



CONFERENCE: Nov. 15-18, 2021
TRADE SHOW: Nov. 16-19, 2021

IAAPA.org/IAAPAE expo



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Improve Guest Service by avoiding Common ADA Risks

Bob Minnick, RFM Consultants, LLC



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RFM | Consultants, LLC.

SOLUTIONS FOR SAFE & ACCESSIBLE EXPERIENCES WORLDWIDE



Bob Minnick
President

45+ Years Experience

- Kodak - Manufacturing
- Walt Disney Park & Resorts
 - Architecture & Facility Engineering
 - Facility Safety and Accessibility Worldwide
- Consulting Business
- University of Central Florida
 - Adjunct Professor



DESTROYED BY ITS OWN INVENTION

EASTMAN Kodak brought us the first pictures from the moon but fell victim to the technological revolution on Earth.

George Eastman, a high school dropout in upstate New York, started the company in 1880, making his first photographic plates on his mother's kitchen table. He came up with the name, Kodak, after playing with the letter tiles from a word-making board game.

By 1885, he had invented roll film, enabling Thomas Edison to develop the first working motion picture camera.

The appearance of the first Kodak camera in 1888 was effectively the birth of amateur photography as Eastman's device was infinitely more portable than the existing contraptions.

His first pocket camera swiftly followed and in 1900 came the iconic Brownie, a \$1

cardboard box camera that was intended for anyone to be able to afford and use.

The company never stopped innovating – in 1975, a Kodak engineer invented the digital camera. However, Kodak bosses shelved the project as they saw it as a threat to the film-making business. That side was booming – 80 movies that have won Best Picture Oscars were shot on Kodak film.

In spite of its breakthroughs, Kodak allowed rivals to exploit its inventions which ultimately brought about yesterday's filing for bankruptcy.

As for Eastman, crippled by a spinal disorder, he committed suicide in 1932. His suicide note read: 'To my friends, my work is done. Why wait?'



Customers

- Amusement Parks & Manufacturers
- IAAPA
- City governments
- Grocery Stores
- University of Central Florida



Agenda

- ADA Background
- All Facilities
 - Required services since 1992
 - Required services after March 2012
- Brand building considerations
- Case Studies



ADA Background



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Americans with Disabilities Act (ADA)



- Law effective 1992
- ADA Accessibility Guidelines (ADAAG)
- Updated “2010 ADA”
 - Published Sept 2010
 - Effective March 2012
- *Civil rights law not a building code*

Federal Rulemaking Process



Technical rules	Evaluates financial impact & benefit to society	Civil rights law Adopts technical rules Enforces law
New standards available- easy stay ahead	Has always found “positive net benefit”	Final rule language unknown until law is published.
May take years to adopt		

Key Concept – Technical Infeasibility

Compliance in an alteration is not required where it is “technically infeasible.” The term is defined as “something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.



Key Concept – Alterations to Historic Properties

Alterations to historic properties must comply with the specific provisions governing historic properties in ADAAG, to the maximum extent feasible. However, if following the usual standards would threaten or destroy the historic significance of a feature of the building, alternative standards may be used.



Key Concept – Reasonable Accommodation

A public accommodation shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.



Key Concept – Eligibility Criteria

A public accommodation shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability ... from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered.



Key Concept – Safety

A public accommodation **may impose legitimate safety requirements that are necessary for safe operation.**
Safety requirements **must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.**



Key Concept - Direct Threat

This part **does not require a public accommodation to permit an individual to participate in or benefit** from its goods, services, facilities, privileges, advantages and accommodations **when that individual poses a direct threat to the health or safety of others.**

..... a public accommodation **must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence.....**



Who is a person with a disability?

ADA's very "broad" definition: *An individual or class of individuals:*

With a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing or hearing;

With a history of such an impairment (for example, history of heart disease, cancer, etc.; or

Who is perceived as having a disability (e.g. severe scarring, HIV-Positive, etc).

Americans with Disabilities Act

July 26 1990

Nondiscrimination in:

- Employment and employment testing
- Provision of Goods and services
- **Buildings and Facilities**
- Effective Communication with those having vision or hearing impairment

***1991 ADAAG Standard now replaced with
2010 ADAAG Standard***

2010 Recreation Rules

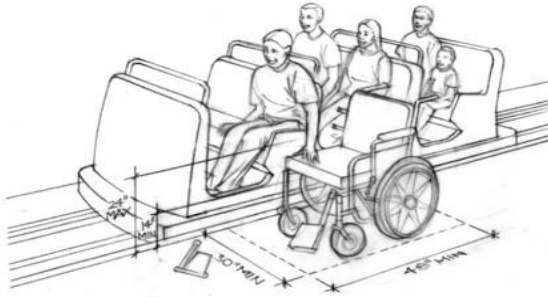
- Amusement Rides & Attractions
- Swimming & Leisure Pools, Spas
- Children's Play Equipment (Dry+Aquatic)
- Miniature Golf
- Fishing Piers & Platforms, Recreational Boating Facilities, Gangways & Docks
- Golf Courses, Sports Courts, Exercise Equipment, Players Seating Areas



Amusement Ride Access

Transfer Seat

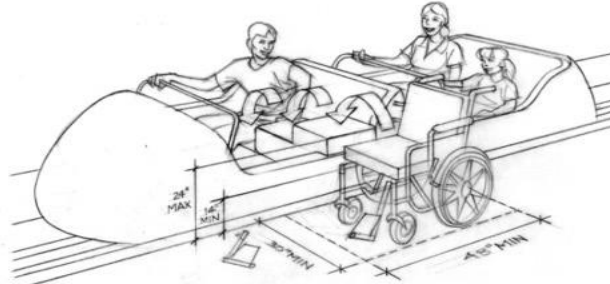
ATTACHMENT #3



SEAT DESIGNED FOR TRANSFER

Transfer Device

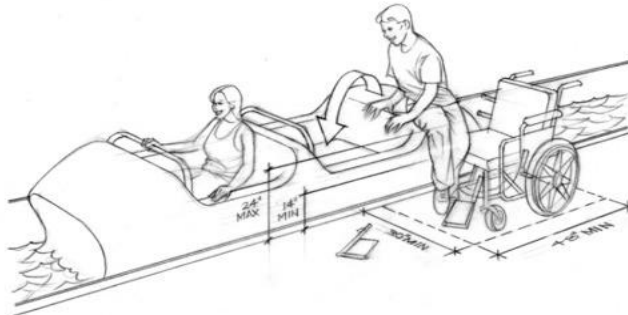
ATTACHMENT #5



TRANSFER DEVICE - PORTABLE TIER

ATTACHMENT #6

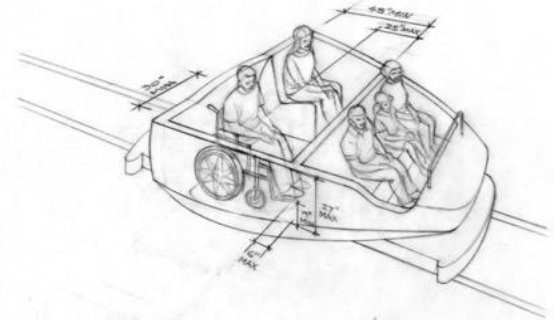
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TRANSFER DEVICE - FIXED TIER

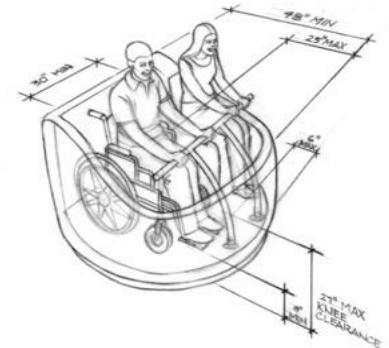
Wheelchair Space

ATTACHMENT #2



WHEELCHAIR SPACE WITH SIDE AND/OR FRONT COMPANION SEATING

ATTACHMENT #1



WHEELCHAIR SPACE WITH SIDE COMPANION SEAT

TRANSFER DEVICE - PORTABLE BENCH

Exempt Attractions

Water Slides
Portable-
Mobile Rides



Exempt Ride Vehicles



Owner's Choice of Access

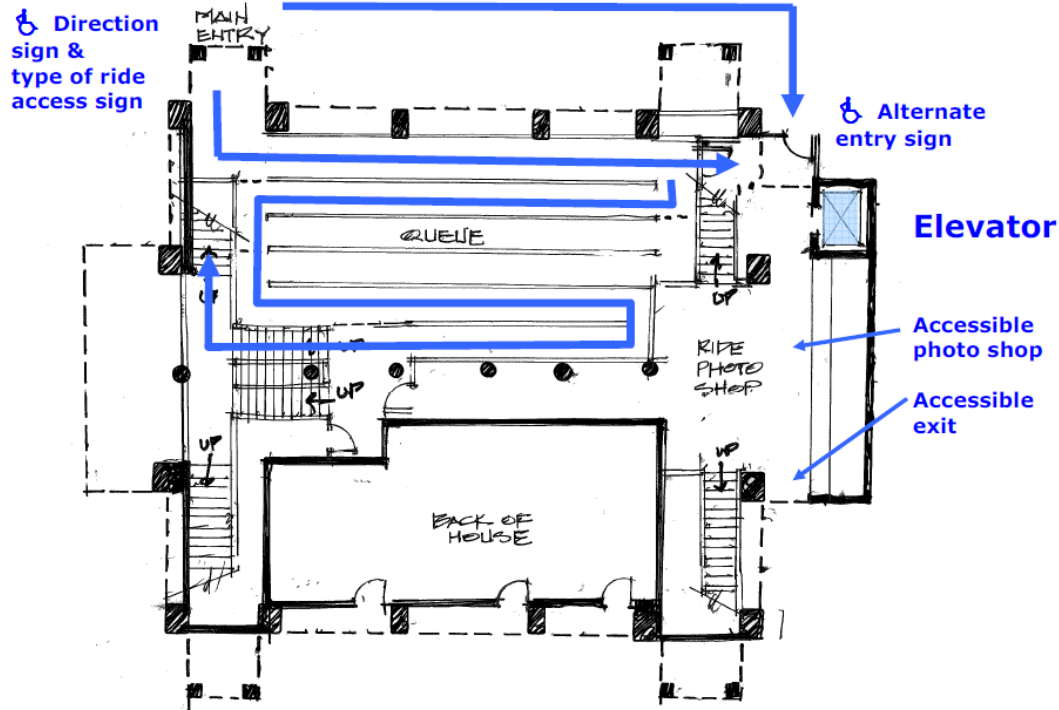
**Direct Wheelchair
Roll-on**



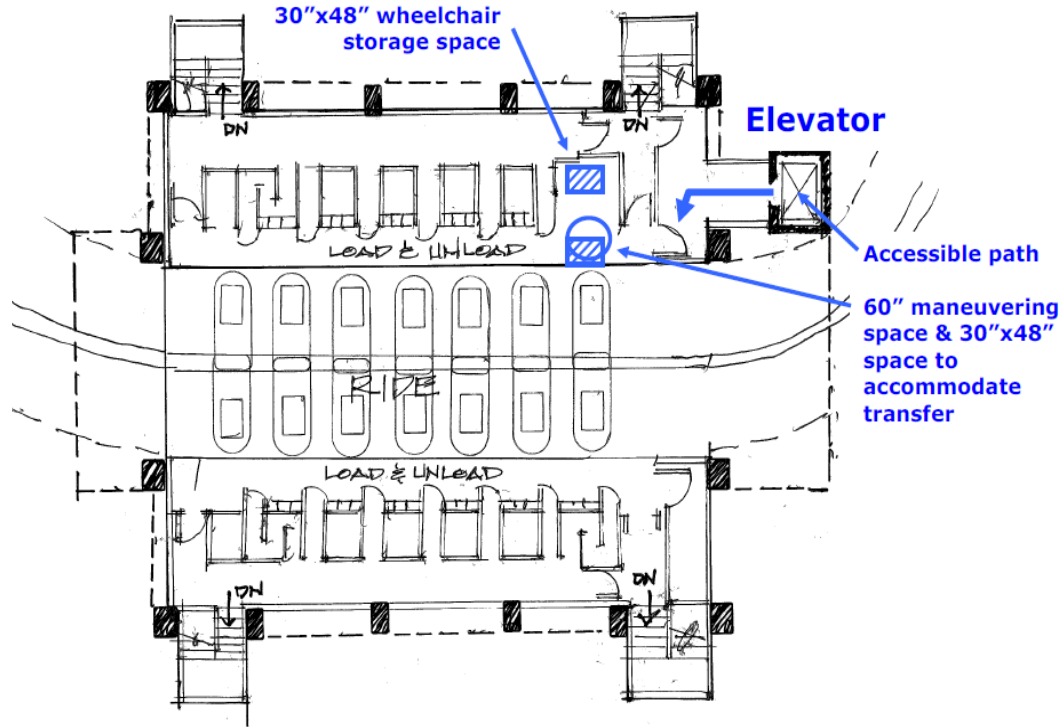
**Transfer Seat or
Transfer Device**



Entry, Signs, & Queue



Load-Unload Platform

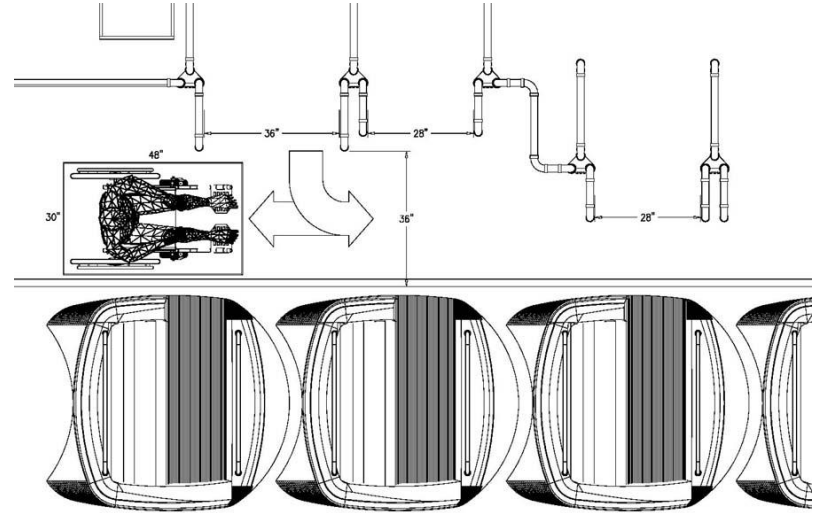
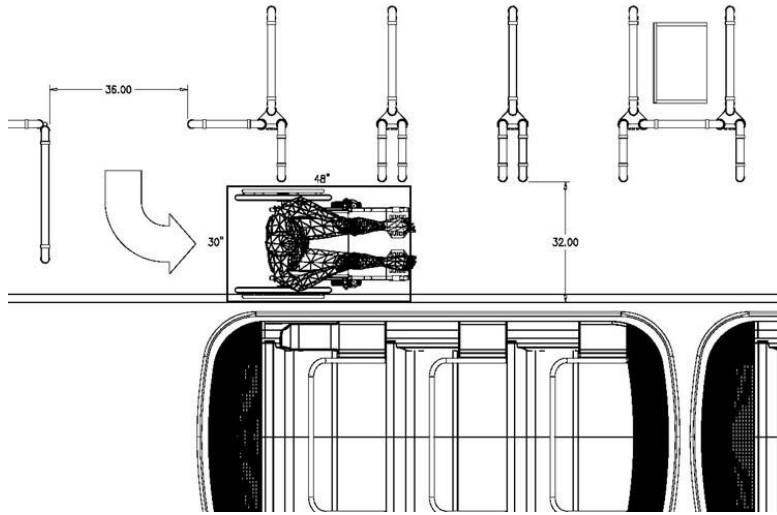


Station Layout

- Space required for the wheelchair adjacent to the ride vehicle is 32 inches by 48 inches, (780mm by 1220mm)
- Clear width through the load gate of 36 inches
Alternate entrance to allow wheelchair to approach
- Slopes should not exceed 1:48
- Storage space for the Guest w/c must be provided
- Way to reunite the Guest and their w/c



Station Layout



Signage and Symbols

Ride attraction queue signage shall identify the type of access provided for example:

- Wheelchair & Scooter Access: may remain in wheelchair or scooter to ride
- Wheelchair only access: must transfer to wheelchair if you are using a scooter
- Transfer access: must transfer from wheelchair or scooter to ride seat
- Transfer access: must transfer from scooter to wheelchair and then to ride vehicle seat



Signage and Symbols

Signage descriptive sentences:

- Rider must be able to sit up unsupported, **hold on** and be restrained by lap bar. Rider must have 2 legs to the knee and **the ability to hold on**.



Barrier Removal Strategy

Consider:

1. Parking
2. Path of travel (into park, into rides, and into attractions)
3. Transaction counters
4. Restrooms
5. Dining
6. Amenities

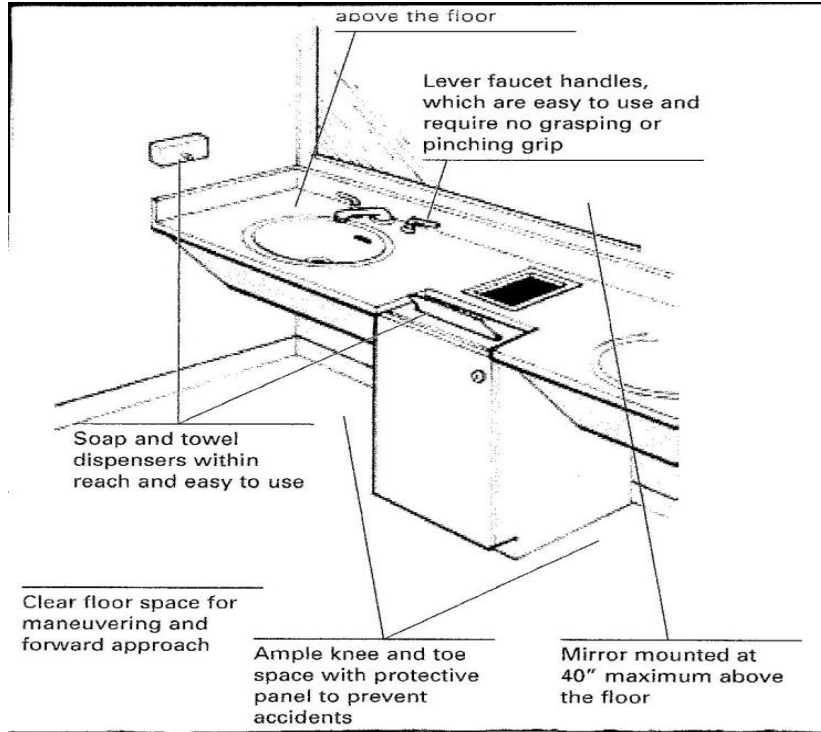


Restrooms for Each Sex



Under rare conditions, a unisex toilet will suffice.

Over 300 individual technical requirements for a pair of toilet rooms.



- 34" top to sink, with standard knee space
- 48" max. reach to all controls or dispenser outlets
- 60" wide by 56" deep toilet space or stall
- Out-swinging, self-closing door with pull handles
- 36" rear and 42" min. long toilet grab bars
- T.P max 36" from rear wall
- 17" max. height to urinal rim
- 36" max high to top of baby changing tables

Seating in Restaurants

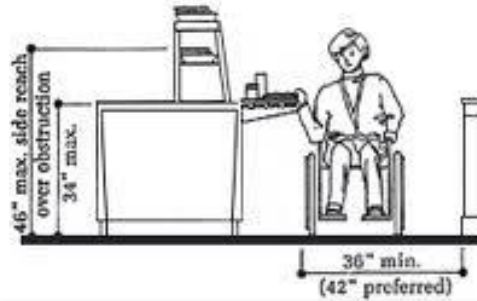


- ◆ Wheelchair space distributed in each functional area
- ◆ Tables = 5% but no less than one table,
- ◆ Bars and counters = 60" long space
- ◆ Booths = 5% but no less than one
- ◆ Top of eating or drinking surface = 28" to 34" high
- ◆ **CLEAR, UNOBSTRUCTED TOE AND KNEE SPACE** = 30" side, 27" tall, 19" deep min.

Pedestal tables are rarely compliant!

Point of Sale

Counters/Cashiers/Condiment Counters



- 48" max. high reach range to condiments and self service controls
- 46" max. high reach over obstruction
- 36" min. long max. high transaction counter
- 36" min. route through most queues (up to 60" at switchbacks)

ATMs, Vending Machines, Points of Sale



Unique physical, audible and tactile requirements

ATMs, Vending Machines, Points of Sale

- Class action filed against **HomeGoods** for its POS system.
- Similar to Apple, their retail facility also used a touch screen.
- Allegation: Providing auxiliary aids and services would neither fundamentally alter the nature of their business nor result in an undue burden.
- The issue: Visually impaired customers had to tell the sales associate their PIN number to complete their purchase.



Waterslides/Landing Pools

- Water Slides: not required to be wheelchair accessible
- Catch pools
 - Must be on an accessible route
 - Not required to have an accessible means of entry



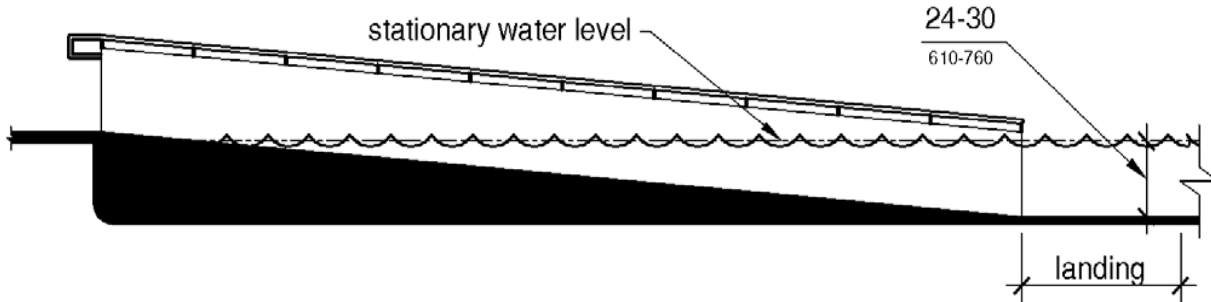
Play Structures



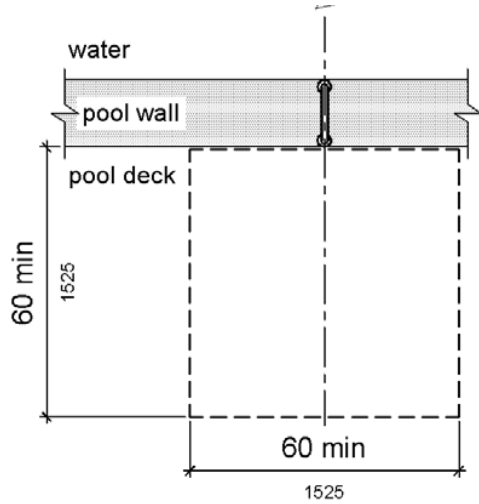
Pool Requirements

Permitted Means of Pool Access					
Means of Access	Pool Lift	Sloped Entry	Transfer Wall	Transfer System	Stairs
Application Type	Primary (Secondary)		Secondary		
Swimming Pool Less than 300 Linear Feet (One means of access required)	●	●			
Swimming Pool Greater than 300 Linear Feet (Two means of access required, one must be a primary means)	●	●	●	●	●
Wave action, lazy river; and other pools where user entry is limited to one area	●	●		●	
Wading Pools		●			
Spas	●		●	●	

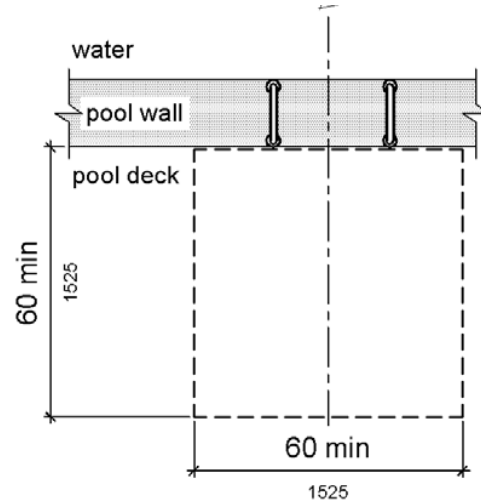
Means of Access - Sloped entry



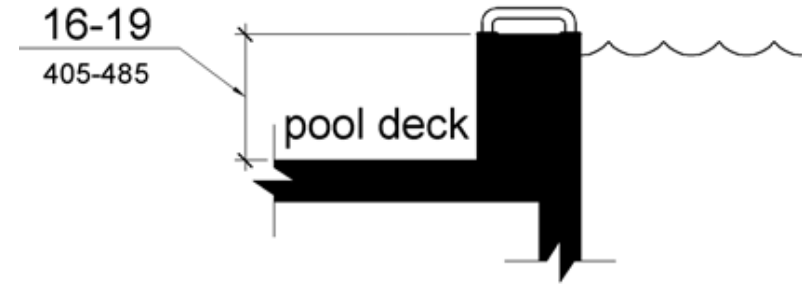
Means of Access - Transfer Wall



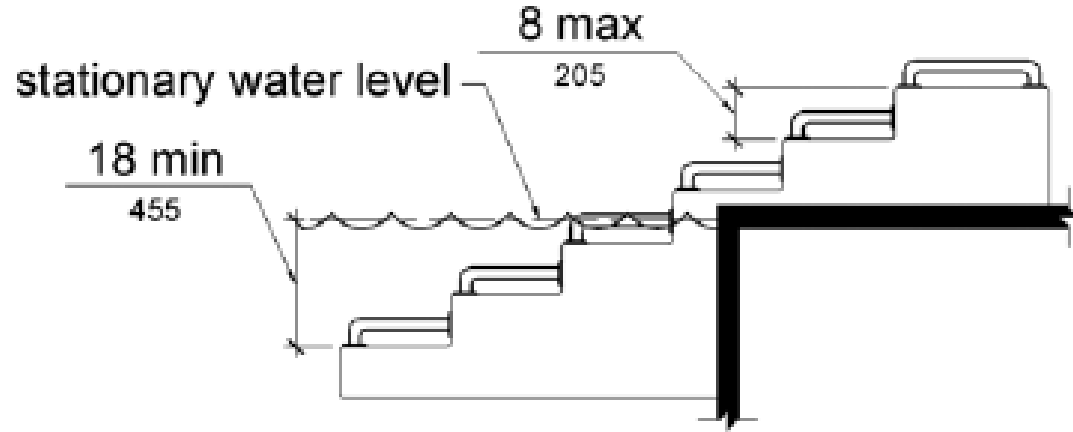
(a)



(b)



Means of Access – Transfer System



Means of Access - Pool Lift



Wave Pools

One accessible means of entry provided:

- swimming pool lift
- **sloped entry – Best!**
- transfer system



Sloped Entry

1009.3.3 Handrails. At least two handrails complying with 505 shall be provided on the sloped entry. The clear width between required handrails shall be 33 inches (840 mm) minimum and 38 inches (965 mm) maximum.

EXCEPTIONS: 1. Handrail extensions specified by 505.10.1 shall not be required at the bottom landing serving a sloped entry.

2. Where a sloped entry is provided for wave action pools, leisure rivers, sand bottom pools, and other pools where user access is limited to one area, the handrails shall not be required to comply with the clear width requirements of 1009.3.3.

3. Sloped entries in wading pools shall not be required to provide handrails complying with 1009.3.3. If provided, handrails on sloped entries in wading pools shall not be required to comply with 505.

Activity Pools

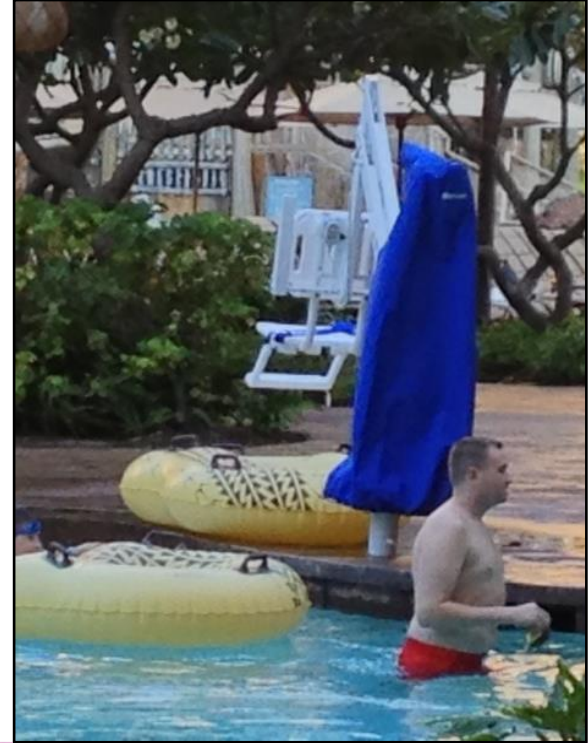
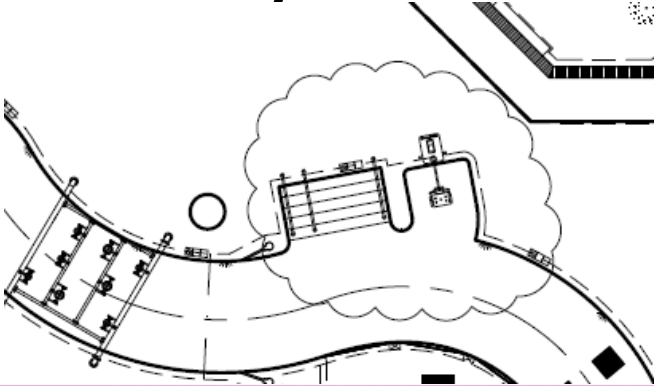
- Same requirements for swimming pools
 - 1 means of access if less than 300 Linear ft
 - 2 means of access if more than 300 Linear ft



Leisure Rivers

One accessible means of entry:

- swimming pool lift
- sloped entry
- transfer system



Wading Pools

- Wading Pools
 - One sloped means of entry will be required into the deepest part of each wading pool
 - Handrails are NOT required



Hot Tubs/Spas

- Pool lift
- Transfer wall
- Transfer system



Other Considerations



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Companion Restrooms



Beach & Water Wheelchair



Services Brochure



Rides Guide & Information For Guests With Disabilities



For Park Information Call
800.831.4FUN (386) or
Visit silverdollarcity.com

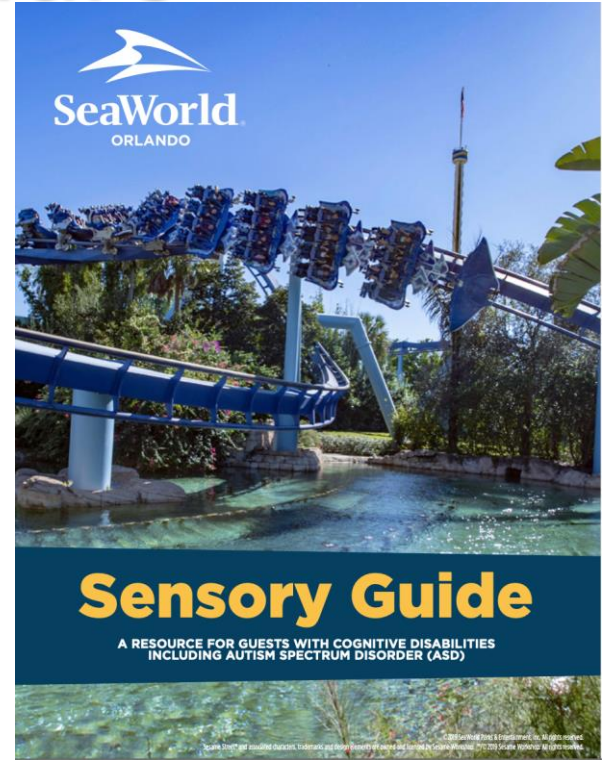
Silver Dollar City Attractions
Branson, MO



Fun & Safety Guide

- Policies & Procedures
- Accessibility Guide
- Ride Safety Guidelines

Seabreeze Park 4600 Culver Rd. Rochester NY 14622
(585) 323-1900 www.seabreeze.com



Websites

- Any website that is used to conduct commerce (sell tickets, merchandise, etc) must be accessible to someone who is blind
- Standards: WCAG 2.0+
- Easy low-cost lawsuit. Predatory plaintiffs can surf the web from their office
- Settle for \$15 - 20K plus suits are easily escalated
- Florida lawyer with blind plaintiff filed thirty-six suits in 2019
- Brooklyn lawyer with blind plaintiff filed more than 400 suits in 2018



ADA Regulations can be found on the various government & industry websites:

<http://www.iaapa.org/government/ada/>

<http://www.ada.gov>

www.access-board.gov



Case Studies



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Any Questions?



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