

1 PAPERWORK REDUCTION ACT SUBMISSION

Supporting Statement

Agency: US Access Board

Title: On-Line Architectural Barriers Act (ABA) Complaint Form

A. Justification

- 1. Circumstances Of Information Collection:** Pursuant to Sec. 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), and its implementing regulations (36 CFR 1120 et. seq.), the Architectural and Transportation Barriers Compliance Board (Access Board) enforces the Architectural Barriers Act (ABA) by investigating complaints submitted by members of the public concerning particular facilities designed, altered, or built, by or on behalf of, or leased by, the Federal government. Complainants must submit in writing the name and address of the facility and a brief description of the barriers to accessibility. Additional information about the facility, such as when it was built or known sources of Federal funding, is helpful but not necessary. Personal information, including the complainant's name, address and phone number is optional and, where provided, is prohibited by Access Board regulations from being disclosed without the written consent of the complainant. Complaints can currently be submitted by e-mail, mail or fax; no specific format is required.

The first step in the investigation process is to determine whether the facility is covered by the ABA. If staff determines that the Access Board has no jurisdiction over a facility, the complainant is notified in writing, and the investigation is ended. If Access Board staff believes that another federal law may apply, they provide information to the complainant to assist them in filing their complaint with the appropriate entity.

Where staff determines that a facility is covered by the ABA, the next step is for staff to open a case with the responsible federal entity by submitting the complaint allegations to them. The federal entity responds with a questionnaire which provides information about the facility and the complaint allegations. Staff uses that information to verify whether the alleged accessibility barrier(s) meets the applicable federal accessibility standards. If they determine that it does not, then they will work with the responsible federal entity to develop a corrective action plan to bring the accessibility barrier into compliance. The Access Board staff close a case only after they determine that the required corrective action is completed and meets the applicable accessibility standard, or that the alleged accessibility barrier does not violate the applicable standard. The complainant is notified in writing that the corrective action is completed or that the alleged barrier does not violate the applicable standard, and is given the opportunity to provide any additional comments or information he or she believes to be relevant to the case before the case is closed. If the complainant does not provide any contradictory information, staff sends the responsible federal entity a letter closing the case.

- 2. Purpose And Use Of Information:** The Access Board is seeking to make the process for submitting complaints under the Architectural Barriers Act (ABA) easier to use, more efficient, and timely. Complainants will be able to submit a complaint on-line using a web-based complaint form, which will prompt them to provide pertinent data necessary for the Access Board to investigate an ABA complaint. The information to be collected in the form submitted for Office of Management and Budget (OMB) approval is necessary to enable the Access Board to process and investigate complaints as required by statutory mandate. .
- 3. Use Of Information Technology:** The Access Board enforces the Architectural Barriers Act (ABA) by investigating complaints submitted by members of the public concerning particular buildings or facilities designed, altered, or built, by or on behalf of, or leased by, the Federal government. Complaints can currently be submitted by e-mail, mail or fax. The use of this collection instrument will facilitate this process by assisting complainants to identify and provide the information necessary to initiate an investigation. This collection will allow complainants to submit ABA complaints electronically and receive notification that their complaint has been received, together with the complaint number for them to use when making inquiries about the status of their complaint. The new on-line complaint form will prompt complainants to provide the information necessary for Access Board staff to initiate an investigation into a complaint. In addition, complainants will be able to attach electronic files containing pictures, drawings, or other relevant documents to the on-line complaint when it is filed. The Access Board anticipates that use of the on-line complaint form will improve the completeness of the information included in complaints that are submitted for investigation, and this will expedite processing of complaints. In addition, complainants will be able to submit complaints 24 hours a day/seven days a week and receive electronic notification that their complaint has been received. The Access Board is not requiring all complaints to be submitted using the on-line complaint; the Access Board will continue to accept complaints submitted by e-mail, mail, or fax.
- 4. Efforts To Identify Duplication:** The use of the form is voluntary. If Access Board staff believes that another federal law may apply, they provide information to the complainant to assist them in filing their complaint with the appropriate entity.
- 5. Involvement Of Small Entities:** This collection of information does not impact small businesses or other small entities.
- 6. Consequences If Information Collection Is Not Conducted Or Is Collected Less Frequently:** If information on ABA complaints is not conducted through the use of the proposed on-line form, the Access Board would continue to receive complaints in a wide variety of formats and media. Currently complaints are almost always incomplete, and must be rekeyed into the Access Board complaint tracking system prior to processing, which adds time to complaint resolution process.

7. **Explanation of Special Circumstances:** None of the listed special circumstances are applicable to this information collection.
8. **Consultations Outside The Agency:** The Access Board published a notice in the Federal Register on December 18, 2012 at 77 FR 243, pages 74826-7, allowing for a 60-day comment period. The comment period expired on February 19, 2013.

Comments were invited on:

- (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (b) the accuracy of the estimated burden of the proposed collection of information;
- (c) ways to enhance the quality, utility, and clarity of the information from respondents; and
- (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

The Access Board received nine comments in response to the 60-day notice on the proposed information collection. The Access Board received no comments on the need for the information to be collected, the accuracy of the burden estimates, or on how to enhance the quality, utility, and clarity of the information to be collected. Virtually all of the comments received by the agency related to ways to minimize the burden on respondents associated with using the on-line complaint form. In many cases, interested parties provided similar comments; the responses to these comments are grouped accordingly below. All comments were carefully considered and, with one exception described below, revisions to address the comments incorporated into the current version of the On-Line Complaint Form.

Most of the comments we received related to recommendations that would improve the form's usability and compatibility with assistive technology. Specific recommendations included: relocate the placement of instructions to make them context-specific; add missing field labels; ensure consistent performance of the auto-advance feature in all phone number fields; permit users to scale font size and wrap text. We concur in all these recommendations, and have incorporated these changes into the form.

We received several comments expressing confusion over certain instructions on the form, most notably the instructions on how to add a barrier to the complaint. We agree that the instructions were confusing, and we have made changes to both the instructions and the operation of this feature to address the comments.

We also received comments that the instructions on the launch page preceding the form were too dense and could be improved by separating them into numbered, step-by-step instructions. We have revised these instructions to make them simpler, clearer, and sequential.

One commenter expressed concern that the form was not compatible with a particular web browser, Lynx. The Lynx browser has not been significantly updated since its release in 1992. In particular, it does not support keyboard oriented JavaScript and CSS features (like `display:none`) that are readily applicable to a text-only user agent. As such, it does not support contemporary approaches to accessibility, including ARIA and AJAX, which are supported by

other web browsers, and have been for a few years now. We have attempted to design a form that will be compatible with the newer, most commonly used web browsers.

The 30 day notice was published on May 2, 2013, at 78 FR 25697. The comment period ends on June 3, 2013.

9. **Payment To Respondents:** The Access Board does not provide payments or gifts to respondents in exchange for a benefit sought.
10. **Protection of Personally Identifiable Information:** Personal information, including the complainant's name, address, e-mail address, and phone number is optional and, where provided, is prohibited by Access Board regulations from being disclosed without the written consent of the complainant. Complaint information is not organized or managed by reference to complainant information. Access to complainant personal information is controlled through system permissions and limited only to immediate Access Board staff directly responsible for handling the complaints.
11. **Questions Of A Sensitive Nature:** This section is not applicable. This collection does not request information that is sensitive in nature.
12. **Estimates Of Hour Burden:** Public reporting burden for this collection of information is estimated to average less than 15 to 30 minutes to complete the on-line complaint form, depending on the number of alleged barriers the complainant identifies..

The following figures were derived from past experience in past investigations of allegations of discrimination.

a.	Number of respondents	200
b.	Number of responses per each respondent	1
c.	Total annual responses	200
d.	Number of hours per response	<u>0.5 hours</u>
e.	Total annual reporting burden	100 hours

13. **Estimate Of Annualized Cost Burden To Respondents:** There is no fee charged to individuals who file a n ABA complaint. The cost to such individuals should be \$0. In fact, use of the on-line form should relieve much of the burden that the current practice of mailing paper complaints puts on complainants.

14. **Estimate Of Annualized Cost To The Federal Government:** There is no capital or start-up cost associated with this information collection, since the form is already in use by Access Board staff to record information received from complainants submitting complaints for investigation under the ABA. The agency does not estimate any increase in the total number of complaints filed as a

result of the decision to offer this on-line form. Therefore the agency does not estimate any costs to the federal government associated with making this on-line form available to complainants.

15. **Changes In Burden:** This is a new information collection form; burden has not been previously estimated.
16. **Time Schedule, Publication And Analysis Plans:** The Access Board plans to use some of the information collected on this form for internal program management purposes.
17. **Display of Expiration Date:**
18. **Exceptions to Certification Statement:** The Access Board does not request an exception to the certification of this information collection.

B. **Collection Of Information Employing Statistical Methods**

This section is not applicable.