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Board Seeks Comment on Access to Shared Use Paths

The Access Board seeks public comment on a new initiative to develop accessibility guidelines for shared use paths which provide a means of transportation and recreation for various users, including pedestrians, bicyclists, skaters, and others, including people with disabilities. The new guidelines will provide technical provisions for incorporating accessibility into the construction or alteration of shared use paths covered by the Americans with Disabilities Act (ADA) and, in the case of those federally funded, the Architectural Barriers Act (ABA).

Through a [notice](#) published on March 28, the Board invites comment on the guidelines to be developed, including their scope of coverage and the definition of "shared use paths." The Board also seeks feedback on draft technical provisions that address various features of paths, including surface characteristics, width, grade and cross slopes, changes in level, surface joints and openings, protruding objects, gates and barriers, and intersections and curb ramps. The notice explains these provisions and poses questions to the public on specific topics.

This rulemaking will complement guidelines the Board is developing for outdoor developed areas, including trails, and public rights-of-way. Public comments previously received in these rulemaking efforts urged the Board to specifically address shared use paths which differ significantly from trails and public sidewalks in their use and design. Shared use paths are primarily designed for bicyclists and others for off-road transportation, such as commuting to work, as well as for recreation purposes.

The notice includes instructions for submitting comments, which are due by June 27, 2011. The notice can also be accessed, and comments submitted, through www.regulations.gov. For further information, contact Peggy H. Greenwell at greenwell@access-board.gov (email), (202) 272-0017 (voice), or (202) 272-0075 (TTY), or [sign up](#) to receive emails updates on this rulemaking.

Board to Publish Guidelines on Public Rights-of-Way for Public Comment

The Board plans to propose guidelines for accessible public rights-of-ways for public comment this summer. The new guidelines will complement the Board's existing guidelines for facilities covered by the ADA and ABA and will address access to public sidewalks and streets, including street crossings, on-street parking, street furniture, and constraints posed by terrain and space limitations, among other topics. The Board recently submitted the proposed guidelines to the Office of Management and Budget for clearance which has 90 days to complete its review. Once cleared, the Board will publish the guidelines for public review and comment.

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 the earlier drafts, the upcoming proposal will incorporate information gained through close coordination with counterpart agencies and research on rights-of-way issues

sponsored by the Board. 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.

Those interested in this topic can [sign up](#) to receive email updates on this rulemaking.

Nancy Starnes Elected Chair of the Access Board

Nancy Starnes of Arlington, Virginia was elected Chair of the Access Board by acclamation at a meeting of the Board in March. Starnes, who was appointed to the Board in 2008 by President Bush, has been active in disability rights advocacy for over 30 years and has served on numerous organization and consumer boards and coalitions.

"It is an honor to lead an agency that is dedicated to improving the lives of people with disabilities through accessible design," Starnes noted after her election. "I look forward to helping the Board do all that it can in fulfilling its vital mission in the year ahead."

Starnes previously served as Director of External Affairs for the National Organization on Disability where she led efforts to increase equality for people with disabilities in the nation's towns, cities and counties. Earlier in her career, she served as chief operating officer of the Paralysis Society of America and headed two county offices for people with disabilities in New Jersey. Starnes also was elected to the town council of Sparta, New Jersey and served as its Mayor.

The Board elected as its Vice Chair Susan Brita, Deputy Administrator for the U.S. General Services Administration. Board officers serve for a term of one year.

Rex Pace Named the Board's Technical Assistance Coordinator

Rex Pace is joining the Access Board as a senior accessibility specialist who will also serve as its technical assistance coordinator. In this capacity, he will help oversee the agency's provision of technical assistance to the public on accessible design and the Board's ADA and ABA Accessibility Guidelines, including its toll-free help line and development of published guidance.

Pace has over 23 years of experience in accessible design. Most recently, he served as an accessibility architect with the Department of Justice's Disability Rights Section where he provided technical and architectural assistance on the ADA standards to staff attorneys and management and helped produce and illustrate technical assistance materials for public distribution. Before joining DOJ in 2006, he operated a consultancy specializing in accessible and universal design in Raleigh, North Carolina and earlier served as coordinator of technical assistance and a lead designer for the Center for Universal Design at North Carolina State University. He began work in this field in 1987 as a designer and illustrator at Barrier Free Environments, Inc. under his mentor Ron Mace, FAIA, a leading pioneer and renowned expert in accessible design.

Pace succeeds Marsha Mazz who became Director of the Board's Office of Technical and Information Services last fall.

Board Seeks Transportation Engineer

The Board seeks to hire a transportation engineer (GS 11-14) who will assist with the Board's update of its ADA Accessibility Guidelines for transportation vehicles and provide technical assistance and training to the public on accessible transportation. Vacancy notices for this position are posted separately on USAJobs.gov at the [GS 11/12](#) and [GS 13/14](#) grade levels. Applications are due May 16. For further information, contact Tanya Johnston at johnston@access-board.gov, (202) 272-0004 (voice), or (202) 272-0059 (TTY).

Effective Date for DOJ's 2010 ADA Standards

On March 15, 2012, the Department of Justice's updated ADA Standards (2010) will become mandatory for new construction and alterations covered by the ADA. Until that date, either the 2010 standards or the original ADA standards can be followed.

In choosing which standards to follow, it is important to consider a project's design and construction schedule. Under DOJ's implementing regulations, the mandatory March 15 date applies to the physical start of construction/alteration or, where a building permit is required, to the date of the permit application.

Places of Public Accommodation and Commercial Facilities (Title III)

According to DOJ's revised title III regulations, compliance with the 2010 standards is required for the construction or alteration of places of public accommodation and commercial facilities where:

- the date the last application for a building permit or permit extension is certified to be complete by a State, county, or local government is on or after March 15, 2012;
- the date the last application for a building permit or permit extension is received by a State, county, or local government (where the government does not certify the completion of applications) is on or after March 15, 2012; or
- the start of physical construction or alteration (if no permit is required) is on or after March 15, 2012.

State and Local Government Facilities (Title II)

For state and local government facilities covered by DOJ's standards under title II, DOJ requires that:

- if the start date for construction is on or after March 15, 2012, all newly constructed or altered State and local government facilities must comply with the 2010 Standards.Â

Note that public transportation facilities, including bus stops and rail stations, are subject to ADA standards issued by the Department of Transportation (DOT), not DOJ. DOT's updated ADA standards (2006), which are very similar to DOJ's 2010 edition, are already mandatory for public transportation facilities.

For further information on DOJ's ADA standards, visit DOJ's website at www.ada.gov.

EEOC Issues Final Regulations under the ADA Amendments Act

The U.S. Equal Employment Opportunity Commission (EEOC), which regulates and enforces provisions of the ADA that prohibit discrimination based on disability in the workplace and in hiring, issued [regulations](#) on March 24 to implement the ADA Amendments Act of 2008. Consistent with the Act, the new regulations clarify and broaden the types of disabilities covered by the ADA and establish principles for determining who qualifies for the law's civil rights protections. The regulations stipulate that impairments need not prevent or severely or significantly restrict performance of a major life activity to be considered a "disability" and that mitigating measures, including assistive devices, auxiliary aids, accommodations, and medical therapies and supplies (other than eyeglasses and contact lenses) do not impact coverage. The regulations also clarify coverage of impairments that are episodic or in remission that substantially limit a major life activity when active, such as epilepsy or post traumatic stress disorder.

EEOC finalized the regulations according to input from the public, including over 6,000 comments it received on a proposed version of the regulations. Guidance on the new regulations is available on [EEOC's website](#).

ICC Publishes Updated A117.1 Accessibility Standard

The International Code Council (ICC) released an updated edition of the A117.1 Accessibility Standard earlier this year. This latest version (ICC A117.1-2009: Accessible and Usable Buildings and Facilities) includes changes and additions, including a new chapter on recreation facilities, for greater consistency with the Board's ADA and ABA Accessibility Guidelines. The revised standards also clarify requirements for dwelling units and add new provisions for home visitability, address

variable message signs, and amend provisions for components of accessible routes, plumbing fixtures, and other elements. The A117.1 standards provide technical criteria for accessibility and are referenced by scoping provisions in the International Building Code. For more information on the A117.1 standard, visit [ICC's website](#).

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