Overview of the Proposed Guidelines for Passenger Vessels

This overview highlights provisions in the Access Board’s proposed accessibility guidelines for passenger vessels that were made available for public comment in June 2013. The Board’s published proposal discusses in greater detail provisions of the rule.

Scope of the Guidelines
The guidelines would apply to many different types of vessels, including cruise ships, dinner boats, excursion boats, ferries, tenders, and others according to passenger capacity:

<table>
<thead>
<tr>
<th>Vessel Type</th>
<th>Passenger Capacity</th>
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</thead>
<tbody>
<tr>
<td>Ferries</td>
<td>100 or more</td>
</tr>
<tr>
<td>Tenders</td>
<td>60 or more</td>
</tr>
<tr>
<td>Other Vessels</td>
<td>150 or more or at least 50 overnight passengers</td>
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</tbody>
</table>

Vessels with a lower passenger capacity would not be required to comply with the guidelines because the impacts of compliance are significantly greater. Compliance would be required when a vessel is newly built or altered. Exceptions are included for certain alterations to existing vessels to minimize the impact where constraints or space limitations are encountered.

The guidelines, themselves, would not require existing vessels to be made accessible except where altered. However, ADA regulations from the Department of Justice (DOJ) currently require that public accommodations remove barriers in existing facilities where “readily achievable” and that state and local governments ensure access to programs and services. DOJ, which will implement standards for vessels based on these guidelines, also may address any application to existing vessels for purposes of barrier removal or program access.

What the Guidelines Cover
The guidelines contain provisions that address access to various types of spaces and elements so that vessels are fully accessible to, and usable by, passengers with disabilities. These include boarding systems, passenger decks, toilet and bathing facilities, seating areas, guest rooms, alarms, signs, and drinking fountains. Most requirements apply where a covered element or space is provided on a vessel.

Recognized Constraints and Exceptions
The guidelines include provisions and exceptions that recognize various design and engineering constraints and limitations unique to vessels. The Board conducted 10 case studies assessing the feasibility and impacts of accessibility requirements. These studies, which were undertaken in cooperation with vessel owners and operators, naval architects, and ship builders, identified design changes that would be necessary to meet the guidelines. The Board used this information in crafting provisions and exceptions and preparing an impact assessment of the rule.

Boarding Systems
Technical provisions for boarding systems are included in the guidelines. These provisions address ramps, gangways, boarding lifts, elevators, and other components of accessible boarding. They take into account the dynamic interface between landside facilities and vessels and various challenges posed by marine environments, such as latitudes with extreme tide cycles. For example, slope specifications
for gangways apply except where the length would exceed 120 feet. Some boarding systems are deployed from vessels while others are operated from shoreside facilities. Since the responsibility for them, which may rest with facility or vessel operators according to location, often involves operational considerations beyond the scope of the Board’s rulemaking authority, the guidelines do not specify where accessible boarding is required. DOT and DOJ, which are responsible for issuing standards based on these guidelines, have this regulatory authority and may address provision of accessible boarding in their subsequent rulemaking.

**Vertical Access to Passenger Decks**
The guidelines would require an accessible route to passenger decks and mezzanines. Often, such access would be achieved by elevator or, under certain conditions, platform lifts. A number of exceptions are included for certain types or sizes of vessels where vertical access would have a significant design or engineering impact. These include exceptions for:

- vessels with no more than two passenger decks (unless both are entry decks)
- non-entry passenger decks on vessels where no passenger deck exceeds 3,000 square feet
- decks below the bulkhead deck

**Door Coamings**
Raised thresholds or “coamings” are essential to safety and vessel stability but present barriers to accessibility. They are required by U.S. Coast Guard regulations and international conventions to ensure water-tightness and can be over 3 inches high in some cases. The guidelines contain provisions for ramp access at coamings. Theses specifications are based on research sponsored by the Board and include exceptions where ramp solutions are not viable. To maintain a weather-tight seal at doors with or without coamings, the guidelines allow 3/4” high maximum thresholds at certain doors.

**Vessel Alarm Systems**
The guidelines address emergency alarm systems and access for passengers who are deaf or have hearing loss. These requirements are based on recommendations developed by a Board advisory committee that included representatives from disability organizations, the vessel and cruise ship industry and trade groups, and the National Fire Protection Association. The Passenger Vessel Emergency Alarms Advisory Committee adopted consensus recommendations for vessel alarm systems in public use areas and passenger cabins. Consistent with these recommendations, the guidelines require visual alarm appliances so that alarm systems are equally accessible to passengers who are deaf or have hearing loss.

**Next Rulemaking Steps**
After the 90 day public comment period, the Board will proceed to finalize the guidelines based on the feedback received. The final guidelines will be used by DOT and DOJ to implement mandatory and enforceable standards for passenger vessels.