

Section 103-50 Hawaii Revised Statutes

REPORT OF ACTIVITIES

Relating to Facility Access for Persons with Disabilities
July 1, 2022 through June 30, 2023

Disability and Communication Access Board

1010 Richards Street, Room 118
Honolulu, HI 96813

Phone: (808) 586-8121 (V)

TTY: (808) 586-8162

Fax: (808) 586-8129

Email: dcab@doh.hawaii.gov

Website: <http://health.hawaii.gov/dcab>

GENERAL OVERVIEW

The Facility Access Unit (FAU) staff has returned to working in the office full time. The public is welcome to come to the office, however, the FAU has been using virtual platforms for the annual conference and trainings.

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 six (6) members of DCAB:

- Marie Kimmey, Chairperson
- Ronald Awa
- Scott Fleming
- Michael Nojima
- Teri Spinola-Campbell
- Charlotte Townsend

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 (8) 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, 2022 to June 30, 2023.

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 starting construction to ensure that 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.

The §103-50, HRS, review process covers 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, 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 2022-2023 with a comparison to the prior two years.

Fiscal Year: 2022-2023

- Total Reviews: 1,168
- New Submittals: 587
- Resubmittals: 581

Fiscal Year: 2021-2022

- Total Reviews: 1,207
- New Submittals: 631
- Resubmittals: 576

Fiscal Year: 2020-2021

- Total Reviews: 1,208
- New Submittals: 502
- Resubmittals: 706

The total number of plan reviews conducted in fiscal year 2022-2023 was one thousand sixty eight (1,168). The total number of new submittals conducted in fiscal year 2022-2023 was five hundred eighty seven (587). A new submittal is when plans and specifications are first submitted to DCAB for review.

The total number of resubmittals conducted in fiscal year 2022-2023 was five hundred eighty one (581). 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 2022-2023 are shown in Tables 1, 2, and 3 on the following pages.

- 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, 2022 to June 30, 2023, DCAB collected \$907,950.01 under §103-50, HRS, from the one thousand one hundred sixty eight (1,168) State and County construction document reviews. It should be noted that resubmittals do not involve a review fee.

DCAB worked with a consultant to conduct a financial analysis and assessment of the program fee for service mechanism which funds all the Unit's operating expenses. The report recommended a monitoring strategy, looking at key factors to help determine when an additional assessment should be done to determine if an increase in review fees would be necessary to maintain an average positive net profit to cover all the Unit's operating expenses.

TABLE 1: Facilities Reviewed by Department/Agency (New Submittals) Fiscal Year 2022-2023

State of Hawaii

Hawaii Health System's Corporation	3
Department of Accounting and General Services	25
Department of Land and Natural Resources	14
Department of Transportation	105
Department of Defense	1
Department of Education	175

Department of Health 1
Department of Public Safety 2
Department of Hawaiian Home Land 6
Department of Business Economic, Development, and Tourism 1
Hawaii Public Housing Authority 3
Hawaii Housing Finance and Development Corporation 4
Hawaii Community Development Corporation 3
University of Hawaii at Manoa and Hilo 25
University of Hawaii, Community Colleges 26
Sub-Total 377

City and County of Honolulu

Department of Environmental Services / Public Lands Development Corporation 7
Honolulu Authority for Rapid Transportation 1
Board of Water Supply 23
Department of Wastewater Management 1
Department of Design & Construction 48
Department of Facilities Maintenance 3
Department of Planning & Permitting 33
Department of Transportation Services 5
Department of Parks and Recreation 1
Department of Public Works 1
Sub-Total 123

County of Maui

Department of Water Supply 1
Development Services Administration 6
Department of Fire and Public Safety 1
Housing and Community Development 1
Department of Parks and Recreation 9
Department of Public Works 21
Department of Environmental Management, Wastewater 11
Sub-Total 53

County of Hawaii

Department of Water 1
Department of Environmental Management, Wastewater 9
Office of Housing 4
Department of Parks and Recreation 2
Planning Department 2
Department of Public Works 12
Sub-Total 30

County of Kauai

Housing Agency 3
Department of Public Works 1
Sub-Total 4
TOTAL 587

TABLE 2: DOCUMENTS REVIEWED BY TYPE OF FACILITY (New Submittals)

Fiscal Year 2022-2023

Airport Facility	21
Animal Shelter/Zoo	4
Bus or Mass Transit Terminal/Guideway Station	3
Cemetery/Memorial	2
Community/Cultural Center	7
Correctional Facility	11
Fire Station	4
General Sitework (i.e., landscape, slope stabilization, stream bank, leach field)	5
Golf Course/Facility	3
Harbor/Boat/Docks	27
Health Clinic	4
Highways/Tunnels/Bridges	46
Hospital/Medical Care Facility	4
Hotel	1
Housing - Apartments or Condominiums – General	18
Housing - Apartments or Condominiums-Specialized Elderly/Handicapped	2
Housing - Dormitory	2
Housing - Homeless Shelters	2
Housing – Residential	1
Infrastructure (i.e., mass grading, sitework, utilities)	8
Laboratory	5
Library (Not at a School)	2
Military Facility	1
Museum	2
Observatory Facilities	4
Office	24
Park/Gym	16
Parking/Maintenance Facility	7
Police Station	2
Restaurant/Cafeteria (Not at a School)	1
Sanitary Landfill	5
School – Auditorium	1
School – Cafeteria	14
School – Classroom	18
School – General	110
School – Gymnasium	8
School – Library	5
School - Track and Field/Courts/Playcourt	47
Shopping Complex/Retail	7
Stadium or Auditorium (not at a school)	11
Streets/Sidewalk/Mall	78
Theatre	1
Trails/Wilderness/Campsite	1

Warehouse/Storage Facility	6
Wastewater or other Treatment Facility	16
Water Pump Station/Water Piping	20
TOTAL	587

TABLE 3: DOCUMENTS REVIEWED BY LOCATION OF FACILITY (New Submittals)

Fiscal Year 2022-2023

Oahu	323
Maui, Molokai and Lanai	105
Kauai	36
Hawaii	123
TOTAL	587

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 that 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 below 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 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.

- There were no new accessibility codes or guidelines adopted or proposed in fiscal year 2022-2023.

TECHNICAL ASSISTANCE ON DESIGN

The FAU provides technical assistance to design professionals in both the public and private sectors on how to make buildings, facilities, and sites accessible for persons with disabilities. In fiscal year 2022-2023, the FAU fielded three hundred seventy six (376) 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:

- Assisted the Department of Accounting and General Services with site assessment accessibility for new parking pay stations, and for possible new office space for the Department of Law Enforcement.
- Consulted with the Department of Land and Natural Resources, PBR Hawaii & Associates, and Hui Maka Aina o Makana, to resolve the placement of accessible parking spaces at the Haena State Park Parking Lot (East End) to ensure their placement is on an accessible route, and also be sensitive to the pristine environment.
- Submitted testimony to the Kauai County Council in support of funding an inclusive playground.

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 fiscal year 2022-2023, DCAB notified ADA Coordinators or department/agency representatives that forty two (42) of their projects were not submitted for review as required by §103-50, HRS. DCAB received received eighteen (18) responses, and twenty three (23) projects were submitted.

ACCESS E-BULLETIN

To assist the design profession, the FAU prepared and distributed sixteen (16) “Access E-Bulletins” in fiscal year 2022-2023 to approximately seven hundred five (705) subscribers. The “Access E-Bulletin” includes information on new training sessions and webinars, and important information about accessibility and facility access.

SITE SPECIFIC ALTERNATE DESIGN

Section 103-50, HRS, authorizes DCAB to rule on Site Specific Alternate Designs (SSAD). 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 2022-2023.

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 2022-2023.

Conference

- The FAU conducted the virtual 2023 Disability Access Conference featuring speakers from the U.S. Department of Housing and Urban Development (HUD), theACCESSpartnership, I.p., and Hecker Design, LLC, on Fair Housing Act safe harbors and requirements 1 through 7. One hundred fifty seven (157) registrants participated in the Zoom conference.

Workshop/Trainings

- Coordinated and presented five (5) virtual basic trainings designed to provide foundational information to prepare program participants for more complex topics to be covered at the annual conference.
- Conducted a virtual training to provide information on the DCAB document review process at the “FHWA Design Pedestrian Facilities for Accessibility Training for Hawaii Pacific Territories.”
- Conducted training on facility access requirements for the Oahu Metropolitan Planning Organization.
- Conducted a presentation to the Maui Commission on Persons with Disabilities regarding the DCAB plan review process and how it pertains to parking within the public right-of-way.

U.S. Access Board Webinars:

- Participated in twelve (12) webinars conducted by the Disability and Business Technical Assistance Center and the U.S. Access Board.

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 issued interpretive opinions on the following items in fiscal year 2022-2023:

- DCAB 2023-01 Shower Clearance & Towel Bars

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 a project, conceptualizations or plans for projects were submitted for review in fiscal year 2022-2023.

Master Plan Reviews for Draft Environmental Assessment:

- Block C Development.
- Draft Environmental Assessment Pre-Assessment Consultation for Keaau-Mountain Public Library Project
- Development Permit Application for Victoria Ward, Limited, Land Block 5, Project 3 (Launiu), within the Ward Neighborhood Master Plan Area at 928 Ala Moana Boulevard
- Development Permit Application for the Liliuokalani Trust (The Liliuokalani Center) at 932 Ward Avenue
- Honoapi'ilani Highway Improvement Project
- Draft Environmental Assessment and Anticipated Finding of No Significant Impact for the August Ahrens Elementary School New Classroom Building Project

Josh Green, M.D., Governor (until 12/5/22 to present)

David Y. Ige, Governor (until 12/5/22)

Kenneth S. Fink, M.D, MGA, MPH, Director of Health (1/9/23 to present)

Elizabeth A. Char, M.D., Director of Health (until 1/9/23)

The Hawai'i Department of Health is committed to maintaining an environment free from discrimination, retaliation, or harassment on the basis of race, color, sex, national origin, age, or disability, or any other class as protected under federal or state law, with respect to any program or activity.

For more information, including language accessibility and filing a complaint, please contact Acting Non-Discrimination Coordinator Valerie Kato at (808) 586-4400, doh.nondiscrimination@doh.hawaii.gov, or visit HDOH's website at <http://health.hawaii.gov>.