

## **Laws, Regulations, Standards and Guidelines for People with Disabilities**

### **I. Facilities**

A. The Architectural Barriers Act of 1968 (ABA) (P.L. 90-480), as amended, requires all buildings and facilities built or renovated in whole or in part with Federal funds to be accessible to, and usable by, people with disabilities. This includes any construction, renovation, restoration, remodeling, or site development completed by the agencies.

1. The Uniform Federal Accessibility Standards has been the official standards for implementing the ABA. The General Services Administration (GSA), the standard setting agency for the Department of the Interior (DOI), adopted the new Architectural Barriers Act Accessibility Standards as the official standards to follow for new construction and renovations effective in May 2006.

2. These standards can be found at: <http://www.access-board.gov/aba/>.

3. Draft Final Accessibility Guidelines for Outdoor Developed Areas establish accessibility guidelines pursuant to the Architectural Barriers Act for camping facilities, picnic facilities, viewing areas, outdoor recreation access routes, trails and beach access routes that are constructed or altered by Federal land management agencies or on behalf of the Federal Government.

4. The draft final guidelines can be found at:  
<http://www.access-board.gov/outdoor/draft-final.htm>

B. Americans with Disabilities Act of 1990, Public Law 101-336 – Except for the Section 508 (c) that applies to Federal wilderness areas, the programs and facilities of Federal agencies are not governed by the Americans with Disabilities Act (ADA) of 1990. The ADA essentially extends to the private sector the rights and protections already prohibiting discrimination on the basis of disability in Federal Government and federally-assisted programs as mandated by the ABA and Section 504 of the Rehabilitation Act. Therefore, the ADA does not directly apply to the Federal Government.

#### **Title V Miscellaneous Provisions, Section 508 (c)**

1. (1) In general, Congress reaffirms that nothing in the Wilderness Act is to be construed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires use of a wheelchair, and consistent with the Wilderness Act no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of lands within a wilderness area in order to facilitate such use.

2. (2) “Wheelchair” defined for purposes of paragraph (1), the term “wheelchair” means a device designed solely for use by a mobility-impaired person for locomotion that is suitable for use in an indoor pedestrian area.

**Examples of how these above referenced laws, regulations, standard and guidelines may affect or relate to various duties and responsibilities for facilities:**

Facilities: The Architectural Barriers Act of 1968, as amended:

- This includes BLM facilities and partners’ facilities that receive Federal funding, concessioner recreation facilities, outfitters and guides facilities where the public visits.
- Staff involved with planning, construction, renovation, restoration, remodeling or site development should be familiar with these accessibility requirements and include during the planning and review process.
- Staff involved with work at recreation sites, camping or picnic facilities, viewing areas, trail design and construction or beach areas, should be familiar with the draft accessibility guidelines for Outdoor Developed Areas.

The Miscellaneous Provision, Section 508 (c) of the Americans with Disabilities Act of 1990, describes the law for the use of wheelchairs within Wilderness and Wilderness Study Areas.

- Staff that work in these Wilderness and Wilderness Study Areas should be familiar with these requirements.
- A wheelchair must meet both parts of the definition, be defined solely for the use by a person with mobility impairment and be suitable for use in an indoor pedestrian area.

## **II. Programs, Services and Activities**

A. Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112), as amended, is more encompassing than the ABA. While the ABA requires physical access to buildings and facilities, Section 504 requires program accessibility in all services provided with Federal dollars. The act itself is very brief. It states:

1. *No otherwise qualified individual with a disability in the United States shall, solely by reason of disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity conducted by Federal Financial Assistance or by any Executive Agency.*

2. “Program Accessibility” means that when viewed in its entirety, a program is readily accessible to qualified persons with a disability. This does not mean that every existing facility or part thereof has to be made accessible. Program accessibility may or may not require structural modifications to facilities. Methods of achieving program accessibility include such things as reassignment of services to accessible buildings; assignment of aids to program beneficiaries; delivery of services at alternate sites; and alternation of existing facilities.

B. The Public Civil Rights Compliance Program ensures that recipients of Bureau of Land Management (BLM) financial assistance operate without discrimination and that all persons have equal opportunity to participate in BLM programs and activities. The Office of Civil Rights processes complaints filed by the public, and systematically evaluates recipients based on civil rights laws and requirements.

1. The DOI Section 504 guidelines for federally-assisted park and recreation programs and activities can be found at: <http://www.in.gov/dnr/outdoor/files/504.pdf>.
2. The Bureau of Land Management Public Civil Rights Instruction Memorandum No. 2010-138, *Public Civil Rights Program Policy* can be found at: <http://web.blm.gov/internal/wo-500/directives/dir-10/im2010-138.html>.
3. The DOI Regulations 43 CFR 17, Subpart B, to the end that no qualified person with a disability shall, on the basis of the disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance from the Department.

C. Both Section 504 and 43 CFR 17, Subpart B means that the BLM be concerned, not only with enabling people with disabilities to have access to parks and facilities but, once there, the BLM also needs to do everything feasible to enable them to receive as close to the same benefits as those received by other visitors. This also means our obligation extends to individuals with visual impairments, hearing impairments, cognitive impairments, as well as those with mobility impairments.

**Examples of various program, activities and services which fall under Section 504 of the Rehabilitation Act:**

Programs, Services and Activities: Section 504 of the Rehabilitation Act:

- The BLM public meetings, are the facilities accessible, the material provided in alternative formats, such as: sign language interpreter provided, captioning, large print or audio description,
- Environmental Education events, Interpretative programs at visitor centers or education centers and their material, try to provide alternative formats or in some cases alternative locations if not accessible,
- Partners that provide program, activities or services with Federal funded dollars,
- Wild Horse & Burro adoption, if necessary provide alternative to viewing the animals,
- Special events, such as “Take a Kid Fishing,” or National Public Lands Day,
- Camping, picnicking, hiking and other recreational activities,
- Special recreation permits holders,
- Geocaching, caving,
- Workshops and conferences,

Staff responsible for the Public Civil Rights program ensure that compliance with and enforcement of the BLM’s prohibition against discrimination in its programs, services and activities, as well as its facilities and electronic media.

### **III. Publication, Electronic and Information Technology Media and Communication**

A. Section 508 of the Rehabilitation Act of 1973, as amended, requires that all Federal agencies ensure that when they develop, procure, maintain, or use electronic and information technology (EIT); that, it is accessible to employees with disabilities. Section 508 was enacted to eliminate barriers in information technology, open new opportunities for people with disabilities, and encourage development of technologies that will help achieve these goals. The law applies to all Federal agencies when they develop, procure, maintain, or use EIT. Under Section 508 (29 U.S.C. ‘794 d), agencies must give disabled employees and members of the public, access to information that is comparable to access available to others. It also requires that individuals with disabilities who are seeking information or services from Federal agencies have access to and use of all information provided. The GSA has been charged with the task of educating Federal employees and building the infrastructure necessary to support Section 508 implementation.

1. The term EIT is expansively defined. It includes computers (such as hardware, software, and accessible data such as web pages), facsimile machines, copiers, telephones, and other equipment used for transmitting, receiving, using or storing information.

2. Section 508 also requires all video, CDs, and DVDs be captioned. All web media should be accessible; our documents for public review should be accessible and include alternative text when images or tables are used to explain what the item represents.

3. Training on section 508 is available through the Department of Justice and the GSA section 508 website by accessing the section 508 Universe Training at: <http://www.section508.gov/index.cfm>. (See IB 2012-062 for recommendations). The training is also available from the Department of Homeland Security (DHS) as this agency invites other agency employees to attend their classes by sending a message to [accessibility@dhs.gov](mailto:accessibility@dhs.gov).

4. Additional information can be found at this government site: <http://www.section508.gov/>. The on-line courses are free for all employees.

B. 21<sup>st</sup> Century Communication and Video Accessibility Act 2010, focuses on ensuring that communications and media services, content, equipment, emerging technologies, and new modes of transmission are accessible to disabled users. The bill is primarily targeted at communications and video equipment manufacturers, video service providers and producers of video content. The Act requires that all communications and video programming service or equipment providers must provide services and equipment in an equally accessible manner to ensure compliance with government regulations for accessibility. The Act also mandates that browsers present on cell phones support accessibility. To date accessibility via mobile devices has been kind of a gray area – is it required, is it not – and this clearly indicates that web accessibility will apply to mobile devices and mobile optimized sites.

More information on this new Act can be found: <http://www.fcc.gov/guides/21st-century-communications-and-video-accessibility-act-2010>.

C. Section 255 of the Telecommunications Act requires manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to persons with disabilities, if readily achievable. The Federal Communications Commission Report and order implementing Section 255 was released in September 1999. More information can be found at <http://transition.fcc.gov/telecom.html>.

**Examples of how these above referenced laws may affect or relate to various duties and responsibilities for electronic media, publication and communication:**

Electronic Media, Publication and Communication: Section 508 of the Rehabilitation Act requires that all Federal agencies ensure that when they develop, procure, maintain, or use electronic information technology (EIT); that, it is accessible to employees with disabilities. Also, under Section 508 agencies must give employee and the public access to information that is comparable to access available to others.

- Section 508 requires all videos, CDs, and DVDs be captioned. All web media should be accessible; our documents for public review should be accessible.
- Staff that develops any of the above products should be aware of the laws that require these products be accessible.
- Staff that design Webinars or other type of online training should be sure these are captioned and in some cases audio described.
- All documents that are added to the BLM web sites should be Section 508 compliant. There are ways to create your documents to be compliant. For more information, see [http://web.blm.gov/internal/wo-500/BLMsection\\_508.html](http://web.blm.gov/internal/wo-500/BLMsection_508.html) for helpful documents such as “Creating Making Accessible Microsoft Word Documents” and a test process on compliance from the DHS.