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DOJ Issues Updated ADA Regulations and Standards

On September 15, the U.S. Department of Justice (DOJ) published updates to its ADA regulations and adopted new design standards based on guidelines previously issued by the Access Board. DOJ revised both its title II regulations for state and local governments and its title III regulations for places of public accommodation and commercial facilities in the private sector. The revised regulations include new provisions covering the sale of tickets for accessible seating in assembly areas, service animals, powered devices used as alternatives to standard wheelchairs, use of video remote interpreting to provide effective communication, reservation policies governing accessible accommodations in places of lodging, dwelling units made available for sale by government entities, and detention and correctional systems. The updated regulations take effect in six months.



DOJ's regulations implement updated ADA standards for new construction and alterations. Compliance with the 2010 standards will be mandatory in 18 months (beginning March 15, 2012) based on completion of the permit process or, if no permit is required, the start of construction. Immediate use of the new standards is allowed as an alternative to the original 1991 standards. The 2010 standards are closely based on the Board's ADA and ABA Accessibility Guidelines, but DOJ's regulations include additional design requirements that supplement provisions in the standards concerning:

- location and dispersion of wheelchair spaces in assembly areas (221)
- dispersion of accessible patient bedrooms by medical specialty (223)
- places of lodging with multiple buildings on a site (224)
- housing at places of education (224, 233)
- dwelling units made available for sale by state and local governments (233)
- access to beds and roll-in showers in social service center establishments (233)
- accessible cells in new and altered detention and correctional facilities (232)

DOJ's regulations provide instructions on use of the standards in new construction, alterations, and existing facilities. In general, the regulations stipulate that facilities that were built, altered, or retrofitted in compliance with the original standards do not have to be modified to meet the 2010 standards. However, this "safe harbor" clause does not extend to residential facilities or to certain recreational facilities or elements newly covered in the 2010 standards, as detailed in sections of the DOJ regulations covering removal of barriers in existing places of public accommodation and program access by state and local government entities.

For additional information or guidance on the 2010 standards, visit the Board's website at www.access-board.gov/ada or contact the Board at (202) 272-0080 (v),

(202) 272-0082 (TTY), or ta@access-board.gov. Information on DOJ's new regulations and use of the standards is available from DOJ at www.ada.gov or by calling (800) 514-0301 (v) or 800-514-0383 (TTY).

Board Holds Public Forums in Chicago

In September, the Board traveled to Chicago to hold public meetings and to tour sites related to subjects of Board rulemaking. The agenda included a public hearing on the Board's update of guidelines for buses and vans under the ADA. The proposed update, which was released in July for public comment, addresses new types of systems, such as bus rapid transit and low floor buses, advances in technology, including automation of announcements, and revisions to requirements for vehicle ramps, circulation routes, wheelchair spaces, and securement systems. Members of the public took the opportunity to raise concerns about access issues they face in using public transportation, particularly paratransit systems. Some of these issues lie outside the scope of the Board's guidelines but are covered by regulations issued by the Department of Transportation. The Board will hold a second hearing on the updated guidelines on November 8 in Washington, D.C.

The Board also held a forum on ways to improve access to information technology in the Federal sector under Section 508 of the Rehabilitation Act. The Board was particularly interested in recommendations on how the federal government can use technology to improve access and public interaction with the government, as well as information on emerging technologies that pose barriers to access. Comments called attention to the need for improving access to federal websites, including those operated by third parties or contractors, interactive telephone systems, webinars, and electronic health records, and addressing access for people with multiple disabilities, such as vision and dexterity impairments. This session was the first in a planned series. Information from this and subsequent sessions will be shared with responsible agencies to implement improvements.

The Board's itinerary included a visit to Access Living, one of the nation's preeminent Independent Living Centers, a tour of passenger vessels at the Navy Pier, a briefing at the Chicago Department of Transportation on its curb ramp improvement program, and demonstrations of accessible medical diagnostic equipment at Schwab Rehabilitation Hospital. The Board is currently developing access standards for such equipment under the health care reform act, as well as new guidelines for passenger vessels and public rights-of-way under the ADA.

Board to Hold Hearing on Updated Guidelines for Buses and Vans

On November 8 the Board will hold a public hearing on a [proposal](#) to update its ADA guidelines for buses and vans. The Board's proposal, which was made available for public comment in July, includes updates to the guidelines to address new types of systems, such as bus rapid transit and low floor buses, and advances in technology, including automation of announcements. The proposed guidelines also revise specifications for vehicle ramp slopes, onboard circulation routes, wheelchair spaces, and securement systems. The hearing will take place from 9:30 – 12:00 at the Board's Conference Center, 1331 F St., NW, Suite 800, in downtown Washington, D.C., as indicated in a public [notice](#). Those wishing to testify are encouraged to sign-up in advance by contacting Kathy Johnson at johnson@access-board.gov, (202) 272-0041 (v), or (202) 272-0082 (TTY).

Board Holds Public Meeting on Shared Use Paths

The Board held a public meeting on shared use paths at the Association of Pedestrian and Bicycle Professionals' (APBP) annual ProWalk/ProBike Conference in Chattanooga in September. The Board is exploring rulemaking in this area as a supplement to ongoing rulemaking on outdoor trails and public rights-of-way. Shared used paths, which often serve recreational purposes while providing off-road transportation routes for pedestrians, cyclists, and others, typically differ from trails and sidewalks in their design and construction.

Meeting participants, including representatives from state transportation departments, APBP, and the American Association of State Highway and Transportation Officials, discussed how shared use

paths should be defined and distinguished from trails, sidewalks, and accessible routes on sites. Discussion also addressed design criteria and the need for alternative specifications for these types of paths, including requirements for running slopes and cross slopes. For more information, contact Peggy Greenwell at greenwell@access-board.gov, (202) 272-0017 (v), or (202) 272-0082 (TTY).

Marsha Mazz, the Board's New OTIS Director, Receives ANSI Award

Marsha Mazz was recently named Director of the Board's Office of Technical and Information Services (OTIS). A Board employee for over 20 years, Mazz served as the agency's Technical Assistance Coordinator, as well as its liaison to the codes and standards community, and was active in the development of the original ADA Accessibility Guidelines and later supplements to the guidelines. She also led the joint update of the Board's ADA and ABA Accessibility Guidelines and was instrumental in harmonizing the new document with counterpart codes and standards in the private sector, including the International Building Code (IBC). She succeeds David Capozzi who became the Board's Executive Director in November 2008.

In recognition of her work at the Board, Mazz received the American National Standards Institute's 2010 Ronald H. Brown Standards Leadership Award. Named in honor of the late U.S. Secretary of Commerce, the award recognizes demonstrated leadership in promoting standardization and eliminating barriers to global trade. The award was presented to Mazz on September 23 during the U.S. celebration of World Standards Day. This year's theme, "Standards for Accessibility," recognized the critical role model codes and standards play in ensuring access to the built environment, products, technologies, and systems for people with disabilities. Award presenters applauded Mazz for "outstanding contributions to the use of standardization to improve access for persons with disabilities to structures worldwide" and for serving as "a key catalyst of the intensive work over the last two decades to coordinate and harmonize federal criteria for accessibility." Further information on the award and World Standards Day is available on ANSI's website at www.ansi.org.

Lois Thibault, Board's Research Coordinator, Retires

Lois Thibault, the Board's Research Coordinator and a senior accessibility specialist, has retired after 18 years of service. Since 1998, she oversaw the Board's research program and coordinated its work with other organizations and leading experts across the country. Thibault previously established the Board's training program as its first Coordinator of Training. She also led the development of guidelines and resources on accessible public rights-of-way while providing extensive outreach and training to the industry and was active in the creation of new standards for classroom acoustics by the Acoustical Society of America. Before joining the Board, Thibault was a registered architect in private practice and also worked at the American Institute of Architects.

In a timely tribute, the Association of Pedestrian and Bicycle Professionals (APBP) presented Thibault with a Lifetime Achievement Award at its 2010 annual conference in Chattanooga in mid-September. The award recognizes those who have made a substantial commitment to the profession and who have shown excellence in the field of bicycle and pedestrian planning, design, advocacy, and education. APBP saluted Thibault's work at the Board, including her leadership of its research and training programs, her contributions to rulemaking, her outreach to transportation professionals, and her authorship of key resources such as the Accessible Rights-of-Way Design Guide.

Upcoming Board Webinars

The next scheduled webinars in the Board's free monthly series will cover access to airport terminals (November 4), play areas (December 2), and residential facilities (January 6). The webinars, which are scheduled from 2:30 – 4:00 (ET), are made available in cooperation with national network of ADA centers known as the Disability and Business Technical Assistance Centers (DBTACs). Registration is free, but a modest fee is charged by the DBTACs to process continuing education credits. For more information, including registration instructions, visit www.accessibilityonline.org.

New Law Requires Access to Communication and Video Technologies

On October 8, President Obama signed into law a measure to make Internet-based communication and consumer electronics, such as smartphones, more accessible to people with disabilities, particularly those with vision or hearing impairments. The "21st Century Communications and Video Accessibility Act" directs the Federal Communications Commission to upgrade its existing regulations issued under Telecommunications Act of 1996 and other laws to cover access to newer communication technologies, including those that are web-based. The new rules are to be developed with input from stakeholders and members of the public. Details on the new law are available on the Library of Congress website at <http://thomas.loc.gov>.

ASME Symposium to Further Examine Use of Elevators in Emergencies

The terrorist attacks of 9/11 and the remaining threat of future attacks has led to an extensive reassessment of evacuation procedures in high-rise buildings. In particular, the use of elevators in emergencies remains a topic of much discussion in the industry. The American Society of Mechanical Engineers (ASME), a provider of elevator codes, will conduct a symposium on the use of elevators in fires and other emergencies December 1 – 2 in Orlando, Fla. The event will focus on a review of changes being developed to elevator, building, and life safety codes, as well as electrical and other related codes. The agenda also includes an update on the progress of new ASME codes on the use of elevators for evacuation and firefighting purposes, proposals from U.S. and international experts on implementing changes to building and elevator systems, and presentations on human factors, including training of the public and emergency responders. For more information on the symposium, visit ASME's [website](#).

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.
