

1 PAPERWORK REDUCTION ACT SUBMISSION

Supporting Statement

Agency: United States Access Board

Title: Renewal of OMB Approval for Online Architectural Barriers Act (ABA)
Complaint Form

A. Justification

- 1. Circumstances of Information Collection:** Pursuant to Sec. 502(b)(1) of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 792(b)(1)), and its implementing regulations at 36 CFR Part 1150, 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 the Online Complaint Form, e-mail, mail or fax; no specific format is required. Well over 90% of complaints are filed using the Online Complaint Form, due in part to the fact that the form is user-friendly and guides complainants through every step of the filing process.

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, in providing the Online Complaint Form as a filing option, has greatly streamlined and simplified the process for submitting complaints under the Architectural Barriers Act (ABA) – resulting in faster complaint processing. This enables the Access Board to process and investigate complaints as required by statutory mandate.
- 3. Use of Information Technology:** The use of this accessible and user-friendly online information collection instrument (an online form available on the Access Board’s website at http://cts.access-board.gov/formsiq/form.do?formset_id=2&ds=fdd&reload=true) walks complainants through the complaint filing process by assisting them in identifying and provide the basic information necessary for the Access Board to initiate an investigation, and to curtail against the inclusion of irrelevant information in complaints. (*Note:* a PDF with screenshots of the different pages of the Online ABA Complaint Form is included with this submission; kindly also note that to see any pages of the form at the live hyperlink, above, dummy data must be entered in the required data fields in order to advance through the form). Furthermore, since the form calls for complainants to enter information pertaining only to architectural barriers in a particular building or facility, staff have seen a dramatic decrease in the number of complaints related to issues outside the Board’s control, such as complaints related to income taxes, Social Security, parking enforcement, and government benefits. The collection allows complainants to submit ABA complaints electronically, 24 hours a day/seven days a week, and receive notification that their complaint has been successfully filed, together with an automatically generated complaint number for them to use when making inquiries about the status of their complaint. In addition, complainants are able to attach electronic files containing pictures, drawings, or other relevant documents to the online complaint when it is filed; this information often gives staff a greater understanding of the complaint allegations and results in faster complaint processing, without the need for staff to attempt to get clarifying information from complainants after they have filed a complaint. Of course, if complainants prefer, they can continue to file complaints via 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:** Since 2013, the Access Board has offered the Online Complaint Form as a filing option for ABA complaints, and since then, the number of individuals filing their

complaints using the form has steadily increased. Currently, well over 90% of ABA complaints submitted to the Access Board are submitted via the Online Complaint Form. The Online Complaint Form is the easiest filing method for most individuals because it is clear, user-friendly, and captures all of the data necessary for investigating a complaint. If complaint filing were to no longer be conducted via the form, the Access Board would revert to receiving most complaints via mail or e-mail – resulting in incomplete submissions, increased burden on complainants, and added staff time (since complaint data would have to be rekeyed into the Access Board complaint tracking system prior to processing), all of which add 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 July 26, 2016, at 81 FR 48739-40, allowing for a 60-day comment period. The comment period expired on September 26, 2016.

Comments were invited on:

- 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;
- the accuracy of the estimated burden of the proposed collection of information;
- ways to enhance the quality, utility, and clarity of the information from respondents; and
- 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 one comment in response to the Notice, but it was not at all related to the collection itself.

The Access Board published a Notice in the *Federal Register* on November 29, 2016, at 81 FR 85926-27, allowing for a 30-day comment period (and instructing that comments on the information collection be sent to the Board's Desk Officer in OIRA). The comment period closed on December 29, 2016. The Access Board did not receive comments in response to the Notice.

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 complainants' 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 Online Complaint Form, depending on the number of alleged barriers the complainant identifies.

The following figures were derived from past experience in investigating ABA complaints.

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 an ABA complaint. The cost to such individuals is \$0. In fact, use of the Online Complaint Form has relieved much of the burden that the prior practice of mailing paper complaints put on complainants.

14. Estimate of Annualized Cost to The Federal Government: The agency has not seen any increase in the total number of complaints filed as a result of using this Online Complaint Form. In fact, use of the form has streamlined the handling of new complaints that are submitted, resulting in quicker complaint handling.

15. Changes in Burden: None

16. Time Schedule, Publication and Analysis Plans: The Access Board uses some of the information collected on this form for internal program management purposes.

17. Display of Expiration Date: The form will display the expiration date for OMB approval of the information collection.

18. Exceptions to Certification Statement: The Access Board does not request an exception to the certification of this information collection.

19. Collection of Information Employing Statistical Methods: This section is not applicable.