

**U.S. Access Board
Equity Action Plan
(Final)**

Prepared Pursuant to Executive Order 13985

Submitted to the Office of Management and Budget

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Executive Summary

The U.S. Access Board (“Access Board” or “Board”), sometimes referred to as the Architectural and Transportation Barriers Compliance Board, is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards. The Board develops and maintains design criteria for the built environment, transportation vehicles, medical diagnostic equipment, and information and communication technology. It also provides technical assistance and training on these requirements and accessible design and enforces the Architectural Barriers Act of 1968 (ABA), which covers federally-funded facilities. Under Executive Order 13985, the Board will focus on three major actions as follows:

1. Undertake an outreach campaign to provide information on services and programs to underserved communities with high rates of disability and professionals serving those communities. The Board intends to execute the following activities in support of this initiative:
 - Continue research into professional organizations that comprise professionals and/or serve those who identify as racial and ethnic minorities in the fields of architecture, engineering, and construction;
 - Diversify and expand distribution of information about accessibility for persons with disabilities and the services of the Access Board;
 - Conduct presentations to minority-led organizations at conferences and stakeholder meetings;
 - Translate Access Board public documents into Spanish; and
 - Undertake a social media strategy that increases announcements of the Board’s programs and resources and includes circulation of newly-translated Spanish language documents.

2. Establish and strengthen relationships with federal agencies that own or lease federal facilities where in-person services are provided to underserved communities with high rates of disability. The Board intends to undertake the following activities in support of this initiative:
 - Contact new potential federal agency partners who may operate facilities in affected areas;
 - Leverage existing relationships with federal agencies on the Access Board; and
 - Establish regular communication with these agency partners to track the development of the ABA compliance strategies and related activities contemplated in Action 3.

3. 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. The Board intends to undertake the following activities in support of this initiative:
 - Outline for agencies the types of best practices that enhance accessibility (beyond minimum requirements) to ensure that the design of buildings and facilities fosters equity and inclusion;
 - Review and provide constructive feedback on agencies’ written ABA compliance strategies; and
 - Provide technical assistance to address agencies’ complex or novel accessibility questions.

Summary of Early Accomplishments

U.S. Access Board staff have been working hard toward achieving the goals of Executive Order 13985. As an agency dedicated to accessible design for persons with disabilities, all of the agency's activities in some way advance equity and remove barriers for underserved individuals; however, the agency has dedicated more time and resources to ensuring that people with disabilities in underserved communities acquire its services. The following provides some highlights of early accomplishments. Thus far, the Board has:

1. Created a contact list of professional organizations specifically serving professionals who identify as racial and ethnic minorities in the fields of architecture, design, engineering, and construction;
2. Developed and begun to distribute promotional materials, such as a one-page information sheet and flyers describing the agency's mission and available resources;
3. Made presentations to officials at Inter-Tribal organizations and executives at non-profit organizations, as well as participated in a national stakeholder meeting on advancing inclusive planning in Tribal communities;
4. Developed a project to translate ABA and ADA Standards and Guidelines and agency technical assistance materials into Spanish; contracted with an organization to translate three major Board documents (ADA Standards, a Guide to the ADA Standards, ICT/Section 508 Standards) and eight animation scripts;
5. Identified and initiated contact with potential federal agency partners who can assist in efforts to increase accessibility in federal buildings within underserved communities that are likely to have a high percentage of individuals with disabilities; and
6. Continued internal policy assessment and changes, such as revision of reimbursement policy for travel expenses for trainings, to provide more equity to training requesters.

Equity Action Plan

Action 1. Undertake an outreach campaign to provide information on services and programs to underserved communities with high rates of disability and professionals serving those communities.

Barrier

As a small, independent agency, the U.S. Access Board is relatively unknown to many individuals and communities that could benefit from its services, which include free technical assistance and training on accessible design and compliance with federal accessibility standards. This lack of public awareness about the Board's existence, mission, services, and programs may stem from the agency's limited outreach efforts.

Historically, the Board has not directed its resources to targeted outreach, opting to focus its small staff on rulemaking and the provision of services. Consequently, the Board surmises that professionals serving underserved communities, specifically racial and ethnic minorities with high rates of disability, may not be aware of the Board's training and technical assistance on the implementation of accessible design.

Among the U.S. population generally, the U.S. Census Bureau estimates that 12.7% has a disability ([American Community Survey 2019](#)). The Census Bureau also estimates individuals with disabilities amongst racial and ethnic identity in 2019 as comprised of American Indians and Alaska Natives (477,954; 17.2% of population), Black or African American (5,743,213; 14.1% of population), White alone (30,878,182; 13.2% of population), Native Hawaiian and Other Pacific Islander alone (64,782; 10.6% of population), and Hispanic or Latino (5,405,562; 9.1% of population).

The following data points have led the Board to conclude that targeted outreach to underserved communities is needed to equitably achieve the Board's mission:

- **Lack of outreach to underserved communities.** The Board has not undertaken targeted outreach to underserved communities. Although the Board does not gather demographic data of those to whom it provides public services, such as technical assistance and training, staff have anecdotally indicated that individuals and organizations from underserved communities may not be using these services at the same rate as others.
- **Historically, trainings are provided upon request.** The Board typically provides trainings to organizations that request them and, historically, has required the requesting organization to reimburse the travel expenses of staff. Thus, organizations unaware of the Board's existence due to lack of outreach would not have been in a position to request training. In addition, organizations without the means to reimburse staff travel expenses may have been less likely to request training.
- **Limited number of ABA complaint filings.** The Board receives an average of 170 complaints per year. Since the Board began receiving ABA complaints in 1977, approximately 7,500 complaints have been filed. In light of the thousands of facilities nationwide that are covered by the ABA, the number of ABA complaints is disproportionately low. With respect to complaints that have been filed, the Board has not

gathered data on racial and ethnic identity, either in terms of complainants or the communities where subject facilities are located. However, available data indicates that persons who are Black or African American, American Indian, and Alaska Natives experience disability at rates higher than the overall population; therefore, they may experience greater difficulty accessing federal facilities in their communities where barriers to access exist.

To reduce or eliminate this barrier, the Board needs to undertake an outreach campaign that includes various communication channels, strategies, mediums, and actions to raise its profile among design professionals and the public, specifically those in or serving underserved communities.

Action

The Board will develop and implement an outreach campaign to provide information on its services and programs to underserved communities with high rates of disability and professionals serving those communities. The development and implementation of the campaign will include:

- Continued research into professional organizations that comprise professionals and/or serve those who identify as racial and ethnic minorities in the fields of architecture, design, engineering, and construction;
- Diversified and expanded distribution of information about accessibility for persons with disabilities and the services of the Access Board;
- Presentations to minority-led organizations at conferences and stakeholder meetings;
- Translation of Access Board public documents into Spanish; and
- A social media strategy that increases announcements of the Board's programs and resources and includes circulation of newly-translated Spanish language documents.

The Board prioritized this action because some underserved communities have high rates of disability, and members of those communities, as well as the architecture, design, engineering, and construction professionals who serve them, may lack awareness about the Board and would likely benefit substantially from information about the agency. The Board anticipates that the campaign will raise awareness about its profile and generate more usage of the Board's services, specifically its technical assistance hotline, webinars, trainings, and consultation of its public documents. The Board anticipates that these results will increase public awareness and knowledge about the Board's existence, mission, values, services, and programs.

Tracking Progress

The Board will track its progress by gathering and analyzing data analytics across several platforms (social media, surveys) to determine the level of engagement from individuals in underserved communities and professionals serving underserved communities. Additionally, the Board will document the services Board staff provided to design professionals serving or those in underserved communities. This tracking will run from 2022-2024. By FY 2028, the Board anticipates having firmly established a robust outreach campaign that leads to at least two webinars or trainings to design professionals or organizations in underserved communities per year, at least two presentations to municipal agencies per year, and one bi-yearly out-of-town Board event in an underserved community.

Accountability

The Board will hold itself accountable for this action with the following mechanisms:

- Internal mechanism: Summary and Evaluation Report as part of its annual External Communications Report (for internal use only).
- Internal mechanism: Implementation through FY 2022-2026 work plans for the Board's Office of Technical and Information Services and Office of the Executive Director.
- External mechanism: Alignment with the agency's Strategic Plan for FY 2022-2026.
- External mechanism: Revision of current post-webinar surveys (part of the Board's training program) to better evaluate how well the sessions are received and whether they are successful in reaching underserved communities.
- External mechanism: Development of new surveys aimed at capturing satisfaction with the Board's technical assistance services and how successful those services are in reaching underserved communities.
- External mechanism: A Progress Report delivered at least annually at a public Board Meeting.

Action 2. Establish and strengthen relationships with federal agencies that own or lease federal facilities where in-person services are provided to underserved communities with high rates of disability.

Barrier

The Board is responsible for ensuring that federal facilities and federally-leased facilities are accessible to persons with disabilities as required by the Architectural Barriers Act of 1968 (ABA). To execute that mandate, Board staff initiate investigations based on complaints from the public alleging potential ABA violations. Since the Board lacks resources to carry out on-site inspections at every facility about which a complaint is filed, its primary means for establishing ABA jurisdiction, evaluating complaint allegations, and identifying and remediating accessibility barriers is the cooperation of the relevant agency. When the Board informs agencies about ABA complaints that are filed concerning their buildings and facilities, agencies provide detailed information about the construction, alteration, or lease of those facilities, along with requested site plans, architectural drawings, photographs, and any other relevant documentation. This sort of cooperation has allowed the Board to resolve nearly all ABA complaints in an informal fashion, without having to issue formal citations against other agencies thereby initiating a formal administrative adjudication process.

While the Board has a 100% success rate in having ABA violations remediated with the cooperation of other agencies and has a core mission of advancing accessibility for all, the agency has never brought a heightened focus on federal buildings and facilities where in-person services are provided to individuals in historically underserved communities with high rates of disability. As noted in Action 1, the number of ABA complaints received is low in comparison to the number of ABA-covered facilities nationwide, with an average of less than 200 total complaints received annually. From the Board's experience investigating and resolving ABA complaints, the Board is confident that a low number of complaints does not reflect a lack of

architectural barriers. Rather, although data is limited, Board staff suspect that most members of the public are unaware of the existence of the ABA and the Board's corresponding enforcement program. The dearth of ABA-related information in the public sphere has likely had a disproportionately negative effect on members of historically underserved communities with high rates of disability, as evidenced in part by the fact that the Board has received few complaints in the last several years in ZIP codes with majority Black/African-American residents, and only one complaint in the last seven years regarding a potential ABA violation in a federal facility on Tribal lands.

The Board intends to help fill this information gap with the efforts described in Action 1, but it will also enhance its cross-agency collaboration in Action 2, as described below, to ensure greater equity in its ABA enforcement program.

Action

The Board plans to establish new relationships with agencies known to have facilities in (or where in-person services are provided to) underserved communities. The Board's Executive Director conducted formal outreach to the Acting Director of the Indian Health Service in the Department of Health and Human Services (HHS) and the Assistant Secretary for Indian Affairs at the Department of the Interior (to whom the Directors of the Bureaus of Indian Affairs, Indian Education, and Trust Fund Administration report). Staff-level coordination is underway to schedule meetings for the Board's Executive Director and those officials. Other potential partners include the Department of Homeland Security (including the Transportation Security Administration, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement), the Social Security Administration, and the Internal Revenue Service. The Board will seek to establish sustained communication with agency leaders and other key staff to introduce the Board and its role in ABA enforcement.

The Board also plans to extend its focus on equity to buildings and facilities that are owned, funded, or leased by the twelve federal agencies that have a seat on the Access Board. Some of these agencies, such as the United States Postal Service, Department of Veterans Affairs, Department of Housing and Urban Development, and General Services Administration, regularly cooperate with Board staff in the investigation of ABA complaints. Other agencies, such as the Departments of Transportation and Education, are familiar with the Board's ABA enforcement role, but the Board has not directly engaged with them in ensuring ABA compliance at their facilities. The Board will hold meetings with its agency member representatives to brief them on its plans to enhance equity in its ABA enforcement program.

The relationships discussed in Action 2 will underpin the goal of Action 3 to establish formal ABA compliance strategies.

Tracking Progress

For new agency relationships, the Board will track agency responses, formal invitations, and participation in this effort, and it will follow up with agencies who do not respond to initial invitations. For the collaborations with the twelve agency members of the Board, enforcement staff will track the channels of communication that are established and the progress on ABA compliance efforts made at each. This tracking will run from 2022-2024. By FY 2028, the Board

anticipates having cultivated meaningful and generative relationships with other federal agency officials that include, at a minimum, bi-annual meetings to discuss the status of their ABA compliance strategies.

Accountability

The Board will hold itself accountable for this action with the following mechanisms:

- Internal mechanism: A Progress Report delivered annually at a closed Board Meeting session.
- External mechanism: Alignment with the agency’s Strategic Plan for FY 2022-2026.
- External mechanism: A Progress Report delivered at least annually at a public Board Meeting.

Action 3. Work with federal agencies to establish formal 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.

Barrier

Since its inception, the Board’s ABA enforcement program has been a reactive one, where investigations of the accessibility of ABA-covered facilities are only initiated in response to the receipt of complaints submitted by the public. In its 47-year history, the Board has received just under 8000 ABA complaints, an average of less than 200 complaints annually. Compared to the tens of thousands of ABA-covered facilities nationwide, the number of complaint filings is miniscule. As discussed in Action 2 of this Action Plan, Board staff suspect that this disparity is due to a lack of public awareness of the ABA and the Board’s corresponding enforcement program, resulting in, presumably, the lack of reporting of accessibility barriers encountered at ABA-covered facilities. We expect that the outreach activities discussed in Action 1 will yield greater awareness of the Access Board and result in an increase in the number of ABA complaint filings.

Still, as a “micro-agency” within the federal government, the Board has staffing and resource limitations that impact its ability to single-handedly mount a more aggressive enforcement program, where accessibility barriers are actively sought out and remediated. As noted in Action 2, the Board must leverage its relationships (both existing and new) with other federal agencies. Those relationships will underpin the Board’s work in Action 3 to encourage and guide agencies in ensuring that their buildings and facilities—particularly those where in-person services are provided to individuals in historically underserved communities—meet at least the minimum requirements in the applicable ABA accessibility standards.

Action

The Board’s proactive enforcement would require a specific output for each federal agency, namely a written ABA compliance strategy that would set out the system for agencies to assess the accessibility of their buildings and facilities—particularly in underserved communities with high rates of disability—and remediate any barriers that are identified. The overall goal is to help agencies foster a commitment to accessibility that begins with agency leadership and flows to

budget, procurement, and facilities staff—thereby creating an environment where access to facilities is paramount and accessibility barriers are addressed. The Board plans to support agencies in the development of their compliance strategies by taking the following steps:

- Providing training—both general and tailored to each agency’s specific building and facility types—on the ABA and the minimum scoping and technical specifications in the ABA standards;
- Outlining for agencies the types of best practices that enhance accessibility (beyond minimum requirements) and ensure that the design of buildings and facilities fosters equity and inclusion;
- Creating tools that agencies can use to enhance ABA compliance;
- Reviewing and providing constructive feedback on agencies’ written ABA compliance strategies;
- Providing technical assistance to address complex or novel accessibility questions agencies might have; and
- Conducting outreach to underserved communities (as well as agency employees, in accordance with Section 10 of Executive Order 14035) on how to report ABA violations to the Board.

With the implementation of these ABA compliance strategies, the Board anticipates a primary equitable outcome of greater accessibility to federal buildings and facilities in the designated underserved communities with high rates of disability.

Tracking Progress

The Board will track its progress by documenting the development of ABA compliance strategies, complaints filed regarding barriers in federal buildings and facilities in or near underserved communities, accessibility assessments undertaken at such facilities (both in response to complaints and through collaborative efforts with other federal agencies), and remediation of identified accessibility barriers at each such facility. These measures will be tracked from 2022-2024.

Accountability

The Board will hold itself accountable for this action with the following mechanisms:

- Internal mechanism: Designation of a senior compliance specialist to lead this effort.
- Internal mechanism: A Progress Report delivered at least annually at a closed Board Meeting session.
- External mechanism: Alignment with the agency’s Strategic Plan for FY 2022-2026
- External mechanism: A Progress Report delivered annually at a public Board Meeting.