

in design

FIRST REPORT

To The Congress of The United States

DOCUMENTS DEPARTMENT
MAR 4 1976
LIBRARY
UNIVERSITY OF CALIFORNIA



DOCUMENTS DEPARTMENT
JAN 17 1976
LIBRARY
UNIVERSITY OF CALIFORNIA

Architectural and Transportation Barriers Compliance Board

**TO THE
CONGRESS OF THE UNITED STATES**

**FIRST REPORT
OF THE**

**ARCHITECTURAL AND TRANSPORTATION BARRIERS
COMPLIANCE BOARD**

November 1974

**Printed by
U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Washington, D.C. 20201**

1. THE PROBLEM

Approximately 22 million people, or 10 percent of the entire population in the United States have physical impairments which restrict them from normal daily activities. For the most part, they are a hidden population, isolated in a household environment and restricted from contributing their talents as active members of the community. One of the major obstacles to their participation in societal endeavors is the physical design of our man-made environment. The transportation systems, buildings and facilities that are an integral part of our urban environments are designed and built to accommodate only a portion of its residents—the physically unimpaired.

A significant number of the handicapped people have been frustrated in their attempt to find or hold jobs, improve their education, shop in central business districts or even take part in social activities. The dangers, discomforts and humiliations encountered in such everyday activities have compounded the attitudinal barriers that already exist within the nation, among architects, builders, manufacturers of equipment, governmental officials, and in general, the physically unimpaired.

The handicapped population has an equal right to participate in all opportunities offered in a community. If they cannot make use of a transportation system or enter and utilize a public building, they cannot vote, worship, conduct ordinary business, or become independent, self supportive members of society. Efforts to enhance their talents and market their job skills through employment outside of their own household environment are meaningless if the job site and other usual places of business are inaccessible.

2. LEGISLATIVE HISTORY

A. National Commission on Architectural Barriers

The first major Federal legislative action to deal with the issue of barriers to the handicapped came in 1965 with the Vocational Rehabilitation Act Amendment. Contained within this bill, to expand and enlarge the public programs for rehabilitation of the handicapped, was the authorization of the National Commission on Architectural Barriers to

Rehabilitation of the Handicapped. The charge to that Commission grew out of a Congressional desire to get an overview of what had been accomplished to eliminate barriers and to establish plans and proposals for action necessary with this regard.

This Congressional mandate spearheaded the efforts of the public and non-profit groups that had acted to produce, disseminate, and secure voluntary compliance with the American National Standard's Institute (ANSI) standards, entitled "Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped." A-117-1961 See Appendix V. In main, due to the efforts of these groups, 24 States had taken by 1965 some kind of official action (law, executive order, or building code) to eliminate architectural barriers in public buildings. Much of the legislation, however, was too permissive, and not fully comprehensive in coverage. Too few buildings intended for public use were being constructed in such a manner as to make this possible. No concerted effort had been made to bring the vast number of local people together community by community to consider how to activate a program of accessibility. At the Federal level, no government-wide order was promulgated to ensure the use of the ANSI Standards with the design and construction of Federally assisted building projects. To help overcome these problem areas in the removal of barriers to the handicapped, the National Commission on Architectural Barriers was established.

In 1967, the Commission recommended to the Congress specific information activities, and Federal legislation to require accessibility in all buildings leased, owned, and constructed with assistance from the Federal Government.

B. Architectural Barriers Act of 1968

The second Federal legislative effort was the passage of Public Law 90-480, popularly known as the Architectural Barriers Act of 1968, amended by the Act of March 5, 1970 (P.L. 91-205). See Appendix IV. This legislation was a major implementation of proposals recommended by the National Commission on Architectural Barriers in its report. The Act was fashioned to ensure that Federally financed public buildings are designed and constructed so as to be accessible to the physically handicapped. In establishing this Act it was the

intent of Congress that the word "building" be given the broadest possible interpretation. Only certain military and residential structures were excluded from its provisions. All other Federally assisted buildings and facilities, whether they be small rest stations at public parks or multi-million-dollar Federal office buildings, must be constructed to provide accessibility to the disabled.

The outcome of this Act was to bring the Federal Government to the level of legislative initiative already reached at that time by some 34 States. The Act also underscored the General Services Administration's long standing expressed policy of planning for the handicapped in all Federal buildings, a policy often honored more in good intentions than in fact.

C. Architectural and Transportation Barriers Compliance Board

More currently, the third major Federal legislative enactment dealing with barriers to the handicapped, was the creation of the Architectural and Transportation Barriers Compliance Board (A&TBCB), as provided in Section 502 of the Rehabilitation Act of 1973. See Appendix IV. In this Act, as in the 1965 Vocational Rehabilitation Acts Amendment, Congress expressed its intention to enlarge and expand the public programs for rehabilitation of the handicapped. To realize the greatest benefit from this effort, it was deemed imperative that handicapped individuals be enabled to move more freely in the society into which they wished to integrate themselves.

Furthermore, it was recognized by Congress that compliance with the Federal statutes regarding architectural barriers had been spotty, with no special or central compliance unit in existence to provide enforcement of such statutes. It was strongly believed that a Federal Board was necessary to fulfill this function, and assist through other ways to achieve the societal integration of disabled individuals.

To carry out the above mentioned activities and other specified charges, the Rehabilitation Act of 1973 provides for a collective instrument composed of the heads (or their designees) of those agencies currently responsible for the Federal aspects of construction and use of buildings and facilities created with the assistance of Federal funds. The legislation established the A&TBCB as an independent body

composed of eight co-equal member agencies, with no single member designated as "lead-agency." Statutory membership on the Board includes the following departments or agencies:

1. Department of Health, Education, and Welfare;
2. Department of Transportation;
3. Department of Housing and Urban Development;
4. Department of Labor;
5. Department of the Interior;
6. General Services Administration;
7. United States Postal Service;
8. Veterans' Administration.

3. THE FUNCTION OF THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

The Architectural and Transportation Barriers Compliance Board was established to ensure compliance with those prescribed standards pursuant to the Federal acts mandating accessibility and usability by the physically disabled and elderly people. To carry out this function the Board is charged with the authority to issue such orders as it deems necessary, with an order of compliance issued by the Board standing as the final order for purposes of any judicial review. There are, however, no sanctions or penalties to be invoked by the Board as such.

The Board is also responsible for initiating investigatory approaches into the nature of architectural, transportation, and attitudinal barriers confronting the handicapped, particularly with respect to public buildings and monuments, parks and parklands, public transportation systems, and residential and institutional housing. The Board will consider ways in which travel expenses in connection with transportation to and from work can be met or subsidized when needed by the disabled, as well as the housing needs of the handicapped. In addition, the Board shall determine the activities being taken by other governmental units, public and non-profit agencies with these same concerns, and prepare proposals for bringing together in a cooperative effort, agencies, organizations, and groups whose cooperation is essential to effective and comprehensive action. In carrying out these, and other related functions, the Board is authorized to conduct investigations, hold public hearings, and utilize

the technical, administrative, or other assistance it may require from each of its statutory member agencies.

On the basis of its findings the Board is authorized to make to the President and to Congress such recommendations for legislation and administration as it deems necessary or desirable to eliminate architectural, transportation, and attitudinal barriers to the handicapped. These recommendations shall be contained in the Board's two final reports on housing needs and transportation barriers, as well as within its activity reports at the close of each fiscal year.

4. ACTIVITIES OF THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

A. Board Meetings

The first meeting of the A&TBCB was called to order on March 26, 1974. Representatives from each of the eight agencies appointed to the Board, accompanied by technical and administrative assistants, attended the meeting. As convenor of the meeting, Secretary Weinberger of HEW was present to indicate the strength of his commitment and to emphasize the significance of the task placed before the Board.

Discussions at the first meeting clearly indicated the necessity for sharing information about each agency's current activities directed toward compliance with P.L. 90-480, and the issues of transportation and housing resources for disabled people. Members of the Board agreed that its first activity should be the assemblage and review of each agency's report detailing compliance mechanisms employed and activities related to Congressional mandates on accessibility and usability by the handicapped. The need for an indepth consideration of the whole mission of the Board was brought out, along with a determination of what resources of staffing, funds, and expertise were available to the Board in planning a short-range and long-range strategy under the Act. The need for Board chairmanship was noted, and it was determined that the Assistant Secretary for Human Development, Department of Health, Education, and Welfare, would retain temporary chairmanship until the first report was made to Congress.

Subsequent meetings of the Board were held on April 30th, May 28th, and July 17th of 1974. In addition to the eight agency appointees, the Department of Defense designated a representative to attend these and all future A&TBCB meetings. This was done voluntarily at the request of the Board because of the Department of Defense's responsibilities under Section 4 of P.L. 90-480.

At the second Board meeting members made brief presentations of their agency report on compliance mechanisms. These presentations evolved into an illumination of the problem areas encountered by the agencies in securing compliance with Federal statutes on accessibility. Other items in the agenda included an identification by several agencies of technical staff assistants, and a discussion and approval of budget proposals. A three month budget and operating program was determined to conduct studies relating to transportation, housing, and attitudinal barriers, and to initiate public hearings. Further discussion of these studies was made at the Board's third meeting, and a determination was reached as to the activities and objectives of the San Francisco public hearing.

At the Board's most recent meeting, it was agreed that an appropriate mechanism would be developed by which each member agency would provide one unencumbered position to the Board to ensure permanent staffing. This decision was reached to temporarily resolve the problem of permanent staffing, until such time as the Board's staffing authority is made clear. Additionally, it was decided that the chairmanship would be on a rotating basis every two years, with the Department of Health, Education, and Welfare serving as the first chairing agency. (The minutes of the Board meetings are provided in Appendix I.)

B. Mission and Role of the Board

The goal of the Architectural and Transportation Barriers Compliance Board is to create a barrier-free environment. The Board established the following objectives and preliminary areas of emphasis through 1980.

Objectives and Emphasis

1. to provide accessible and usable transportation for the handicapped in transportation systems.

2. to encourage the production in adequate amounts of a variety of residential accommodations in the community for the severely disabled, and to provide housing alternatives with the objective of producing satisfactory non-institutional living arrangements.

3. to promote generally the utilization of barrier-free criteria in planning and design of all elements of our man-made environment, and to require these criteria with respect to that which is Federally assisted.

4. through a national awareness campaign, to promote the elimination of attitudinal barriers and greater public understanding of environmental problems faced by disabled people.

5. to implement measures which will ensure that all Federal buildings and community facilities such as hospitals, schools, parks, airports, etc., are accessible to and usable by the physically handicapped.

6. to provide access to the handicapped of our National Parks and National Monuments, and to encourage States and localities to take similar action with respect to comparable State and local facilities.

7. to promote a barrier-free environment within business and industry allowing for the employment of the disabled.

8. to undertake the mandated studies on housing and transportation, and to take follow-up action on findings and recommendations.

9. to promote and develop guidelines for the use of the International Accessibility Symbol on public facilities which comply with Standards under Public Law 90-480.

10. to identify any conflicts between Federal, State, and local barriers legislation and programs and to coordinate future planning.

11. to establish a system of assembling information on barrier removal and to make data available to States and localities.

12. to assure maximum utilization of revised ANSI standards and their evaluation and revision on a systematic and continuing basis.

During the next year the Board will identify linkages between Federal agencies, the voluntary sector, and the States and local governments to implement its stated mission. The Board will assist member agencies during this period to develop specific plans for agencies to carry out the various elements of a five-year plan.

C. Model Hearings Held or Scheduled

Since the Law provides for the use of a hearing mechanism, it is possible to utilize this technique to help accomplish more than one of the several purposes of the Board. For this reason, and to make some progress toward the collection of useful information, the Board will mount several public hearings in different sections of the country. The location of these hearings will depend in part upon the interest manifested to the Board by the disabled people and community leaders in having an on-site review of the problems of accessibility and usability in their area.

San Francisco Model Hearing

The Board selected the San Francisco area for its first model hearing to take advantage of the outstanding work which had been done in California in making both public and many privately owned structures accessible.

The Board was aware of the unprecedented work already accomplished by the Bay Area Rapid Transit (BART) corporation in making public transportation available for physically disabled individuals. The reputation of the many self-help groups of disabled people and professional groups working in this area also encouraged the Board to select this area for its first model hearing. The A&TBCB believed that consultation with such groups would give a special dimension to its comprehension of the problems and solutions emerging in the San Francisco area.

The purpose of the Board's first model hearing was to secure general information about compliance standards prescribed by the General Services Administration, Department of Defense, and the Department of Housing and Urban Development. A related purpose was to identify specific buildings and construction programs which purport to meet such standards. Information would be sought through commentary of disabled people and other experts about accessibility problems. In addition, the Board sought to review with State and local officials the substance of, and relationship between existing and prospective Federal, State and local laws regarding accessibility and usable transit facilities. The Board members made a tour of Bay Area Rapid Transit (BART) to witness its riding qualities, and consider with

disabled people and local officials the feeder system and additional feeders which are being planned to complement the BART system.

The hearing took place on the 20th and 21st of June and was attended by representatives from the Departments of Housing and Urban Development; Interior; Labor; Health, Education, and Welfare; Transportation; General Services Administration; and Veterans Administration.

In preparing for this hearing, Regional staff of the Department of HEW and the GSA made arrangements with the assistance of the Center for Independent Living, a self-help service organization of young disabled people in and near Berkeley. Thirty-seven invitations were issued to individuals who represented a wide array of interests concerned with the issues and who were able to provide informative suggestions for the consideration of the Board. Expertise ranged widely as evidenced by the witnesses: disabled people, architects, medical and rehabilitation experts, manufacturers of equipment, city and transit planners, politicians, transit managers, lawyers, behavioral psychologists, experts on aging, university professors and research staff, code administrators, senior citizens, and other concerned members of the general public. (See Appendix II for an official summary of the San Francisco Hearing, June 20-21, 1974.)

The following are some major substantive and administrative points made by the witnesses at the hearing:

1. Fundamental mobility is essential to the independence and productive life style of the physically disabled.

2. Integration of disabled and older people into society is wanted by handicapped and elderly people, including use by them of housing, transportation and other services developed for the general population.

3. Housing, transportation and other services offered should be developed with the greatest possible involvement of those handicapped for whom it is intended.

4. The development of mechanisms to ensure the enforcement of P.L. 90-480 and related statutes is essential.

5. Better monitoring of Federally assisted construction activities is essential.

6. Greater and more effective use of the private sector is clearly necessary, both to take full advantage of new technology and to create

awareness in the commercial sector of the needs and values of the disabled people as consumers.

7. Regional complaint centers might be valuable to the Board's efforts if they are set up in well publicized, accessible locations.

8. A clearinghouse on information should be developed. "How-to" information should be assimilated regarding: technology, building codes, legislation, community organization ideas, and other related material of key-value in efforts to overcome barriers to accessibility.

D. Studies Under Way

At one of its early meetings the Board reviewed in detail its several functions and considered its information about the problems on which the Congress mandated study and recommendations. As a result, the Board authorized staff to review with experts in the agencies on the Board the possibility of studies on attitudinal barriers, transportation policy, housing alternatives, and other issues.

(1.) Study on Attitudinal Barriers

Conversations with rehabilitation experts in Rehabilitation Services Administration and the National Rehabilitation Association, and with disabled individuals clearly indicated that many of the constraints on disabled people entering or returning to regular functioning in the community arise from or are compounded by attitudes about handicapped persons. Another facet of the issue is the attitude of disabled people and their own perceptions of how they can or should function in settings that are developed for use of non-disabled people. The influence of these attitudes on the problems and possible solutions to removing architectural barriers and providing necessary usable housing and transportation systems is another feature of the problem.

The Board decided to fund a survey of attitudes about disabled persons, to collect the necessary information regarding past and current studies and what still remains to be funded. The research staff of the Rehabilitation Services Administration is developing such a project for 1974 and 1975 using a consortium of university research groups. The cost to the Board will be \$100,000.