ACCESSIBILITY

ADA Update for FECs

Major deadline passes, but issues remain

by Mike Bederka

With roots pushing through the sidewalk, the 35-year-old miniature golf course at Go-Karts Plus, in Williamsburg, Virginia, desperately needed a complete overhaul.

The family entertainment center (FEC) used this facelift as an opportunity to improve the cosmetic appearance as well as upgrade to Americans with Disabilities Act (ADA) standards. “It all fell into place. Why not kill two birds with one stone,” says General Manager Jeff Miller, adding jokingly, “and a very expensive stone at that.”

The renovations, which made 12 of the 19 holes ADA compliant, turned out to be money well spent, though. The once rough-around-the-edges attraction has rejuvenated the entire facility. “I used to be not that proud of our miniature golf, but in the end, it came out as a beautiful project,” says Miller, of the gold-rush themed course, which debuted June 2012. “It’s the best-looking place in the park.”

Where We’ve Been

The U.S. Department of Justice released the ADA rules in 2010, and they went into effect March 15, 2011. On March 15, 2012, recreational venues with golf courses, miniature golf, sporting facilities, amusement rides, and pools and spas were required to comply with the 2010 Standard for new construction and alterations and barrier removal.

ADA requires barrier removal when it’s “readily achievable” or “easily accomplishable without much difficulty or expense.” Businesses with more resources have a higher degree of barrier removal responsibility than a facility with minimal resources.

The U.S. Department of Justice also noted: “Determining what is readily achievable will vary from business to business and sometimes from one year to the next. Changing economic conditions can be taken into consideration in determining what is readily achievable. Economic downturns may force many public accommodations to postpone removing some barriers. The barrier-removal obligation is a continuing one, and it is expected that a business will move forward with its barrier removal efforts when it rebounds from such downturns.”

Also, the rules state that with new construction, 50 percent of holes need to be ADA accessible; these holes must be sequential and connected by an accessible pathway, with no more than one break. Furthermore, both the first and last holes of the course must be accessible, and guests cannot be forced to “backtrack” to play the accessible holes.

For existing mini-golf courses, the ADA rules apply when altering an element. Additionally, 20 percent of the total alteration cost must be set aside to improve accessibility on the path of travel to the altered element. However, a facility is not expected to go beyond the rule, so if half the holes are already accessible and alterations are made on a nonaccessible hole, that hole does not need to be brought into compliance. (For more detailed info, visit www.iaapa.org/safety-and-advocacy/north-america/ada-accessibility)

FEC Reaction

So more than year after the March 2012 deadline, have most FECs followed Miller’s lead and complied with the ADA rules? It’s hard to say exactly.

Arne Lundmark, chief executive officer and chief designer for Adventure Golf Services in Traverse City, Michigan, thinks miniature golf course operators should, at the very least, have a barrier removal plan in place.

It could cost at least $100,000 to make an entire course compliant, but this isn’t what’s required of operators. Under the ADA, when an element (such as a mini-golf hole) undergoes major modification, it also needs to be brought into compliance with the 2010 Standard. (He doesn’t put replacing turf in the major renovation category.) Barrier removal is an ongoing obligation, to be completed to the extent that it is readily achievable, which means it can be completed without much difficulty or expense. Barrier
FECs: Seek ADA Guidance

FECs don’t just cater to families; they’re often run by them. As such, “Aunt Sarah” frequently handles human resources, along with a few other jobs, says Mark Brisson, of Fun Spot Attractions. “They don’t have the time, resources, and perhaps even the training to address the myriad regulations that come out of county, state, and federal governments—not just ADA,” he says.

FECs still should know the basics of all ADA issues and look to consultants, local trade associations, and IAAPA for help with the intricacies, Brisson says.

After all, being lax can be costly, especially for those smaller FECs that would have a harder time absorbing a monetary hit. “If you get sued, you can go out of a business,” he says. “Or if you get fined, you might have to lay someone off.”

removal activities need to be revisited each year, based on a company’s resources.

Lundmark warns people not to be complacent. He reminds operators of the “aggressive people” out there and to be wary of potential lawsuits.

Many operators also feel frustrated, believing they can’t make their holes compliant—a sentiment that Lundmark takes as a challenge. “Many courses can be done,” he says. “It just may be more than you can afford to spend. However, we have helped some owners with reasonably low-cost options.”

Where We’re Going
Aside from mini-golf, ADA addresses other issues in the FEC universe. Last year, the Obama administration clarified what exactly constitutes a service animal, says Mark Brisson, director of marketing for Fun Spot Attractions, with locations in Orlando and Kissimmee, Florida. “That info needs to get out there.”

The rule only applies to miniature horses and dogs. Cats, monkeys, gerbils, and other assorted animals don’t fit the bill. “A person once told me that, ‘By having my snake wrapped around me, it calms me and prevents me from going into an epileptic seizure,’” he recalls. “Prior to 2011, you couldn’t challenge the person.”

Contact Contributing Editor Mike Bederka at mbederka@IAAPA.org.