

Section 103-50 Hawaii Revised Statutes **REPORT OF ACTIVITIES**

Relating to Facility Access for Persons with Disabilities
July 1, 2020 through June 30, 2021

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GENERAL OVERVIEW

Due to issues related to the ongoing effects of the COVID-19 pandemic most of the Facility Access Unit (FAU) utilized telework from March 2020 through June 1, 2021. The FAU maintained an office presence by rotating staff telework and in-office days. The FAU continued to perform all applicable plan of action objectives during this time by using the Facility Access Plan Submission and Review System which allowed the FAU to complete all plan review tasks through a web-based database. The FAU was also able to perform its education and training objectives with the use of a virtual online meeting and presentation platform.

Ensuring 'facility access' through the design and construction of buildings, facilities, and sites that are free of barriers is vital for the maximum inclusion of persons with disabilities in society. Section 103-50, Hawaii Revised Statutes (HRS), requires all plans and specifications for the construction of public buildings, facilities, and sites to be prepared so that public buildings, facilities, and sites are accessible to and usable by persons with disabilities. The Disability and Communication Access Board's (DCAB) Standing Committee on Facility Access and Facility Access Unit (FAU) are responsible for implementing §103-50, HRS.

The Standing Committee on Facility Access is comprised of the following four members of DCAB:

- Marie Kimmey, Chairperson
- Ronald Awa
- Scott Fleming
- Michael Nojima

Activities of this Committee include, but are not limited to:

- Establishing accessibility guidelines for the design of public buildings, facilities, and sites.
- Issuing interpretive opinions to clarify accessibility guidelines.
- Approving site specific alternate designs where an alternate design provides equal or greater access.

The FAU is comprised of eight staff that are managed by DCAB's Executive Director.

- Kirby Shaw, Executive Director
- Duane Buote, Facility Access Coordinator
- David Poe, Facility Access Specialist II
- Rodney Kanno, Facility Access Specialist II
- Eric Isidro, Facility Access Specialist II
- Alan Tarumoto, Facility Access Specialist II
- Glenn Arakaki, Facility Access Specialist II
- Laurie Palenske, Facility Access Specialist I
- Mylynne Simon, Office Assistant

This Report highlights key facility access accomplishments for the fiscal year July 1, 2020 to June 30, 2021.

FACILITY ACCESS UNIT ACTIVITIES

Activities of the FAU include, but are not limited to:

- Review of plans and specifications of public buildings, facilities, and sites.
- Research and develop recommendations on requests for Interpretive Opinions.
- Research and develop recommendations on requests for Site Specific Alternate Designs.
- Review master plans of public buildings, facilities, and sites.
- Monitor projects that have not been submitted as required under §103-50, HRS.
- Provide general technical assistance to State and County agencies, design professionals and the general public.
- Conduct and coordinate workshops and training sessions.
- Prepare and distribute editions of DCAB's "Access E-Bulletin."
- Monitor and provide testimony on issues regarding access for persons with disabilities.
- Review, analyze and provide comments on codes, guidelines or standards regarding access for persons with disabilities.

PLAN REVIEWS

SECTION 103-50, HAWAII REVISED STATUTES

Plan reviews form the primary core of the work for DCAB's FAU. Section 103-50, HRS, requires all State and County agencies to seek the advice and recommendation of DCAB prior to commencing with construction to ensure public buildings, facilities, and sites are designed to be accessible to persons with disabilities. Advice and recommendations are provided by means of a comprehensive and technical plan review to the Americans with Disabilities Act Accessibility Guidelines, the Fair Housing Accessibility Guidelines and DCAB Interpretive Opinions, as adopted and amended by DCAB.

Public buildings, facilities, and sites and the infrastructure thereof that: 1) are designed, constructed, purchased or leased with the use of State or County funds or federal funds administered by the State or a County, 2) house State or County programs, services, or activities that are intended to be accessed by the general public, or 3) are places of public accommodation or commercial facilities under the Americans with Disabilities Act, title 28 Code of Federal Regulations part 36, and are constructed on State or County lands, or 4) are constructed on lands that will be transferred to the State or a County upon completion of construction.

DOCUMENT REVIEWS CONDUCTED

The following chart is a compilation of plan reviews completed by the FAU for fiscal year 2020-2021 with a comparison to the prior two years.

- **Fiscal Year: 2020-2021**
 - **Total Reviews: 1,208**
 - **New Submittals: 502**
 - **Resubmittals: 706**

- **Fiscal Year: 2019-2020**

- Total Reviews: 1,443
- New Submittals: 676
- Resubmittals: 767

- **Fiscal Year: 2018-2019**

- Total Reviews: 1,086
- New Submittals: 598
- Resubmittals: 488

The total number of plan reviews conducted in fiscal year 2020-2021 was one thousand 301208. The total number of new submittals conducted in fiscal year 2020-2021 was five hundred two (502). A new submittal is when plans and specifications are first submitted to DCAB for review.

The total number of resubmittals conducted in fiscal year 2020-2021 was seven hundred six (706). A resubmittal is when revised plans and specifications are submitted to DCAB for an additional plan review.

Further details on new submittals that were reviewed by the FAU in fiscal year 2020- 2021 are reflected in Tables 1, 2, and 3.

- Table 1 shows the number of new submittals by department/agency overseeing the project. The State of Hawaii-Department of Education, the State of Hawaii- Department of Transportation, and the City and County of Honolulu-Department of Design and Construction submitted the greatest number of new submittals.
- Table 2 shows the number of new submittals by type of facility. Schools and Streets, Roads, Sidewalks, Malls account for the greatest number of reviews.
- Table 3 shows the number of new submittals by location. Similar to previous fiscal years, the predominant number of document reviews was for facilities located on Oahu.

FEE FOR REVIEW OF PLANS AND SPECIFICATIONS

Effective January 1, 2013, DCAB initiated a fee for the review of plans and specifications subject to §103-50, HRS. During the period covering this fiscal year, July 1, 2020 to June 30, 2021, DCAB collected \$841,406.57 under §103-50, HRS, from one thousand eight (1,208) State and County construction document reviews. It should be noted that resubmittals do not involved a review fee.

TABLE 1: Facilities Reviewed by Department/Agency (New Submittals) **Fiscal Year 2020-2021**

State of Hawaii

Department of Accounting and General Services	22
Department of Agriculture	5
Department of Defense	1
Department of Education	89
Department of Hawaiian Home Lands	17
Department of Health	2
Department of Land and Natural Resources	7
Department of Public Safety	1
Department of Transportation	70

Hawaii Health System Corporation 19
Hawaii Housing and Community Development Corporation of Hawaii 1
Hawaii Housing Finance and Development Corporation 17
Hawaii Public Housing Authority 2
Judiciary 2
Natural Energy Laboratory of Hawaii 1
Office of Community Services 1
Office of Hawaiian Affairs 1
University of Hawaii at Manoa and Hilo 22
University of Hawaii, Community Colleges 6
Sub-Total 286

City and County of Honolulu

Board of Water Supply 17
Department of Community Services 1
Department of Design and Construction 48
Department of Environmental Services/Public Lands Development Corporation 18
Department of Facilities Maintenance 8
Department of Parks and Recreation 1
Department of Planning and Permitting 33
Department of Transportation Services 4
Department of Wastewater Management 1
Sub-Total 131

County of Maui

Development Services Administration 7
Department of Parks and Recreation 12
Department of Public Works 18
Department of Management 3
Department of Transportation 2
Department of Water Supply 1
Fire Department 2
Police Department 1
Wastewater Branch 2
Sub-Total 48

County of Hawaii

Department of Water Supply 1
Department of Public Works 19
Hawaii County Parks and Recreation 4
Hawaii County Planning Department 2
Office of Housing and Community Development 4
Sub-Total 28

County of Kauai

Department of Parks and Recreation 2
Department of Public Works 1

Department of Water 1
Office of the Mayor 5
Sub-Total 9
TOTAL 502

TABLE 2: Documents Reviewed by Type of Facility (New Submittals)
Fiscal Year 2020-2021

Airport Facility 23
Animal Shelter/Zoo 3
Cemetery/Memorial 3
Civil Defense Facility/Disaster 1
Community/Cultural Center 8
Correctional Facility 8
Court 2
Fire Station 6
General Sitework (ie, landscape, slope stabilization, stream bank, leachfield) 4
Golf Course/Facility 1
Harbor/Boat/Docks 16
Health Clinic 3
Highways/Tunnels/Bridges 39
Hospital/Medical Care Facility 20
Housing - Apartments or Condominiums – General 15
Housing - Apts or Condos-Specialized Elderly/Handicapped 7
Housing – Dormitory 1
Housing - Homeless Shelters 1
Housing – Residential 4
Infrastructure (i.e., mass grading, sitework, utilities) 6
Laboratory 3
Library (Not at a School) 4
Museum 1
Office 23
Park/Gym 34
Parking/Maintenance Facility 5
Plant Nursery 6
Police Station 6
Restaurant/Cafeteria (Not at a School) 3
Sanitary Landfill 2
School – Cafeteria 3
School – Classroom 11
School – General 71
School – Gymnasium 2
School – Library 2
School - Track and Field/Courts/Play Court 26
School - Vocational or Trade Shop 1
Shopping Complex/Retail 5
Stadium or Auditorium (not at a School) 3

Streets/Sidewalk/Mall 83
Theatre 1
Trails/Wilderness/Campsite 3
Warehouse/Storage Facility 3
Wastewater or other Treatment Facility 18
Water Pump Station/Water Piping 12
TOTAL 502

TABLE 3: Documents Reviewed by Location of Facility (New Submittals)
Fiscal Year 2020-2021

Oahu 417
Maui, Molokai & Lanai 48
Kauai 9
Hawaii 28
TOTAL 502

ON-LINE FACILITY ACCESS PLAN SUBMISSION AND REVIEW SYSTEM

The FAU contracted and worked with Hawaii Information Consortium (HIC) to develop a web-based document review system which uses ehawaii.gov accounts to log into the system. It is titled the "Facility Access Plan Submission and Review System." The online review system has been in use for over a year and has shown improved efficiency for the document review process.

- The FAU benefits from the online system by combining the three separate processes into one database. The online system is much more efficient, eliminating the need for redundant data entry. Since the new system is a web-based database, the central storage of data makes it easier for staff to find and track data and also eliminates the need for physical storage of project files.
- The FAU uses software that allows the reviewer the ability to take measurements from PDF drawings. Hard copy drawings are no longer required to be submitted for review, which can add up to a substantial cost savings for the submitter.
- The Facility Access Plan Submission and Review System gives submitters the ability to look at all projects they have submitted and check the status of projects or retrieve final review letters. The submitter now has the option to pay the review fee by credit card.

POLICY GUIDANCE AND MONITORING ACCESSIBILITY GUIDELINES

The FAU monitors and provides DCAB testimony to ensure that applicable codes incorporate or reference the Americans with Disabilities Act Accessibility Guidelines, The Fair Housing Act Accessibility Guidelines, the Hawaii Outdoor Developed Areas Accessibility Guidelines, or other draft interim guidelines of the U.S. Access Board as best practices. DCAB provided testimony as follows:

- DCAB submitted testimony on SB1 to recommend additional wording that indicated development shall comply with all applicable federal laws and regulations because the rules that govern the development design and construction did not appear to be clearly defined.
- There were no new accessibility codes or guidelines adopted or proposed in fiscal year 2020-2021.

TECHNICAL ASSISTANCE ON DESIGN

The FAU provides technical assistance to design professionals in both the public and private sectors in order to provide guidance on how to make buildings, facilities, and sites accessible for persons with disabilities. In fiscal year 2020-2021, the FAU fielded four hundred sixty seven (467) requests for general technical assistance in areas concerning the design standards for §103-50, HRS, the Americans with Disabilities Act Accessibility Guidelines, the Fair Housing Accessibility Guidelines and other accessibility guidelines. Technical assistance was provided through meetings, telephone calls, faxes, and email inquiries.

Significant individualized technical assistance was provided on the following projects:

- Ala Moana Boulevard Elevated Pedestrian Walkway
- Hawaiian Humane Society Hoopili Campus
- Kaloko Heights Apartments
- Kapiolani Community College Culinary Institute Phase 2

MONITOR PROJECTS NOT SUBMITTED TO DCAB

DCAB monitors projects that have been published as starting construction or that are in the bid process but have not been submitted for review as required by §103-50, HRS. For the fiscal year 2020-2021 DCAB notified ADA Coordinators or department/agency representatives that eighty three (83) of their projects were not submitted for review as required by §103-50, HRS. DCAB received fifty (50) responses from the department/agencies regarding the status of their projects and twenty five (25) projects were subsequently submitted for review.

ACCESS E-BULLETIN

To assist the design profession, the FAU prepared and distributed thirteen (13) "Access E-Bulletins" in fiscal year 2020-2021 to approximately six hundred eighty (680) subscribers. The "Access E-Bulletin" includes information on new DCAB Interpretive Opinions, training sessions and webinars, and important information about accessibility and facility access.

SITE SPECIFIC ALTERNATE DESIGN (SSAD)

Section 103-50, HRS, authorizes DCAB to rule on Site Specific Alternate Designs. A site specific alternate design departs from particular scoping or technical provisions of the 2004 Americans with Disabilities Act Accessibility Guidelines. The SSAD provides substantially equivalent or greater access for persons with disabilities but only applies to the specific State or County project for which the design was submitted.

- No requests for SSAD were submitted in fiscal year 2020-2021.

DESIGN SEMINARS AND TRAININGS

The FAU coordinated and conducted workshops and training sessions that focused on accessibility guidelines and standards, human factor requirements for persons with disabilities and laws related to accessibility. The following trainings and workshops were conducted or coordinated for various State and County department/agency personnel, the architectural and engineering community, and user groups in fiscal year 2020-2021:

Conference:

- The FAU in partnership with the AIA Honolulu hosted the 2021 Disability Access Virtual Conference which was held on May 27th and May 28th via Zoom. The conference featured Juliet Shultz and Bill Botten from the U.S. Access Board presenting sessions on "Accessible Recreation Facilities," "Accessible Assembly Areas," "Accessible Sidewalks, Shared Use Paths, and Street Crossings," and "Accessible Transportation Facilities." One hundred thirty-seven (137) registrants participated in the Zoom

Workshop/Trainings:

- Coordinated and presented four (4) virtual basic trainings designed to teach basic information to prepare program participants for more complex topics to be covered at the annual conference.

U.S. Access Board Webinars:

- Assembly Areas
- Play Areas
- Accessible Public Rights-of-Way
- Medical Care and Long-Term Care Facilities
- Vertical Access
- Interior and Exterior Accessible Routes
- Chapter 7: Communication Elements and Features
- Chapter 8: Special Room, Spaces and Elements (Part 1)
- Chapter 8: Special Room, Spaces and Elements (Part 2)
- Chapter 9: Built-in Elements
- Chapter 10: Recreational Facilities

INTERPRETIVE OPINIONS

Section 103-50, HRS, authorizes DCAB to issue interpretive opinions. An Interpretive Opinion clarifies an accessibility guideline, which then becomes applicable to all projects covered by §103-50, HRS. The Standing Committee on Facility Access took action on the following in fiscal year 2020-2021.

New Interpretive Opinions:

- Docket 2020-01 Residential Exterior Rooms
- Docket 2020-02 Elevators Location
- Amended Interpretive Opinion 2012-01 EV Charging Stations

MASTER PLAN REVIEWS AND RELATED ACTIVITIES

In an effort to provide assistance to the State and Counties to ensure that accessibility compliance was acknowledged at the earliest phase of project, conceptualization or planning for one project was submitted for review in fiscal year 2020-2021:

Master Plan Reviews for Draft Environmental Assessment:

- Kahului Civic Center Mixed Use Complex Project
- Wailuku State Office Building

NONDISCRIMINATION STATEMENT: We provide access to our activities without regard to race, color, national origin (including language), age, sex, religion, or disability. If you have a concern, write or call the Disability and Communication Access Board or the Department of Health Affirmative Action Officer at P.O. Box 3378, Honolulu, HI 96801-3378, or call 586-4614 (v) within 180 days of a problem.