



U.S. Access Board  
Washington, D.C.

## FISCAL YEAR 2023 BUDGET JUSTIFICATION

Submitted to:

United States House  
Appropriations Committee

Subcommittee on Transportation,  
Housing and Urban Development,  
and Related Agencies

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## **ACCESS BOARD**

### **FISCAL YEAR 2023 BUDGET JUSTIFICATION**

This document presents the U.S. Access Board's budget justification for fiscal year (FY) 2023. The Board is requesting a total budget authority of \$9,850,000 (see Appendix A).

#### **INTRODUCTION**

The Access Board (hereinafter "the Board") was established in 1973 under section 502 of the Rehabilitation Act and is the only federal agency whose primary mission is accessibility for people with disabilities. Broadly stated, the Board has three main functions: (1) to create accessibility guidelines and standards for the built environment, transit systems, information and communication technology, and medical diagnostic equipment; (2) to provide technical assistance and training to the public on these accessibility requirements; and (3) to enforce the Architectural Barriers Act of 1968, the law that requires that federal buildings and facilities be accessible to persons with disabilities.

With respect to the development of technical specifications for physical and digital accessibility, the Board is responsible for developing guidelines under the Americans with Disabilities Act (ADA), the Architectural Barriers Act of 1968 (ABA), and the Communications Act for ensuring that buildings and facilities, transportation vehicles, and telecommunications equipment covered by these laws are readily accessible to and usable by people with disabilities. The Board is also responsible for developing standards under the Rehabilitation Act for accessible information and communication technology procured by federal agencies and establishing standards for accessible medical diagnostic equipment.

The second main function of the Board is to regularly provide technical assistance on these guidelines and standards. The Board responds to technical inquiries daily through its helpline and by email. It also issues guides, manuals, and animations to clarify provisions in the guidelines and standards and other aspects of accessible design. The Board provides training on these requirements upon request and conducts two free webinar series on physical and digital accessibility. Additionally, it manages a research program that develops technical assistance materials and provides information and data needed for rulemaking.

The Board's third main function is ensuring that federal buildings and facilities are accessible to persons with disabilities by enforcing the ABA. The Board investigates submitted complaints regarding accessibility barriers encountered in federal spaces and works collaboratively with the appropriate federal agencies to ensure that violations of the ABA are remediated.

The Board's services and programs advance accessibility in buildings and facilities, transportation vehicles, medical diagnostic equipment, telecommunications equipment, and information and communication technology across the country and, ultimately, the full economic and social integration of people with disabilities into society. However, achievement of these results depends not only on the Board's activities, but also on the level of commitment and action taken by other federal agencies, State and local governments, and businesses that are

required to comply with or enforce the various laws that guarantee the civil rights of people with disabilities.

#### *Other Duties*

In addition to developing technical specifications under the ADA and ABA, the Board also completes other duties as assigned by Congress. Under the Help America Vote Act, the Board serves on the Election Assistance Commission's (EAC) Board of Advisors and Technical Guidelines Development Committee, which assist the EAC in developing voluntary guidelines for voting systems, including accessibility for people with disabilities. In addition, under the Food and Drug Administration Safety and Innovation Act, the Board developed best practices on providing accessible information on prescription drug container labels for individuals who are blind or visually impaired. Finally, in October 2018, the Federal Aviation Administration Reauthorization Act was signed into law. A provision in the law required the Board to conduct a study to determine the feasibility of in-cabin wheelchair restraint systems and, if feasible, the ways in which individuals with significant disabilities using wheelchairs, including power wheelchairs, can be accommodated with those systems.

#### *FY 2022-2026 Strategic Plan*

The Board's FY 2022-2026 Strategic Plan includes a vision statement (A nation that is fully accessible to and inclusive of all people with disabilities) and mission statement (To advance accessibility and inclusion by developing guidelines and standards, providing technical assistance, education, enforcement, and outreach). The plan includes four goals and a stewardship objective:

- Establish technical specifications for accessible design
- Provide education and information on the importance and implementation of accessible design
- Improve the accessibility of the federal government
- Promote accessibility throughout society

The Board established long- and short-range goals and annual objectives that describe the strategies it will implement to achieve the goals. In developing the objectives and strategies, the Board is implementing the Administration's priorities to ensure the equitable provision of government services as specified by Executive Order 13985, consultation with Tribal Nations to strengthen nation-to-nation relationships as specified by Executive Order 13175, and the advancement of diversity, equity, inclusion, and accessibility in the federal workplace as specified by Executive Order 14035.

### **ESTABLISH TECHNICAL SPECIFICATIONS FOR ACCESSIBLE DESIGN**

The Board will continue to develop and update accessibility guidelines and standards and work cooperatively with organizations that develop codes and standards affecting accessibility. It has developed the following objectives for this program area:

- Develop and update technical specifications to achieve accessibility

- Coordinate with standards and codes organizations to build effective industry accessibility standards
- Engage with the public, particularly underserved communities, to inform the development of accessible design
- Address accessibility of emerging technologies and design trends
- Collaborate with organizations to encourage research on accessibility

## **FY 2021 Results: Rulemaking**

In FY 2021, the Board was active in developing new accessibility guidelines in three areas: public rights-of-way and shared use paths, self-service transaction machines and kiosks, and wheelchairs used to provide access aboard aircraft.

### *Public Rights-of-Way and Shared Use Paths*

The Board is finalizing new guidelines that will address access to public rights-of-way and shared use paths, including sidewalks and streets, crosswalks, curb ramps, street furnishings, pedestrian signals, on-street parking, and other components of the public right-of-way. These guidelines will address access for pedestrians with disabilities, including those with mobility impairments and those who are blind or have low vision. They will cover various constraints unique to public rights-of-way, such as space limitations, roadway design practices, slope, and terrain.

The Board previously proposed for public comment guidelines for public rights-of-way and shared use paths and analyzed the comments received. Work on this rule was suspended in 2017 due to Executive Order 13777 *Enforcing the Regulatory Reform Agenda*, which was rescinded in January 2021. In FY 2021, the Board resumed work on this rulemaking, including finalizing the text of the guidelines and beginning a regulatory assessment on the final rule.

### *Guidelines for Self-Service Transaction Machines and Kiosks*

Self-service transaction machines (SSTMs) and self-service kiosks are now a common feature in places of public accommodation, government offices, and other facilities. They allow customers to conduct an expanding range of transactions and functions independently. SSTMs serve as point-of-sales machines for self-checkout in a growing number of retail facilities, grocery stores, and drug stores. SSTMs and self-service kiosks also allow customers to check-in at airports and hotels and to place orders in restaurants and retail facilities.

SSTMs and self-service kiosks have long posed accessibility barriers to people with disabilities, particularly those who are blind or have low vision. Robust speech output is necessary to provide access for users unable to see display screens. They also can pose barriers for users who are deaf or hard of hearing if lacking captioning and text equivalents for audible information. Further, these devices must be accessible to people with physical impairments, including those who use wheelchairs and other mobility devices, have limited dexterity, or who are of short stature. In FY 2021, the Board initiated rulemaking to supplement its guidelines for buildings and facilities issued under the ADA and ABA to address access to SSTMs. It began drafting an Advance Notice of Proposed Rulemaking (ANPRM), which is due to be published in FY 2022.

### *Onboard Wheelchairs*

The Board is developing voluntary, advisory guidelines for aircraft onboard wheelchairs (OBWAG) used on commercial passenger aircraft to aid the Department of Transportation (DOT) in the department's separate regulatory initiative to improve access to air travel. DOT, as part of a negotiated rulemaking, plans to supplement its regulations implementing the Air Carrier Access Act by specifying a performance standard calling for enhanced functionality of onboard wheelchairs relative to current requirements for such devices. Currently, commercial air carriers are required on all aircraft to provide onboard wheelchairs, which facilitate the transfer of passengers with disabilities to in-cabin lavatories, since personal wheelchairs cannot be used on these aircraft. The Board's OBWAG will specify technical specifications (e.g., dimensions, features, and capabilities) for onboard wheelchairs. The Board expects its non-binding guidelines to serve as technical assistance for air carriers and manufacturers by providing an illustrative technical approach which, if followed, would provide assurance of compliance with DOT's forthcoming performance standard for onboard wheelchairs.

In FY 2021, the Board continued work to finalize these guidelines, which it had previously made available for public comment, in coordination with DOT. The Board and DOT developed plans to conduct a virtual public meeting to obtain additional information from the public needed to finalize their respective rules. This meeting took place in the first quarter of FY 2022.

### **FY 2022 Planned Activities: Rulemaking**

The Board is working on the following regulatory initiatives in FY 2022.

**Public Rights-of-Way and Shared Use Paths.** The Board plans to complete the final rule package in FY 2022, including finalizing the text of the guidelines in coordination with DOJ and DOT, which are responsible for issuing enforceable standards under the ADA based on the Board's guidelines. In addition, the Board will complete other components of the rule, including the final regulatory assessment, and submit it to the Office of Management and Budget for review.

**Self-Service Transaction Machines and Kiosks.** The Board plans to issue an ANPRM to address access to SSTMs and self-service kiosks in the spring of 2022. This notice will seek feedback from the public on the planned approach to supplementing the ADA and ABA Accessibility Guidelines to include scoping and technical requirements for these devices so that they are fully accessible to all users, including those who are blind or have low vision, who are deaf or hard of hearing, who have a physical disability, or who are of small stature. This regulatory initiative, once complete, will provide technical specifications for the accessibility of point-of-sale machines, self-checkout machines, check-in kiosks, and other SSTMs and scoping for built-in self-service transaction machines that fall under the Board's regulatory jurisdiction. The first step for this rulemaking will be an ANPRM, to be published in FY 2022, seeking feedback on the proposed approach to the technical specifications.

**Medical Diagnostic Equipment.** The Board issued its accessibility standards for medical diagnostic equipment (MDE) in 2017. These standards address access to examination tables and chairs, weight scales, radiological equipment, and other equipment used by health care providers

for diagnostic purposes. The Board plans to undertake supplementary rulemaking in FY 2022 to revisit a specification in the standards concerning the height of MDE transfer surfaces. The standards specify that MDE transfer surfaces be adjustable across a specified range so that they can be aligned with a seat of a patient's wheelchair to facilitate transfer to the equipment. The Board proposed that transfer surfaces be adjustable from a low height of 17 inches to a high height of 25 inches based on a major study it helped sponsor on measures of people who use wheeled mobility aids. There was strong disagreement among commenters and stakeholders on what the low transfer height should be. Disability advocates supported the 17-inch minimum recommended by the anthropometric study, while MDE manufacturers alleged that this height would be difficult and expensive to meet and that low height from 17 inches to 19 inches should be allowed, consistent with existing access standards and industry practice. In finalizing the MDE standards, the Board specified a temporary low transfer surface height of 17 to 19 inches pending the collection of further information and research. This provision expired in January 2022.

In FY 2021, the Board commissioned a study to further analyze wheelchair seat height. This study was completed in January 2022. The Board extended the sunset provision for the low transfer height an additional three years to allow time for consideration of the findings and subsequent supplementary rulemaking on the low height for transfer surfaces. The Board intends to issue an NPRM on this specification in FY 2022 and plans to finalize the rule in FY 2023.

**ADA Accessibility Guidelines (ADAAG) for Transportation Vehicles.** The Board is undertaking rulemaking to revise requirements for rail vehicles in the ADA Accessibility Guidelines (ADAAG) for Transportation Vehicles. These requirements have not been modified or updated since they were issued in 1991. In February 2020, the Board published an ANPRM to initiate the regulatory process for potentially updating its accessibility guidelines for rail vehicles. The Board received over 200 public comments in response to this notice. In FY 2022, the Board plans to resume work on this rule by preparing a proposed rule based on its review of comments to the ANPRM and the recommendations from the Rail Vehicles Access Advisory Committee.

## **FY 2022 Rulemaking Initiatives Under Consideration**

**Electric Vehicle Charging Stations.** Electric Vehicle (EV) charging stations are becoming commonplace with the rising production and use of electric and plug-in hybrid vehicles. According to the U.S. Department of Energy, there are nearly 50,000 public EV charging stations with almost 127,000 charging ports across the country. The “Infrastructure Investment and Jobs Act,” which President Biden signed into law in November 2021, allocates \$7.5 billion to build out a national network of 500,000 EV chargers to accelerate the adoption of EVs. The Board is currently considering whether to initiate a rulemaking to supplement its ADA and ABA Accessibility Guidelines. If the Board decides to do so, an NPRM could be issued as early as FY 2022.



## **FY 2023 Objectives: Rulemaking**

In FY 2023, the Board aims to publish the following rulemaking documents:

- A final rule on the accessibility of public rights-of-way and shared use paths
- A proposed rule on SSTMs and self-service kiosks
- A final rule on MDE specifications for the low height of transfer surfaces
- A proposed rule on updated guidelines for rail cars
- A final rule on the accessibility of EV charging stations, contingent upon the Board's decision to initiate a rulemaking

## **FY 2021 Results: Codes and Standards**

### *Adoption of Board Guidelines as Enforceable Standards*

For the Board's accessibility guidelines to become enforceable, other federal agencies must generally complete rulemaking to adopt the guidelines as standards. The Department of Housing and Urban Development (HUD), the Department of Defense (DOD), the General Services Administration (GSA), and the U.S. Postal Service (USPS) use the Board's guidelines to develop enforceable standards under the ABA. The Departments of Justice and Transportation use the Board's guidelines to develop enforceable standards under the ADA. USPS, GSA, DOD, and the Departments of Justice and Transportation have adopted the Board's guidelines as enforceable standards. HUD has not acted yet.

### *Voluntary Consensus Standards*

The Board's long-range goal is to take a leadership role in the development of codes and standards for accessibility. The Board works with model codes organizations and voluntary consensus standards groups that develop and periodically revise codes and standards affecting accessibility. The Board has voting membership in several codes and standards organizations and monitors or is actively involved in the development or revision of dozens of other codes and standards affecting accessibility.

The Board believes this goal enhances its credibility as a knowledgeable source of information regarding technical aspects of accessibility. Additionally, by working cooperatively with model codes organizations and voluntary consensus standards groups, federal and private codes and standards will become more similar, or harmonized, and the Board will be more alert to non-federal influences affecting its constituencies. Harmonization between federal and private requirements will make it more likely that buildings and facilities will be accessible, thus reducing the necessity for complaints and litigation.

Exemplifying the Board's collaboration with voluntary consensus standards groups is its membership in the ICC A117.1 Standard for Accessible and Usable Buildings and Facilities Committee. The ICC A117.1 Standard, which is a key counterpart to the Board's ADA and ABA Accessibility Guidelines, is referenced by the International Building Code (IBC). In FY 2021, the Board participated in task groups organized by the A117 Committee to develop provisions on adult changing tables and assisted use toilet and bathing facilities for the A117.1 Standard. This work also advanced proposals for corresponding requirements in the IBC. Through this work, the

Board is able to collaborate and provide input on revisions to the A117.1 and IBC that improve accessibility.

Two Board members serve as members of the Technical Guidelines Development Committee (TGDC) and Board of Advisors, which provide recommendations to the Election Assistance Commission (EAC) under the Help America Vote Act. The Board continues to work with the EAC in the development of updated Voluntary Voting System Guidelines (VVSG). The VVSG, which were first published in 2005, significantly increased security requirements for voting systems and expanded access, including opportunities for individuals with disabilities to vote privately and independently. It provides a set of specifications and requirements against which voting systems can be tested to determine if the systems meet required standards. The guidelines are voluntary, and States can adopt them entirely or in part. In 2021, the EAC adopted version 2.0 of the VVSG.

While the Board was in the process of updating its information and communication technology (ICT) accessibility requirements, a similar process began in Europe to create the first European ICT accessibility standards. Beginning in 2005, the Board and the European Commission began to work closely to harmonize ICT accessibility requirements. In early 2014, the three European standardization organizations—European Telecommunications Standards Institute (ETSI), European Committee for Standardization (CEN), and the European Committee for Electrotechnical Standardization (CENELEC)—published the first European specifications on e-accessibility for public ICT procurements, EN 301 549, “Accessibility requirements suitable for public procurement of ICT products and services in Europe.”

The current European standard is largely harmonized with the Board’s January 2017 final rule that updated the Board’s ICT standards and guidelines. Since publication of the Board’s final rule with a European Joint Working Group on eAccessibility, the Board has been working to further harmonize the U.S. and European standards and will continue that effort in 2022 and beyond.

Some of the codes and standards groups that the Board works with include: the International Code Council (ICC) Consensus Committee on Accessible and Usable Buildings and Facilities, ICC (ASC A117); American Society of Mechanical Engineers (ASME) A18 Platform Lift and Stairway Chair Lift Committee; National Fire Protection Association (NFPA), Disability Access Review Advisory Committee; National Instructional Materials Accessibility Standard; World Wide Web Consortium Accessibility Guidelines Working Group; ASTM Committee on Playground Surfacing Systems; Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) Standards Committee on Cognitive Accessibility and Assistive Technology for Air Travel; Transportation Research Board; National Cooperative Highway Research Program; National Committee on Uniform Traffic Control Devices; FCC Disability Advisory Committee; the Chief Information Officers Council’s Accessibility Community of Practice; and many others.

The Board is also a member of the Interagency Committee on Standards Policy, which is the group that is responsible for overseeing the use of standards by federal agencies in accordance with the National Technology Transfer and Advancement Act.

## **FY 2022 Planned Activities: Codes and Standards**

The Board will continue to work with private sector codes and standards organizations to harmonize the Board's guidelines with model codes and standards. For example, in FY 2022, the Board will be attending regular meetings of the A117 Committee to consider proposals for the 2023 edition of the A117.1 Standard for Accessible and Usable Buildings and Facilities. The Board will also continue to work with the EAC on future updates to the Voluntary Voting System Guidelines and with the European Joint Working Group on eAccessibility to further harmonize U.S. and European standards.

## **FY 2023 Objectives: Codes and Standards**

The Board will continue to collaborate with the EAC and the European Joint Working Group on eAccessibility and will continue its efforts to harmonize its guidelines with model codes and standards, including the ICC A117.1 Standard for Accessible and Usable Buildings and Facilities.

## **PROVIDE EDUCATION AND INFORMATION ON THE IMPORTANCE AND IMPLEMENTATION OF ACCESSIBLE DESIGN**

The Board provides training and technical assistance on accessibility guidelines and standards to a wide variety of people and entities, including architects, builders, designers, technology companies, manufacturers, people with disabilities, State and local governments, and federal agencies. The Board's long-range goal is to be known as a leading source of information on accessible design.

The Board has the following objectives in this program area:

- Provide training on accessible design and the Board's guidelines and standards
- Provide technical assistance on implementation of accessibility guidelines and standards
- Create guides, manuals, and animations to promote understanding of accessible design
- Use stakeholders' feedback to improve information services
- Conduct and sponsor research on accessible design and technical innovations

The Board's technical assistance program has four components:

1. **Responding to technical inquiries.** The Board responds to 4,000 – 5,000 inquiries each year through a toll-free telephone line, email, and, occasionally, fax. Customers want accurate, reliable, and timely advice, and the Board's accessibility specialists dedicate extensive time in answering or engaging with customers' questions.
2. **Developing and disseminating guides, manuals, and other publications.** The Board maintains numerous publications on accessibility issues. These publications range from

manuals on the Board's guidelines and standards, to animations and online guides, to the ADA and ABA Accessibility Standards.

3. **Providing training.** The Board conducts about 70 – 90 training sessions each year on its guidelines and standards through in-person trainings and through webinars and other virtual platforms. Training usually is provided upon request at conferences and seminars sponsored by other organizations. Since the pandemic, the Board has transitioned to providing training virtually through remote platforms instead of in-person. In addition, the Board conducts two free webinar series: AccessibilityOnline Series and Section 508 Best Practices Series. The AccessibilityOnline series provides sessions each month on different topics concerning accessible design and the Board's accessibility guidelines and standards. The Section 508 Best Practices is a bi-monthly webinar series that addresses topics concerning access to ICT in the federal sector under Section 508 of the Rehabilitation Act, including compliance with the Board's 508 Standards for ICT. Attendees of these sessions can earn continuing education credits.
4. **Maintaining the Board's website.** The Board's website ([www.access-board.gov](http://www.access-board.gov)) has become a very effective way to distribute information to the public. Customers can download the Board's publications and view the Board's accessibility guidelines and standards from the website. Additionally, the Board provides downloadable animations illustrating the rationale behind the guidelines and standards and showing how accessible features are used by individuals with disabilities. The Board also maintains a YouTube Channel and three social media accounts (Twitter, LinkedIn, and Facebook).

As the Board develops new guidelines for public rights-of-way and shared use paths, self-service transaction machines and kiosks, updated guidelines for rail vehicles, and electric vehicle charging stations (if the Board decides to initiate rulemaking on EV charging stations), there will be increased demands for technical assistance from existing and new customer groups. The Board has informal partnerships with organizations such as the National Association of ADA Coordinators and the ten Regional ADA National Network Centers to distribute information about the Board's programs. Many of the Board's guidelines, standards, and publications are available through these organizations' on-line networks. The Board also provides training for these organizations. As the Board develops new guidelines and standards, there will be opportunities to use these existing partnerships and establish new partnerships to disseminate information about the Board's rulemaking.

## **FY 2021 Results**

To supplement the guidelines and standards, the Board produces an array of guidance materials. The Board's popular online guide to the ADA and ABA Standards continues to grow. The guide features animations and technical bulletins that explain and illustrate requirements and address common questions. Bulletins are currently available on the first six chapters of the standards, including application and scoping, building blocks, accessible routes, accessible means of egress, parking and passenger loading zones, stairways, and toilet and bathing facilities. Users can sign up to receive email updates on the release of other animations and bulletins in the series.

In FY 2021, the Board released its technical bulletins on various plumbed elements and spaces covered in the ADA and ABA Standards, including lavatories and sinks, washers and dryers, and saunas and steam rooms. It also began work on a technical bulletin on accessible signage. Each bulletin clarifies common sources of confusion, answers frequently asked questions, and offers recommendations for best practices. Examples of compliant restrooms and bathing rooms are included to illustrate how various requirements can be met.

The Board continues to offer its very successful monthly webinar series through a partnership with the National Network of ADA Centers. The Board conducts sessions monthly on built environment issues and bi-monthly on information and communication technology issues (in conjunction with the Chief Information Officers Council Accessibility Community of Practice). Webinars are scheduled for 90 minutes. Sessions also provide an opportunity to earn continuing education credits (CEUs) for a fee, but general attendance is free.

In FY 2021, as part of its monthly AccessibilityOnline series, the Board conducted well-attended webinars on: Common Sources of Confusion in the ADA and ABA Standards, Interior and Exterior Accessible Routes, Vertical Access, Pedestrian Trails and Shared Use Paths, Public Rights-of-Way, Play Areas, Recreation Facilities, Kitchens and Kitchenettes, Assembly Areas, Medical Care and Long-Term Care Facilities, Built-In Elements, and Special Rooms, Spaces, and Elements.

Webinar sessions in the 508 Best Practices Series covered a range of topics, with titles being: The Civil Rights Complaint Portal: An Accessibility Journey; New Approaches to Web Accessibility Requirements under WCAG3; Section 508 Compliance and Assistive Technology; Review of Requirements for Hardware and Software in the 508 Standards; Review of Requirements for Federal Websites and Electronic Content in the 508 Standards; and Creating Accessible Websites using the U.S. Web Design System and the 21st Century Integrated Digital Experience Act.

In FY 2021, the Board's accessibility specialists responded to over 4,400 technical assistance requests to the public through the help line or by email. The Board conducted a total of 85 virtual training sessions and webinars. Through these sessions, the Board provided training to over 23,000 people, which represents a 36% increase over the previous year's total (17,115). The Board has not yet resumed in-person trainings due to the pandemic.

The Board has used its website to provide copies of the Board's guidelines and standards and answers to frequently asked questions so that more customers can get the information they need when they need it. In FY 2021, there were approximately 745,000 visitors to the site, about 92,000 user sessions, and over 2.1 million page views.

The Board has a free e-subscription for purposes of distributing its news releases. In FY 2021, the Board had its largest yearly growth of subscribers: from 36,842 to 42,946 subscribers (+16.56%). Compared to previous years, the Board also distributed more emails in 2021, totaling 3,203,634 (+127.57% from 2020).

The Board continues to use social media platforms to amplify its messages, mission, technical assistance, public events, and public engagement. Since 2015, the Board has used Twitter for its primary social media account, but in 2021, the Board expanded its social media channels by creating two new accounts: Facebook page and LinkedIn organization page. At the end of 2021, the Board's Twitter account had 2,094 followers, LinkedIn account had 879 followers, and Facebook page had 216 followers. The Board's YouTube Channel provides technical information via its popular animations, videos, and recordings from the Board's public events. In FY 2021, the Board hosted nine public events, with each event having an attendance of 500 – 800. The YouTube Channel provides the recordings of all these public events.

## **FY 2022 Planned Activities**

### *Online Guide, Webinars, and Website*

The Board will develop additional materials for the online guide to the ADA and ABA standards. Technical guides covering Chapter 7 of the standards are in progress. These guides will address communication elements and features, including fire alarm systems, telephones, detectable warnings, assistive listening systems, ATMs and fare machines, and two-way communication systems. Future installments to the guides will be released as they become available. Users can sign up to receive email updates on the release of these guides.

The Board will continue to offer its very successful webinar series for the built environment and on Section 508. In FY 2022, webinars in the AccessibilityOnline series will cover: the ABA compliant Investigation Process and Corrective Action Plan Procedure, Accessible Signage, Accessible Swimming Pools and Spas, Accessibility in the Federal Workspace, An Introduction to Website Accessibility, Inclusive Exhibits, Accessible Residential Facilities, Recreational Boating and Fishing Piers and Platforms, and Accessible Historic Buildings and Facilities.

Sessions planned for Section 508 issues include: Audio Description, Questions and Answers on the Section 508 Standards, Data Visualization, and three additional topics.

### *Technical Assistance and Research Projects*

In FY 2021, the Board completed a congressionally mandated research study on the feasibility of equipping aircraft with wheelchair securement systems. As noted above, the FAA Reauthorization Act of 2018 tasked the Board with conducting a study in consultation with DOT and other stakeholders to assess the technical feasibility of and operational issues that would be posed by passengers who use wheelchairs using their own mobility devices (properly secured) onboard commercial aircraft in lieu of airline-provided fixed seating.

Considering the complex aeronautical and engineering issues at play when evaluating the feasibility of in-cabin wheelchair securement systems, the Board partnered with the Transportation Research Board (TRB) in early October 2019 to conduct this feasibility study. TRB, which is a program unit of the National Academies of Sciences, Engineering, and Medicine, is highly regarded within the transportation research community for its technical expertise and provision of objective, non-partisan research. TRB convened a 12-member study committee to carry out the feasibility study, with the committee comprised of experts with a

variety of professional disciplines, backgrounds, and interests to ensure a balance of perspectives.

In FY 2021, the committee completed its work and issued a report on its findings, “Technical Feasibility of a Wheelchair Securement Concept for Airline Travel: A Preliminary Assessment.” According to the report, the committee did not identify any design or engineering challenges that would likely call into question the technical feasibility of an in-cabin wheelchair securement system. The report provides a preliminary assessment of the technical issues and recommends actions to fill gaps in technical information needed for more definitive assessments of feasibility and for public policy considerations about the systems to expand air travel opportunities for people with disabilities. The report recommends areas of further research by DOT, the Federal Aviation Administration (FAA), and the Board. Committee leaders provided a presentation of the report in a virtual public meeting held by the Board in September 2021.

The following research and technical assistance projects are planned for FY 2022

- Regulatory assessment for the Public Rights-of-Way Accessibility Guidelines final rule

### **FY 2023 Objectives**

The Board will continue to improve its website, including releasing additional modules for the web-based guide for the ADA and ABA standards.

The following research and technical assistance projects are planned for FY 2022:

- Regulatory assessment for updated ADA Accessibility Guidelines for Rail Vehicles
- Regulatory assessment for supplementary guidelines on self-service transaction machines

### **IMPROVE THE ACCESSIBILITY OF THE FEDERAL GOVERNMENT**

The Board is committed to improving the accessibility of the federal government and has the following objectives in this program area:

- Improve the accessibility of federal buildings and facilities through enhanced awareness and robust enforcement of the Architectural Barriers Act.
- Improve accessibility of federal information and communication technology through collaboration with other federal agencies.
- Be a model employer of persons with disabilities.

The Board was established in 1973 with the primary purpose of enforcing the Architectural Barriers Act of 1968 (ABA). The ABA requires that most buildings designed, constructed, altered, or leased by the federal government and certain other federally financed facilities be accessible to people with disabilities. The Board enforces the ABA by investigating complaints received from members of the public or federal employees.

Complaints received concern post offices, national parks, military facilities, veterans' hospitals, courthouses, and a variety of other facilities. When the Board has jurisdiction and finds that the applicable accessibility standards were not followed, it requires a corrective action plan and monitors the case until the barrier is removed. Even when the Board does not have jurisdiction, or no violation is found, it attempts to negotiate voluntary barrier removal. For covered buildings where corrective action is required, the Board has a 100% compliance rate.

In resolving complaints, the Board has learned that most violations are not intentional. When violations are found, it is usually because the people responsible for designing buildings, reviewing plans, and on-site construction were not well-informed of the accessibility standards or how to apply them. As such, the Board takes proactive measures to work with federal agencies, such as conducting training sessions, to ensure that, before starting a new project or executing a new lease, they understand and comply with their ABA obligations.

While the Board continues to successfully execute its ABA-related mandates, its responsibilities have expanded significantly during its nearly 50-year history. One such duty includes ensuring that information and communication technology (ICT) is accessible to persons with disabilities, as required by Section 508 of the Rehabilitation Act for federal agencies to only develop, procure, maintain, and use ICT that is accessible.

In all of its work, the Board seeks to remove barriers to equity and inclusion for, and increase the dignity and respect of, individuals with disabilities. But the Board acknowledges that these outward, public-facing endeavors cannot succeed if it does not also focus its efforts internally, on its own employees. As such, the Board continuously strives to be a model employer of people with disabilities in all phases of the employment life cycle—from recruitment and hiring to retention and advancement.

## **FY 2021 Results: ABA Enforcement and Awareness**

During FY 2021, the Board received 180 new ABA complaints and closed 174 pending complaints. The total number of ABA complaints filed this year represented a 17% increase relative to complaints filed in the prior fiscal year (FY 2020). This increase represents a return to typical complaint filings which, anecdotally, the Board believes is consistent with the easing of some pandemic-related restrictions. The more stringent restrictions during FY 2020 had led to a drop in complaint filings that year since many Americans were staying home more than usual and, thus, were not going to post offices, national parks, and other federal facilities as frequently.

Of the 174 ABA cases closed this year, about 22% (38 cases) were closed after the federal agency (or other facility owner/leaseholder) took corrective action to remedy building elements or features determined by the Board's investigative findings to be ABA violations under the applicable accessibility standard. This figure represents a 31% drop compared to cases closed in the prior fiscal year (FY 2020) following corrective action. This decrease is explained by the fact that, during FY 2021, agencies were faced with pandemic-related delays (mostly related to supply and budget issues and delays on the part of construction contractors) that resulted in corrective actions planned to be completed in FY 2021 being pushed back into FY 2022.



In brief, the FY 2021 ABA closed cases with corrective action can be broken down into three broad categories by facility type:

1. **Defense-related and Veterans Facilities:** The Board successfully resolved 4 ABA complaints against the Departments of Defense and Veterans Affairs, including long-pending cases relating to: a U.S. Army Morale, Welfare, and Recreation (MWR) facility at Fort Knox, Kentucky; the Hawthorne Army Depot in Hawthorne, Nevada; the Hines VA Medical Center in Hines, Illinois; and the Hayden VA Medical Center in Phoenix, Arizona.
2. **Post Offices:** The Board successfully resolved 32 ABA complaints relating to U.S. Postal Service facilities, with major remedial work completed for post offices in Olney, Maryland; Evergreen, Virginia; Addyston, Ohio; LeGrand, Iowa; Greenwood Village, Colorado; and Lewisville, Texas.
3. **Other ABA-Covered Facilities:** The Board also successfully resolved 2 other ABA complaints relating to facilities leased by the General Services Administration on behalf of the Federal Election Commission (in Washington, D.C.) and the Department of Education (in Cleveland, Ohio).

The balance of ABA cases closed this year—or 78%—were concluded for a range of technical or administrative reasons. Most involved referring complainants to other federal agencies because the Board lacked ABA jurisdiction over the matters raised in their complaints. In FY 2021, the Board mainly referred complainants to DOJ (complaints related to ADA-covered state or local facilities or places of public accommodation) and the Department of Housing and Urban Development (claims relating to apartment buildings covered by the Fair Housing Act). Administrative closures of ABA complaints occur for a variety of reasons ranging from unintelligibility or “spam” filings to complaints that provide insufficient detail to discern the nature of the allegations or to allow enforcement staff to contact the complainant to gather additional/clarifying information. This year, many of the Board’s administrative closures resulted from complaints that raised matters clearly falling outside the Board’s ABA jurisdiction or the purview of any other federal or state agency.

Appendix C below provides data for ABA cases closed in FY 2021 concerning reasons for case closure.

The success of the Board’s complaint resolutions, and its ABA enforcement program as a whole, is due to close collaboration with other agencies, particularly those the ABA charges with setting accessibility standards based on the minimum guidelines the Board writes: the General Services Administration (GSA), United States Postal Service (USPS), Department of Defense (DoD), and Department of Housing and Urban Development (HUD). The Board engages in at least monthly contact with the individuals at these agencies responsible for facility accessibility, where it not only principally discusses active complaints and the steps agencies are taking to resolve them, but also discusses opportunities for expanding the reach of technical assistance and training services to all other agency employees involved with facility design, construction, maintenance, and leasing. The Board’s aim in this regard is to ensure that ABA-covered facilities comply with

all applicable accessibility standards.

The Board continues to respond quickly to all new complaints. Most complainants now file their complaints through its website using its Online ABA Complaint Form, while others e-mail complaints to the Board via a dedicated ABA enforcement email address. Some complaints are referred to the Board by the U.S. Department of Justice, with whom individuals may have filed a complaint about a facility they thought was covered by the Americans with Disabilities Act (enforced by DOJ) but which is actually covered by the ABA.

Regardless of method of submission, the Board contacts complainants to acknowledge receipt of their complaint and communicates with them regularly thereafter to keep them apprised of the progress in its investigation. Upon completing investigations, the Board always gives complainants an opportunity to comment on the Board's determinations and actions that have been taken before closing complaints. At the end of the complaint process, the Board seeks feedback through an online Customer Satisfaction Survey. Because the survey is voluntary, and because individuals responding are permitted to do so anonymously, the Board uses this data for anecdotal purposes and, where applicable, to improve the efficiency of its ABA enforcement program.

In order to ensure greater public awareness of its work, the Board continues to post annually a list on its website describing all the ABA corrective actions taken that year to remediate accessibility barriers in federal buildings and facilities. But in the Board's equity assessment required by Executive Order 13985 *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (January 2021), the Board acknowledged a previously unmet need to focus its ABA outreach and enforcement on underserved communities, where members of those communities have higher incidences of disability and for whom the accessibility of federal buildings and facilities is essential. Aside from expanding outreach to underserved communities, the Board is developing a strategy of collaboration with sister agencies with oversight of facilities in those communities, such as the Department of the Interior (including the Bureaus of Indian Affairs, Indian Education, and Trust Fund Administration), the Department of Health and Human Services (including the Indian Health Service), and the USPS and GSA, which own or lease tens of thousands of facilities across the country, most of which are public facing.

Likewise, pursuant to its obligations under Executive Order 14035 *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce* (June 2021), the Board is developing a strategy of collaboration with the Office of Management and Budget (OMB), the Office of Personnel Management (OPM), and other agencies to ensure that all federal employees know about the ABA and the fact that they can file ABA complaints with the Board. In addition, the Board's strategy will help other agencies comply with their obligations pursuant to this Executive Order to ensure that their facilities not only comply with the ABA and related standards but also go beyond those legal requirements to maximize the accessibility of agency workplaces and reduce the need for reasonable accommodations.

The Board also continues to work with the HUD to encourage its adoption of the current ABA accessibility standards. It appears that the Board's efforts have borne fruit, because HUD, in its

FY2021 Spring Semiannual Regulatory Agenda, announced its intention to do precisely that.

Finally, despite its many recent efforts to improve the functionality of its legacy software for its Complaint Tracking System, the Board acknowledges that the software has significant limitations and that there are more up-to-date and less expensive software solutions available. The Board began to conduct market research for a new IT solution to support its enforcement program.

### **FY 2022 Planned Activities: ABA Enforcement and Awareness**

The Board will continue to investigate complaints under the ABA. Based on complaint closures to date in the current fiscal year, it expects to receive 200 new complaints, and close 204. Of the 204, the Board expects to close 55 following investigations and the completion of corrective action, with an additional 38 investigations resulting in determinations that it lacked jurisdiction or that the complaint allegations did not amount to a violation of the standards. The Board expects to refer complainants to other federal agencies in 70 matters, when it is clear—prior to the commencing of an investigation—that the allegations relate to a disability-related or civil rights law other than the ABA. Finally, the Board plans to close 40 matters for administrative reasons.

The Board will continue to provide periodic updates to complainants on the status of their complaints. It will continue to refine program processes based on performance measures developed earlier to better increase efficiency in the operation of the compliance and enforcement program. It will also consider the input it receives from its Customer Satisfaction Survey to assist in these efforts.

Consistent with Executive Order 14035, the Board will begin executing its plan to work with federal agencies across the government (via coordination with the Office of Management and Budget, Office of Personnel Management, and the General Services Administration) to ensure that they know about and fully understand their minimum obligations under the ABA and ways they can go beyond those requirements so that the federal government can be a model of facility accessibility and the need for reasonable accommodations can be reduced. The Board will publicize recommendations and resources that agencies can consider as they develop and execute their DEIA Strategic Plans required by the Executive Order. The Board will also take proactive measures to ensure that federal employees know about the ABA and how they can file ABA complaints with the Board in the event they encounter accessibility barriers in their workplaces.

The Board also plans to produce an overview video on the ABA that covers its jurisdiction, what facilities are likely or unlikely to be covered, and how complaints are investigated and to publish a year-end news story on its website that summarizes the ABA cases closed during the fiscal year.

Consistent with Executive Order 13985 and its Equity Action Plan, the Board will begin executing its strategies for working with members of underserved communities with higher incidences of disability to expand its outreach and for working with federal agencies that operate facilities where in-person services are provided to members of those communities (e.g., Bureau

of Indian Affairs, Indian Health Service, U.S. Postal Service, and Social Security Administration) to ensure that ABA-covered facilities are accessible.

The Board will coordinate with HUD as necessary to assist in HUD's adoption of its accessibility standards under the ABA, which HUD has indicated is one of its regulatory priorities.

The Board will procure a new Complaint Tracking System software solution and the services to customize that software to its current ABA enforcement processes, optimize system performance, and further expedite complaint handling.

### **FY 2023 Objectives: ABA Enforcement and Awareness**

The Board will continue to investigate complaints under the ABA. Based on an expected increase in complaint filings due to the Board's plans to expand outreach to other federal agencies about the ABA complaint process, consistent with Executive Order 14035, the Board estimates that it will receive 220 new complaints, and close 202. Of the 202, it expects to close 60 following investigations and the completion of corrective actions, and 41 following investigations and determinations of no jurisdiction or no violation. Based on averages compiled from FY2021 data and out FY2022 estimates, the Board expects to refer complainants in another 63 matters to other federal agencies, and to close 38 matters for administrative reasons.

Aside from its efforts under Executive Order 14035, the Board will continue focusing on the accessibility of facilities in underserved communities, consistent with Executive Order 13985 and its Equity Action Plan.

The Board will continue to provide effective and responsible customer service and increase efficiency in the operation of the compliance and enforcement program.

### **FY 2021 Results: Accessible Federal Information and Communication Technology**

The federal government must serve as a model employer of people with disabilities, as underscored by the DEIA Executive Order (14035). Ensuring equity and inclusion for federal employees with disabilities involves full and equal access not just to the physical work areas but also to the digital workspace. Access to ICT for employees was made even more critical by the government's sudden transition to widespread telework due to the pandemic. Not only is this access required under the Section 508 of the Rehabilitation Act, but it ensures equal access to federal employment for people with disabilities and reduces the need for agencies to undertake individual accommodations. The Board is undertaking initiatives in partnership with other federal agencies to promote and advance ICT accessibility throughout the federal sector.

Since the onset of the pandemic, the Board has called attention to the importance of making sure that virtual meetings and events are inclusive of people with disabilities. In January 2021, the Board conducted a public forum on access to virtual platforms that provided information, guidance, and resources to federal agencies, businesses, and other entities. This well-attended event featured presenters from the Department of Homeland Security and the Federal

Communications Commission who explained the accessibility features and challenges of various remote platforms, including Zoom, Webex, and Teams.

The Board also devoted sessions in its Section 508 Best Practices Webinar Series to this topic, including a session on “Providing Accessibility to ICT for Federal Employees under the Rehabilitation Act (Sections 504 and 508)” and a two-part review of the updated Section 508 Standards.

In FY 2021, the Board also began collaborating with GSA, OPM, and OMB on promoting access to ICT in the federal workplace under the DEIA Executive Order. This will include working with GSA to provide guidance, training, and resources to federal agencies on ICT accessibility and the Board’s Section 508 Standards.

### **FY 2022 Planned Activities: Accessible Federal Information and Communication Technology**

Last September, the Federal Acquisition Regulatory Council updated the federal government’s procurement regulations to incorporate the Board’s refreshed Section 508 Standards. As a result of this action, federal agencies must ensure that the ICT they procure, including those used internally by employees, are compliant with these updated Standards. In FY 2022, the Board plans to continue to provide webinars, training, and guidance to federal agencies on these updated requirements and new provisions in the 508 Standards.

Under the DEIA Executive Order, the Board will partner with GSA, OPM, and OMB to promote best practices, resources, and guidance for federal agencies in ensuring access to ICT in the federal workplace. For example, the Board will be part of a “virtual summit” on the topic hosted by OPM. The Board also intends to conduct webinars and virtual forums with GSA to promote DEIA resources and guidance pertinent to ICT accessibility. The Board will also be available to assist federal agencies in addressing accessibility of ICT in their DEIA strategic plans.

### **FY 2023 Objectives: Accessible Federal and Communication Technology**

The Board plans to continue its collaboration with GSA on promoting ICT accessibility in FY 2023. As part of this effort, it will provide guidance to federal agencies on their annual update of the DEIA strategic plans to further advance the accessibility of ICT used by employees.

### **FY2021 Results: Model Employer of Persons with Disabilities**

As noted above, the federal government must serve as a model employer of people with disabilities, as underscored by the DEIA Executive Order. The Board prides itself on its history of inclusiveness in employment. By the very nature of its mission, the Board is devoted to making America a more accessible and inclusive place for people with all types of disabilities. In addition, the Board consistently exceeds OPM and OMB’s goals for the hiring of people with disabilities for its staff.

## **FY2022 Planned Activities: Model Employer of Persons with Disabilities**

As a micro agency, the Board and its employment initiatives and goals are limited to its 30 staff positions, since the selection of governing Board members rests with the White House. Historically, the agency has had exceptionally low turnover, oftentimes resulting in several years when the Board has had no vacancies. In a typical year, the Board may recruit for one or two positions. In these recruitment moments, the agency has an exemplary record of inclusion; it is part of who the Board is as an agency, and the Board will continue this as it moves forward.

To further this goal for FY 2022, the Board is ensuring that leaders at all levels promote the vision for DEIA by taking actions to increase diversity and equity in the workforce and maintain an inclusive and accessible workplace by implementing a new performance standard for supervisors and managers that focuses on employee career development and the cultivation of an inclusive, constructive work environment that is committed to Equal Employment Opportunity (EEO) policies and principles and is based on transparent communication, mutual trust, and respect.

Additionally, the Board is improving the consistency of desired outcomes by strengthening policies and procedures, utilizing technology, and enhancing training.

## **FY2023 Objectives: Model Employer of Persons with Disabilities**

The Board plans to continue its effort and practices for hiring people with disabilities in FY 2023. As part of this effort, it will recruit, hire, and develop a high-performing workforce that reflects the diversity of communities the Board serves by optimizing outreach.

### **PROMOTE ACCESSIBILITY THROUGHOUT SOCIETY**

As noted above, the Board's technical assistance and ABA enforcement program assist in promoting accessibility in various segments of society. The Board also promotes accessibility in the public sphere in other ways, apprising various audiences about accessible design, disability-related issues, and its programs and services. The Board has two primary objectives in this program area:

- Identify and address inequities in accessibility faced by underserved communities
- Identify and work to address barriers to accessibility beyond those covered by the Board's guidelines and standards

The Board approaches these objectives with three strategies:

1. To sustain and increase public awareness of the Board and its activities
2. To engage more impactfully and meaningfully with the public
3. To research and learn more about communities impacted by accessibility barriers and disability-related concerns

## **FY 2021 Results**

### *Access Board Meetings*

The Board holds six formal meetings each year. Typically, five are business meetings in Washington, D.C., and the sixth is held outside the Washington, D.C. area and serves as an opportunity for the Board to examine innovations in accessible design undertaken around the country and to promote accessibility throughout society. As a result of the pandemic, the Board conducted all its meetings virtually in FY 2021.

### *Virtual Public Events*

With the transition to virtual Board meetings, the Board initiated virtual public events to accompany the bimonthly formal meetings. Board staff from multiple units hosted and managed these public events by creating an accessible experience for attendees. These public events were free to the public, who were also able to pose questions to presenters. These public events included 500 – 800 attendees for each event.

**Virtual Platforms (January 2021).** This event featured presentations on conducting virtual meetings and events that are accessible to persons with disabilities. Guest speakers from the Department of Homeland Security and the Federal Communications Commission explained features of accessible virtual platforms, highlighted common access issues, and reviewed best practice recommendations and resources for platform accessibility.

**Public Forum on Inclusive Design of Autonomous Vehicles (March-April 2021).** In the spring of 2021, Board staff organized and conducted a series of virtual meetings on making autonomous vehicles (AVs) accessible to passengers with disabilities in partnership with other federal agencies. The four-part series provided an open forum where members of the public and stakeholders shared information on designing AVs that are inclusive of everyone, including passengers with mobility, sensory, or cognitive disabilities. Each session featured presentations by invited speakers who shared information and research results on design considerations and accessibility solutions. Attendees had the opportunity to ask questions to presenters and to share comments, recommendations, and ideas. The Board issued a report that summarized the information and recommendations shared in these sessions. This report is publicly available on the Board's website.

**Self-service Transaction Machines (May 2021).** This event included panelists who addressed usability issues and barriers that people with sensory, cognitive, physical, or multiple disabilities encounter when using kiosks, point-of-sales machines, and other SSTMs. Speakers included representatives from the Blinded Veterans Association, the Coleman Institute for Cognitive Disabilities, the Deaf and Hard of Hearing Consumer Advocacy Network, and the United Spinal Association.

**Inclusive Exercise and Fitness Equipment (July 2021).** This event featured panel presentations on the need for access to fitness equipment, efforts to address equipment accessibility, and implementation of inclusive fitness equipment. Invited speakers

included advocates, researchers, industry representatives, and three current and former Paralympians.

**Public Briefing on Study on the Feasibility of Wheelchair Securement Systems in Passenger Aircraft (September 2021).** This event was a public briefing on TRB’s final report “Technical Feasibility of a Wheelchair Securement Concept for Airline Travel: A Preliminary Assessment.” Members of the TRB Study Committee presented on the two-year research study that focused on the design, engineering, and safety requirements for equipping aircraft with securement systems for wheelchairs.

**Designing for Inclusion: Architectural Trends and Social Justice (November 2021).** This event focused on current trends in architectural design for toilet rooms, lavatories, adult changing tables, self-service transaction machines, wayfinding, dining surfaces and tables, and accessible routes, including those that have emerged in response to the COVID-19 pandemic. Presenters highlighted aspects of those trends that advance equity and inclusion and discussed design alternatives to trends that are not fully accessible to all.

#### *Staff Presentations*

In FY 2021, Board staff presented at many national, regional, and state conferences, forums, and events to advance accessibility and inclusion for people with disabilities. Board staff presented on various topics, such as the President’s Executive Orders, emerging technology and trends, information and communication technology resources, accessibility in the federal workplace, accessible voting and polling places, and the guidelines and standards under the ADA, ABA, and Section 508, to name a few.

#### *Executive Orders*

The Board has also dedicated more staff time and resources to fulfilling the Biden-Harris Administration’s Executive Orders on *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (13985) and *Tribal Consultation and Strengthening Nation-to-Nation Relationships* (13175). As an agency dedicated to accessible design for persons with disabilities, all of the agency’s activities in some way advance equity and remove barriers for underserved individuals; however, the agency has dedicated more staff time and resources to ensuring that people with disabilities in underserved communities and Tribal Nations are informed about and acquire its services. The following actions provide some highlights of accomplishments in FY 2021:

1. Created an extensive contact list of professional organizations specifically serving professionals who identify as racial and ethnic minorities in the fields of architecture, design, engineering, and construction;
2. Developed and began to distribute promotional materials;
3. Delivered presentations to officials at Inter-Tribal organizations and executives at non-profit organizations and participated in a national stakeholder meeting on advancing inclusive planning in Tribal communities;



4. Developed a project to translate ABA and ADA Standards and Guidelines and agency technical assistance materials into Spanish and contracted with an organization to translate major Board documents.

### *Website*

The Board's website continues to serve as a leading resource on accessible design and federal accessibility guidelines and standards. Through this site, the Board provides updates to the public on initiatives in rulemaking, research, ABA enforcement, and other programs. The Board's guidelines and standards, published guidance, animations, and other resources are also available on the site.

Management of the website requires several Board staff in designing, maintaining, and updating the webpages. The Board's Web Team regularly meets and works toward creating a more streamlined design to make information easier to find, as well as providing new menus and cross links to enhance navigation of key resources.

### **FY 2022 Planned Activities**

So far in FY 2022, the Board has promoted awareness of its work, programs, and services and will continue to do so. The Board has planned the following activities:

1. Virtual public event on equity in healthcare for people with disabilities (January 2022). This event featured panel presentations on standards, research, and resources related to healthcare accessibility, including inclusive medical equipment, healthcare facility design, and information technology, and communication devices and systems. Members of the public were able to pose questions to the presenters during the event.
2. Out-of-town Board Meeting in Philadelphia (September 2022). This three-day meeting will involve visits to underserved communities in Philadelphia, including the city's Parks and Recreation, arts and culture organizations, and immigrant communities.

### *Outreach*

The Board will continue to undertake initiatives to enhance equity for historically underserved communities. As part of this effort, the Board will develop an outreach campaign to provide information on services and programs to underserved communities with high rates of disability and professionals serving those communities, establish and strengthen relationships with federal agencies that own or lease federal facilities where in-person services are provided to underserved communities with high rates of disability, and work with federal agencies to establish ABA compliance strategies aimed at proactively ensuring the accessibility of buildings and facilities in underserved communities through accessibility assessments and the remediation of architectural barriers.

In addition, the Board plans to develop an outreach program to new stakeholders in emerging industries. New technologies and innovations are transforming communication, interaction with the built environment, and transportation. For example, the manufacturers of autonomous vehicles and interactive kiosks, and alliances or associations representing them, have consulted the Board on how to appropriately integrate accessibility into their designs and concepts. In FY

2022, the Board will undertake an awareness campaign targeted to this new and growing audience to ensure that accessibility is considered and included in new designs.

Finally, the Board seeks to acquire services from a marketing firm to enhance its public profile. Since the Board is a small agency, it is oftentimes relatively unknown by many individuals in the public or other federal employees. Without the resources and support to develop a marketing plan, the agency is faced with the challenge of raising extensive public awareness about its existence, mission, values, and activities. As such, in order to achieve its inspiring mission with its limited staff and resources, the Board plans to procure marketing services that can assist in evaluating its marketing opportunities regarding branding, outreach to communities, and multimedia productions.

### **FY 2023 Objectives**

The Board will continue to reach out to professional associations, trade groups, and other organizations whose members can benefit from its technical assistance services as well as to historically underserved communities. It plans to contact and meet with representatives from identified organizations using prepared outreach materials to promote its technical assistance services. In addition, Board staff will follow up with targeted professional and trade associations to assess additional opportunities for partnership with the Board, such as webinars, trainings, or technical assistance materials.

The Board also aims to develop programs for events on the need for access to types of products, equipment, and vehicles that the Board does not have authority to regulate. This work will require extensive research that the Board plans to begin in FY 2023.

### **IMPROVE AGENCY SYSTEMS AND MODERNIZE OPERATIONS**

For FY 2022 through FY 2026, the Board has added a stewardship objective to its strategic plan to improve agency systems and modernize operations. The Board has set the following objectives:

- 
- Use data and technology to enhance operations and services.
- Use tools and internal systems to consolidate and retain agency knowledge.
- Update agency policies, procedures, and administrative regulations.

The Modernizing Government Technology Act delivers a clear mandate to federal agencies to look for ways to increase efficiency and effectiveness and improve service to the public. The Board has a requirement to employ centralized identity management systems for agency users that can be integrated into applications and common platforms. IT resources are critical in support of the Board's strategic objective to improve agency systems and modernize operations. This objective includes using data and technology to enhance operations and services, using tools and internal systems to consolidate and retain agency knowledge, and updating agency policies,

procedures, and administrative regulations. The overall goal of the Board, in accordance with recent and ongoing IT mandates, is to create a common environment for enterprise platform standards, processes, and governance, modernize legacy agency equipment, and secure and enhance the IT infrastructure. The IT appropriation provides resources for IT security enhancement modernization efforts, continued adoption of cloud-based computing solutions, consolidation of infrastructure and networks, and the modernization of legacy IT systems and applications. This funding level will also support the maintenance and enhancement of foundational capabilities that facilitate cloud migration and increase functionality.

## APPENDIX A

### ACCESS BOARD BUDGET

	FY 2021	FY 2022	FY 2023 Request
<b>BUDGET TOTAL</b>	<b>9,200,000</b>	<b>9,750,000</b>	<b>9,850,000</b>
<b>PERSONNEL</b>	<b>5,501,900</b>	<b>5,550,500</b>	<b>5,724,600</b>
Salary	4,158,200	4,199,500	4,325,300
Staff	3,916,800	3,946,200	4,097,200
Board	241,400	253,300	228,100
Benefits	1,343,700	1,351,000	1,399,300
<b>BOARD MEETINGS/PUBLIC HEARINGS</b>	<b>332,800</b>	<b>343,100</b>	<b>238,800</b>
<b>TRAVEL</b>	<b>20,000</b>	<b>20,000</b>	<b>40,000</b>
Committee Meetings	0	0	0
Training/Site Visits/Other	20,000	20,000	40,000
<b>SPACE MANAGEMENT</b>	<b>765,000</b>	<b>807,800</b>	<b>789,500</b>
<b>RESEARCH</b>	<b>200,000</b>	<b>400,000</b>	<b>325,000</b>
Technical Research	200,000	150,000	25,000
Cost Assessments/RIA	0	250,000	300,000
<b>ADMIN SUPPORT SERVICES</b>	<b>778,000</b>	<b>997,500</b>	<b>1,039,700</b>
<b>IT SUPPORT SERVICES</b>	<b>1,457,500</b>	<b>1,486,200</b>	<b>1,540,700</b>
<b>PRINTING</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>
<b>MISC OPERATING EXPENSES</b>	<b>84,800</b>	<b>84,900</b>	<b>91,700</b>
Postage/Courier/Mailing Services	5,000	5,000	5,000
Staff Training	15,000	20,000	20,000
Equipment	5,000	5,000	5,000
Supplies	10,000	10,000	10,000
Drug Testing	800	800	900
Audits	34,000	34,100	35,800
Books	5,000	5,000	5,000
Other	10,000	5,000	10,000

## COST DISCUSSION

The Board is requesting a total budget authority in FY 2023 of \$9,850,000. Pub. L. 117-103, the FY 2022 Consolidated Appropriations Act, provided the Board with \$9,750,000 in funding.

<p><b>PERSONNEL</b></p> <p>FY 2022                      \$5,550,500</p> <p>FY 2023                      \$5,724,600</p>	<p>The Board anticipates it will use 32 FTE in FY 2023. The Board is planning on 5 days of pay per public Board member (Presidentially appointed) for each of its in-person Board meetings and for one out-of-town meeting. Three of its regular board meetings will be held virtually, and members will receive 3 days of pay for each of those meetings.</p> <p>In addition, the Board has included funds for salaries for a total of 10 additional days for information meetings where some of its public Board members participate in ad-hoc meetings or represent the agency in other meetings (such as meetings of the Election Assistance Commission).</p> <p>The Board has calculated benefits (including the transit subsidy) based on its experience with the benefit packages employees have chosen in the past. Benefits for public Board members include only the Social Security and Medicare allotment from the employer.</p> <p>It currently has four vacant positions, which it plans to fill in FY 2022. Some of these positions have been restructured to create career ladder positions. Therefore, although the Board has incorporated the President's planned recommendation of a 4.6 percent cost of living increase, its personnel numbers do not reflect that full amount, since some positions will be filled at lower grades than in prior years.</p> <p>Its personnel staff salary line includes an award amount equal to 4 percent of GS salaries. This will allow the Board to provide meaningful recognition for annual performance awards and provide for special act awards where warranted.</p>
<p><b>BOARD MEETINGS/ PUBLIC HEARINGS</b></p> <p>FY 2022                      \$ 343,100</p>	<p>This budget line includes all costs related to its board meetings and public hearings, except for salaries. This includes travel expenses, meeting space rental, Communication Access Realtime</p>

FY 2023	\$ 238,800	<p>Translation (CART) and sign language interpreters for all board and other public meetings.</p> <p>As mentioned in the Personnel line, the Board plans to continue holding 3 of its board meetings virtually. This will result in a cost savings, compared with its FY 2022 budget, which assumed that the board would travel for each of the 6 meetings.</p>
<b>TRAVEL</b>		
FY 2022	\$ 20,000	<p>The Board's travel budget primarily covers its travel expenses related to attendance at annual trade meetings related to its accessibility-related mission. Examples include the annual CSUN technology exposition and meetings of building code groups of which the Board is a standing member, such as the ANSI A117 committee. Occasionally, the Board conducts site visits related to Architectural Barriers Act complaints. In conjunction with some rulemaking, the Board occasionally establishes special committees, and the travel for those committees would be included on this budget line; however, none is planned for FY 2022.</p> <p>In FY 2022 and years prior, the Board had sought reimbursement for travel related to accessibility training. However, the Board does not do a significant amount of this type of travel, and the administrative costs related to processing the reimbursements proved to be more expensive than the travel costs. Therefore, the Board is suspending its travel reimbursement activity for the foreseeable future. As a result, it is reflecting an increase in its travel costs.</p>
FY 2023	\$ 40,000	
<b>SPACE MANAGEMENT</b>		
FY 2022	\$ 807,800	<p>The Board's rent is set by the General Services Administration. The Board entered into a new occupancy agreement, effective January 1, 2022. Because GSA had not yet entered into a new lease agreement at the time it estimated the rent for FY 2022, and the cost of a new lease was unknown, GSA's estimate for that year was high. GSA's rent estimate for FY 2023 is based on the new lease. The amount on this line also includes other costs related to its space, such as maintenance and security.</p>
FY 2023	\$ 789,500	
<b>RESEARCH</b>		
FY 2022	\$ 400,000	<p>Contracting for research to assist in its guidelines and standards development and to provide technical assistance materials is crucial to the Board's mission. Funds also are used to conduct required</p>
FY 2023	\$ 325,000	

		regulatory assessments for its rulemaking. The research funds requested will allow the Board to move forward with its rulemaking agenda, which includes the issuance of new guidelines and updating existing guidelines.
<b>ADMINISTRATIVE SUPPORT SERVICES</b>		The Board contracts with the Bureau of the Fiscal Service (BFS) in the Department of the Treasury to provide procurement, financial, payroll, and personnel services. Approximately \$763,000 of its costs are for services the Board receives from BFS. The cost for administrative support services from other federal agencies has increased significantly in the past two fiscal years. Additional costs are for support of its webinars, through which most of its training is conducted. The Board also has contracted for records management consulting services, and have another contract for GovDelivery, which supports its public outreach initiative.
FY 2022	\$ 997,500	
FY 2023	\$1,039,700	
<b>INFORMATION TECHNOLOGY SUPPORT SERVICES</b>		This is the yearly cost of the Board's telephone and desktop computing needs including desktop and laptop computers, assistive technology, local area network servers, software, printers, and maintenance and support services (including website hosting and internet service). A large portion of its IT budget goes toward the provision of network security and operational integrity of the Board's network. This includes a network certification and Authority to Operate, Trusted Internet Connection, and use of the Einstein system to comply with OMB Memorandum M-17-25, "Reporting Guidance for Executive Order on Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure." These expenditures will help the Board meet the Federal Information Security Management Act and provide certification of the Board's network, required to access other agency networks (e.g., the Bureau of the Fiscal Service's HR Connect System for personnel services). Funds also will be used to provide annual security network maintenance for the Continuous Diagnostics and Mitigation Cybersecurity program.
FY 2022	\$1,486,200	
FY 2023	\$1,540,700	

<b>PRINTING</b>		Publishing proposed and final rules in the Federal Register is a relatively high cost for the Board. Printing in the Federal Register costs \$453 per page. Other items in this category include printing its final rules in the Code of Federal Regulations and miscellaneous printing requirements.
FY 2022	\$ 60,000	
FY 2023	\$ 60,000	
<b>MISCELLANEOUS OPERATING EXPENSES</b>		Expenditures in this category include postage, overnight shipping, and in-town delivery service. The Board contracts with the Interior Business Center in the Department of the Interior to provide services for the mandatory drug testing program. Other expenditures are for a reader to provide audio tapes as alternate format publications and miscellaneous operating expenses not reflected elsewhere. Its yearly financial audit is included along with book purchases for its library collection of accessible design materials, staff training, office supplies, and equipment purchases.
FY 2022	\$ 84,900	
FY 2023	\$ 91,700	



## APPENDIX B

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### STATUS OF CURRENT ACCESS BOARD RULEMAKING EFFORTS

*May 2021*

**ADA Accessibility Guidelines (ADAAG) for Transportation Vehicles – Update (rail vehicles).** This rulemaking would update the Board’s existing accessibility guidelines for transportation vehicles that operate on fixed guideway systems (e.g., rapid rail, light rail, commuter rail, and intercity rail) covered by the ADA. The existing rail vehicles guidelines were initially promulgated in 1991, and need an update to, among other things, keep pace with newer accessibility-related technologies, harmonize with recently developed national and international consensus standards, and incorporate recommendations from the Board’s Rail Vehicles Access Advisory Committee’s report. Past and recent efforts related to this regulatory initiative include:

- notice of intent to establish advisory committee: February 14, 2013
- notice establishing advisory committee: May 23, 2013
- full committee meetings: November 13-14, 2013; January 9-10, 2014; April 10-11, 2014; September 11-12, 2014; February 26-27, 2015; April 23-24, 2015; June 4-5, 2015
- committee presented recommendations to the Board: July 29, 2015
- advance notice of proposed rulemaking: February 14, 2020
- notice of public hearing: February 27, 2020
- notice of extension of comment period: April 10, 2020

**Public Rights-of-Way (including Shared Use Paths).** When the Board issued final rules for state and local governments in 1998, it decided to reserve provisions for public rights-of-way, due in large measure to the concerns of the transportation community expressed in comment to the Board on proposed and interim final rules for entities covered by title II of the ADA. Rather than finalizing the guidelines for public rights-of-way, the Board began an ambitious outreach plan to the highway industry. The Board produced a series of videos, an accessibility checklist, and a design guide on accessible public rights-of-way.

Following this outreach, the Board decided to reinstate rulemaking by convening a federal advisory committee to develop recommendations for the guidelines. In October 1999, the Board created a 31-member Public Rights-of-Way Access Advisory Committee. Representatives of a wide range of stakeholders, including transportation industry organizations and disability and pedestrian advocates developed recommendations for scoping and technical provisions addressing access to sidewalks, street crossings, and related pedestrian facilities. The committee presented its report to the Board in January 2001.

In June 2002, the Board released for public comment draft guidelines based on the committee’s recommendations. A public meeting on the draft guidelines was held in Portland, OR in October 2002.

In November 2005, the Board revised the draft guidelines based on public comments on the initial draft and released them as a notice of availability. This action was done to assist the Board in preparing a regulatory assessment of the impacts of the rule. A proposed rule was published for public comment in July 2011; two hearings were held, and the comment period closed in February 2012.

When the Board approved draft final accessibility guidelines for trails, coverage of shared use paths was deferred to a future rulemaking. Commenters on the outdoor developed areas rule had previously raised concerns about the need for differing guidelines for shared use paths. Commenters noted that shared use paths differ from trails and typically are in more developed outdoor areas, as opposed to the more primitive trail settings. Unlike trails, shared use paths are designed to serve both bicyclists and pedestrians and are used for transportation and recreation purposes.

As a result, the Board initiated rulemaking to cover shared use paths. In September 2010, it held a public information meeting in conjunction with the ProWalk/ProBike 2010 Conference. This meeting provided an opportunity for individuals with disabilities, designers of shared use paths, and others with expertise in this area to share information with the Board to assist in the development of new accessibility guidelines. It then published an ANPRM for shared use paths in March 2011. In February 2013, the Board published a Supplemental Notice of Proposed Rulemaking to include requirements for shared use paths as part of the public rights-of-way rule. The Board suspended action on this rule in 2017 in light of Executive Order 13777 *Enforcing the Regulatory Reform Agenda*, which was rescinded earlier this year. The next step for this rulemaking is a final rule, planned for FY 2022.

- notice of proposed rulemaking: December 21, 1992
- interim final rule: June 20, 1994
- final rule: January 13, 1998 (public rights-of-way not included in the final rule)
- notice of intent to establish advisory committee: August 12, 1999
- notice establishing advisory committee: October 20, 1999
- full committee meetings: December 2-3, 1999; February 9-11, 2000; May 18-19, 2000; August 16-18, 2000; October 18-20, 2000
- committee presented recommendations to the Board: January 10, 2001
- draft guidelines: June 17, 2002
- public hearing: October 8, 2002
- notice of availability of second set of draft guidelines: November 23, 2005
- notice of proposed rulemaking: July 26, 2011
- information meeting on shared use paths: September 13, 2010
- advance notice of proposed rulemaking on shared use paths: March 28, 2011
- supplemental notice of proposed rulemaking on shared use paths: February 14, 2013

**Passenger Vessels.** This rulemaking will address access to ferries, cruise ships, excursion boats, and other vessels. In 1994, the Access Board and DOT funded a research project to assess the feasibility and impact of providing access to a variety of vessels. This project was completed in July 1996 and provided valuable information for rulemaking. The Board and DOT also held an

information meeting with organizations representing people with disabilities and the marine industry to determine the scope and complexity of the rulemaking.

In August 1998, the Board created a 22-member Passenger Vessel Access Advisory Committee to provide recommendations for a proposed rule addressing accessibility guidelines for newly constructed and altered passenger vessels covered by the ADA. The committee presented its report to the Board in November 2000.

The Board held public meetings in New Orleans (August 2003) and Seattle (September 2003) to gather information and input on viable access solutions that will allow persons with disabilities independent access onto and off of large vessels. Over 150 vessel designers and operators, pier operators, persons with disabilities, and others attended the meetings. In advance of the meetings, the Board toured vessels and boarding facilities at area ports. In November 2004, the Board published for public comment an ANPRM on access to and in smaller passenger vessels and a notice of availability releasing draft guidelines on access to and in larger passenger vessels.

In July 2006, the Board made available for public comment revised draft accessibility guidelines for passenger vessels. It received approximately 175 comments on the draft guidelines. Passenger vessel operators, individuals with disabilities, and organizations representing the various interest groups commented that a provision in the draft guidelines, which required emergency alarm systems to comply with “principles of best practice”, was vague and requested additional guidance. The Board agreed that additional guidance would be helpful and in August 2007 created a Passenger Vessel Emergency Alarms Advisory Committee to assist in this matter. The committee’s membership included representatives from disability organizations, the vessel and cruise ship industry and trade groups, and the National Fire Protection Association, among others. The committee presented its report to the Board in October 2008. In June 2008, the Board published revised draft guidelines to collect data necessary for a regulatory assessment. Meetings were held in August 2008 to collect this data.

In June 2013, the Board released for public comment proposed guidelines for passenger vessels. The comment period ended in January 2014. The next step for this rulemaking is a final rule. The Board suspended work on this rule in 2017 in light of the requirements of Executive Order 13777 *Enforcing the Regulatory Reform Agenda*, which was rescinded earlier this year. The Board is now evaluating the timing of the final rule in the context of the agency’s other rulemaking priorities.

- information meeting: April 15, 1996
- notice of intent to establish advisory committee: March 30, 1998
- notice establishing advisory committee: August 12, 1998
- full committee meetings: September 24-25, 1998; November 18-21, 1998; February 4-6, 1999; April 21-23, 1999; July 21-23, 1999; October 20-22, 1999; February 9-11, 2000; April 26-28, 2000; September 19-22, 2000
- committee presented recommendations to the Board: November 17, 2000
- information meetings: August 20, 2003; September 9, 2003
- notice of availability of draft guidelines and advance notice of proposed rulemaking: November 26, 2004
- revised draft guidelines for large vessels, ferries, and tenders: July 7, 2006

- notice of intent to establish advisory committee: June 25, 2007
- notice establishing advisory committee: August 13, 2007
- full committee meetings: September 19-20, 2007; November 28-29, 2007; February 12-13, 2008; August 12-13, 2008
- committee presented recommendations to the Board: October 14, 2008
- revised draft guidelines for large vessels, ferries, and tenders: June 26, 2008
- information meeting: August 11, 2008
- notice of proposed rulemaking: June 25, 2013

**Medical Diagnostic Equipment.** Section 510 of the Rehabilitation Act required the Board to issue accessibility standards for medical diagnostic equipment, including examination tables and chairs, weight scales, radiological equipment, and mammography equipment in consultation with the Food and Drug Administration. The standards were required to address independent access to, and use of, equipment by people with disabilities to the maximum extent possible.

In July 2010, the Board held a public information meeting on this rulemaking to gather information from stakeholders with an interest in the new standards. A proposed rule was published in February 2012 and two public hearings were held. The comment period closed in June 2012; 53 comments were received. In March 2012, the Board created a 24-member Medical Diagnostic Equipment Accessibility Standards federal advisory committee to advise the Board on matters associated with the comments the Board received and information it requested in proposing the standards. The committee issued its final report in December 2013. A final rule was published in January 2017; however, there are two technical provisions relating to the adjustability of transfer height surfaces that were made provisional to provide time for completion of additional research or other means of acquiring additional, needed data. That is, sections M301.2.1 and M302.2.1 of the MDE Standards establish a range of 17 - 19 inches maximum from the floor (rather a single-height specification) for the low-side transfer position, with these low-height specifications “sunsetting” five years after the rule’s effective date (i.e., January 2022). The Board is still in the process of gathering information needed to develop a technical specification to replace the low-side transfer position range specified in sections M301.2.1 and M302.2.1. Consequently, the Board plans to publish a direct final rule in FY 2021 that will extend the sunset date for M301.2.1 and M302.2.1.

- information meeting: July 29, 2010
- notice of proposed rulemaking: February 9, 2012
- public hearings: March 14, 2012; May 8, 2012
- notice of intent to establish advisory committee: March 13, 2012
- notice establishing advisory committee: July 5, 2012
- full committee meetings: September 27-28, 2012; December 3-4, 2012; January 22-23, 2013; February 26-27, 2013; March 26-27, 2013; May 7-8, 2013; June 17, 2013
- committee presented draft recommendations to the Board - July 10, 2013
- committee report completed: December 6, 2013
- final rule: January 9, 2017
- Notice extending sunset provision on low transfer heights for an additional three years: February 2, 2022

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## COMPLETED ACCESS BOARD RULEMAKINGS

*May 2021*

**ADAAG for Buildings and Facilities (Sections 1-9).** The ADA Accessibility Guidelines (ADAAG) initially consisted of nine sections. Sections 1 through 4 include general sections, scoping provisions, and technical specifications applicable to all types of buildings and facilities. The scoping provisions specify which and how many elements and spaces of a building or facility must be accessible (e.g., parking spaces, entrances, toilet rooms). The technical specifications describe how to design the elements and spaces covered by the scoping provisions, so they are accessible to and usable by individuals with disabilities. Sections 5 through 9 contain additional scoping provisions and technical specifications for the following facilities: restaurants and cafeterias (section 5); medical care facilities (section 6); mercantile establishments (section 7); libraries (section 8); and hotels, motels, and transient lodging (section 9).

- advance notice of proposed rulemaking: August 31, 1990
- public hearings: February 11, 1991 through March 7, 1991
- notice of proposed rulemaking: January 22, 1991
- final rule: July 26, 1991
- Department of Justice adopted guidelines: July 26, 1991
- Department of Transportation adopted guidelines: September 6, 1991

**ADAAG for Transportation Facilities (Section 10).** This rulemaking added section 10 to ADAAG which contains additional scoping provisions and technical specifications for transportation facilities.

- supplemental notice of proposed rulemaking: March 20, 1991
- final rule: September 6, 1991
- Department of Transportation adopted guidelines: September 6, 1991
- Department of Justice adopted guidelines: January 18, 1994

**ADAAG for Transportation Vehicles.** A separate ADAAG was issued for transportation vehicles for the following vehicles and systems: buses and vans, rapid rail vehicles, light rail vehicles, commuter rail cars, intercity rail cars, over-the-road buses, automated guideway transit vehicles, high-speed rail cars, monorails, and trams and similar vehicles.

- notice of proposed rulemaking: March 20, 1991
- final rule: September 6, 1991
- Department of Transportation adopted guidelines: September 6, 1991

**Automated Teller Machines.** In response to a petition for rulemaking, on July 15, 1993, the Board issued a joint final rule with DOT amending the reach range requirements for accessible automated teller machines and fare vending machines.

- notice requesting public comment on petition for rulemaking: May 6, 1992
- public hearing: May 28, 1992
- notice of proposed rulemaking: September 8, 1992
- final rule: July 15, 1993
- Department of Transportation adopted guidelines: July 15, 1993
- Department of Justice adopted guidelines: January 18, 1994

**Children’s Elements.** This rulemaking added provisions to ADAAG for building elements designed for children’s use. The Board published an ANPRM in February 1993 seeking comment on general issues, such as the scope of the guidelines and the ages or grades that should be covered. Following an analysis of the comments, the Board published a notice of proposed rulemaking in July 1996. The Board published the final rule in January 1998.

- advance notice of proposed rulemaking: February 3, 1993
- notice of proposed rulemaking: July 22, 1996
- final rule: January 13, 1998
- Department of Justice adopted guidelines: July 23, 2010

**State and Local Government Facilities (Sections 11-12).** This rulemaking added two special application sections to ADAAG for certain State and local government facilities covered by title II of the ADA. The two sections are 11—Judicial, Legislative, and Regulatory Facilities, and 12—Detention and Correctional Facilities. The rule also covers miscellaneous provisions that apply to State and local government facilities.

The Board published a notice of proposed rulemaking and conducted five public hearings on the proposed rule. Following an analysis of the comments, the Board published an interim final rule asking for additional comments. Provisions regarding accessible residential housing and public rights-of-way were proposed as part of the NPRM and the interim final rule. However, no action was taken on either of these subjects in the final rule. Provisions for accessible residential housing were proposed as part of the Board’s ADAAG Revision and ABA Accessibility Guidelines rulemaking. The Board convened a federal advisory committee to develop recommendations on access to public rights-of-way. It published a final rule in January 1998.

- notice of proposed rulemaking: December 21, 1992
- public hearings: February 22, 1993 (two hearings); March 2, 1993; March 9, 1993; March 15, 1993
- interim final rule: June 20, 1994
- final rule: January 13, 1998
- Department of Justice adopted guidelines: July 23, 2010

**Telecommunications Equipment.** The Telecommunications Act of 1996 required the Board to issue accessibility guidelines in conjunction with the Federal Communications Commission for telecommunications equipment and customer premises equipment. The Board convened a 33-member Telecommunications Access Advisory Committee to assist the Board in fulfilling its mandate to issue the guidelines. The committee presented its report to the Board in January

1997. Based on the committee's recommendations, the Board published a notice of proposed rulemaking in April 1997 and then a final rule in February 1998.

- notice of intent to establish advisory committee: March 28, 1996
- notice establishing advisory committee: May 24, 1996
- full committee meetings: June 10-12, 1996; August 14-16, 1996; September 25-27, 1996; November 6-8, 1996; December 16-18, 1996; January 13-14, 1997
- committee presented recommendations to the Board: January 15, 1997
- notice of proposed rulemaking: April 18, 1997
- final rule: February 3, 1998
- Federal Communications Commission adopted guidelines: November 19, 1999

**Over-the-Road Buses.** The ADA requires the Board and DOT to issue guidelines and regulations for access to over-the-road buses. The Board and DOT co-sponsored an information meeting on over-the-road bus issues and in March 1998, it published an NPRM to amend the technical provisions for over-the-road buses to include provisions for wheelchair access and other miscellaneous provisions. The Department of Transportation also published an NPRM on accessible over-the-road bus service. After reviewing the comments received in response to the NPRM, the Board issued final guidelines which include technical provisions for lifts, ramps, wheelchair securement devices, moveable aisle armrests, and revisions to specifications for doors and lighting.

- information meeting: October 21, 1993
- notice of proposed rulemaking: March 25, 1998
- final rule: September 28, 1998
- Department of Transportation adopted guidelines: September 28, 1998

**Detectable Warnings Temporary Suspension.** In response to a petition for rulemaking, in 1994 the Board, DOJ, and DOT suspended temporarily until July 1996, the requirements for detectable warnings at curb ramps, hazardous vehicular areas, and reflecting pools so that a research project on this subject could be considered in determining whether any changes in the requirements were warranted.

In March and April 1995, the Board received petitions from two transit agencies and an organization of blind persons to review the requirements for detectable warnings at transit platform edges. The Board's ADAAG Review Advisory Committee also considered the requirements for detectable warnings within the context of the committee's complete review of ADAAG provisions. The committee recommended that the requirements for detectable warnings at curb ramps, hazardous vehicular areas, and reflecting pools that are currently suspended be eliminated. The committee recommended requiring detectable warnings at platform edges in transit stations, and allowing an "equivalent tactile surface," and "equivalent detectability." Since any amendment to the detectable warning requirements will be done as part of the scheduled review and update of ADAAG, in July 1996, the Board, DOJ, and DOT published a final rule to extend the temporary suspension until July 1998 to allow the ADAAG revision process to be completed. Because the ADAAG revision rulemaking was not completed by July 1998, the temporary suspension was continued until July 2001.

- proposed rule to temporarily suspend the requirements: July 9, 1993
- final rule to temporarily suspend the requirements: April 12, 1994
- proposed rule to extend the temporary suspension: April 12, 1996
- final rule to extend the temporary suspension: July 29, 1996
- proposed rule to extend the temporary suspension: June 1, 1998
- final rule to extend the temporary suspension: November 23, 1998

**Play Areas.** The Board convened a 27-member advisory committee to make recommendations on issues related to making various recreation areas accessible. The committee met from July 1993 - May 1994. Some issues remained where consensus was needed. This included play areas, playground surfaces, and play equipment.

The Board created a 17-member Play Areas Regulatory Negotiation Committee to achieve consensus requirements for access to play areas. The committee presented its consensus report to the Board in July 1997. At the same meeting, the Board approved an NPRM on access to play areas. The Board published the NPRM in April 1998 and held one public hearing in Denver, CO to receive additional feedback during the comment period. The final rule was published in October 2000. In November 2000, the Board published an amended advisory note to the accessibility guidelines which clarified that play components that are attached to a composite play structure and can be approached from a platform or deck are elevated play components. These play components are not considered ground level play components also, and do not count toward meeting the number of ground level play components that must be located on an accessible route.

- notice of intent to establish regulatory negotiation committee: December 22, 1995
- notice establishing regulatory negotiation committee: February 14, 1996
- full committee meetings: March 5-7, 1996; May 8-10, 1996; August 4-6, 1996; October 26-28; January 6-9, 1997; April 2-4, 1997; July 8-9, 1997
- committee presented report to the Board - July 9, 1997
- notice of proposed rulemaking: April 30, 1998
- public hearing: June 3, 1998
- final rule: October 18, 2000
- amended advisory note: November 20, 2000
- Department of Justice adopted guidelines: July 23, 2010

**Electronic and Information Technology.** In August 1998, the Workforce Investment Act of 1998, which includes the Rehabilitation Act Amendments of 1998, was signed into law. Section 508 of the Rehabilitation Act Amendments requires that when federal departments or agencies develop, procure, maintain, or use electronic and information technology, they shall ensure that the technology is accessible to people with disabilities, unless an undue burden would be imposed on the department or agency.

Section 508 required the Board to publish standards setting forth a definition of electronic and information technology and the technical and functional performance criteria for such technology. The Board and the General Services Administration were required to provide



technical assistance to individuals and federal departments and agencies concerning the requirements of section 508.

In developing its standards, the Board was required to consult with various federal agencies, the electronic and information technology industry, and appropriate public or nonprofit agencies or organizations, including organizations representing individuals with disabilities. The Board convened a 27-member Electronic and Information Technology Access Advisory Committee to assist in developing its standards. The Committee presented its report to the Board in May 1999. The Board issued a notice of proposed rulemaking on access to electronic and information technology in March 2000. A final rule was published in December 2000. In April 2001, the Federal Acquisition Regulatory Council incorporated the Board's standards into revisions to the Federal Acquisition Regulations.

- notice of intent to establish advisory committee: August 24, 1998
- notice establishing advisory committee: September 29, 1998
- full committee meetings: October 15-16, 1998; December 1-2, 1998; January 5-6, 1999; February 8-9, 1999; March 29-30, 1999; May 11-12, 1999
- committee presented recommendations to the Board: May 12, 1999
- notice of proposed rulemaking: March 31, 2000
- final rule: December 21, 2000
- Federal Acquisition Regulatory Council incorporated the Board's standards into revisions to the Federal Acquisition Regulations: April 25, 2001

**Recreation Facilities.** This rulemaking addresses recreation facilities including sports facilities, places of amusement, golf, and boating and fishing facilities. The Board convened a 27-member advisory committee to make recommendations on issues related to making these areas accessible. The committee met from July 1993 - May 1994. After receiving the committee's report, the Board published it as an ANPRM. Over 600 comments were received on the report and questions asked in the ANPRM. It also sponsored an information meeting on access to miniature golf facilities in September 1996 to obtain additional information on some issues related to access to miniature golf courses.

The Board published an NPRM for sports facilities, places of amusement, golf, and boating and fishing facilities in July 1999 and held two public hearings to receive feedback during the comment period. The NPRM was based on the recommendations of the advisory committee and public comments received in response to the ANPRM and information meeting. The comment period closed in December 1999. Over 300 comments were received on the proposed rule. The Board also sponsored an information meeting on access to amusement rides in December 1999 to clarify concerns raised by the amusement industry during the public comment period.

To provide more opportunities for input, in July 2000 the Board placed in the docket for review and comment, a summary of recommendations made by an ad hoc committee of the Access Board for the final recreation facilities guidelines. The summary reflected the ad hoc committee's consideration of comments on the proposed rule and information gathered at meetings sponsored by the committee. The Board held two information meetings in Washington,

DC and San Francisco, CA to discuss the summary. In September 2002, the Board issued a final rule.

- notice of intent to establish advisory committee: February 3, 1993
- notice establishing advisory committee: June 10, 1993
- full committee meetings: July 15-16, 1993; October 23-25, 1993; January 28-30, 1994; March 18-20, 1994; May 20-22, 1994 (numerous
- subcommittee meetings were also held)
- committee presented recommendations to the Board: July 13, 1994
- advance notice of proposed rulemaking: September 21, 1994
- information meeting on miniature golf facilities: September 16, 1996
- notice of proposed rulemaking: July 9, 1999
- information meeting on amusement rides: December 1, 1999
- public hearing: August 26, 1999; November 17, 1999
- notice of draft final guidelines summary and informational meetings: July 21, 2000
- information meetings: August 21-22, 2000; September 6-7, 2000
- final rule: September 3, 2002
- Department of Justice adopted guidelines: July 23, 2010

**ADAAG Revision and Architectural Barriers Act Accessibility Guidelines.** This rulemaking revised ADAAG, updated the Minimum Guidelines and Requirements for Accessible Design (MGRAD) for federal facilities covered by the ABA, and created new guidelines for accessible housing.

The rulemaking consists of separate scoping and application sections for each law and one set of technical requirements for both the ADA and the ABA. The ADA scoping section is based on recommendations of the Board's ADAAG Review Advisory Committee and covers private facilities (places of public accommodation and commercial facilities) and state and local government facilities. The other scoping section addresses federally funded facilities covered by the ABA. New scoping and technical provisions for accessible housing are included in this rule and are based on requirements for "Type A" dwelling units contained in the 1998 edition of the ICC/ANSI A117.1 standard, "Accessible and Usable Buildings and Facilities."

The Board established a 22-member ADAAG Review Advisory Committee to review and make recommendations for updating ADAAG to ensure that it remains consistent with technological developments and changes in model codes and national standards and continues to meet the needs of people with disabilities. The committee developed a comprehensive set of recommendations addressing the format of the guidelines, its numbering system, and changes to the scoping provisions and technical requirements. Cited as an outstanding example of reinventing government, the committee and the Board received the Vice-President's Hammer Award in July 1996.

The Board issued a proposed rule in November 1999. The comment period closed in May 2000. Over 2,500 comments were received on the proposed rule. The Board held two public hearings (Los Angeles, CA on January 31, 2000 and Arlington, VA on March 13, 2000). It also held informational meetings in Washington, DC in October 2000 to hear from industry associations

and disability groups on issues regarding automated teller machines, reach ranges, and captioning equipment for movie theaters. In April 2002, the Board placed in the docket for public review a draft of the final guidelines to promote the harmonization of the Board's guidelines with the International Code Council (ICC)/American National Standards Institute (ANSI) A117.1 Standard on Accessible and Usable Buildings and Facilities and the International Building Code. The ANSI Committee and the ICC were currently in the process of revising the private sector accessibility provisions. Without taking this step, an important opportunity would have been missed to harmonize the Board's guidelines with those of the private sector.

- notice of intent to establish advisory committee: April 6, 1994
- notice establishing advisory committee: September 14, 1994
- full committee meetings: October 24-25, 1994; January 26-27, 1995; April 26-29, 1995; February 26 - March 1, 1996; July 7-9, 1996; August 26-28, 1996 (numerous subcommittee meetings were also held)
- committee presented recommendations to the Board: July 10, 1996
- notice of proposed rulemaking: November 16, 1999
- public hearing: January 31, 2000; March 13, 2000
- information meeting: October 24-25, 2000
- draft final rule: April 2, 2002
- final rule: July 23, 2004
- U.S. Postal Service adopted guidelines: May 17, 2005
- General Services Administration adopted guidelines: November 8, 2005
- Department of Transportation adopted guidelines: October 30, 2006
- Department of Defense adopted guidelines: October 31, 2008
- Department of Justice adopted guidelines: September 15, 2010

**Outdoor Developed Areas.** The Board created a 26-member Outdoor Developed Areas Regulatory Negotiation Committee to achieve a consensus approach and requirements for making outdoor developed areas accessible. The Committee presented its report in September 1999. In October 2001, the Board sponsored an information meeting on the committee's report in Denver, CO during the annual meeting of the National Recreation and Park Association.

An NPRM for federal facilities covered by the ABA was published in June 2007. The Board held three public hearings in Denver, CO; Washington, DC; and Indianapolis, IN. In October 2009, it released draft final guidelines for public comment. Approximately 80 comments were received. A final rule was published in September 2013. Proposed guidelines for non-federal sites will be published for comment at a future date.

- notice of intent to establish regulatory negotiation committee: April 18, 1997
- notice establishing regulatory negotiation committee: June 4, 1997
- full committee meetings: June 26-27, 1997; September 24-26, 1997; December 14-16, 1997; January 31-February 2, 1998; May 18-21, 1998; August 11-14, 1998; October 21-24, 1998; January 19-22, 1999; April 27-30, 1999; July 15-16, 1999
- committee presented report to the Board: September 15, 1999
- information meeting: October 4, 2001

- notice of proposed rulemaking: June 20, 2007
- draft final rule: October 19, 2009
- final rule: September 26, 2013

**Emergency Transportable Housing.** A federal advisory committee on emergency transportable housing was created to provide recommendations on supplementing its guidelines to specifically cover emergency transportable housing. Access to such housing proved problematic in the aftermath of Hurricane Katrina and, after verifying and examining the issues involved, the Board determined that supplementary guidelines were needed. The committee included representation from disability groups, industry and code groups, and government agencies. The committee presented its report to the Board in November 2008. The Board published a proposed rule in June 2012; the comment period closed in August 2012. One public hearing was held in July 2012. At the close of the comment period, the Board had received 45 comments, including those from the public hearing. A final rule was published in May 2014.

- notice of intent to establish advisory committee: June 25, 2007
- notice establishing advisory committee: August 23, 2007
- full committee meetings: September 24-25, 2007; November 19-20, 2007; January 24-25, 2008; February 14, 2008; March 27-28, 2008; July 9, 2008; July 24, 2008; August 21, 2008
- committee presented recommendations to the Board: November 18, 2008
- notice of proposed rulemaking: June 18, 2012
- public hearing: July 11, 2012
- final rule: May 7, 2014

**ADA Accessibility Guidelines (ADAAG) for Transportation Vehicles – Update (non-rail vehicles).** In April 2007, the Board released for public comment a preliminary draft of revisions updating its accessibility guidelines for buses and vans covered by the ADA. It received approximately 90 comments. The Board used this input to refine the draft and then published a second draft in November 2008 for additional comment. An NPRM to revise and update the accessibility guidelines for buses, over-the-road buses, and vans was published in July 2010. Two public hearings were held during the comment period. One important issue was raised after the close of the comment period. As a result, the Board re-opened the comment period for additional public input related to the late comments. The commenters raised issues about the 1:6 ramp slope requirements and a new design that locates the shallower ramp partially inside the vehicle. This design constrains the maneuvering space within the vehicle at the top of the ramp and at the fare box and creates a grade break within the ramp run. During the extended comment period, which ended in October 2012, the Board held two information meetings to gather input on these issues. A final rule was published in December 2016.

- draft guidelines for buses and vans: April 11, 2007
- second draft of guidelines for buses and vans: November 19, 2008
- notice of proposed rulemaking: July 26, 2010
- public hearings: September 30, 2010; November 8, 2010
- re-opening of comment period: August 20, 2012
- public hearings: September 19, 2012; October 2, 2012

- final rule: December 14, 2016

**Information and Communication Technology.** In July 2006, the Board created an advisory committee to update and revise the Section 508 standards and the Telecommunications Act Accessibility Guidelines. Forty-one organizations served on the Telecommunications and Electronic and Information Technology Advisory Committee. The committee's membership included representatives from industry, disability groups, standard-setting bodies in the U.S. and abroad, and government agencies, among others. The committee completed its work and presented its report to the Board in April 2008. In March 2010, the Board published an ANPRM and held two public hearings during the comment period. In response to this input, it published a second ANPRM in December 2011; two hearings were held. A proposed rule was published in February 2015. Three public hearings and a webinar on the proposed rule were held during the comment period. A final rule was published in January 2017.

On January 22, 2018, the Board issued a correction to its updated accessibility requirements for ICT to restore provisions on TTY access that were inadvertently omitted. The original Section 508 standards and Section 255 guidelines required that devices with two-way voice communication support use of TTY devices which provide text communication across phone connections for persons with hearing or speech impairments. In its ICT refresh, the Board had proposed replacing this provision with a requirement for real-time text (RTT) functionality, a new technology with significant advantages over TTYs. In finalizing the rule, however, the Board chose to reserve the RTT requirement because the Federal Communications Commission had initiated its own rulemaking to address RTT functionality. In doing so, the Board intended to add the original TTY provision back into the rule, but the necessary language was unintentionally omitted. The correction notice restored the TTY requirement with minor editorial changes for consistency with the new format and terminology of the updated requirements and corrected two typographical errors in other sections of the rule.

Corrections to the Information and Communication Technology (ICT) Final Standards and Guidelines Direct final rule; request for comments

- notice of intent to establish advisory committee: April 18, 2006
- notice establishing advisory committee: July 6, 2006
- full committee meetings: September 27-29, 2006; November 7-8, 2006; February 6-8, 2007; May 22-24, 2007; July 16-18, 2007; September 4-6, 2007; November 13-16, 2007
- committee presented recommendations to the Board: April 3, 2008
- advance notice of proposed rulemaking: March 22, 2010
- public hearings: March 25, 2010; May 12, 2010
- advance notice of proposed rulemaking: December 8, 2011
- public hearings: January 11, 2012; March 1, 2012
- notice of proposed rulemaking: February 27, 2015
- final rule: January 18, 2017
- correction notice (direct final rule; request for comments): January 22, 2018

## APPENDIX C

### ARCHITECTURAL BARRIERS ACT CASES

	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022 (est.)</b>	<b>FY 2023 (est.)</b>
Complaints pending at start of the fiscal year	104	77	83	79
Complaints received during the fiscal year	140	180	200	220
Total complaints closed during the fiscal year ...	167	174	204	202
After our investigation resulted in completed corrective action	55	38	55	60
After our investigation resulted in a determination that we did not have jurisdiction	7	23	16	20
After our investigation resulted in a determination that there was no violation of the standards	15	20	22	21
After the issuance of a waiver or modification by the standard-setting agency	0	1	1	0
After a referral absent an investigation	43	56	70	63
For administrative reasons	47	36	40	38
Complaints pending at end of the fiscal year	77	83	79	97

## APPENDIX D

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### TECHNICAL ASSISTANCE DATA

	FY 2019		FY 2020		FY 2021 (est.)		FY 2022 (est.)	
Technical Assistance Calls and Faxes	6,278		5,300		5,500		6,000	
Website User Sessions	938,000		1,555,142		1.7 million		1.9 million	
	in-person	webinars	in-person	webinars	in-person	webinars	in-person	webinars
Training Sessions	39	17	22	48	5	65	25	60
Training Participants	4,764	9,467	2,049	15,066	465	20,300	2,500	22,500