot, who is chairing this effort, Board Vice Chair Nancy Starnes, and staff lead David Baquis opened the meeting with an overview of the Board's rulemaking process, the regulatory steps involved, and a proposed timetable for completing the standards. This was followed by presentations and panel discussions on the legislative background, access barriers and solutions to medical diagnostic equipment, legal cases and settlements, industry standards, observations by health care providers and equipment manufacturers, and research and recommendations. The agenda also included a demonstration of an accessible exam table and opportunities for comments and questions from attendees. Presentations were made by experts and researchers in accessible medical diagnostic equipment, industry representatives, advocacy and civil rights specialists, liaisons from Federal agencies, and other invited speakers. Discussions explored the range of equipment to be addressed, access barriers to equipment, design challenges and solutions, reference standards, and other topics relevant to this rulemaking.

For further information, visit the Board's [website](#) or contact David Baquis at baquis@access-board.gov, (202) 272-0013 (v), or (202) 272-0082 (TTY).

Board to Hold Public Meeting on Shared Use Paths

The Board is initiating rulemaking to address access to shared use paths and will hold a public information meeting on the subject at the ProWalk/ProBike 2010 Conference this September in Chattanooga, Tennessee. Currently, the Board is in the process of developing new guidelines for [outdoor trails](#) and for [public rights-of-way](#) and plans to undertake a separate rulemaking specific to shared use paths since their design, construction, and use differs from trails and sidewalks. Shared use paths often serve recreational purposes while providing off-road transportation routes for pedestrians, cyclists, roller skaters, and others.

The Board will use the upcoming meeting to gather information and input from the public on addressing access to shared use paths. The Board is particularly interested in information on any accessibility guidelines for shared use paths developed by state transportation departments and other jurisdictions. Individuals experienced in designing and constructing shared use paths, consumers, and others with an interest in the topic are encouraged to attend. The meeting will take place September 13 from 1:00 to 5:00 at the Chattanooga Marriott at the Convention Center at Two Carter Plaza. For further information, contact Peggy Greenwell at (202) 272-0017 (v), (202) 272-0082 (TTY), or greenwell@access-board.gov.

Board Opens New Conference Space

At its meeting on July 28, the Board inaugurated its new meeting space located at the Board's offices in downtown Washington, D.C. at 1331 F Street, N.W. The 5,300 square foot space, which is located at suite 800, two floors below the Board's 10th floor offices, features an integrated assistive listening loop system that fully covers meeting and spectator areas, ceiling-mounted projectors, automated projection screens, supplementary monitors, and artwork made available by Easter Seals and VSA Arts.

"The new conference space will accommodate many agency functions, including Board and committee meetings, hearings, and other events while serving as a model for meeting site accessibility," states David Capozzi, the Board's Executive Director. It also greatly eases meeting logistics for the Board, according to Capozzi. "Securing meeting space on a regular basis that was conveniently located, sufficiently accessible, and available on our schedule and budget was time consuming and burdensome." Further, cleaning materials and room deodorizers at certain hotel sites in the past had impacted participants who suffer from multiple chemical sensitivities (MCS).

The Board plans to broadcast future Board meetings through audio streaming with captioning to allow greater public participation.

OMB Initiates Steps to Improve Section 508 Compliance

The Office of Management and Budget (OMB) issued a [directive](#) on July 19 outlining new initiatives and resources to promote access to electronic and information technologies in the Federal sector under Section 508 of the Rehabilitation Act. As part of this effort, the General Services Administration (GSA) will issue updated guidance and training on Section 508 compliance in six months. This material will supplement existing resources and compliance tools currently available on GSA's www.Section508.gov website and will be geared towards contracting and procurement officials, IT program managers, and others involved in ensuring access to Federal electronic and information technologies.

An accessibility committee established by the Chief Information Officers (CIO) Council will partner with GSA and other agencies to improve and monitor Section 508 compliance through several new initiatives. These include a survey of Federal agencies to assess Section 508 implementation and to identify best practices and lessons learned. The Department of Justice will issue a report next spring on the results of the survey. The Access Board, in partnership with GSA, the CIO Council, and the Chief Acquisition Officers Council, will design listening sessions in the next 60 days that will provide an opportunity for the government and interested members of the public to address concerns and propose ideas. Feedback from the sessions will be used to improve accessibility and usability. For further information, contact Karen Pica of OMB at

(202) 395-3302 or Janice Nall at (202) 395-0368 .

DOT Issues ADA Rules for Passenger Vessel Operations

On July 6, the Department of Transportation (DOT) issued new ADA regulations to protect the rights of passengers with disabilities aboard vessels. Under the rule, passengers with disabilities cannot be denied access to vessels, charged extra for accessibility-related services, or be required to furnish their own attendant. Further, vessel operators are required to inform passengers of accessibility and services and to have a knowledgeable person available to resolve accessibility concerns. The rule applies to vessels operated by public entities, such as ferries, and to cruise lines and other private entities primarily engaged in transporting people.

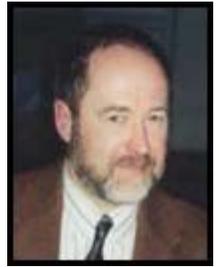
The rule does not address vessel design requirements. The Board is currently in the process of developing accessibility guidelines for passenger vessels for DOT's adoption as standards. The regulation does not apply to charter fishing boats, dinner cruises, and other vessels operated by private entities not engaged in transporting people from one location to another. These types of vessel operations are subject ADA regulations issued by the Department of Justice (DOJ).

The rule takes effect November 3, 2010, but DOT also seeks public comment on additional topics concerning emotional support animals, mobility aids, and the relationship between DOT's and

DOJ's regulations. Comments on these subjects are due October 4. The rule, including the request for comments, is posted online at www.regulations.gov (docket DOT-OST-2007-26829).

Board Mourns Loss of Former Member Denis Pratt

The Board is sad to report that Denis Pratt, R.A., AIA, a former member of the Board, passed away on July 7. He served on the Board from 2001 to 2007 where he regularly shared his extensive expertise in architecture and accessible design. Pratt was as a strong advocate of greater outreach to the design community and of efforts to improve the education of architects in accessibility. He also led the Board's effort to develop comprehensive guidance on access to courthouses through an advisory committee. For almost 20 years, Pratt served as an architect and access design specialist at Alpha One, an independent living center in South Portland, Maine. As Alpha One's long-time resident expert in barrier-free design, he was involved in hundreds of access design consultations and provided guidance to the public on accessibility on a regular basis. He will be greatly missed by his many friends and colleagues.



Access Currents is a free newsletter issued by the Access Board every other month by mail and e-mail. Send questions or comments to news@access-board.gov or call (800) 872-2253 ext. 0026 (voice) or (800) 993-2822 (TTY). Mailing address: 1331 F Street, N.W., Suite 1000; Washington, D.C. 20004-1111.
