



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

## FISCAL YEAR 2024 BUDGET JUSTIFICATION

Submitted to:

United States House  
Appropriations Committee

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

March 2023

<b>INTRODUCTION.....</b>	<b>1</b>
<b>ESTABLISH TECHNICAL SPECIFICATIONS FOR ACCESSIBLE DESIGN .....</b>	<b>2</b>
<b>FY 2022 Results: Rulemaking.....</b>	<b>3</b>
<b>FY 2023 Planned Activities: Rulemaking .....</b>	<b>5</b>
<b>FY 2024 Objectives: Rulemaking.....</b>	<b>6</b>
<b>FY 2022 Results: Codes and Standards.....</b>	<b>6</b>
<b>FY 2023 Planned Activities: Codes and Standards .....</b>	<b>8</b>
<b>FY 2024 Objectives: Codes and Standards .....</b>	<b>8</b>
<b>PROVIDE EDUCATION AND INFORMATION ON THE IMPORTANCE AND IMPLEMENTATION OF ACCESSIBLE DESIGN .....</b>	<b>8</b>
<b>FY 2022 Results.....</b>	<b>9</b>
<b>FY 2023 Planned Activities .....</b>	<b>11</b>
<b>FY 2024 Objectives .....</b>	<b>11</b>
<b>IMPROVE THE ACCESSIBILITY OF THE FEDERAL GOVERNMENT.....</b>	<b>11</b>
<b>FY 2022 Results: ABA Enforcement and Awareness.....</b>	<b>12</b>
<b>FY 2023 Planned Activities: ABA Enforcement and Awareness .....</b>	<b>15</b>
<b>FY 2024 Objectives: ABA Enforcement and Awareness .....</b>	<b>17</b>
<b>FY 2022 Results: Accessible Federal Information and Communication Technology .....</b>	<b>17</b>
<b>FY 2023 Planned Activities: Accessible Federal Information and Communication Technology.....</b>	<b>17</b>
<b>FY 2024 Objectives: Accessible Federal Information and Communication Technology.</b>	<b>18</b>
<b>FY 2022 Results: Model Employer of Persons with Disabilities.....</b>	<b>18</b>
<b>FY 2023 Planned Activities: Model Employer of Persons with Disabilities .....</b>	<b>18</b>
<b>FY 2024 Objectives: Model Employer of Persons with Disabilities .....</b>	<b>19</b>
<b>PROMOTE ACCESSIBILITY THROUGHOUT SOCIETY .....</b>	<b>19</b>
<b>FY 2022 Results.....</b>	<b>19</b>
<b>FY 2023 Planned Activities .....</b>	<b>22</b>
<b>FY 2024 Objectives .....</b>	<b>23</b>
<b>IMPROVE AGENCY SYSTEMS AND MODERNIZE OPERATIONS.....</b>	<b>23</b>
<b>APPENDIX A.....</b>	<b>25</b>
<b>ACCESS BOARD BUDGET .....</b>	<b>25</b>
<b>APPENDIX B .....</b>	<b>30</b>
<b>STATUS OF CURRENT ACCESS BOARD RULEMAKING EFFORTS .....</b>	<b>30</b>
<b>COMPLETED ACCESS BOARD RULEMAKINGS.....</b>	<b>34</b>

<b>ARCHITECTURAL BARRIERS ACT CASES.....</b>	<b>44</b>
<b>TECHNICAL ASSISTANCE DATA.....</b>	<b>45</b>

## **ACCESS BOARD**

### **FISCAL YEAR 2024 BUDGET JUSTIFICATION**

This document presents the U.S. Access Board's budget justification for fiscal year (FY) 2024. The Board is requesting a total budget authority of \$9,955,000 (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, which is 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 of 1973 for accessible information and communication technology developed, procured, maintained, or used 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 people 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 have low vision. 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
- Improve agency systems and modernize operations

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 2022 Results: Rulemaking**

In FY 2022, 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 guidelines for public rights-of-way and shared use paths based on a call for public comment and analysis of 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 2022, the Board continued work on this rulemaking, coordinating extensively with the Department of Justice (DOJ) and Department of Transportation (DOT) on the rule text.

### *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 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 February 2022, the Board issued a direct final rule extending this provision for an additional three years. Meanwhile, the Board has been working on developing a Notice of Proposed Rulemaking (NPRM) to address the low transfer height for MDE. In May 2022, the Board conducted an information meeting for the public, which focused on the results of an updated Board-sponsored study that considered the effects of various low transfer heights on individuals who use manual and powered wheelchairs. The Board received more than 100 comments in response to the information meeting.

#### *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. SSTMs 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 disabilities, including those who use wheelchairs and other mobility devices, have limited dexterity, or who are of short stature. In FY 2022, the Board published an Advance Notice of Proposed Rulemaking (ANPRM) in which it sought information from the public to inform its development of these guidelines. The Board received approximately 80 comments to the ANPRM.

#### *Onboard Wheelchairs*

The Board is developing voluntary, advisory guidelines for aircraft onboard wheelchairs (OBWAG) used on commercial passenger aircraft to aid 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 2022, the Board and DOT conducted a virtual public meeting to obtain additional information from the public needed to finalize their respective rules.

## **FY 2023 Planned Activities: Rulemaking**

The Board is working on the following regulatory initiatives in FY 2023.

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

The Board plans to complete the final rule package in the second quarter of FY 2023 and submit the package to the Office of Management and Budget (OMB) for review, prior to publication.

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

In September 2022, the Board issued an ANPRM to address access to SSTMs and self-service kiosks. The ANPRM sought feedback from the public on the planned approach to supplementing the ADA and ABA Accessibility Standards 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 Board intends to issue an NPRM on accessible SSTMs and self-service kiosks in November 2023 for FY 2024.

### *Medical Diagnostic Equipment*

The Board developed an NPRM establishing a low transfer height for MDE that it voted to send to OMB for review in January 2023. Following publication of the NPRM and the public comment period, the Board will evaluate the comments received and develop a final rule that it expects to publish in FY 2024.

### *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. In July 2022, the Board issued a technical assistance document on the accessibility of EV charging stations and is now developing an NPRM to include accessibility guidelines for EV charging stations as a supplement to the ADA and ABA Accessibility Standards. In the last quarter of FY 2022, the Board entered into an interagency agreement with DOT's Volpe Center to conduct a preliminary regulatory impact analysis (PRIA) to accompany the NPRM, and Board staff are drafting the proposed rule, which is currently scheduled for publication in July 2023.

### *ADA Accessibility Guidelines for Transportation Vehicles*

The Board is undertaking rulemaking to revise requirements for rail vehicles in the ADA Accessibility Guidelines 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. Publication of an NPRM is currently scheduled for November 2023.

## **FY 2024 Objectives: Rulemaking**

In FY 2024, the Board aims to publish the following rulemaking documents:

- A final rule on MDE specifications for the low height of transfer surfaces
- A final rule on accessibility of self-service transaction machines and self-service kiosks
- A final rule on the accessibility of EV charging stations
- A final rule revising the guidelines for accessible rail vehicles in the ADA Accessibility Guidelines for Transportation Vehicles

## **FY 2022 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. DOJ and DOT use the Board's guidelines to develop enforceable standards under the ADA and Section 504 of the Rehabilitation Act. USPS, GSA, DOD, DOJ, and DOT have adopted the Board's guidelines as enforceable standards. HUD has not acted yet, although HUD has announced, in its Fall 2022 Semi-Annual Unified Agenda of Regulatory and Deregulatory Actions, its intent to adopt the Board's ABA Accessibility Guidelines as standards applicable to HUD facilities subject to the ABA.

### *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 2022, 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 governing Board members serve as members of the Technical Guidelines Development Committee and Board of Advisors, which provide recommendations to the 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 accessibility requirements for information and communication technology (ICT), 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, European Committee for Standardization, and the European Committee for Electrotechnical Standardization—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 (formerly known as American Society for Testing and Materials) 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; Federal Communications Commission (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 2023 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 2023, Board staff continues to attend and participate in regular meetings of the A117 Committee to consider proposals for the future 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 VVSG and with the European Joint Working Group on eAccessibility to further harmonize U.S. and European standards.

### **FY 2024 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 via the agency's technical assistance helpline and email accounts. Customers want accurate, reliable, and timely advice, and the Board's Accessibility Specialists dedicate extensive time in answering questions and engaging with stakeholders.

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 training on its guidelines and standards through in-person trainings and via online webinars. Since the pandemic, the Board has transitioned to providing more 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 on the built environment. The Section 508 Best Practices series includes bi-monthly webinars that discuss how agencies can implement accessible ICT in accordance with the Board's 508 Standards. 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)) is a valuable resource for providing information to the public. Customers can view and/or download the Board's publications, the accessibility guidelines and standards, and animations from the website. The animations illustrate how accessible features are used by individuals with disabilities and add improved the rationale for the guidelines and standards.

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 EV charging stations, there will be increased demands for technical assistance from existing and new customer groups. The Board maintains informal partnerships with organizations such as the National Association of ADA Coordinators and their network of ten regional ADA centers that post links and archive Board webinars for further marketing and distribution across the nation. The Board also provides refresher training to the Directors and organization staff.

## **FY 2022 Results**

In FY 2022, 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 completed work on an accessible signage technical bulletin for ADA and ABA standards. Each bulletin clarifies common sources of confusion, answers frequently asked questions, and offers recommendations for best practices. Examples of compliant facilities and elements are included to illustrate how various requirements can be met. The Board also published a technical assistance document on accessible EV charging stations.

Board staff conducted over 104 training sessions, reaching more than 21,300 participants during FY 2022 on its guidelines and standards via in-person, online meeting platforms, and webinars. In addition, the Board continues presenting 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 ICT issues (in conjunction with the Chief Information Officers Council Accessibility Community of Practice). Each 90-minute webinar provides opportunities for participants to earn continuing education credits (CEUs) for a fee, but general attendance is free.

In FY 2022, as part of its monthly AccessibilityOnline series, the Board conducted the following well-attended webinars.

- Accessible Means of Egress
- Architectural Trends in Accessible Design
- The Architectural Barriers Act (ABA) Compliant Investigation Process and Corrective Action Plan Procedure
- Accessible Signage
- Accessible Swimming Pools and Spas
- Accessibility in the Federal Workspace
- Accessible Golf and Miniature Golf Facilities
- Accessible Residential Facilities
- Recreational Boating and Fishing facilities
- Common Sources for Confusion in the ADA and ABA Standards

The Section 508 Best Practices webinars included the following topics.

- Section 508 – A Celebration of Twenty Years
- The Wonderful World of Audio Description in 2022 – Getting Started, Discovering What is Out There, Enjoying the Process and the Product
- Creating an Accessible Documents Program
- Intro to Website Accessibility
- Section 508 Q&A
- Accessibility in the Federal Workspace
- Accessible Data Visualization
- ICT Guidance for Accessible DEIA Plans

During FY 2022, the Board participated in the OPM Accessibility Summit planning meetings and prepared over four accessibility workshops to present during the FY 2023 event.

In FY 2022, the Board's Accessibility Specialists responded to over 4,500 technical assistance requests to the public through the help line or by email. The Board conducted a total of 73 virtual training sessions and webinars. Through these sessions, the Board provided training to over 21,000 people, which represents a similar number to those trained the previous year. The Board has begun resuming in-person trainings, as the pandemic eases.

The Board uses its website to disseminate the Board's guidelines, standards, and answers to frequently asked questions so more customers can easily obtain information in accessible formats. In FY 2022, there were approximately 839,371 visitors to the site, about 1.2 million user sessions, and over 2.3 million page views.

## **FY 2023 Planned Activities**

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

The Board will continue developing 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. In addition, staff are updating Chapter 10 guides to improve the graphics and to reflect the adoption of the standards by the DOJ. Future installments to the guides will be released and announced through Board email subscribers as they become available.

The Board continues to offer its very successful webinar series for the built environment and on Section 508. In FY 2023, Board webinars will reflect the updated guides and most recent rulemaking activities.

### *Technical Assistance and Research Projects*

The following research and technical assistance activities are planned for FY 2023.

- Draft technical assistance document on accessible autonomous vehicles
- Regulatory assessment for the Public Rights-of-Way Accessibility Guidelines final rule
- Complete preliminary regulatory impact analysis for the Electric Vehicle Charging Stations Supplemental Rule
- Contract for the preliminary regulatory impact analysis of the Self-Service Transaction Machines Supplemental Rule

## **FY 2024 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 2024:

- 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 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 ICT is accessible to people 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 advancement and retention. The Board actively recruits individuals with disabilities and other underserved communities into vacant positions. In FY 2023, the Board is launching an internal staff training program to generate broader understanding and targeted outreach to underserved communities.

## **FY 2022 Results: ABA Enforcement and Awareness**

In FY 2022, the Board received 241 ABA complaints and closed 197 complaints.

Of the 197 ABA cases closed this year, 45 cases (about 23%) were closed after the federal agency (or other facility owner/leaseholder) took corrective action to remedy building elements or features determined by our investigative findings to be ABA violations under the applicable

accessibility standard. This figure represents an 8.4% increase compared to cases closed in the prior fiscal year (FY 2021) following corrective action. The increase is partly explained by the fact that three USPS facilities each had two ABA complaints with similar allegations lodged against them, and corrective action projects completed in FY 2022 at those three facilities accounted for the closure of six complaints total. Also, four longstanding complaints concerning facilities of the GSA (mentioned below) that had timelines for corrective action impacted by pandemic-related delays in FY 2021 were all able to be resolved in FY 2022.

In brief, the ABA closed cases this year that resulted in corrective action can be assorted into three broad categories by facility type:

- **Defense-related and Veterans Facilities:** The Board successfully resolved seven ABA complaints against DOD and Veterans Affairs (VA), including cases relating to the Family Camp at Travis Air Force Base, California (mentioned above); the Roudebush VA Medical Center in Indianapolis, Indiana; and Naval Station Norfolk.
- **Post Offices:** The Board successfully resolved 31 ABA complaints relating to USPS facilities, with major remedial work completed for post offices in Cave Junction, Oregon; Winnsboro, South Carolina; Seattle, Washington (two locations); Hickory, North Carolina; and Keller, Texas.
- **Other ABA-Covered Facilities:** The Board also successfully resolved five other ABA complaints relating to facilities owned or leased by GSA (the Region 6 Headquarters Building in Kansas City, Missouri; the Peckham Federal Building in San Jose, California; the Denver Federal Center in Lakewood, Colorado; and Social Security Administration offices in Culpeper, Virginia, and Reading, Pennsylvania). In addition, the Board resolved complaints against the U.S. Forest Service (mentioned above) and the Thomas Day House in Milton, North Carolina—where the Board had jurisdiction since a prior renovation of the historic site used federal grant funds from the Department of the Interior (DOI), and where the governing board installed an entrance ramp in response to the ABA complaint.

The balance of ABA cases closed this year—or 77%—were concluded for a range of technical or administrative reasons.

Nine complaints (or 4.6%) were closed because the Board determined, after conducting an investigation, that it lacked jurisdiction (because, for example, the building was built prior to 1968 and thus not covered by the ABA) and 13 complaints (or 6.6%) were closed because the Board determined that the complaint allegations did not constitute ABA violations (because, for example, a building inspection revealed that the element at issue did in fact meet the minimum scoping requirements or technical specifications in the ABA standards).

72 complaint closures (or 36.5%) involved referring complainants to other federal agencies because the Board determined (without launching an investigation) that it lacked ABA jurisdiction over the matters raised in the complaint. In FY 2022, the Board mainly referred complainants to DOJ (complaints related to ADA-covered state or local facilities or places of



public accommodation) and HUD (claims relating to apartment buildings covered by the Fair Housing Act).

(Note: for many years the Board’s practice for referrals was to simply provide complainants with information on how to file their non-ABA complaints with the appropriate agency. But, in an effort to lessen the burden on these individuals, in FY 2022 the Board began implementing a process to forward the complaint directly to the correct agency, after obtaining complainants’ permission to disclose their identities. The Board is expanding this implementation in FY 2023 and establishing it as a standard operating procedure.)

Finally, 58 ABA complaints (or 29.4%) were closed in FY 2022 for administrative reasons.

But it is important to note a change in the data going forward. Through FY 2022, the Board reported on the cases it closed for administrative reasons, which ranged from being unable to act on unintelligible or “spam” filings to lacking sufficient detail to discern the nature of the allegations or to allow enforcement staff to contact the complainant to gather additional/clarifying information. Beginning with FY 2023, the Board will no longer report such complaints. The new software for the Complaint Tracking System, discussed below, allows the Board to refrain from assigning a complaint number to unactionable complaints, thus not counting them in totals for complaints received and closed. This will give a more accurate reflection of the substantive ABA enforcement work the Board does. Therefore, the Board expects the numbers of total complaints received and closed in FY 2023 and FY 2024 to decrease from earlier years—not because of a decrease in the cases received but rather due to the change in procedure. The data for the first half of FY 2023 confirms that anticipated trend.

Appendix C below provides final data for ABA cases closed in FY 2021 and FY 2022, including 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: GSA, USPS, DOD, and 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 DOJ, with whom individuals may have filed a complaint about a facility they thought was covered by the ADA (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 DOI (including the Bureaus of Indian Affairs, Indian Education, and Trust Fund Administration), the Department of Health and Human Services (including the Indian Health Service), USPS, and GSA, which both 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 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. In FY 2022, the Board published a [document to assist agencies in identifying and advancing facility accessibility](#).

The Board will coordinate with HUD as necessary to assist in HUD's adoption of ABAAG as its accessibility standards under the ABA. HUD has announced that it will issue a Notice of Proposed Rulemaking toward that end in June 2023:  
<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=2529-AB04>.

Finally, the Board has procured licenses for a new software solution and contracted with an implementation provider for its Complaint Tracking System. The new system is less expensive and more efficient than the legacy system and will allow the Board to further expedite complaint handling.

## **FY 2023 Planned Activities: ABA Enforcement and Awareness**

The Board will continue to investigate complaints under the ABA. Based on complaint receipts and closures to date in the current fiscal year, it expects to receive 160 new complaints, and close 150. Of the 150, the Board expects to close 60 following investigations resulting in the completion of corrective action, with an additional 30 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 63 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.

As noted in the preceding section “FY 2022 Results: ABA Enforcement and Awareness,” beginning with FY 2023 the Board is no longer including spam, unintelligible, or otherwise unactionable complaints in our totals of complaints received and closed. As set out in Appendix C, the Board will not be closing any complaints for administrative reasons in FY 2023 or FY 2024.

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 OMB, OPM, and GSA) 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, USPS, and Social Security Administration) to ensure that ABA-covered facilities are accessible.

The Board will support HUD, as necessary, as it proceeds with implementation of its updated ABA accessibility standards.

## **FY 2024 Objectives: ABA Enforcement and Awareness**

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 2022 Results: Accessible Federal Information and Communication Technology**

The Access Board provides authoritative interpretations of its Section 508 standards and collaborates extensively with GSA in providing technical assistance to agencies. Together, they develop and post resources to the [www.section508.gov](http://www.section508.gov) website which serves as the federal government's central repository of accessible ICT information and resources.

During FY 2022, the Board provided extensive training to other federal agencies to promote accessible ICT through the bi-monthly best practices webinars, individualized agency trainings, presentations at agency accessibility events, and via the annual Interagency Accessibility Forum (IAAF), a conference for federal agencies.

The Board co-leads the development of the ICT Testing Baseline Portfolio which will establish minimum requirements for test processes to ensure that all Section 508 requirements are evaluated accurately and consistently. Agencies can use the baselines to determine if their test processes produce accurate Section 508 conformance test results. The portfolio is comprised of four different areas: a Baseline for Web and an alignment framework, development of a Baseline for Documents, and reporting tools. The Baseline for Web was released in FY 2021 and the Board worked on updates during FY22. A new update is expected to be released in FY 2023.

The Board also co-facilitates the World Wide Web Consortium's (w3C) Web Accessibility Initiative's (WAI) Accessibility Conformance Testing (ACT) Task Force. This Task Force develops and maintains a repository of test rules to promote a unified interpretation of the Web Conformance Accessibility Guideline requirements among different web accessibility test tools and methodologies. The Board also contributes Trusted Tester implementation results for the ACT rules.

## **FY 2023 Planned Activities: Accessible Federal Information and Communication Technology**

The Board is undertaking initiatives in partnership with other federal agencies to promote and advance ICT accessibility throughout the federal sector. During FY 2023, the Board will continue contributing content to the [www.section508.gov](http://www.section508.gov) website, the federal government's centralized resource on procuring, developing and maintaining accessible information and communication technology. Board staff will further leverage their roles in co-chairing two subcommittees of the Chief Information Officer Council (CIOC) Accessibility Community of

Practice. Further development is underway to establish a framework and tools for which agencies can assess and monitor web site accessibility conformance with the Section 508 standards. In addition, the Board intends to refresh the bi-monthly Section 508 best practices webinars and will co-sponsor the annual IAAF that educates federal employees on the latest developments in accessible information and communication technology.

As a leader serving on the ICT Testing Baseline (for federal government) and the ACT (international), the Board will work toward ensuring agreement with what the accessibility standards require and how to test for conformance.

In FY 2023, the Board will continue providing webinars, training, and guidance to federal agencies on any updated requirements and newer provisions of the 508 Standards.

### **FY 2024 Objectives: Accessible Federal Information and Communication Technology**

The Board plans to continue its collaboration with GSA on promoting ICT accessibility in FY 2024. 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. The Board will continue to support any new OMB directives to agencies in complying with the Section 508 accessibility standards and to support new agency reporting requirements.

### **FY 2022 Results: Model Employer of Persons with Disabilities**

In accordance with the objectives of the DEIA Executive Order, the Board continues to exceed OPM and OMB's goals for the hiring of people with disabilities. 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.

New performance standards were drafted for all staff that focus 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 Access Board procured services for a leadership training program focusing on creating an inclusive culture.

### **FY 2023 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 2023, the Board is continuing its efforts to ensure 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. Board staff will attend a mandatory workshop entitled “The Power of Inclusive Teams.” This workshop is designed to demonstrate how to foster an inclusive environment that improves team performance by addressing diversity-related concerns consistent with organizational values and diversity-related policies. Additionally, the Board is improving the consistency of desired outcomes by strengthening policies and procedures and utilizing technology.

### **FY 2024 Objectives: Model Employer of Persons with Disabilities**

The Board plans to continue its efforts and practices for hiring people with disabilities in FY 2024. 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 contribute to 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 four strategies:

1. To sustain and increase public awareness of the Board and its activities
2. To hold events where the Board can hear from members of the public
3. To research and learn more about communities impacted by accessibility barriers and disability-related concerns
4. To strengthen relationships with Access Board stakeholders

### **FY 2022 Results**

#### *Access Board Meetings*

In FY 2022, the Board held five formal business meetings with its 25-member governing board. Three of the five meetings were conducted virtually and the other two were held in person—one at the Board’s office in Washington D.C. and the other in Philadelphia, Pennsylvania. These meetings provide opportunities for the Board to discuss business, plan actions to implement its mission and activities, and strategize ways to, among other things, educate the public on accessibility.

#### *Virtual Public Events*

Since the onset of the pandemic in March 2020, the Board has initiated virtual public events to engage with and hear from members of the public and organizations. In FY 2022, Board staff continued to organize and manage these public events by creating an accessible experience for attendees. These public events were free to members of the public, who were also able to pose questions and provide comments. These public events included 200 – 900 attendees for each event.

**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.

**Public Meeting Regarding Onboard Wheelchair on Single-Aisle Aircraft (December 2021).**

DOT and the Board held a virtual public meeting to collect information on wheelchairs that are specifically designed for use on aircraft during flights. The agencies will use this information to finalize performance standards and advisory guidelines for aircraft onboard wheelchairs. The public were invited to provide information orally or in writing at the meeting.

**Equity in Healthcare for People with Disabilities (January 2022).** This virtual event focused on healthcare and accessibility. It featured panel presentations on accessibility standards, research, and resources related to 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.

**Public Information Meeting on Low-Height Specification for MDE Transfer Surfaces (May 2022).** This virtual public information meeting focused on accessible MDE and the adjustability of transfer surfaces for patients who use wheelchairs. The Board is hosting this meeting to gather information on the minimum heights that MDE with transfer surfaces, including examination tables and chairs and diagnostic imaging medical equipment with tables, can be adjusted to accommodate the broadest range of users. Members of the public were provided an opportunity to comment orally and in writing.

*In-Person Public Events*

In FY 2022, the Board renewed holding some in-person events, beginning in September 2022 with its out-of-town meeting in Philadelphia. The three-day Philadelphia Board meeting served as an opportunity for the Board to examine innovations in accessible design undertaken around the Philadelphia region, provide expertise on accessible design and accessibility trainings to local designers and disability advocates, meet with people with disabilities from underserved communities, and visit with several disability organizations and local government officials.

### **Philadelphia Town Hall Meeting (September 2022).**

This event was held at Liberty Resources, Inc., Philadelphia's Center for Independent Living. The Board heard from members of the public who testified about a range of concerns, including accessibility barriers at a local post office; accessibility issues in the public right-of-way; lack of services for adults with developmental disabilities; lack of communication access at medical appointments, job interviews, and on public transportation; and unavailability of accessible at-home COVID tests. The Board also heard from City of Philadelphia Mayor Jim Kenney and Amy Nieves, Executive Director of Philadelphia Mayor's Office for People with Disabilities. Following the town hall meeting, the Board and members of the public continued conversations on accessible design and disability issues at the networking reception.

### *Staff Presentations*

In FY 2022, 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.

### *Communication with the Public*

In addition to the Board's services (technical assistance and trainings), the Board has several communication channels to engage with and serve the public. The Board has a free e-subscription for the purpose of distributing its news releases. In FY 2022, the Board had its largest yearly growth of subscribers: from 42,946 to 53,119 subscribers (+26.76%). Compared to previous years, the Board also distributed more email bulletins to subscribers in FY 2022, totaling 4,178,884 (+76.67% from FY 2021).

The Board continues to use social media platforms to amplify its messages, mission, technical assistance, 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 FY 2022, the Board's Twitter account had 2,361 followers, LinkedIn account had 1,852 followers, and Facebook page had 370 followers. All three of these accounts saw significant increases in followers and engagement. The Board's YouTube Channel provides technical information via its popular animations, videos, and recordings from the Board's public events.

Board staff also frequently meet and interview with journalists at media outlets to discuss accessibility guidelines and standards, rulemaking, and best design practices in various areas of the built environment and Section 508.

### *Executive Orders*

The Board has also dedicated more staff time and resources to fulfilling the Biden-Harris Administration's Executive Orders 13985 *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 13175 *Tribal Consultation and Strengthening Nation-to-Nation Relationships*, and 14035 *Diversity, Equity, Inclusion, and Accessibility in the*



*Federal Workforce*. As an agency dedicated to accessible design for people 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 2022:

1. Advised OPM's Office of Diversity, Equity, Inclusion, and Accessibility in the planning of OPM's inaugural *DEIA Summit 2022: A Whole-of-Government Approach to Disability Employment*.
2. Created a set of [DEIA recommendations and resources](#) to aid federal agencies in drafting the portions of their strategic plans required under Executive Order 14035 dealing with accessibility.
3. Developed a [DEIA Strategic Plan 2022](#) to advance and embed diversity, equity, inclusion, and accessibility throughout its workforce. The plan includes four goals to foster a culture that exemplifies teamwork, embraces innovation, and values diversity, equity, inclusion, and accessibility to achieve mission excellence.
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 other major Board documents.
5. Delivered presentations to other federal agencies and departments that focus on serving or working with American Indian and Alaska Natives populations;
6. Met with staff and representatives of other federal agencies to discuss opportunities and collaboration to reach out to Tribal Nations.
7. Met with non-profit organizations focused on accessibility and people with disabilities.

### **FY 2023 Planned Activities**

Thus far in FY 2023, the Board continues to promote awareness of its work, programs, and service. The Board also plans to execute the following activities in FY 2023:

1. Press Conference on PROWAG (TBD). With anticipation of the publication of the PROWAG final rule, the Board will hold a press conference with media attendance to announce these accessibility guidelines.
2. 50-year Agency Anniversary and 33-year ADA Anniversary Commemoration (July 2023). In commemoration of the agency's 50-year anniversary and the ADA's 33-year anniversary, the Board will host a town hall meeting to hear from members of the public about accessibility issues and barriers in their communities and lives.
3. Implement a *Communication and Outreach Strategy and Plan* (June 2023). The Board is currently working on a research project that will inform its efforts to augment communication and outreach to the public and communities.

### *Outreach*

The Board will continue to undertake initiatives to enhance equity for historically underserved communities. As part of this effort, the Board will include in its *Communication and Outreach Strategy and Plan* a particular focus on outreach activities that provide information on services

and programs to underserved communities with high rates of disability and professionals serving those communities. The Board will also strive to establish and strengthen relationships with other federal agencies that own or lease federal facilities where in-person services are provided to underserved communities with high rates of disability. As noted above, it will also 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.

At the beginning of FY 2023, the Board contracted with the marketing firm The Georgetown Firm, which is a research-based solutions management consulting firm. The Georgetown Firm has a marketing team that has worked for many similar programs and offices within the federal government, creating strategies and plans to reach stakeholders tied to an agency's mission and the consumers of an agency's content. As a small agency, the Board often faces the issue of low visibility among the public and in the federal sector and a lack of resources (i.e., FTE, labor, and time) to maximize its interfacing with stakeholders and audiences. The contract work resolves this issue by contributing to and enhancing the Board's efforts to raise its public profile, serve the public with services and programs, expand its stakeholders and audiences, and reach underserved populations.

### **FY 2024 Objectives**

The Board aims to strengthen relationships with existing stakeholders and audiences by continuing to reach out to professional associations, trade groups, federal agencies, and other organizations whose stakeholders can benefit from its services and programs. Additionally, the Board will continue to build relationships with other federal agencies who serve underserved communities, especially Tribal Nations. One of the goals of this work is to listen to and learn about accessibility and barriers in Tribal communities through attendance at Tribal conferences and gatherings, presentations to Tribal leadership and officials, and hosting listening sessions.

The Board also aims to acquire new stakeholders and audiences, specifically those in underserved communities, through outreach, promotional materials development, and more Spanish-translated agency documents. These activities will be included in the Board's *Communication and Outreach Strategy and Plan* and developed based on the recommendations in The Georgetown Firm's Marketing Plan.

## **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. Information Technology (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

	<b>FY 2022 Enacted</b>	<b>FY 2023 Enacted</b>	<b>FY 2024 Request</b>
<b>BUDGET TOTAL</b>	<b>9,750,000</b>	<b>9,850,000</b>	<b>9,955,000</b>
<b>PERSONNEL</b>	<b>5,550,500</b>	<b>5,724,600</b>	<b>5,850,000</b>
Salary	4,199,500	4,325,300	4,404,700
Staff	3,946,200	4,097,200	4,228,500
Board	253,300	228,100	176,200
Benefits	1,351,000	1,399,300	1,445,300
<b>BOARD MEETINGS/PUBLIC HEARINGS</b>	<b>343,100</b>	<b>238,800</b>	<b>158,100</b>
<b>TRAVEL</b>	<b>20,000</b>	<b>40,000</b>	<b>40,000</b>
Committee Meetings	0	0	0
Training/Site Visits/Other	20,000	40,000	40,000
<b>SPACE MANAGEMENT</b>	<b>807,800</b>	<b>789,500</b>	<b>742,000</b>
<b>RESEARCH</b>	<b>400,000</b>	<b>325,000</b>	<b>400,000</b>
Technical Research	150,000	25,000	0
Cost Assessments/RIA	250,000	300,000	400,000
<b>ADMIN SUPPORT SERVICES</b>	<b>997,500</b>	<b>1,039,700</b>	<b>1,075,100</b>
<b>IT SUPPORT SERVICES</b>	<b>1,486,200</b>	<b>1,540,700</b>	<b>1,533,500</b>
<b>PRINTING</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>
<b>MISC OPERATING EXPENSES</b>	<b>84,900</b>	<b>91,700</b>	<b>96,300</b>
Postage/Courier/Mailing Services	5,000	5,000	5,000
Staff Training	20,000	20,000	20,000
Equipment	5,000	5,000	5,000
Supplies	10,000	10,000	10,000
Drug Testing	800	900	1,300
Audits	34,100	35,800	40,000
Books	5,000	5,000	5,000
Other	5,000	10,000	10,000

## COST DISCUSSION

The Board is requesting a total budget authority in FY 2024 of \$9,955,000. Pub. L. 117-328, the FY 2023 Consolidated Appropriations Act, provided the Board with \$9,850,000 in funding.

<b>PERSONNEL</b>		
FY 2023	\$5,724,600	<p>The Board anticipates it will use 32 FTE in FY 2024. The Board plans on five days of pay per Public Board member (Presidentially appointed) for one in-person Board meeting in D.C. and five days for one out-of-town meeting. Two of its regular board meetings will be held virtually, and members will receive three days of pay for each of those meetings.</p> <p>In addition, the Board has included funds for salaries for a total of ten 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 EAC).</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>Salaries and benefits reflect the President's intent to include a 5.2% cost of living increase in 2024. Its personnel staff salary line includes an award amount equal to approximately 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>
FY 2024	\$5,850,000	

<b>BOARD MEETINGS / PUBLIC HEARINGS</b>		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 Translation (CART), and sign language interpreters for all board and other public meetings.
FY 2023	\$228,100	
FY 2024	\$176,200	In FY 2023, the Board revised its standard operating procedure (SOP), reducing the number of scheduled board meetings from six per year to four per year. The reduction in the number of meetings will result in a decreased funding requirement.
<b>TRAVEL</b>		
FY 2023	\$40,000	
FY 2024	\$40,000	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 staff conduct 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 2024.
		Other travel expenses are for the purpose of conducting accessibility training, which is a core part of the Board's mission. The Board also participates in international government consortiums to share information on accessibility policy.
<b>SPACE MANAGEMENT</b>		
FY 2023	\$789,500	
FY 2024	\$742,000	The Board's rent is set by GSA. The Board entered into a new occupancy agreement, effective January 1, 2022. The amount included reflects the estimate provided by GSA. The amount on this line also includes other costs related to its space, such as maintenance and security.
<b>RESEARCH</b>		
FY 2023	\$325,000	
FY 2024	\$400,000	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 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>		<p>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 \$733,000 of its costs are for services the Board receives from BFS. 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 has another contract for GovDelivery, which supports its public outreach initiative.</p>
FY 2023	\$1,039,700	
FY 2024	\$1,075,100	
<b>INFORMATION TECHNOLOGY SUPPORT SERVICES</b>		<p>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." This also includes support of the Privacy Program, to include training, contractor support and automation. 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.</p>
FY 2023	\$1,540,700	
FY 2024	\$1,533,500	
<b>PRINTING</b>		<p>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.</p>
FY 2023	\$60,000	
FY 2024	\$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 DOI to provide services for the mandatory drug testing program. Other expenditures are for 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 2023	\$91,700	
FY 2024	\$96,300	



## APPENDIX B

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### STATUS OF CURRENT ACCESS BOARD RULEMAKING EFFORTS

**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

**Guidelines for Self-Service Transaction Machines and Kiosk.** 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 2022, the Board published an ANPRM in which it sought information from the public to inform its development of these guidelines. The Board received approximately 80 comments to the ANPRM.

- September 21, 2022: Advance Notice of Proposed Rulemaking

**Electric Vehicle Charging Stations.** 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. In July 2022, the Board issued a technical assistance document on the accessibility of EV charging stations and is now developing an NPRM to include accessibility guidelines for EV charging stations as a supplement to the ADA and ABA Accessibility Guidelines. In the last quarter of FY 2022, the Board entered into an interagency agreement with DOT’s Volpe Center to conduct a PRIA to accompany the NPRM, and Board staff are drafting the proposed rule, which is currently scheduled for publication in July 2023.

**Passenger Vessels.** This rulemaking will address access to ferries, cruise ships, excursion boats, and other vessels. In 1994, the 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 than 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 published a direct final rule in FY 2022 that extended the sunset date for M301.2.1 and M302.2.1. On May 12, 2022, the Board conducted an information meeting to solicit public comments to inform development of an NPRM to replace the sunset provision for M301.2.1 and M302.2.2. The results of a Board-sponsored study that considered the effects of low transfer heights of from 17 to 19 inches on individuals who use manual and powered wheelchairs were presented as part of the information meeting. The Board received more than 100 comments in response to the information meeting.

- 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
- Information meeting: May 12, 2022

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## COMPLETED ACCESS BOARD RULEMAKINGS

**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 FCC 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. DOT 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, Colorado 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 GSA 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, D.C. and San Francisco, California 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, California on January 31, 2000 and Arlington, Virginia on March 13, 2000). It also held informational meetings in Washington, D.C. 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.

- 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 2021</b>	<b>FY 2022</b>	<b>FY 2023 (est.)</b>	<b>FY 2024 (est.)</b>
Complaints pending at start of the fiscal year	77	83	127	137
Complaints received during the fiscal year	180	241	160*	170*
Total complaints closed during the fiscal year ...	174	197	150*	160*
After our investigation resulted in completed corrective action	38	45	50	60
After our investigation resulted in a determination that we did not have jurisdiction	23	9	20	20
After our investigation resulted in a determination that there was no violation of the standards	20	13	15	10
After the issuance of a waiver or modification by the standard-setting agency	1	0	1	0
After a referral absent an investigation	56	72	63	70
For administrative reasons	36	58	0**	0**
Complaints pending at end of the fiscal year	83	127	137	147

\* Beginning with FY 2023, the Board is no longer including complaints that were previously closed for administrative reasons (i.e., complaints we identified as “spam,” unintelligible, or providing insufficient detail to allow us to make a referral or take any other action) in the totals for complaints received and closed. Therefore, the Board expects the numbers of total complaints received and closed in FY 2023 and FY 2024 to decrease from earlier years; the data for the first half of FY 2023 confirms that anticipated trend.

\*\* For the same reason noted above, the Board has no complaints that it expects to close for administrative reasons in FY 2023 or FY 2024.

## APPENDIX D

### TECHNICAL ASSISTANCE DATA

	FY 2020		FY 2021		FY 2022		FY 2023 (est.)	
<b>Technical Assistance (Calls and Faxes)</b>	5,300		4,401		4,582		5,000	
<b>Website User Sessions</b>	1,614,600		1,125,471		1,256,718		1,300,000	
	In-Person	Virtual/ Webinar	In-Person	Virtual/ Webinar	In-Person	Virtual/ Webinar	In-Person	Virtual/ Webinar
<b>Training Sessions</b>	22	48	0	85	12	73	15	80
<b>Training Participants</b>	2,049	15,066	0	19,085	379	21,249	500	22,500