



Federal Register

**Friday,
November 26, 2004**

Part IV

Architectural and Transportation Barriers Compliance Board

36 CFR Part 1195

**Americans With Disabilities Act (ADA)
Accessibility Guidelines for Passenger
Vessels; Large and Small Vessels;
Proposed Rule**

49 CFR Part 37

**Nondiscrimination on the Basis of
Disability: Passenger Vessels; Proposed
Rule**

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1195

[Docket No. 2004-1]

RIN 3014-AA11

Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels; Large Vessels

AGENCY: Architectural and
Transportation Barriers Compliance
Board.

ACTION: Availability of draft guidelines;
notice of hearing.

SUMMARY: The Architectural and
Transportation Barriers Compliance
Board (Access Board) has placed in the
docket and on its Web site for public
review and comment draft guidelines
which address accessibility to and in
passenger vessels which are permitted
to carry more than 150 passengers or
more than 49 overnight passengers.
Comments will be accepted on the draft
guidelines and the Access Board will
consider those comments prior to
issuing a notice of proposed rulemaking.

DATES: Comments on the draft
guidelines must be received by March
28, 2005. Late comments will be
considered to the extent practicable.
The Access Board will hold a hearing on
January 10, 2005 from 1:30 p.m. until
4:30 p.m.

ADDRESSES: Comments should be sent to
the Office of Technical and Information
Services, Architectural and
Transportation Barriers Compliance
Board, 1331 F Street NW., Suite 1000,
Washington, DC 20004-1111. E-mail
comments should be sent to
pvag@access-board.gov. Comments sent
by e-mail will be considered only if they
contain the full name and address of the
sender in the text. Comments will be
available for inspection at the above
address from 9 a.m. to 5 p.m. on regular
business days. The hearing on January
10, 2005 will be held at the Marriott at
Metro Center Hotel, 775 12th Street,
NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Paul
Beatty, Office of Technical and
Information Services, Architectural and
Transportation Barriers Compliance
Board, 1331 F Street, NW., Suite 1000,
Washington DC 20004-1111. Telephone
number (202) 272-0012 (voice); (202)
272-0082 (TTY); Electronic mail
address: pvag@access-board.gov.

SUPPLEMENTARY INFORMATION: In 1998,
the Access Board established a 21-
member Federal advisory committee to

provide recommendations to assist the
Board in developing passenger vessel
accessibility guidelines. The committee
included disability organizations,
industry trade groups, State and local
government agencies, and passenger
vessel operators. The Passenger Vessel
Access Advisory Committee (PVAAC)
met nine times between September 1998
and September 2000 and submitted a
final report "Recommendations for
Accessibility Guidelines for Passenger
Vessels" ([http://www.access-board.gov/
pvaac/commrept/index.htm](http://www.access-board.gov/pvaac/commrept/index.htm)) to the
Board in December 2000. The PVAAC
report provided recommendations on
access to elements, rooms, spaces, and
facilities on passenger vessels and how
to provide access on and off such
vessels.

The Access Board convened an ad hoc
committee of Board members to review
the PVAAC report. After reviewing the
PVAAC report in detail, the Board's ad
hoc committee prepared draft guidelines
addressing accessibility to and in
passenger vessels which carry more
than 150 passengers or more than 49
overnight passengers. The Access Board
is making the recommendations of the
ad hoc committee available in the form
of draft guidelines for public review and
comment prior to issuing a notice of
proposed rulemaking. The Board's draft
guidelines along with supplementary
information have been placed in the
rulemaking docket and on the Board's
Web site. The Board will issue a notice
of proposed rulemaking (NPRM)
following a review of comments
received.

In addition to welcoming written
comments, the Board will hold a
hearing on January 10, 2005 to give the
public an additional opportunity to
provide input on the Board's draft
guidelines. Interested members of the
public are encouraged to contact the
Access Board at (202) 272-0012 (voice)
or (202) 272-0082 (TTY) to pre-register
to attend the hearing. A second hearing
may be held later in 2005. The location,
date, and time of the second hearing
will be announced in a subsequent
Federal Register notice and on the
Board's Web site. The hearings will be
accessible to persons with disabilities.
Sign language interpreters and an
assistive listening system will be
available. Persons attending the
hearings are requested to refrain from
using perfume, cologne, and other
fragrances for the comfort of other
participants.

The Board has also drafted a plan for
conducting a regulatory assessment of
the passenger vessels guidelines. The
plan provides for evaluating the
potential impacts of the guidelines on

new construction of passenger vessels
through case studies, and outlines some
methods for examining the impacts of
the guidelines on alterations to
passenger vessels. The plan is available
for public review and the Board invites
comment on the plan. Also, today the
Board published an advance notice of
proposed rulemaking (ANPRM) in the
Federal Register to gather information
on accessibility to and in smaller
passenger vessels. This information will
assist the Board in developing a
proposed rule on accessibility
guidelines for passenger vessels which
carry 150 or fewer passengers or 49 or
fewer overnight passengers.

The Department of Transportation
(DOT) is conducting a separate
rulemaking to adopt the Access Board's
guidelines as accessibility standards for
passenger vessels covered by the ADA.
The DOT rulemaking will also address
operational issues related to passenger
vessels. DOT has issued a separate
advance notice of proposed rulemaking
(ANPRM) in today's **Federal Register**
related to its rulemaking.

Availability of Copies and Electronic Access

Single copies of the passenger vessels
rulemaking (Availability of Draft
Guidelines, Draft Guidelines and
Supplementary Information, Draft Plan
for Regulatory Assessment, and ANPRM
on Access to and in Smaller Passenger
Vessels) may be obtained at no cost by
calling the Access Board's automated
publications order line (202) 272-0080,
by pressing 2 on the telephone keypad,
then 1 and requesting publication S-45.
Please record your name, address,
telephone number and publication code
S-45. Persons using a TTY should call
(202) 272-0082. Documents are
available in alternate formats upon
request. Persons who want a publication
in an alternate format should specify the
type of format (cassette tape, Braille,
large print, or ASCII disk). Documents
are also available on the Board's Web
site (<http://www.access-board.gov>).

Emil H. Frankel,

*Chair, Architectural and Transportation
Barriers Compliance Board.*

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