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Disabilities - Meeting with Disney

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9/21

~~DA~~ ADAAG NPRM

Access Board

UNIVERSITY STUDIOS

ANNOUNCE/BUSSE

DISNEY

INT. Assoc of Amusement Parks

Recreation Advisory Committee is part - Advisory Board

The proposed rule - the Committee ~~was~~ ^{worked}

The proposed final rule (released in July) did not reflect these discussions.

Problems: creating many structural irregularities and applying building standards on rides.

Disney - they are creating access.

1 in 100 requirement - interferes with cycle limit of rides.

Dispersion requirement is also a problem because it could frequently stop the ride.

transfer requirement ^{for seats} is a problem b/c - its not necessary + takes too much time.

Smaller operators might have problem w/ seating weight requirements b/c it could tip balance/emerging problem.

- 1st proposal had a lot of industry proposal - 94
- 2nd time around - almost none - new board might not have had educational process.

Universities New York - is totally accessible modelled on 94 rule.

- Thrill parks are less accessible.

70% of index are produced abroad.

How many members are on the Board?

MEMORANDUM

To: John Spotila
From: Danny Werfel
Date: 9/17/99
RE: Background Material on the "Americans with Disabilities Act Accessibility Guidelines (ADAAG); Recreation Facilities" NPRM

Background on the Access Board and its Rulemaking Process: The Architectural and Transportation Barriers Compliance Board (Access Board) was created by the Rehab Act of 1973. Under the ADA (1990), the Access Board is empowered to issue minimum guidelines and standards for accessibility to public accommodations and commercial facilities. Under the law, DOJ must promulgate regulations consistent with the Board's recommendation. Thus, once these standards go final, DOJ will have to act on them through their own notice and comment rulemaking.

Timing of the Proposed Rule: The Access Board's Recreational Facilities NPRM was published on July 9, 1999. The comment period ends in late November.

Background on the Rule: This major rule outlines the requirements owners and operators of recreational facilities must follow in ensuring access for individuals with disabilities. The rule applies to newly built (or substantially altered) amusement rides, boating facilities, fishing piers and platforms, golf and miniature golf courses, playing fields (e.g., baseball and football fields), swimming pools, bowling lanes, and exercise equipment.

The proposal significantly increases access for the disabled to these facilities. We anticipate that the regulated community (i.e. Disney) will feel that the proposal is too far-reaching and expensive.

In terms of amusement park rides, the rule requires:

- One wheel chair space and one transfer seat (i.e. seat where an individual can be transferred from wheel chair) for every 100 fixed seats. For rides with less than 100 seats, at least one wheel chair space and transfer seat would still need to be provided. [Two transfer seats, rather than 1 wheel chair space and 1 transfer seat, is acceptable if it is not "operationally or structurally feasible" to provide wheelchair spaces (e.g., on a looping roller coaster)].
- If the ride has shoulder to shoulder seats (or companion seats) then the wheel chair space must have a fixed seat next to it. In other words, the rule would not allow the wheel chair to be in a row by itself, when all the other fixed seats are done in pairs.
- One storage space for a wheel chair must be provided for every fixed 100 seats.

- An accessible area for individuals with disabilities to board the ride, where the floor height of the loading and unloading area are basically flush with the floor of the amusement device.
[Sloped ramps can only be used if it is not "operationally or structurally feasible" to make it flush].

Based on the Access Board's cost analysis, the cost of the amusement park provisions would run in range of \$23,305,000 to \$185,850,000 annually.

Other significant provisions with the rule:

- Fishing Piers. 25% of all railing space on fishing piers need to be at a lower height than the traditional 42 inches to allow for an individual in a wheel chair to fish.
- Boating Facilities. Ramps (that can cost up to \$200,000) would be required to bridge land to floating docks.
- Golf courses. Golf carts or other appropriate motorized vehicles transporting individuals with disabilities must be able to access the putting green surface. Also, each hole must have at least one of the teeing off areas accessible, and if the hole has two or more teeing off areas (e.g., "the white tees and the blue tees"), then at least 2 must be accessible.
- Swimming pools. Smaller pools will require one means of entry (a sloped entry or a mechanical lift). Larger pools will require at least two means of entry.
- Baseball dugouts. Requires ramps (with strict slope requirements) from a recessed dugout to the playing field. Despite recommendations from the subcommittee working on the reg development, mechanical lifts are not allowed as an option.