• Independent Federal agency
• Promulgate guidelines and standards for accessible design
• Provide technical assistance and training
• Provide enforcement limited to the Architectural Barriers Act
Examples of Current Board Rulemaking Projects

- Information and Communications Technology
- Medical Diagnostic Equipment
- Passenger Vessels
- Outdoor developed areas
- Public Rights-of-Way
- Rail vehicles
Typical Rulemaking Process (1)

- Statutory authority
- Preparation of proposed rule (NPRM) – includes preamble and text
- Regulatory impact analysis (RIA)
- 1st OMB review (up to 90 days)
- Publish NPRM in Federal Register & regulations.gov
Typical Rulemaking Process (2)

- Public comments (normally 30-120 days)
- Prepare final rule based on review of comments
- Amend RIA as needed
- 2nd OMB review
- Publish final rule in Federal Register
Other Possible Steps

- Form an advisory committee
- Form regulatory negotiation committee
- Hold public hearings during public comment period
- Publish an ANPRM -- with OMB review, public comments and hearings
- Publish a SNPRM -- with OMB review, public comments and hearings
- Publish technical assistance to accompany text
Guiding Values

- Open process
- Inclusive process
- Harmonization with other standards
- Goal: enforceable consensus standards
Sometimes a 2-tiered process for implementation of an enforceable rule

- WCAG > AB 508 Standards
- AB Section 508 Standards > FAR
- AB ADA Guidelines > DOJ ADA Standards
- AB 255 Guidelines > FCC rule
Rulemaking Requirements

- Multiple executive orders, OMB Bulletins, statutes and other actions may apply
- Examples include:
  - OMB Circular A-119
  - Federal Advisory Committee Act
  - E.O.12866, Regulatory Planning and Review
- See DOT document:
  http://www.dot.gov/regulations/rulemaking-requirements-1
Lessons Learned

• Rulemaking advance planning, includes:
  – Summary of actions to be taken with timeline
  – Budgetary and staffing resources
  – Other related federal rulemaking coordination
  – Harmonization with other standards/guidelines
  – Research needs
  – Regulatory assessment plan
  – Past policy decisions

• Consider future updates in portions
Resources

- A Guide to the Rulemaking Process

- Cornell e-Rulemaking Initiative (Regulation Room)
  http://www.lawschool.cornell.edu/ceri/

- Reg map featured by OMB and developed by ICF with assistance from GSA
The Reg Map
Informal Rulemaking

Step One
Step Two
Step Three
Step Four
Step Five
Step Six
Step Seven
Step Eight
Step Nine

Using The Reg Map

Specific Analyses for Draft, Final, and Service
Regulatory Planning and Review (5 U.S.C. 553)
Regulatory Analysis of Promulgation南阳 (5 U.S.C. 553)
Indian Only Authority (5 U.S.C. 553)

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How to Reach the U.S. Access Board

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