

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Public Rights-of-Way; Access Advisory Committee

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of intent to establish advisory committee.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) announces its intent to establish a Public Rights-of-Way Access Advisory Committee (Committee) to make recommendations for accessibility guidelines for public rights-of-way covered by the Americans with Disabilities Act of 1990 and the Architectural Barriers Act of 1968. The Access Board requests applications for representatives to serve on the Committee.

DATES: Applications should be received by September 27, 1999.

ADDRESSES: Applications 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. Fax number (202) 272-5447. Applications may also be sent via electronic mail to the Access Board at the following address: windley@access-board.gov.

FOR FURTHER INFORMATION CONTACT: Scott Windley, 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) 272-5434 extension 25 (Voice); (202) 272-5449 (TTY).

SUPPLEMENTARY INFORMATION:

Availability of Copies and Electronic Access

Single copies of this publication may be obtained at no cost by calling the Access Board's automated publications order line (202) 272-5434, by pressing 1 on the telephone keypad, then 1 again, and requesting publication N-03 (Public Rights-of-Way Access Advisory Committee notice). Persons using a TTY should call (202) 272-5449. Please record a name, address, telephone number and request publication N-03. This document is available in alternate formats upon request. Persons who want a copy in an alternate format should specify the type of format (cassette tape, Braille, large print, or computer disk). This document is also available on the Board's Internet site ([http://](http://www.access-board.gov/notices/prowac.htm)

www.access-board.gov/notices/prowac.htm).

Background

The Architectural and Transportation Barriers Compliance Board (Access Board) is responsible for developing accessibility guidelines under the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 *et seq.*) to ensure that facilities and vehicles covered by the law are readily accessible to and usable by individuals with disabilities.¹ The Department of Justice is responsible for issuing final regulations, consistent with the guidelines issued by the Access Board, to implement titles II and III (except for transportation vehicles and facilities). The Department of Transportation is responsible for issuing regulations to implement the transportation provisions of titles II and III of the ADA. Those regulations must also be consistent with the Access Board's guidelines.

The Architectural Barriers Act of 1968 (ABA) (42 U.S.C. 4151 *et seq.*) requires that facilities designed, built, altered or leased with certain Federal funds be accessible to persons with disabilities. Similar to its responsibility under the ADA, the Access Board is responsible for developing accessibility guidelines for facilities covered by the ABA. The Board's guidelines serve as the basis for enforceable standards issued by four standard-setting agencies; the standard-setting agencies are the Department of Defense (DOD), the General Services Administration (GSA), the Department of Housing and Urban Development (HUD), and the U.S. Postal Service (USPS).²

Rulemaking History

On July 26, 1991, the Access Board published the Americans with Disabilities Act Accessibility Guidelines

¹ 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; the General Services Administration; and the United States Postal Service.

² The Uniform Federal Accessibility Standards (UFAS) were developed by the four standard-setting agencies to implement the Architectural Barriers Act of 1968. Most Federal agencies also reference UFAS as the accessibility standard for buildings and facilities constructed or altered by recipients of Federal financial assistance for purposes of section 504 of the Rehabilitation Act of 1973, as amended.

(ADAAG) for new construction and alterations in places of public accommodation and commercial facilities. 36 CFR part 1191. ADAAG contains scoping provisions and technical specifications generally applicable to buildings and facilities (sections 1 through 4) and additional requirements specifically applicable to certain types of buildings and facilities covered by title III of the ADA: restaurants and cafeterias (section 5); medical care facilities (section 6); mercantile and business facilities (section 7); libraries (section 8); and transient lodging (section 9). On September 6, 1991, the Access Board amended ADAAG to include additional requirements specifically applicable to transportation facilities (section 10).

On December 21, 1992, the Access Board published a notice of proposed rulemaking (NPRM) in the **Federal Register** which proposed to add four special application sections to ADAAG specifically applicable to certain types of State and local government buildings and facilities covered by title II of the ADA. Those special application sections included:

11. Judicial, Legislative, and Regulatory Facilities.
12. Detention and Correctional Facilities.

13. Accessible Residential Housing.
14. Public Rights-of-Way.

The NPRM also proposed requirements and asked questions regarding the addition of miscellaneous provisions specifically applicable to State and local government facilities. 57 FR 60612 (December 21, 1992).

On June 20, 1994, the Board published an interim rule in the **Federal Register** which added sections 11 through 14 and miscellaneous provisions to ADAAG. 59 FR 31676 (June 20, 1994) as corrected at 59 FR 32751 (June 24, 1994). The interim rule sought comment on sections 11 through 14 and the miscellaneous provisions.

On January 13, 1998, the Board published final rules for State and local governments but decided to reserve section 14, due in large measure to the concerns of the transportation community expressed in comments to the Board on the proposed and interim final rules. 63 FR 2000. Many of those commenters, including public works agencies, transportation departments, and traffic consultants, were concerned that the section 14 provisions would be applied to existing developed rights-of-way.

The response to both the NPRM and the interim rule clearly indicated the need for substantial education and outreach regarding the application of

guidelines in this area. Rather than finalizing the guidelines for public rights-of-way, the Board embarked upon an ambitious outreach plan to the highway industry. This outreach included producing a series of videotapes, an accessibility checklist, a synthesis on accessible pedestrian signals, and a design guide on accessible public rights-of-way. In addition, the Board has been actively involved with transportation industry organizations and has worked closely with the Federal Highway Administration on access issues.

The Access Board has reviewed its education and outreach program and the impact of State and local government regulatory efforts in this area, and believes that the development of requirements for accessibility in the public right-of-way is appropriate at this time. At its May 1999 meeting, the Access Board voted to reinstitute rulemaking on accessible pedestrian facilities by convening a Federal advisory committee to develop recommendations for guidelines for public rights-of-way covered by the Americans with Disabilities Act and the Architectural Barriers Act.

Public Rights-of-Way Access Advisory Committee

The Access Board intends to establish a Public Rights-of-Way Access Advisory Committee (Committee) to assist the Board in the process of developing its accessibility guidelines. The Committee will make recommendations to the Access Board on the content and format of the guidelines, including scoping and technical provisions to address access to sidewalks, street crossings, and related pedestrian facilities. The Committee will be expected to present a report with its recommendations to the Access Board within one year of the Committee's first meeting. The Access Board requests applications for representatives of the following interests for membership on the Committee:

- Federal agencies;
- Design professional organizations;
- Transportation and traffic engineering institutes, departments, and organizations;
- State and local government public works and transportation agencies;
- Pedestrian and bicycle organizations;
- Standard setting organizations;
- Organizations representing the access needs of individuals with disabilities; and
- Other persons affected by the accessibility guidelines.

The number of Committee members will be limited to effectively accomplish

the Committee's work and will be balanced in terms of interests represented. Organizations with similar interests are encouraged to submit a single application to represent their interest. Although the Committee will be limited in size, there will be opportunities for the public to present written information to the Committee, to participate through subcommittees, and to comment at Committee meetings.

Applications should be sent to the Access Board at the address listed at the beginning of this notice. The application should include the representative's name (and an alternate), title, address and telephone number; a statement of the interests represented; and a description of the representative's qualifications, including engineering, technical and design expertise and knowledge of making public rights-of-way accessible to individuals with disabilities.

Committee members will not be compensated for their service. The Access Board may, at its own discretion, pay travel expenses for a limited number of persons who would otherwise be unable to participate on the Committee. Committee members will serve as representatives of their organizations, not as individuals. They will not be considered special government employees and will not be required to file confidential financial disclosure reports.

After the applications have been reviewed, the Access Board will publish a notice in the **Federal Register** announcing the appointment of Committee members and the first meeting of the Committee. The first meeting of the Committee is tentatively scheduled for November 8-9, 1999 in Washington, DC. The Committee will operate in accordance with the Federal Advisory Committee Act, 5 U.S.C. app 2. Each meeting will be open to the public. A notice of each meeting will be published in the **Federal Register** at least 15 days in advance of the meeting. Records will be kept of each meeting and made available for public inspection.

Lawrence W. Roffee,

Executive Director.

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COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on

Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on September 1, 1999, at the Tennessee General Assembly Legislative Plaza, Room 30, 6th Avenue and Charlotte Avenue, Nashville, Tennessee 37243. The purpose of the meeting is to discuss the status of the Commission, the Committee's Title VI report, and the problems/progress of civil rights activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Bobby D. Doctor, Director of the Southern Regional Office, 404-562-7000 (TDD 404-562-7004). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 9, 1999.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; FADI BOUTROS, Also Known as Fadi E. Sitto, Fadi Jirjis, and Fred Boutros; Order Denying Permission To Apply for or Use Export Licenses

On April 29, 1999, Fadi Boutros, also known as Fadi E. Sitto, Fadi Jirjis, and Fred Boutros (Boutros), was convicted in the United States District Court for the District of Connecticut on one count of violating Section 38 of the Arms Export Control Act (currently codified at 22 U.S.C.A. § 2778 (1990 & Supp. 1999)) (AECA) and one count of violating the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1991 & Supp. 1999)) (IEEPA). Specifically, Boutros was convicted of willfully attempting to export defense articles on the U.S. Munitions List from the United States to Iraq via Jordan, namely, ITT Aviator Night Vision GEN II AN/AVS 6 systems, without first having obtained the required export license from the United States Department of State, and of willfully dealing and attempting to deal in defense articles on the U.S. Munitions List intended for exportation to Iraq via