United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

TAKE PRIDE IN AMERICA

AUG 1993

EQUAL OPPORTUNITY DIRECTIVE NO. 93-07

TO: The Heads of All Bureaus and Offices
Human Resources Managers
Equal Opportunity Officers

FROM: Director, Office for Equal Opportunity

SUBJECT: Disability Rights Accessibility Standards

BACKGROUND: The Department of Justice and the Architectural and Transportation Barriers Compliance Board (Access Board) have jointly endorsed a resolution (Copy Attached) that urges Federal agencies to follow the Americans with Disabilities Act Accessibility Guidelines (ADAAG) whenever they provide equal or greater accessibility than the Uniform Federal Accessibility Standards (UFAS). The resolution has been developed in anticipation of eventually having one accessibility standard for all entities.

PURPOSE: The purpose of this directive is to advise all bureaus and offices of the Department of the Interior to adhere to the recommendations in the attached resolution in implementing the requirements of section 504 of the Rehabilitation Act of 1973, as amended, and Departmental regulation at 43 CFR 17, Subpart E, in their federally conducted programs. When the process of revising UFAS is completed, the Department of Interior's federally conducted section 504 regulation will be amended to incorporate the new ADAAG standards. Although all Federal agencies will continue to be legally required to comply only with UFAS until the new ADAAG standards are officially in place, it shall be this Department's policy to follow ADAAG whenever it provides equal or greater accessibility than UFAS. From a legal standpoint, Interior's section 504 regulation does not prohibit implementation of such a policy because the regulation does not require compliance with UFAS, but rather they simply state that, during new construction and alteration of facilities, compliance with the Access Board's accessibility requirements is deemed to be compliance with section 504.

Should you have any questions in this regard, please contact Melvin C. Fowler of this Office at (202) 208-3455.

Attachment

U.S. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Resolution

Whereas, the Federal government should hold itself to the same standard of accessibility as private entities, and State and local government entities in the design, construction and alteration of buildings and facilities;

Whereas, places of public accommodation and commercial facilities owned, operated or leased by private entities are currently required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in the design, construction and alteration of buildings and facilities under the Department of Justice regulations implementing title III of the Americans with Disabilities Act (ADA);

Whereas, the Access Board has issued a notice of proposed rulemaking to revise ADAAG to include additional sections for certain State and local government facilities;

Whereas, the Department of Justice is proposing to amend its regulations implementing title II of the ADA for State and local government entities to incorporate the ADAAG revisions proposed by the Access Board and to eliminate the Uniform Federal Accessibility Standards (UFAS) as an option for such entities; and, pursuant to its authority under Executive Order 12250, has advised Federal agencies which have regulations implementing section 504 for their federally assisted programs that, effective as of the date the Department of Justice's amended title II regulations become final, they should deem facilities designed, constructed, or altered by a State or local government entity in compliance with the revised ADAAG to also be in compliance with any section 504 implementing regulations;

Whereas, ADAAG generally provides a greater degree of accessibility than UFAS, especially for individuals with speech, hearing, and vision impairments;

Whereas, the Access Board intends to initiate rulemaking expeditiously after the ADAAG revisions for State and local government facilities are final to include additional sections for certain Federal facilities not addressed by the guidelines and, pursuant to its authority under section 502 of the Rehabilitation Act, to adopt the revised ADAAG as the minimum guidelines and requirements for standards issued by the four Federal standard setting agencies under the Architectural Barriers Act; and

Whereas, although UFAS is currently the standard for Federal facilities under the Architectural Barriers Act, the General Services Administration has adopted a policy that facilities which it designs, constructs or alters will comply with ADAAG where that standard provides a greater degree of accessibility;

Whereas, as a result of these varied actions private entities, and State and local government entities will be required to comply with ADAAG in the design, construction and alteration of buildings and facilities while some newly constructed and altered Federal facilities will provide a lesser degree of accessibility.

Now, therefore, be it resolved that the Access Board recommends that the Administration immediately adopt a policy to use ADAAG and any final revisions to ADAAG in the design, construction, and alteration of Federal facilities until such time as the Access Board, the four Federal standard setting agencies under the Architectural Barriers Act, and Federal agencies which have regulations implementing section 504 of the Rehabilitation Act for federally conducted programs complete rulemaking to adopt ADAAG and its revisions as the applicable standard for Federal facilities.

And be it further resolved that the Access Board provide all possible assistance to the Administration in this effort.

January 15, 1993