Welcome to the Accessibility Online Webinar Series
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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Webinar Features

- **Closed captioning** – click CC icon (top of screen) or control-F8 and adjust your screen
- **Questions** – type and submit questions in the Chat Area Text box or press control-M and enter text in the Chat Area
- 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

Session Agenda

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

Legal Authority

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

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.

Legal Authority

36 Code of Federal Regulations (CFR) Part 1150
• contains enforcement procedures related to the ABA
ABA-Covered Facilities

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

ABA-Covered Facilities

Federal Examples:

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

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
ABA-Covered Facilities

While Federal facilities built before 1968 are not covered, altertions and leases
• undertaken after 1968 can trigger ABA coverage

Most Common Barriers to Accessibility

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

Accessible Route Width
Accessible Route Cross Slope

Accessible Route Surface

Accessible Route Curb Ramp
Accessible Parking
Dimensions of Accessible Parking Spaces

Accessible Parking
Adjacent Access Aisle

Accessible Parking
Level Accessible Parking Space
Entrances
Inaccessible Entrance due to Steps

Entrances Maneuvering Clearance

Interior Doors Heavy Interior Doors
Interior Doors
Distance between Two Doors in Series

Toilet Rooms
Dispenser out of Reach Range

Toilet Rooms
Turning Space and Dimensions
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

Who can Initiate an ABA complaint?
Anyone You do not need to have a disability

How do you initiate an ABA Complaint?
When a Complainant sends the Access Board a written complaint
ABA Complaints
Facility Types FY03-FY07

<table>
<thead>
<tr>
<th>Facility Types</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States Post Offices</td>
<td>63</td>
</tr>
<tr>
<td>Office Buildings/Suites</td>
<td>10</td>
</tr>
<tr>
<td>Recreational</td>
<td>9</td>
</tr>
<tr>
<td>Educational</td>
<td>4</td>
</tr>
<tr>
<td>Health Care</td>
<td>3</td>
</tr>
<tr>
<td>State/Local Government</td>
<td>3</td>
</tr>
<tr>
<td>Courthouses &amp; Other Judicial</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

ABA Complaints
Facility Types Percentage

ABA Complaints Barriers to Accessibility FY04-FY08

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”
ABA Complaints

Written ABA Complaint Must Contain:

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

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

ABA Complaints

Who at Access Board handles complaints?

• Compliance Specialists, Enforcement Section,
  Office of General Counsel
ABA Complaint Investigation Process

Step 1 • Preliminary Analysis

Step 2 • Complaint Investigation

Step 3 • Covered by the ABA?

Step 4 • Violation of ABA?

Step 5 • Require Corrective Action

Step 6 • Monitor Corrective Action

Step 7 • Close the Complaint
Step 1

Preliminary Analysis

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

Preliminary Analysis

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

Preliminary Analysis

• If facility could not be covered by the ABA,
  • Do not open a Complaint
  • Send the Complainant a letter explaining our findings
Step 2
- Identify appropriate Federal agency
- Send Agency Letter of Inquiry and Complaint allegations
- Receive from Agency: Facility questionnaire

Step 3
- 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?

Step 4
- Is the alleged accessibility barrier inconsistent with the ABA?
Step 4

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.

Step 4. Violation of the ABA?

<table>
<thead>
<tr>
<th>Standard Setting Agencies</th>
<th>Current Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architectural Barriers Act Accessibility Standards (ABAAS)</td>
<td></td>
</tr>
<tr>
<td>DOD</td>
<td>October 2008</td>
</tr>
<tr>
<td>GSA</td>
<td>May 2006</td>
</tr>
<tr>
<td>USPS</td>
<td>October 2006</td>
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<td>Uniform Federal Accessibility Standards (UFAS)</td>
<td></td>
</tr>
<tr>
<td>HUD</td>
<td>November 1984</td>
</tr>
</tbody>
</table>

Step 5

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

Require Corrective Action
Step 6

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

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

- Review Corrective Action Plan
Step 6

Monitor Corrective Action

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

Step 6

Monitor Corrective Action

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

Step 6

Monitor Corrective Action

- Agency verifies:
  - Corrective Action
  - Completed
  - and meets applicable ABA requirements
Step 7

Close the Complaint

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

Step 7

If Complainant does not provide contradictory information

Compliance Specialist notifies the Agency that Complaint is closed.

Step 7

Close the Complaint

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

United States Access Board
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

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

Complaint: Example 1

A Federal facility
- with no accessible parking

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

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

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”
Written ABA Complaint
Example

Your Name: John Smith
Address: 2222 Any Street,
Any Town, Any State 22222
Daytime phone: 222-222-2222

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.

Building or Facility: John Doe Federal Building
Address: 11 Any Street Any City, Any State 11111
Phone number: 111-111-1111
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.

Other ABA Complaint Resources

On Access Board website at:
www.access-board.gov/enforce.htm

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)
Access Board Information

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hill@access-board.gov

Questions?

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

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.accessibilityonline.org 877-232-1990 (V/TTY)