

constructed and altered play facilities covered by the Americans with Disabilities Act and the Architectural Barriers Act. The regulatory negotiation committee will be composed of organizations who represent the interests affected by the accessibility guidelines for play facilities. The Access Board invites comments on the proposal to establish the regulatory negotiation committee and the proposed committee membership.

**DATES:** Comments should be received by January 22, 1996.

**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, D.C. 20004-1111. Fax number (202) 272-5447.

**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, D.C. 20004-1111. Telephone number (202) 272-5434 extension 34 (Voice); (202) 272-5449 (TTY). This document is available in alternate formats (cassette tape, braille, large print, or computer disc) upon request.

**SUPPLEMENTARY INFORMATION:** The Architectural and Transportation Barriers Compliance Board (Access Board) is responsible for developing accessibility guidelines under the Americans with Disabilities Act and the Architectural Barriers Act to ensure that new construction and alterations of facilities covered by the laws are readily accessible to and usable by individuals with disabilities.<sup>1</sup> In July 1993, the

Access Board established the Recreation Access Advisory Committee to examine various types of recreation facilities and make recommendations for accessibility guidelines for the facilities. The committee presented its recommendations in July 1994 covering six types of recreation facilities: sports facilities; places of amusement; play facilities; golf facilities; boating and fishing facilities; and outdoor developed areas. The Access Board issued an advance notice of proposed rulemaking (ANPRM) in September 1994 inviting public comment on the committee's recommendations. 59 FR 48542 (September 21, 1994). Comments received in response to the ANPRM generally supported the committee's recommendations. However, the comments revealed that there is not presently consensus on some major issues regarding play facilities and outdoor developed area among interests that potentially would be affected by accessibility guidelines for those facilities.

The Access Board proposes to establish a regulatory negotiation committee to develop a proposed rule on accessibility guidelines for play facilities. Regulatory negotiation is a supplement to the traditional rulemaking process that allows for face-to-face negotiations among representatives of affected interests, including the agency, with a goal of arriving at a consensus decision on the text of a proposed rule. The proposed rule is then published in the Federal Register and the public has an opportunity to comment.

Play facilities are commonly found in schools, parks, day care centers, and other settings designed for children. Play facilities include equipment such as slides, swings and ladders; areas designed for play activities such as sand play areas; and soft contained play structures. Among the issues to be considered in developing the accessibility guidelines are providing an accessible route within play facilities and providing access to elevated play equipment and structures.

The following interests are likely to be significantly affected by accessibility guidelines for play facilities:

- Manufactures and designers;
- State and local governments;
- Schools, parks, and day care centers;
- Individuals with disabilities;
- Voluntary standard groups; and
- Federal government.

The Access Board proposes to appoint the following organizations to represent the interests identified above on the regulatory negotiation committee:

Playground Equipment Manufacturers Association  
American Society of Landscape Architects  
International City/County Management Association  
National Association of Counties  
National League of Cities  
National Association of Elementary School Principals  
National Recreation and Park Association  
National Child Care Association  
National Council on Independent Living  
National Easter Seal Society  
TASH<sup>2</sup>  
Spina Bifida Association of America  
The Council for Exceptional Children  
United Cerebral Palsy Association  
ASTM<sup>3</sup> Public Playground Committee (F 15.29)  
ASTM<sup>3</sup> Soft Contained Play Committee (F 15.36)  
Access Board

Comments are invited on the proposal to establish the regulatory negotiation committee and the proposed membership of the committee. Persons who will be significantly affected by the accessibility guidelines for play facilities and who believe that their interests will not be adequately represented by the above organizations may apply for, or nominate another person for, membership on the regulatory negotiation committee. Applications or nominations should include the following information: (i) The name of the applicant or nominee and the interest that the person proposes to represent; (ii) evidence that the applicant or nominee is authorized to represent an organization or other parties having interests similar to the interests the person proposes to represent; (iii) a written commitment that the applicant or nominee would participate in good faith; and (iv) the reasons that the organizations specified in this notice do not adequately represent the interests that applicant or nominee proposes to represent.

For regulatory negotiation to be effective, the size of the committee will be limited. Each person or organization affected by accessibility guidelines for play facilities need not have its own representative on the regulatory negotiation committee. Rather, each interest must be adequately represented and the membership must be fairly balanced. Meetings of the regulatory negotiation committee will be announced in the Federal Register. The meeting will be open to the public and anyone may attend the meetings and confer with or provide their views to members of the regulatory negotiation committee.

<sup>2</sup> The Association for Persons with Severe Handicaps.

<sup>3</sup> American Society for Testing and Materials.

<sup>1</sup> The Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*) is a comprehensive civil rights law which prohibits discrimination on the basis of disability and requires, among other things, that newly constructed and altered State and local government facilities, places of public accommodation, and commercial facilities be readily accessible to and usable by individuals with disabilities.

The Architectural Barriers Act (42 U.S.C. 4151 *et seq.*) requires that certain federally financed facilities be readily accessible to and usable by individuals with disabilities.

The Access Board is an independent Federal agency established by section 502 of the Rehabilitation Act (29 U.S.C. 792) whose primary mission is to promote accessibility for individuals with disabilities. The Access Board consists of 25 members. Thirteen are appointed by the President from among the public, a majority of who are required to be individuals with disabilities. The other twelve are heads of the following Federal agencies or their designees whose positions are Executive Level IV or above: The Departments of Health and Human Services, Education, Transportation, Housing and Urban Development, Labor, Interior, Defense, Justice, Veterans Affairs, and Commerce; General Services Administration; and United States Postal Services.