



DISABILITY AND COMMUNICATION ACCESS BOARD

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INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the 2004 Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: **DCAB 2011-13**

- 1) How are wheelchair spaces and companion seats to be dispersed at stadiums, arenas and grandstands?**
- 2) How are wheelchair spaces to be horizontally dispersed in performance areas or fields of play?**
- 3) How are wheelchair spaces and companion seating to be located in stadium-style movie theaters?**
- 4) Can wheelchair seating and companion seating be located on temporary or movable platforms?**

Summary: ADAAG section 221.2.3 requires assembly areas to be dispersed. There are requirements for horizontal and vertical dispersion but there is no explanation or clarification on how to apply these requirements to the various types of assembly facilities. The type of assembly seating and its typical configuration or the activity for which the seating is provided may affect how someone views or enjoys the activity. The Department of Justice (DOJ) has issued their final regulations, which includes information on dispersion to specific types of assembly areas. The type of activity affects how one views or uses the facility.

The DOJ's regulations require an assembly area that has seating encircling, in whole or in part, a field of play or performance area such as an arena or stadium, to place wheelchair spaces and companion seats around the entire facility. This prevents a public entity from placing wheelchair spaces and companion seats on one side of the facility only. The DOJ feels this regulation is consistent with their previous enforcement practices and reflects its interpretation of section 4.33.3 of the 1991 Standards.

With regards to movie theaters, the DOJ's clarification to the 2004 ADAAG is consistent with the line-of-sight requirements in the 1991 Standards that require viewing angles provided to patrons who use wheelchairs to be comparable to those afforded to other spectators.

The DOJ has provided additional clarification and guidance as to the location of wheelchair and complain seating because it has found that some facilities locate wheelchair spaces and companion seats on temporary platforms. In some instances, when the temporary platforms are removed, conventional seating is found located underneath. In other instances, the facilities cover the wheelchair spaces and companion seats with temporary platforms on top of which they place risers of conventional seating.

Ruling: For buildings or facilities subject to HRS §103-50,

ADAAG Section 221 Assembly Areas

Assembly areas covered by section 221 and section 221.2.3 shall ensure that:

- (1) In stadiums, arenas, and grandstands, wheelchair spaces and companion seats are dispersed to all levels that include seating served by an accessible route.
- (2) Assembly areas that are required to horizontally disperse wheelchair spaces and companion seats by section 221.2.3.1 and have seating encircling, in whole or in part, a field of play or performance area shall disperse wheelchair spaces and companion seats around that field of play or performance area;.
- (3) Stadium-style movie theaters shall locate wheelchair spaces and companion seats on a riser or cross-aisle in the stadium section that satisfies at least one of the following criteria --
 - (i) It is located within the rear 60% of the seats provided in an auditorium; or
 - (ii) It is located within the area of an auditorium in which the vertical viewing angles (as measured to the top of the screen) are from the 40th to the 100th percentile of vertical viewing angles for all seats as ranked from the seats in the first row (1st percentile) to seats in the back row (100th percentile).
- (4) Wheelchair spaces and companion seats shall not be located on (or obstructed by) temporary platforms or other movable structures, except that when an entire seating section is placed on temporary platforms or other movable structures in an area where fixed seating is not provided, in order to increase seating for an event, wheelchair spaces and companion seats may be placed in that section. When wheelchair spaces and companion seats are not required to accommodate persons eligible for those spaces and seats, individual, removable seats may be placed in those spaces and seats.

[Rul: 01/03/2011] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121.

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