
ACCESSIBILITY CONSIDERATIONS



Title III of the Americans with Disability Act of 1990 (ADA) requires that all “public accommodations” provide goods and services to people with disabilities on an equal basis with the rest of the general public. This federal law has had significant impact on architectural design of facilities and the sites around them. It is the purpose of this document to answer some fundamental questions regarding the accessibility and Boy Scout facilities. As the Boy Scouts of America we want to do what is required by law and what is best for our membership.

“Are Boy Scout facilities subject to the federal law?” Federal law imposes these requirements on public accommodations, which is typically a commercial operation such as a store or restaurant, and public facilities, such as libraries and city hall. Private clubs are one of the few groups that are exempt. Scout facilities such as camps and offices used exclusively by Scouts (or at least 90% by Scouts only) qualify as private club facilities and are exempt from the federal law. However, if Scout offices are leased to other organizations, or meeting rooms are rented out to the public, or the Scout shop sells a significant portion of camping supplies to non-Scouts, then these facilities may be considered “public accommodations.”

“Are there other accessibility laws?” Depending on your location, there may be state or local building codes that also address accessibility issues and apply to your facilities. Typically these parallel the federal codes so the requirements and exemptions may be very similar.

“How are these laws enforced?” The federal law relies on federal courts for enforcement. If you do not meet the federal laws, an individual may bring a suit to a federal court to force compliance. States with accessibility codes typically have a plan review and approval process for compliance. Local building codes also have a plan review and approval process accompanied by building inspectors who are able to withhold Certificates of Occupancy until a facility meets all the local building code requirements. Local building officials and architects deal with these issues on a daily basis and can provide you with the local requirements. However these officials, often referred to in codes as the “Authority Having Jurisdiction,” are normally far better acquainted with commercial than exempt projects, and it may require a lot of work to arrive at a mutual agreement.

“What is the best practice for offices, stores and other non-camp facilities?” What was initially conceived as designs to provide access to people with disabilities is now considered by many as good “universal design.” From a practical and financial standpoint voluntary compliance in office and conference facilities makes sense. Accessible designs provide features such as easier-to-use controls, door levers, and slightly more maneuvering space. This is a benefit to people for our visitors, members, and staff with any range of permanent or temporary disabilities. Being compliant also allows the flexibility of renting space or leasing facilities to the public without the fear or expenses of fines, or the expense of required modifications. The value of the property may also be diminished, or expensive modification may be required, if the council wants to sell the facility in the future.



If council facilities such as a Scout shop or training center are intended to be used, rented, or leased to the public to help defray cost, then it is most likely considered a “public accommodation” and would be subject to the ADA.

However, if the council acquires an older non-compliant facility it may make sense to preserve the “exempt status” of the organization in order to use the building without making expensive modifications. But this will limit who can use the facility and have some impact on the eventual sale of the facility.

“What is the best practice for camps?” Camp facilities, typically used 90% or more exclusively by Scouts, are certainly exempt from the ADA and most likely from state and local accessibility codes. These codes are simply not written with Boy Scout camps in mind. Site work requirements such as flat, nearly level sidewalks, connecting all of the “public structures” to the nearest public transportation system are simply impractical. For this reason we must assess our camps’ “accessibility needs” throughout the year and develop specific plans to accommodate our members, participants, visiting parents and others. Buildings such as the camp office, health lodge and dining hall may be designed with as many accessible features as possible if these are the facilities in camp that will get the most concentrated use. Frequently “accessible parking” will be located near these buildings with an “accessible route” or sidewalk leading to the buildings. In troop sites, a few areas may be designated as “accessible” and will be provided with similar parking and paths within the site. The latrines may be modified to meet the accessibility code’s reach ranges, heights and other requirements. Policy or plans can be developed for how to meet the needs of participants in other program areas. In summary, the nature of traditional summer camps (used 90% or by Scouts, located in rugged and remote territory, with older or “rustic” facilities) will make many of these exempt.

It should be remembered that many non-traditional camps located in developed areas such as “Cub World” and other nature centers may be more difficult to exempt from these accessibility requirements. Frequently these camps offer more programs that intend to attract outside groups such as schools and churches. In these situations compliance may be required. Careful policy planning must be made and enforced if a council wishes to preserve its exempt status at these kinds of camps.

What aspects of building and sites are covered by the ADA? The portion of the ADA that addresses “Accessible Elements and Spaces” is a broad and detailed set of illustrated requirements. These requirements cover a wide range of detail, some of which is listed below:

Accessible site and exterior facilities including:

- Number and size of parking spaces
- Signs for accessible parking
- Accessible sidewalks, ramps, stairs, etc.

Accessible stairs & elevators

Door sizes, clearances at doors and door hardware

Emergency warning

Heights and locations for:

- Drinking fountains
- Shelving
- Counters
- Controls

- Telephones
- Etc.

Design of toilets with regards to:

- Number of fixtures required to be accessible
- Size and configuration of stalls
- Height of fixtures and lavatories
- Etc.

Clear floor space for paths of travel and maneuvering a wheelchair

Required overhead space and avoidance of obstructions

Details for floor surface requirements related to changes of level finishes

And many other aspects.

Summary: The Boy Scouts of America, as a private club, is exempt from the federal ADA and its accessibility requirements provided that its facilities are used strictly by members. The Boy Scouts may or may not be exempt from state or local accessibility requirements. This must be verified with local code officials. Regardless of exemption it is good practice to evaluate the accessibility needs for each facility, develop a plan, and make arrangements to meet the needs of our members.

References:

ADA Handbook