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A collaborative program between
the
ADA National Network and the
US Access Board



The Session is Scheduled to begin at 2:30pm Eastern Standard Time
We will be testing sound quality periodically

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www.AccessibilityOnline.org



Webinar Features



- **Closed captioning** – click **CC** icon (top of screen) or control-F8 and adjust your screen
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- Please do not use emoticons or hand-raising features during this session



Enforcing the Architectural Barriers Act (ABA): Making Federally-Funded Buildings Accessible

Presenters

U.S. Access Board



Peg Blechman Compliance Specialist



Jeffery Hill Senior Compliance Specialist

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Session Agenda

- Legal Authority
- ABA-Covered Facilities
- Most Common Barriers to Accessibility
- ABA Complaints
- ABA Complaint Investigation Process
- Q & A

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Legal Authority



- The Architectural Barriers Act of 1968
- Section 502 of the Rehabilitation Act of 1973
- 36 Code of Federal Regulations Part 1150

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Legal Authority

Architectural Barriers Act (ABA) of 1968, as amended

Requires that **facilities** which are:

- (a) **designed, built or altered** by or on behalf of the United States,
- (b) **leased**, in whole or in part by the United States, or
- (c) **financed** in whole or in part by a grant or loan made by the United States after August 12, 1968

BE ACCESSIBLE TO PERSONS WITH DISABILITIES.

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Legal Authority

Section 502 of The Rehabilitation Act of 1973

- **Authorizes the Access Board** to ensure that buildings financed with certain Federal funds are in compliance with the ABA by:
 1. **Establishing and maintaining minimum guidelines** for standards issued by GSA, DoD, HUD and USPS; and
 2. **Enforcing the ABA** by investigating complaints concerning particular facilities.

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Legal Authority

36 Code of Federal Regulations (CFR) Part 1150

- contains enforcement procedures related to the ABA

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ABA-Covered Facilities

- Federal and non-Federal Buildings;
- Newly-constructed,
- Altered or
- Leased
- after 1968

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ABA-Covered Facilities

Federal Examples:

- Federal office buildings
- Social Security offices
- National parks
- United States Post Offices
- Federal prisons
- Federal courthouses



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ABA-Covered Facilities

Non-Federal Examples:

“Financed in whole or in part **by a grant or loan** made by the United States”

- Certain Schools
- Certain Mass Transit Stations
- County Courthouses and Jails
- Public Housing

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ABA-Covered Facilities

While Federal facilities built before 1968 are not covered,

alterations and leases

- undertaken after 1968 can trigger ABA coverage

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Most Common Barriers to Accessibility

- Accessible Routes
- Accessible Parking
- Entrances
- Interior Doors
- Toilet Rooms

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Accessible Route Width



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Accessible Route Cross Slope



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Accessible Route Surface



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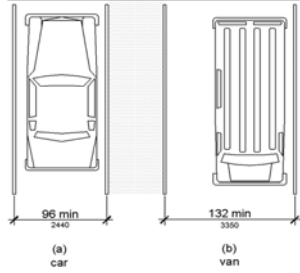
Accessible Route Curb Ramp



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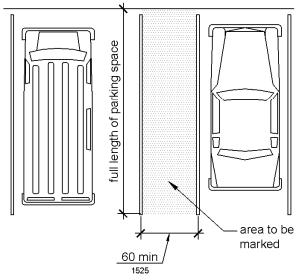
Accessible Parking Dimensions of Accessible Parking Spaces



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Accessible Parking Adjacent Access Aisle



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Accessible Parking Level Accessible Parking Space



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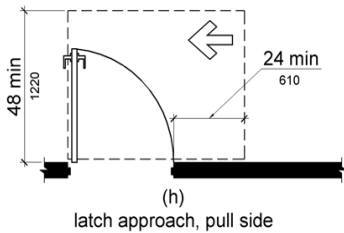
Entrances Inaccessible Entrance due to Steps



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Entrances Maneuvering Clearance



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Interior Doors Heavy Interior Doors



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Interior Doors

Distance between Two Doors in Series

(a) (b)

(c)

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Toilet Rooms

Dispenser out of Reach Range

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Toilet Rooms

Turning Space and Dimensions

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ABA Complaints

- Who Can Initiate an ABA Complaint?
- How Do You Initiate an ABA Complaint?
- Facility Types FY03-FY07
- Barriers to Accessibility FY04-FY08
- ABA Complaint Investigation Process
- Written ABA Complaint

ABA Complaints

Who can Initiate an ABA complaint?

Anyone You do not need to have a disability

ABA Complaints

How do you initiate an ABA Complaint?

When a Complainant sends the Access Board a written complaint

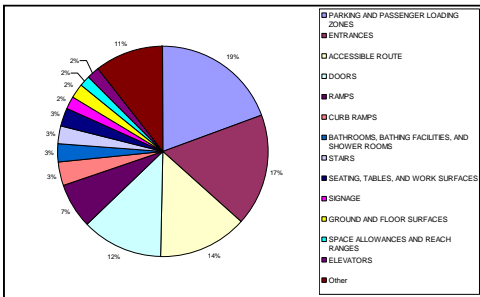
ABA Complaints Facility Types FY03-FY07

Facility Types	Percentage
United States Post Offices	63
Office Buildings/Suites	10
Recreational	9
Educational	4
Health Care	3
State/Local Government	3
Courthouses & Other Judicial	2
Other	6
TOTAL	100%

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ABA Complaints Barriers to Accessibility FY04-FY08



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ABA Complaints

ABA Complaint must be in writing:

No special form is required, but
 – Template on-line at
www.access-board.gov/enforce.htm

– Email: enforce@access-board.gov

– or in the Access Board brochure:
**“About the Architectural Barriers Act
 and Other Disability Rights Laws”**

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ABA Complaints

Written ABA Complaint Must Contain:

- Facility name and address;
- brief description of each of the barriers to accessibility;

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ABA Complaints

A Complaint may contain:

Complainant's name, address, phone number

- **Access Board will not disclose Complainant's identity**
- A Complaint also may be filed anonymously

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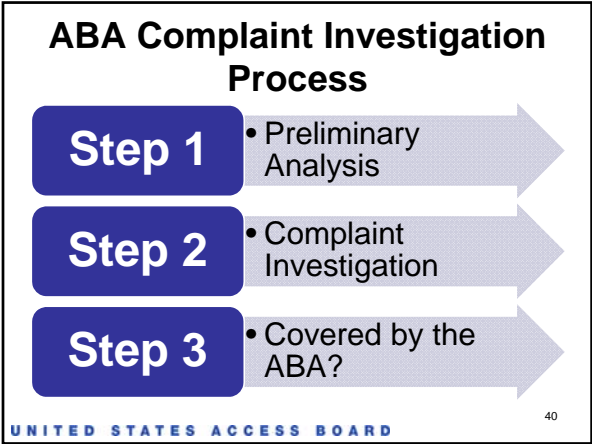
ABA Complaints

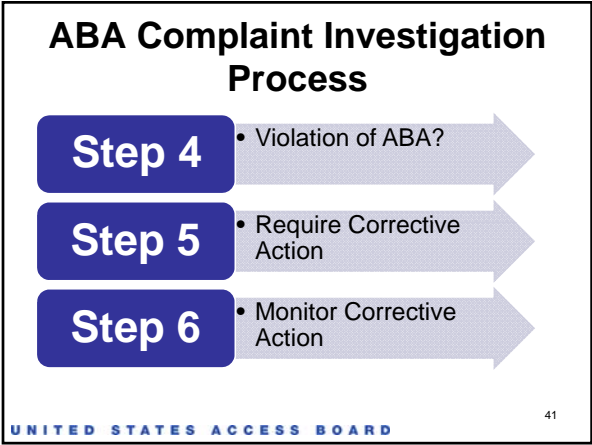
Who at Access Board handles complaints?

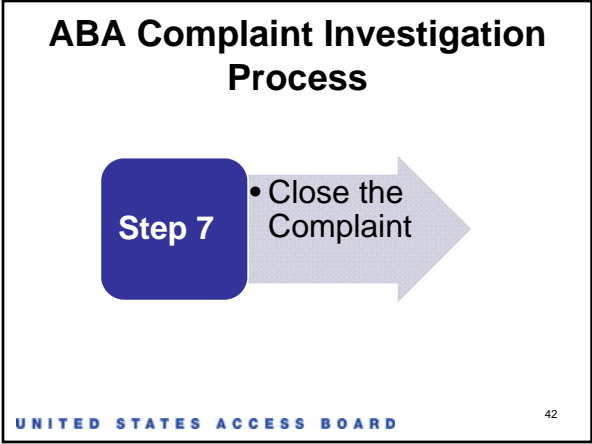
- Compliance Specialists, Enforcement Section, Office of General Counsel

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Step 1

Preliminary Analysis

- From the facts of the Complaint:
- Could the facility be covered by the ABA?

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Step 1

Preliminary Analysis

- If facility could be covered by the ABA,
- Open a Complaint investigation
- Send the Complainant an Acknowledgement Letter

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Step 1

Preliminary Analysis

- If facility could not be covered by the ABA,
- Do not open a Complaint
- Send the Complainant a letter explaining our findings

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Step 2

Complaint Investigation

- Identify appropriate Federal agency
- Send Agency Letter of Inquiry and Complaint allegations
- Receive from Agency: Facility questionnaire

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Step 3

Covered by the ABA?

Three pronged test – Was this facility:

1. designed, built or altered by or on behalf of the United States
2. Leased in whole or in part by the United States, or
3. Financed in whole or in part by a grant or loan made by the United States after August 12, 1968?)

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Step 4

Violation of the ABA?

- Is the alleged accessibility barrier inconsistent with the ABA?

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Step 4

Violation of the ABA?

Review -
The accessibility barriers as stated in the complaint,

The applicable ABA requirements,
Photographs, architectural drawings, other relevant materials,

And consult, as necessary, with other Board staff

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Step 4. Violation of the ABA? Applicable ABA Requirements

Standard Setting Agencies	Current Requirements
Architectural Barriers Act Accessibility Standards (ABAAS)	
DOD	October 2008
GSA	May 2006
USPS	October 2005
Uniform Federal Accessibility Standards (UFAS)	
HUD	November 1984

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Step 5

Require Corrective Action

- Once determine that there is an ABA Violation:
- Require the Agency take Corrective Action

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Step 6

Monitor Corrective Action

- **CORRECTIVE ACTION:**
- Agency must submit plan
- based on the applicable ABA requirements

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Step 6

Monitor Corrective Action

- **VOLUNTARY CORRECTIVE ACTION:**
- Some agencies agree to take voluntary corrective action to remove an accessibility barrier

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Step 6

Monitor Corrective Action

- **Review Corrective Action Plan**

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Step 6

**Monitor
Corrective
Action**

- Approve Corrective Action Plan
- Notify in writing:
 - Complainant
 - Agency

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Step 6

**Monitor
Corrective
Action**

- Monitor by:
 - email updates
 - architectural or dimensioned drawings
 - photographs

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Step 6

**Monitor
Corrective
Action**

- Agency verifies:
 - Corrective Action
 - Completed
 - and meets applicable ABA requirements

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Step 7

Close the Complaint

- Compliance Specialist -
- notifies Complainant in writing of the completed Corrective Action
- and gives the Complainant 15 days to respond.

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Step 7

If Complainant does not provide contradictory information

→

Compliance Specialist notifies the Agency that Complaint is closed.

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Step 7

Close the Complaint

- When Compliance Specialist determines
- Facility not covered by the ABA
- Or no violation of ABA requirements
- notifies Complainant

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Step 7

If Compliance Specialist believes that another accessibility law may apply

➔

Provides the complainant with:

- Potentially applicable accessibility law(s)
- and enforcing Agency contact information

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Step 7

Close the Complaint

➔

- Compliance Specialist will not forward a Complaint directly to another Agency
- Access Board regulations require that we do not disclose Complainant's identity to ensure protection of privacy

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Complaint: Example 1

A Federal facility

- with no accessible parking

- Investigation reveals that the parking is
 - On-street parking
 - Controlled by the local government

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Complaint: Example 2

A Federal facility

– with an inaccessible entrance due to steps

- Investigation reveals that the facility
 - Built before 1968
 - Entrance and entrance steps not altered since 1968

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How to File an ABA Complaint

Send a complaint **in writing** to the Access Board:

– by mail:

U.S. Access Board
1331 F Street, NW, Suite 1000
Washington, DC 20004-1111

– by email: enforce@access-board.gov

– by fax: (202) 272-0081

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How to File an ABA Complaint

No special form is required, but

- On-line: www.access-board.gov/enforce.htm

• or in the Access Board brochure:



- “About the Architectural Barriers Act and Other Disability Rights Laws”

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Written ABA Complaint

Example

Your Name: John Smith

Address: 2222 Any Street,
Any Town, Any State 22222

Daytime phone: 222-222-2222

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Written ABA Complaint

If provided, we will protect the
Complainant's identity

- It is optional, but helpful.
- so that we can contact you with any questions

- Complaints may also be filed anonymously.

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Written ABA Complaint

Example

Building or Facility: John Doe Federal Building

Address: 11 Any Street Any City, Any State 11111

Phone number: 111-111-1111

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Written ABA Complaint

Precise description of each barrier:

Examples:

- the entrance is inaccessible;
 - there are steps to the entrance;
- there are no accessible parking spaces;
- and the interior doors are heavy.

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Other ABA Complaint Resources

On Access Board website at:

www.access-board.gov/enforce.htm

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Access Board Information

Website: www.access-board.gov

Phone numbers:

(202) 272-0080 (V)

(202) 272-0082 (TTY)

(202) 272-0081 (FAX)

(800) 872-2253 (V)

(800) 993-2822 (TTY)

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Access Board Information

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Questions?

You May Type and Submit
questions in the Chat Area Text
Box or press Control-M and enter
text in the Chat Area

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Thank you for participating
in today's webinar



Next scheduled session:

*"Open Question and Answer Session with Access
Board Accessibility Specialists"*

May 5th, 2011

www.accessibilityonling.org 877-232-1990 (V/TTY)

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