



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 2018-01: Are botanical gardens, zoos, outdoor aquariums, and arboretums covered by the Hawaii Outdoor Developed Areas Accessibility Guidelines (HODAAG)?

Summary: The Hawaii Outdoor Developed Areas Accessibility Guidelines apply to outdoor sites in which the primary purpose is for recreation and contains at least one or more: camping areas, picnic areas, viewing areas, trails or beaches.

Since the primary purpose for botanical gardens, zoos, outdoor aquariums, and arboretums is leisure/recreational and the site contains viewing areas, it is unclear if these types of facilities covered by HODAAG or ADAAG.

Ruling: For buildings, facilities and sites subject to HRS §103-50.

HODAAG Section H201

The Hawaii Outdoor Developed Areas Accessibility Guidelines apply to outdoor sites in which the primary purpose is for recreation and contains at least one or more: camping facilities, picnic facilities, viewing areas, pedestrian trails or beach routes.

Botanical gardens and arboretums are typically on a minimally developed site and contains multiple viewing areas and would be covered by the HODAAG, except for facilities on site covered by the 2004 ADAAG.

Zoos, and outdoor aquariums are typically on a well-developed site and may also contain multiple viewing areas, however, they are considered theme parks or amusement parks and therefore covered by the 2004 ADAAG.

[Rul: 05/17/2018] (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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