

**ARCHITECTURAL AND
TRANSPORTATION BARRIERS
COMPLIANCE BOARD**

36 CFR Parts 1190 and 1191

[Docket No. 02–2]

RIN 3014–AA20

**Americans With Disabilities Act (ADA)
Accessibility Guidelines for Buildings
and Facilities; Architectural Barriers
Act (ABA) Accessibility Guidelines;
Recreation Facilities**

AGENCY: Architectural and
Transportation Barriers Compliance
Board.

ACTION: Supplemental notice of
proposed rulemaking.

SUMMARY: The Architectural and
Transportation Barriers Compliance
Board (Access Board) has issued final
rules to supplement the accessibility
guidelines for buildings and facilities
covered by the Americans With
Disabilities Act by adding provisions for
recreation facilities. The Access Board
proposes to make the provisions in
these final rules also apply to federally
financed facilities covered by the
Architectural Barriers Act. This action
would make the accessibility guidelines
for recreation facilities covered by these
laws consistent and ensure that
individuals with disabilities are
provided the same level of access to
recreation facilities operated by Federal
agencies, as is provided by State and
local governments and private entities.

DATES: Comments must be received by
October 3, 2002.

ADDRESSES: Comments should be sent to
the Office of Technical and
Informational Services, Architectural
and Transportation Barriers Compliance
Board, 1331 F Street NW., suite 1000,
Washington, DC 20004–1111. E-mail
comments should be sent to
greenwell@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.

FOR FURTHER INFORMATION CONTACT:
Peggy Greenwell, 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) 272–0017 (voice); (202)
272–0082 (TTY). Electronic mail
address: greenwell@access-board.gov.

SUPPLEMENTARY INFORMATION: In 1999,
the Access Board issued a notice of
proposed rulemaking to revise and
update the accessibility guidelines for
buildings and facilities covered by the
Americans with Disabilities Act (ADA)
and the Architectural Barriers Act
(ABA). 64 FR 62248 (November
16, 1999). One of the purposes of the
rulemaking is to make the ADA and
ABA accessibility guidelines more
consistent. The Access Board plans to
issue a final rule to revise and update
the ADA and ABA accessibility
guidelines later this year.

The Access Board conducted separate
rulemakings to supplement the ADA
accessibility guidelines by adding
provisions for play areas and other
recreation facilities. A final rule adding
provisions for play areas was issued in
2000. 65 FR 62498 (October 18, 2000).

A final rule adding provisions for
other recreation facilities, including
amusement rides, boating facilities,
fishing piers and platforms, golf courses
and driving ranges, miniature golf,
exercise equipment, bowling lanes,
shooting facilities, swimming pools,
wading pools, and spas, is issued
elsewhere in today's **Federal Register**.
The final rule issued in today's **Federal
Register** also reprints the provisions for
play areas that were issued in 2000. The
Access Board will incorporate the
provisions for play areas and the other
recreation facilities in the final rule to
revise and update the ADA and ABA
accessibility guidelines when it is
issued later this year.

When the notice of proposed
rulemaking for the other recreation
facilities was issued, the notice stated
that the Access Board would take action
in the future to make the provisions
applicable to federally financed
facilities covered by the ABA, and
encouraged Federal agencies and other
interested persons to comment on the
provisions as they relate to those
facilities. 64 FR 37327 (July 9, 1999).
Federal agencies commented on the

notice. Although the notice of proposed
rulemaking for play areas did not refer
to federally financed facilities covered
by the ABA, Federal agencies which
operate child care centers and schools
that may construct or alter play areas are
members of the Access Board and
participated in the rulemaking. 63 FR
24080 (April 30, 1998).

The purpose of this notice is to inform
the public that the Access Board
proposes to make the provisions in the
final rules for play areas and other
recreation facilities apply to federally
financed facilities covered by the ABA.
As indicated above, the provisions for
play areas and other recreation facilities
will be incorporated in the final rule to
revise and update the ADA and ABA
guidelines when issued later this year.

This final rules for play areas and
other recreation facilities are significant
regulatory actions under Executive
Order 12866 and have been reviewed by
the Office of Management and Budget.
The Access Board assessed the benefits
and costs of the final rules. The
assessments have been placed in the
public docket and are available for
inspection. The assessments are also
available on the Board's Internet site
(<http://www.access-board.gov>).

This action will affect Federal
agencies which operate child care
centers and schools that may construct
or alter play areas, and Federal agencies
that construct or alter other recreation
facilities covered by the final rules. To
the extent data was available on play
areas and other recreation facilities
constructed or altered by Federal
agencies, it was included in the
assessments.

The Access Board prepared initial and
final regulatory flexibility analyses for
the proposed and final rules for play
areas and other recreation facilities. As
indicated above, this action will affect
Federal agencies and does not require
the preparation of any additional
analyses under the Regulatory
Flexibility Act.

Thurman M. Davis, Sr.,

*Chair, Architectural and Transportation
Barriers Compliance Board.*

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