



# Federal Register

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**Friday,  
November 26, 2004**

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## **Part IV**

# **Architectural and Transportation Barriers Compliance Board**

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### **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](mailto: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](mailto: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.*

[FR Doc. 04-26000 Filed 11-24-04; 8:45 am]

BILLING CODE 8150-01-P