

ADA: Moving Towards A New Reality

By Pat Jones
Director of Communications

The golf industry has reached an important mile marker in the long road to final rules regarding the application of the Americans with Disabilities Act (ADA) to course design.

The proposed rules set forth by the Golf Subcommittee of the U.S. Architectural and Transportation Barriers Compliance Board were published in the Federal Register in late September. A summary is provided below, but you can contact GCSAA Government Relations for a full copy of the proposed rules.

With official publication also comes the opportunity for public comment, so please feel free to forward your thoughts on the issue to "ADA Comments" in care of GCSAA Government Relations.

Readers should note that the proposed regs deal mainly with new construction and remodeling of the physical plant of the golf course. They do not answer many commonly asked questions about how ADA affects the operations of the course.

For example, the proposed language does not address the questions of whether it can ever be reasonable to temporarily deny access to a disabled golfer who uses an assistive device or golf car that is likely to damage soft or wet greens (although this is the subject of a research project at Rutgers that is co-sponsored by USGA, the Association of Disabled American Golfers and GCSAA), or whether lightning warning systems must offer alternative methods of notifying hearing-impaired golfers of risks.

The vast majority of the questions from around the industry deal with these types of operational issues. Because ADA is really a complaint-driven statute (i.e., the rules are formed by the courts as lawsuits and complaints are decided), many questions will remain unanswered until test cases are filed and work their way through the appellate system. For example, recent test cases on the general provisions of ADA have established that people with severe asthma may qualify for ADA protection. Another case is examining whether the statute applies to people with extreme obesity. Although no golf cases have worked their way into the public record, senior Access Board officials confirm that a number of golf-related complaints are already on file.

Even more difficult are ADA-related questions about golf car usage. For example, what provisions should be made for modified golf cars (with swivel seats and/or steering-column-mounted speed controls)? Even if they're not technically mandated under the law, courses might still face bias claims if they're not provided—particularly if use of a car is required. The committee recommended further study of this issue.

It's not a bad idea to step back from the "rules" and consider the issue from a customer service or member satisfaction standpoint. In that context, you might decide that what may not be required by the laws of justice may be demanded by the laws of marketing and public relations. In short, your facility's policies on players with disabilities may be more of an "image" issue than a legal one.

Although the ADA-Golf process is not over, it is a good time to recognize the remarkable contributions made by GCSAA Director George Renault III, CGCS, and Henry Throter, the PGA of America's Director of Special Projects. Over the past two years, Renault and Throter have done a great service to golf by contributing hundreds of extra hours of work (and attending countless government meetings) to represent golf's interests in this issue. It's another good example of how golf benefits by being part of the governmental process. Thanks also to the many others from the industry, including Greg Jones of ADAG and noted architect Dick Phelps, who also participated actively in the process.

Summary of Key Recommendations of ADA-Golf

Important Note: These recommendations were open to public comment until Dec. 20, 1994. Following public comment, the Access Board will review the comments and propose final language. That language will also be subject to public comment and a final review by the Department of Justice. Therefore, the provisions will probably not come into effect until late 1996 or early 1997. Until then, all golf courses—both private and public—continue to be covered under the existing Title 3 requirement to remove barriers to access when easily achievable.

1. **Accessible Route:** The subcommittee's goal was to provide disabled golfers with access to the ball. The assumption was that most players with disabilities would use golf cars or other assistive devices. Therefore, "accessible route"—an important consideration within other provisions of ADA—could not be defined because balls fly unpredictably.

2. **Golf Cars:** The subcommittee recommends that any requirements for providing modified golf cars should not be finalized until statistical research has been done to document what kinds of assistive modifications should be specified to meet the needs of the largest proportion of disabled golfers. The committee also recommended discussions with golf car manufacturers about modifications.

3. **New Construction Design Standards:** The recommendation is that any NEW courses built after the provisions come into effect must offer access to:

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- a. At least one tee per hole.
- b. All greens, except when extreme safety issues or environmental restrictions prevail.
- c. Practice greens and at least one teeing station (or 5 percent of total stations).
- d. Weather shelters, restrooms and other amenities when cart paths are provided.
- e. Fairways, at least every 75 yards, except where prevented by extreme terrain or environmental restrictions.

Hazards (bunkers) do not have to be accessible under the

recommendation. At least one practice bunker should be accessible if practice bunkers are built in the practice area.

4. Remodeling/Reconstruction: The subcommittee recommends that whenever physical alterations are made to a feature on an EXISTING course, those features would have to be brought into compliance. "Alteration" means changes in physical dimensions (length, width, height). Resodding, seeding or irrigation work are not included in the definition of "alteration." Examples: If you completely rebuilt and/or recontoured a green, that green would have to be accessible. If you rebuilt one or more tees on a hole, at least one tee on that hole (but not necessarily the one you rebuilt) would also have to be accessible. The alterations recommendations did not address fairways.

5. What is "Access"? Generally, the term access applies to the existence of a path of travel to a particular feature, the suitability of the path and the relative dimensions and flatness of the feature. The latter means that the path is wide enough and the feature is flat enough to allow safe access. For example, an accessible tee must have an entry point not exceeding a slope of 1:20, be wide enough for a golf car and not have cross slopes of more than 1:50. (For detailed information on the specific access definitions, contact GCSAA for a full copy of the committee's recommendations.) Note however that the committee did not recommend design guidelines for the actual putting green surface.

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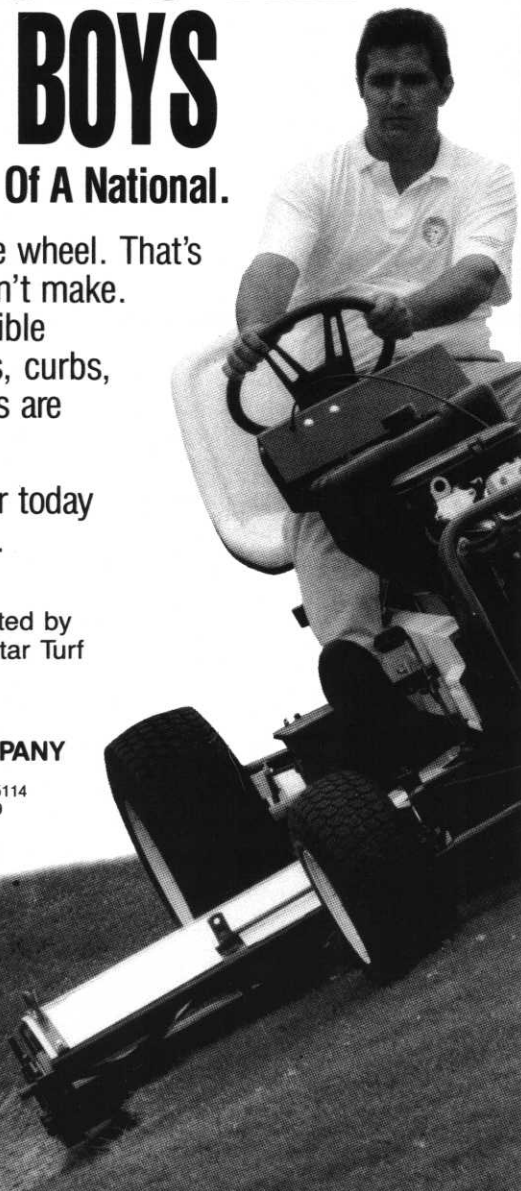
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