

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## RAILROAD RETIREMENT BOARD

### 20 CFR Parts 218, 220, and 225

RIN 3220-AB54

#### Retirement Age

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Board proposes to amend its regulations to update the references regarding age required for eligibility for an annuity and for the application of work deductions.

Full retirement age is no longer age 65, but instead ranges from age 65 for those born before 1938 to age 67 for those born in 1960 or later. The Board proposes to amend its regulations to replace obsolete references to "age 65" with a reference to "retirement age".

**DATES:** In order for us to consider your comments on these specific proposals, the Board must receive them by August 16, 2002.

**ADDRESSES:** Submit comments in writing to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092.

**FOR FURTHER INFORMATION CONTACT:** For information specifically about these proposed rules, contact Michael C. Litt, General Attorney, Office of General Counsel, Railroad Retirement Board, (312)751-4929, TDD (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** Section 106 of the Railroad Retirement Solvency Act of 1983, Public Law 98-76, amended the Railroad Retirement Act to replace references to "age 65" with "retirement age (as defined in section 216(l) of the Social Security Act)." Section 216(l) of the Social Security Act defines "retirement age" as follows: with respect to an individual who attains "early retirement age" before January 1, 2000, 65 years of age. "Early retirement age" is defined in the case of old-age, wife's or husband's insurance benefits, as age 62. With respect to individuals who attain early retirement

age after December 31, 1999, the retirement age gradually increases.

The Board proposes to issue regulations that replace references to "age 65" with the phrase "retirement age" in order to conform the regulations to the above-described amendment.

#### Proposed Amendments

The Board proposes to amend parts 218, 220, and 225 to remove the words "age 65" and add in their place the words "full retirement age".

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

#### List of Subjects

##### 20 CFR Part 218

Railroad retirement, Reporting and recordkeeping requirements.

##### 20 CFR Part 220

Railroad retirement.

##### 20 CFR Part 225

Railroad retirement.

For the reasons stated in the preamble, the Railroad Retirement Board proposes to amend 20 CFR, chapter II, parts 218, 220, and 225 as follows:

#### PART 218—ANNUITY BEGINNING AND ENDING DATES

1. The authority citation for part 218 continues to read as follows:

**Authority:** 45 U.S.C. 231f(b)(5).

#### §§ 218.9, 218.12, 218.13, 218.16, 218.17, 218.36, 218.40, 218.43, and 218.44 [Amended]

2. In 20 CFR part 218, remove the words "age 65" wherever they appear and add in their place the words "full retirement age".

- a. § 218.9(a)(2);
- b. § 218.12(b)(2)(ii);
- c. § 218.13(b)(1)(ii), and § 218.13(b)(2)(ii);
- d. § 218.16(b)(2)(ii);
- e. § 218.17(b)(2)(ii);
- f. § 218.36(a)(3), and § 218.36(b);
- g. § 218.40(c)(4);
- h. § 218.43(b)(3), and § 218.43(c)(6);
- i. § 218.44(b)(3), and § 218.44(c)(6).

#### PART 220—DETERMINING DISABILITY

3. The authority citation for part 220 continues to read as follows:

**Authority:** 45 U.S.C. 231a; 45 U.S.C. 231f.

##### § 220.161 [Amended]

4. Amend § 220.161 by removing the words "becomes 65 years old and the disability annuity is converted to an age annuity.", and add in their place the words "attains retirement age and the disability annuity is converted to a full age annuity."

##### § 220.176 [Amended]

5. Amend § 220.176 by removing the words "age 65", and adding in their place the words "full retirement age".

#### PART 225—PRIMARY INSURANCE AMOUNT DETERMINATIONS

6. The authority citation for part 225 continues to read as follows:

**Authority:** 45 U.S.C. 231f(b)(5).

##### § 225.2 [Amended]

7. Amend § 225.2 by removing the wording "216(l)" from the definition of "Base Years", and adding in its place "216(l)".

##### § 225.30 [Amended]

8. Amend § 225.30(a) by removing the words "age 65", and adding in their place the words "full retirement age".

##### § 225.34 [Amended]

- 9. Amend § 225.34 by:
  - a. Removing the words "age 65" from paragraph (a)(1), and adding in their place the words "full retirement age";
  - b. Revising paragraph (b)(3); and
  - c. Adding a new paragraph (b)(4).

##### § 225.34 How the amount of the DRC is figured.

\* \* \* \* \*

(b) \* \* \*  
(3) Employee attains age 65 in 1990 and before 2003. (i) The rate of the DRC (one-fourth of one percent) is increased by one-twenty-fourth of one percent in each even year through 2002. Therefore, depending on when the employee attains age 65, the DRC percent will be as follows:

Year employee attains age 65	Delayed retirement credit percent
1990 .....	7/24 of 1%.
1991 .....	Do.

Year employee attains age 65	Delayed retirement credit percent
1992 .....	1/3 of 1%.
1993 .....	Do.
1994 .....	3/8 of 1%.
1995 .....	Do.
1996 .....	5/12 of 1%.
1997 .....	Do.
1998 .....	11/24 of 1%.
1999 .....	Do.
2000 .....	1/2 of 1%.
2001 .....	Do.
2002 .....	13/24 of 1%.

(ii) The delayed retirement credit equals the appropriate percent of the PIA times the number of months in which the employee is age 65 or older and for which credit is due.

(4) Employee attains full retirement age in 2003 or later. The rate of the DRC (one-fourth of one percent) is increased by one-twenty-fourth of one percent in each even year through 2008. Therefore, depending on when the employee attains full retirement age, the DRC percent will be as follows:

Year employee attains full retirement age	Delayed retirement credit percent
2003 .....	13/24 of 1%.
2004 .....	7/12 of 1%.
2005 .....	Do.
2006 .....	5/8 of 1%.
2007 .....	Do.
2008 and later .....	2/3 of 1%.

\* \* \* \* \*

Dated: June 10, 2002.  
By authority of the Board.  
For the Board.

**Beatrice Ezerski,**  
*Secretary to the Board.*

[FR Doc. 02-15104 Filed 6-14-02; 8:45 am]

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**ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD**

**36 CFR Parts 1190 and 1191**

[Docket No. 02-1]

RIN 3014-AA26

**Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines; Public Rights-of-Way**

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Notice of availability of draft guidelines.

**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 in the public right-of-way. The draft guidelines were recommended by an ad hoc committee of the Access Board after consideration of the recommendations proposed by an advisory committee comprised of representatives from disability organizations, public works departments, transportation and traffic engineering groups, design professionals and civil engineers, Federal agencies, and standards-setting bodies. Comments will be accepted on the draft guidelines and the Access Board will consider those comments prior to issuing a notice of proposed rulemaking. The Access Board will hold an informational meeting on the draft guidelines in Portland, Oregon on October 8, 2002.

**DATES:** Comments on the draft guidelines must be received by October 28, 2002. The Access Board will hold an informational meeting on October 8, 2002 from 8:30 a.m. until 12:30 p.m.

**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 *windley@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 informational meeting on October 8, 2002 will be held at the Hilton Portland, 921 SW Sixth Avenue, Portland, Oregon.

**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) 272-0025 (voice); (202) 272-0082 (TTY). Electronic mail address: *windley@access-board.gov*.

**SUPPLEMENTARY INFORMATION:** In 1999, the Architectural and Transportation Barriers Compliance Board (Access Board) established the Public Rights-of-Way Access Advisory Committee (Committee) to make recommendations on accessibility guidelines for newly constructed and altered public rights-of-way covered by the Americans with Disabilities Act of 1990 and the Architectural Barriers Act of 1968. The Committee was comprised of

representatives from disability organizations, public works departments, transportation and traffic engineering groups, design professionals and civil engineers, pedestrian and bicycle organizations, Federal agencies, and standard-setting bodies. The Committee met on five occasions between December, 1999 and January, 2001. On January 10, 2001, the Committee presented its recommendations on accessible public rights-of-way in a report entitled "Building a True Community." The Committee's report provided recommendations on access to sidewalks, street crossings, and other related pedestrian facilities and addressed various issues and design constraints specific to public rights-of-way. The report is available on the Access Board's Web site at *www.access-board.gov/prowac/commrept/index.htm* or can be ordered by calling the Access Board at (202) 272-0080. Persons using a TTY should call (202) 272-0082. The report 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 ASCII disk.)

The Access Board convened an ad hoc committee of Board members to review the Committee's recommendations. After reviewing the report in detail, the Board's ad hoc committee prepared recommendations for guidelines addressing accessibility in the public right-of-way. 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 draft guidelines along with supplementary information have been placed in the rulemaking docket (Docket No. 02-1) for public review. The draft guidelines and supplementary information are also available on the Access Board's Internet site (*http://www.access-board.gov/rowdraft.htm*). You may also obtain a copy of the draft guidelines and supplementary information by contacting the Access Board at (202) 272-0080. Persons using a TTY should call (202) 272-0082. The documents are 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 ASCII disk.) The Board will issue a notice of proposed rulemaking following a review of comments received.

In addition to welcoming written comments, the Board will hold an informational meeting to provide the public with an additional opportunity to