

Americans With Disabilities Act Guidelines Officially Adopted for Golf Courses



The Americans with Disabilities Act is a lot like golf. The law is very simple (play the ball as you find it) and makes complete sense: It requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public.

The goal is to afford every individual the opportunity to benefit from our country's businesses and services, and to afford our businesses and services the opportunity to benefit from the patronage of all Americans. The Act was ratified in 1990. By 1991 regulations and standards were developed and have are expressed as standards in the Americans with Disabilities Act Accessibility Guidelines (ADAAG). These standards have defined the changes to our facilities in order to comply with the law. This original standard is still in place (though revised) and addressed our clubhouses, parking lots, locker rooms and toilets, bathing facilities, retail spaces and surrounding exterior routes. It did not address the physical golf course, until now.



In September of 2010 the Department of Justice adopted and published a revised standard ADAAG for Recreational Facilities including golf courses. The guidelines have been in the works since 2002 and were developed with substantial public participation and an Advisory Committee of which the GCSAA held a role. Having been around a while, these guidelines should not catch anyone off guard, however, because they are have now become part of the new standard – they have to be followed when making alterations, changes or starting new construction of a golf course.

The current regulations adopted enforceable accessibility standards called the 2010 ADA Standards for Accessible Design or "2010 Standards". The 2010 Standards set minimum requirements – both scoping and technical -- for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. The standards back

the law and give purposefully vague principles to follow, because every situation is different and it is not an exact science.

One of the questions that lingers is to whether private golf courses/clubs must follow the ADA guidelines. As stated by the National Alliance for Accessible Golf (NAAG):

"The law (ADA) is specific in identifying what qualifies as a private club and the U.S. Department of Justice takes an extremely narrow view of the definition of "private." Basically, if you allow any public play on your course or functions at the facility then you are required to comply with the ADA. Even

if you do not allow public play, if you open your facility to the public for weddings, receptions, spectators or other events, it in essence becomes a public entity at those times and is covered."

Golf courses fall under the Recreation Facility guidelines and now the 2010 Standards do include:

- the teeing ground,
- putting green,
- weather shelters,
- golf car passage on course,
- practice facilities,
- temporary facilities, and
- other recreation amenities (i.e. swimming pools, etc).

What does this mean for your golf course/club?

Since the original 1991 Standards were defined, many conversations have taken place about the impact accessibility will have on golf courses throughout America. Now that the Standards are official, any new construction or alteration on an existing facility must meet these minimum guidelines if work

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begins after March 15, 2012. If construction or alteration takes place before March 15, 2012 one can still meet the 1991 Standards, but it might be best to work toward meeting the new standards. Because the guidelines are written by the Department of Justice, they read like a law book – this is where I find a similarity to golf – the rule is simple – but the interpretation of the rule is very similar to reading the Decisions on the Rules of Golf. The terminology can be confusing and is worthwhile going over.

Accessible Routes

Sections 206.2.15, 1006.2, and 1006.3 of the 2010 Standards require an accessible route to connect all accessible elements within the boundary of the golf course and, in addition, to connect

- golf car rental areas,
- bag drop areas,
- teeing grounds,
- putting greens,
- and weather shelters.
- An accessible route also is required to connect any
- practice putting greens,
- practice teeing grounds,
- and teeing stations at driving ranges that are required to be accessible.

An accessible route, in simple terms is a continuous, unobstructed pathway that connects any and all of the aforementioned places within the boundaries of the golf course is an accessible route. They have to be at least 48" wide.

An exception permits the accessible route requirements to be met, within the boundaries of the golf course, by providing a "golf car passage" (the path typically used by golf cars) if specifications for width and curb cuts are met.

This Accessible Route Standard drew the most comments because of the possibility of:

- undue costs to re-grade egress to tees and greens,
- install cart paths,
- and that they could jeopardize the integrity of golf course designs that utilize natural terrain elements and elevation changes to create challenging golf holes.

The Department gave careful consideration to the comments and adopted the 2010 Standards requiring that at least one accessible route connect accessible elements and spaces within the boundary of the golf course including teeing grounds, putting greens, and weather shelters, with an exception provided that golf car passages shall be permitted to be used for all or part of required accessible routes.

In response to requests for clarification of the term "golf car passage," the Department pointed out that golf car passage is merely a pathway on which a motorized golf car can operate and includes identified or paved paths, teeing grounds, fairways, putting greens, and other areas of the course. Golf cars cannot traverse steps and exceedingly steep slopes. A nine-hole golf course or an executive golf course that lacks an identified golf car path but provides golf car passage to teeing grounds, putting greens, and other elements throughout the course may utilize the exception for all or part of the accessible pedestrian route.

The exception in section 206.2.15 of the 2010 Standards does not exempt golf courses from their obligation to provide access to necessary elements of the golf course; rather, the exception allows a golf course to use a golf car passage for part or all of the accessible pedestrian route to ensure that persons with mobility disabilities can fully and equally participate in the recreational activity of playing golf.

Golf Car Passage

Where a paved path with curbs or other constructed barrier exists, the Department believes that it is essential that openings be provided to enable golf car passages to access teeing grounds, fairways and putting greens, and other required elements. Golf car passage is not restricted to a paved path with curbs. Golf car passage also includes fairways, teeing grounds, putting greens, and other areas on which golf cars operate. The clear width of golf car passages shall be 48 inches (1220 mm) minimum. Where curbs or other constructed barriers prevent golf cars from entering a fairway, openings 60 inches (1525 mm) wide minimum shall be provided at intervals not to exceed 75 yards (69 m).



Greens, Shelters and Tees

Sections 238.2 and 1006.4 of the 2010 Standards require that golf cars be able to enter and exit each putting green and weather shelter. Weather shelters must be at least 60 inches wide and 96 inches in height.

Where two teeing grounds are provided, the forward teeing ground is required to be accessible (golf car can enter and exit).

Where three or more teeing grounds are provided, at least two, including the forward teeing ground, must be accessible. However, one is not required to make the forward teeing ground accessible during an alteration when compliance is not feasible due to terrain.

Accessible Practice Putting Greens, Practice Teeing Grounds, and Teeing Stations at Driving Ranges.

Section 238.3 of the 2010 Standards requires that five percent (5%) but at least one of each of practice putting greens, practice teeing grounds, and teeing stations at driving ranges must permit golf cars to enter and exit.

Temporary Facilities

Any bleachers for tournaments, assembly seating areas, portable toilet facilities concession and all other available amenities must meet the 2010 Standards by providing access. Access to these temporary facilities on a golf course may be achieved through either accessible route or golf car passage.

No Alterations, No Construction – The Law Still Applies Alterations to Our Way of Thinking

One of the key elements of the Standards is the "Readily Achievable Barrier Removal" regulation. This applies to everyone, even if you are not altering or starting new construction. Every facility should be continually trying to comply and make their golf course more accessible by identifying and removing barriers.

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One of the largest stumbling blocks for most is the “Readily Achievable Barrier Removal” regulation. This regulation requires that any barrier be removed in existing facilities that can or should be, in other words, easily accomplished and able to be carried out without much difficulty or expense.

In a conversation with Peggy Greenwell, US Access Board Training Coordinator, she states: “We should all be working towards removing these barriers on a continual basis.”

It is the obligation of golf course superintendents as facility managers to take a look at their properties and create a plan to remove those things that may impede someone with a disability from playing golf or enjoying their facility. Greenwell informed me, creating a plan to comply is important because it shows that you are attempting to achieve access, even if it is over time.

Greenwell went on to explain, “The process of determining what changes are readily achievable is not a one-time effort; access should be re-evaluated annually. Barrier removal that might be difficult to carry out now may be readily achievable later.”

Furthermore, it is not beyond the scope of the Department of Justice to look at the type of financial resources of a facility when determining their true commitment to the accessibility. So, if your course is considered financially sound and stable, the DOJ might like to see a greater commitment toward accessibility. For most, the impact will come when we make changes to our golf courses.

Alterations Need to Be Well Thought Out

For most, the alteration of the existing facilities will require compliance with the 2010 Standards. Alterations include but are not limited to:

- Putting green reconstruction
- Tee redesign and or installation
- Cart path installation / resurfacing

Any alteration that starts after March 15, 2012 is required to follow the 2010 Standards for new construction. “Alterations must observe ADAAG new construction criteria where technically feasible; less stringent technical specifications may be applied where technical infeasibility is encountered.” This provision that can make it “technically infeasible” to follow a standard, however:

“Cost is not a factor in determining whether an action would be technically infeasible. Technically infeasible is defined at ADAAG 4.1.6(1)(j) and includes actions such as the removal of a load bearing member which is an essential part of the structural frame of a building. In applying the alterations guidelines, the Department of Justice considers cost under certain circumstances. The terms “readily achievable” and “undue financial and administrative burdens” are used by the DOJ and are not synonymous with “technically infeasible” as defined in ADAAG.”

It should be noted that alterations to primary function areas carry an additional obligation to improve the path of travel to the altered area. If your course or club is considering a major project in the future or undergoing one now, it may be prudent to come into compliance with the 2010 Standards. The easiest way I think compliance can be achieved is to consult one of

our fine golf course architects – MAGCS has several of them that are members – and are well versed in these issues. In the meantime, everyone should make the effort to make their course as accessible as possible. It all starts with a plan.

Creating a Plan

The National Alliance for Accessible Golf (NAAG) has created a great toolkit to help a golf course get on the way to compliance. It offers several suggestions, the best is to create a team to inspect your course comprised of customers with disabilities, staff, owners, and other key course personnel. The idea is to get an objective view of the course, from compliance to non-compliance and document it. The information gathered can be used to show a commitment to meet your obligation to make your course accessible.

A starting place is to download an overhead picture of your course from Google Earth. Print it out and map out all the accessible routes on the property. Make sure all the items described in the article are easily linked and reachable by a golf car. Then start to look at smaller barriers on your course including curbing, ball washers, drinking fountains, signage, roping and others. Be on the look out for barriers and train your staff, especially assistants – in fact, this could be a great project for them to lead and develop over time.



Enforcement of ADA Provisions

Another question that arises has to do with the enforcement of the ADA provisions. There are certain legal ramifications if compliance does not take place. Because the ADA is civil rights law, compliance with and enforcement of its implementing regulations, including its guidelines for new construction and alterations, is not overseen by a local building code official but is exercised through private suit or by specified Federal agencies when discrimination - or the probability of discrimination on the basis of disability - is alleged. Because it is a law, compliance can be questioned by anyone who visits our properties, therefore we must be vigilant and proactive when creating an accessible facility.

Golf courses are now part of the accessibility guidelines adopted as part of the 2010 ADA Standard. These guidelines are enforceable for new construction and alterations starting on March 15, 2012 and any construction underway is encouraged to adopt and use these guidelines now. If you are making a change, make it for everyone. -OC

Literature and Sources Cited

- Greenwell, Peggy. “2010 ADA Accessibility Standards for Golf Courses”, presented at the GIS, US Access Board Training Coordinator
- Gross, Patrick. Golf Course Maintenance and the ADA. USGA Green Section Record. March-April 2007 pp. 1-8.
- All photos provided by Alex Nolly, CDGA

Websites:

- United States Access Board
<http://www.access-board.gov>
- National Alliance for Accessible Golf
<http://www.accessgolf.org/>
- ADA Home Page
<http://www.ada.gov/>