



## DISABILITY AND COMMUNICATION ACCESS BOARD

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### INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all public buildings, facilities and sites 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 11-216, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

**Docket: DCAB 2012-06: What types of areas are considered ‘outdoor developed areas’? What are ‘outdoor recreation access routes’? Are ‘outdoor developed areas’ and ‘outdoor recreation access routes’ required to be accessible?**

**Summary:** The U.S. Access Board published in 2009, the “Draft Final Accessibility Guidelines for Outdoor Developed Areas”. The draft guidelines states that outdoor developed area can be trails, overlook/viewing area, beach areas, camping facilities and picnic areas. However, as stated in the proposed guidelines, the constructed features such as the paved parking, comfort stations, tennis courts and pavilion are covered by the 2004 ADAAG and would be required to comply with the 2004 ADAAG scoping and technical requirements. In addition, as the outdoor developed areas accessibility guidelines have not yet been adopted by the Department of Justice, where applicable guidelines in the 2004 ADAAG can be applied to elements in outdoor developed areas such as fixed picnic tables, those covered elements shall comply with the 2004 ADAAG.

There are facilities such as residential complexes that have an outdoor park, garden area or barbecue area in which picnic tables, benches or barbecue grills are provided. The primary function of a residential facility is to provide places for residential dwelling. These types of exterior areas are not considered outdoor developed areas as addressed by the outdoor developed areas accessibility guidelines.

There may be hotels or transient lodging facilities that provide “tents” rather than typical guest rooms. At these facilities, sleeping accommodations are provided, unlike a campsite where a person typically provides the tent or shelter. While the guests may choose to cook their own meals (where cooking elements are provided), the facility typically has a restaurant or offers room service for those guests not wanting to cook. At camping facilities in outdoor developed areas the campers are typically responsible to provide their own food and prepare their own meals.

The Draft Final Outdoor Developed Areas Accessibility Guidelines require outdoor recreation access routes to connect constructed features where provided at trailheads, camping facilities, picnic facilities and viewing areas. Outdoor recreation access routes are required to be firm and stable and allow steeper slopes and longer runs than accessible routes defined in the 2004 ADAAG. Change in level along an outdoor recreation access route are also allowed to be higher than accessible route defined in the 2004 ADAAG. Outdoor recreation access routes would be considered less stringent than the 2004 ADAAG or 2010 ADA Standards enforced by the Department of Justice.

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

**ADAAG Section 201**

Newly constructed or altered trails, beach access routes, viewing areas and camping facilities located in outdoor sites that are constructed or altered primarily for outdoor recreation purposes are considered “outdoor developed areas” and are not covered by the 2004 ADAAG. Outdoor recreation access routes connect accessible spaces and elements within outdoor developed areas. Outdoor recreation access routes are not covered by the 2004 ADAAG. It is recommended that outdoor developed areas and outdoor recreation access routes comply with the Draft Final Outdoor Developed Areas Accessibility Guidelines published by the U.S. Access Board.

Outdoor sites that are primarily an amenity to a constructed facility or where the primary function is not outdoor recreation are not considered outdoor developed areas. Transient lodging facilities that provide sleeping accommodations and where campers do not provide their own tents or shelters are not considered a camping facility.

Outdoor developed areas may contain outdoor constructed features and elements that are addressed by, and required to comply with the 2004 ADAAG. The covered elements and facilities include but are not limited to, visitor centers, parking lots, plumbed toilets and bathing facilities, drinking fountains, recreational boating facilities, fishing piers and fishing platforms.

Advisory:

*Outdoor rinsing showers shall comply with DCAB Interpretive Opinion 2011-03.*

*Fixed picnic tables shall comply with DCAB Interpretive Opinion 2012-05.*

[Ruling: 01/21/2016] (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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