

# Section 103-50 Hawaii Revised Statutes REPORT OF ACTIVITIES

Relating to Facility Access for Persons with Disabilities  
July 1, 2023 through June 30, 2024

Disability and Communication Access Board

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## GENERAL OVERVIEW

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 (to 10/31/23)
- Rodney Kanno, Facility Access Coordinator (from 11/15/23)
- Rodney Kanno, Facility Access Specialist II (to 11/14/23)
- David Poe, Facility Access Specialist II (to 6/30/24)
- 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, 2023 to June 30, 2024.

## 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.
- access for persons with disabilities.
- Monitor projects that have not been submitted as required under §103-50, HRS.
- Monitor and provide testimony on issues regarding access for persons with disabilities.
- 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.

## 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 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 2023-2024 with a comparison to the prior two (2) years.

Fiscal Year: 2023-2024

- Total Reviews: 1,054
- New Submittals: 558
- Resubmittals: 496

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

The total number of plan reviews conducted in fiscal year 2023-2024 was one thousand fifty four (1,054). The total number of new submittals conducted in fiscal year 2023-2024 was five hundred fifty eight (558). A new submittal is when plans and specifications are first submitted to DCAB for review. The total number of resubmittals conducted in fiscal year 2023-2024 was four hundred ninety six (496). 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 2023-2024 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 Department of Education, the State 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, DCAB collected \$1,107,870.46 under §103-50, HRS, from the one thousand fifty four (1,054) State and County construction document reviews. It should be noted that resubmittals typically 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 cover all the Unit’s operating expenses.

### TABLE 1: Facilities Reviewed by Department/Agency (New Submittals) Fiscal Year 2023-2024

#### State of Hawaii

Hawaii Health Systems Corporation	4
Department of Accounting and General Services	20
Department of Land and Natural Resources	25
Department of Transportation	104
Department of Defense	3
Department of Education	154
Department of Public Safety	1
Department of Hawaiian Home Lands	14
Hawaii Public Housing Authority	2

Hawaii Housing Finance and Development Corporation 7  
Hawaii Community Development Corporation 1  
Judiciary 1  
Office of Community Services 3  
University of Hawaii at Manoa and Hilo 19  
University of Hawaii, Community Colleges 16  
Hawaii Community Development Authority 2  
**Sub-Total 376**

City and County of Honolulu

Department of Environmental Services/Public Lands Development Corporation 4  
Honolulu Authority for Rapid Transportation 1  
Board of Water Supply 14  
Department of Wastewater Management 2  
Department of Design and Construction 41  
Department of Facility Maintenance 3  
Department of Planning and Permitting 19  
Department of Transportation Services 5  
Department of Parks and Recreation 1  
Department of Public Works 1  
**Sub-Total 91**

County of Maui

Department of Human Concerns 2  
Department of Water Supply 2  
Development Services Administration 5  
Department of Fire and Public Safety 1  
Department of Parks and Recreation 11  
Department of Public Works 20  
Department of Environmental Management, Wastewater 7  
Department of Transportation 1  
**Sub-Total 49**

County of Hawaii

Department of Environmental Management, Wastewater 2  
Department of Housing 1  
Office of Housing and Community Development 12  
Department of Parks and Recreation 2  
Department of Planning 2  
Department of Public Works 16  
**Sub-Total 35**

County of Kauai

Department of Parks and Recreation 1  
Department of Public Works 6  
**Sub-Total 7**  
**TOTAL 558**

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

### Fiscal Year 2023-2024

Airport Facility	34
Animal Shelter/Zoo	3
Bus or Mass Transit Terminal/Guideway Station	1
Cemetery/Memorial	1
Community/Cultural Center	9
Correctional Facility	5
Court	3
Dikes/Dams	1
Fire Station	8
Food Processing	1
General Sitework (i.e., landscape, slope stabilization, stream bank, leachfield)	Harbor/Boat/Docks 5
Health Clinic	30
Highways/Tunnels/Bridges	5
Hospital/Medical Care Facility	27
Housing - Apartments or Condominiums-General	8
Housing - Apartments or Condominiums-Specialized Elderly/Handicapped	2
Housing – Dormitory	1
Housing - Homeless Shelters	2
Housing – Residential	12
Housing - Group Home/or other Community Care	2
Infrastructure (i.e., mass grading, sitework, utilities)	7
Laboratory	4
Library (Not at a School)	6
Military Facility	1
Museum	1
Office	24
Park/Gym	23
Parking/Maintenance Facility	9
Police Station	3
Restaurant/Cafeteria (Not at a School)	1
Sanitary Landfill	3
School – Cafeteria	6
School – Classroom	17
School – General	101
School – Gymnasium	5
School – Library	3
School - Track and Field/Courts/Playcourt	51
School - Vocational or Trade Shop	2
Shopping Complex/Retail	5
Stadium or Auditorium (Not at a School)	5
Streets/Sidewalk/Mall	83
Theatre	1
Trails/Wilderness/Campsite	4

Warehouse/Storage Facility	11
Wastewater or other Treatment Facility	18
<b>TOTAL</b>	<b>558</b>

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

**Fiscal Year 2023-2024**

Oahu	323
Maui, Molokai and Lanai	103
Kauai	45
Hawaii	87
<b>TOTAL</b>	<b>558</b>

**ON-LINE FACILITY ACCESS PLAN SUBMISSION AND REVIEW SYSTEM**

The FAU contracted and worked with Tyler Hawaii (former Hawaii Information Consortium) 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 (3) 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 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 this fiscal year.

**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 2023-2024, the FAU fielded five hundred sixty one (561) 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.



## 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. This year DCAB notified ADA Coordinators or department/agency representatives that twenty (20) of their projects were not submitted for review as required by §103-50, HRS. DCAB received four (4) responses, and ten (10) projects were submitted.

## ACCESS E-BULLETIN

To assist the design profession, the FAU prepared and distributed fourteen (14) Access E-Bulletins to approximately eight hundred sixty eight (868) 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 this fiscal year.

## 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 this fiscal year.

### **Conference:**

- The FAU conducted the virtual 2024 Disability Access Conference featuring speakers from the U.S. Access Board with sessions on Public Right-of-Way (PROW), Parking, Dining and Retail, and Assembly, Performance and Sport Areas. Also, Hecker Design, LLC, presented on Common Accessibility Issues, Litigation and Resolutions. Two hundred four (204) registrants participated in the Zoom conference.

### **Trainings:**

- Coordinated and presented six (6) virtual basic trainings designed to provide foundational information to prepare program participants for more complex topics to be covered at the annual conference.

### **U.S. Access Board Webinars:**

- Participated in nineteen (19) webinars conducted by the Disability and Business Technical Assistance Center and the U.S. Access Board, and Fair Housing Accessibility First.

## 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.

- No requests for an Interpretive Opinion were submitted this fiscal year.

## 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 two (2) projects were submitted for review this fiscal year.

- Nu'uuanu Reservoir No. 1 Improvements - Draft Environmental Assessment, A Finding of No Significant Impact.
- Draft Environmental Assessment Collection System Maintenance Pearl City Warehouse.

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Kenneth S. Fink, M.D, MGA, MPH, Director of Health  
Kirby L. Shaw, JD, MPA, Executive Director

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