



January 24, 2011

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 2885
Fairfax, VA 22031-0885

Page | 1

Attention: RIN 1190-AA64 (Docket ID No. 113); Nondiscrimination on the Basis of Disability by State and Local Governments and Places of Public Accommodation; Equipment and Furniture

A. Identity of Commenter

The Golf Course Superintendents Association of America (GCSAA) submits these comments to the Disability Rights Section of the Civil Rights Division of the U.S. Department of Justice (DOJ) regarding its Advanced Notice of Proposed Rulemaking (ANPRM) entitled “Nondiscrimination on the Basis of Disability by State and Local Governments and Places of Public Accommodation; Equipment and Furniture” (Regulatory Information Number 1190-AA64), published in the July 26, 2010 *Federal Register*.

GCSAA is a leading golf organization, which has as its focus golf course management. Since 1926, GCSAA has been the top professional association for the men and women who manage golf courses in the United States and worldwide. From its national headquarters in Lawrence, Kan., the association provides education, information and representation to more than 20,000 individual members in 72 countries. GCSAA’s mission is to serve its members, advance their profession and enhance the enjoyment, growth and vitality of the game of golf. The association’s philanthropic organization, The Environmental Institute for Golf, works to strengthen the compatibility of golf with the natural environment through research grants, support for education programs and outreach efforts.



As golf course management professionals, the members of GCSAA work to make golf accessible to all persons by promoting policies and practices that consider the specific needs and safety of all golfers, promote the growth and vitality of the game and maintain the agronomic integrity of the golf course.

GCSAA is a founding member of the National Alliance for Accessible Golf (www.accessgolf.org) – an alliance dedicated to the mission of ensuring the opportunity for all persons with disability to fully engage in the game of golf. The Alliance’s vision is that through the game of golf, individuals with disability become actively engaged in the social fabric of a community, and derive benefits that improve quality of life.

GCSAA and its members have taken a proactive stance on golf course accessibility issues through the use of best practices to accommodate golfers with disabilities; through modification of policies; and through education and outreach to golf course owners and operators.

B. GCSAA Comments on ANPRM

The ANPRM says the DOJ is considering issuing regulations specific to golf cars and may propose requiring golf courses that provide golf cars, when replacing or acquiring additional standard golf cars, to provide accessible golf cars for use by individuals with disabilities.

Question 14:

What is the most effective means of addressing the needs of golfers with mobility disabilities? Are golf cars currently available that are readily adaptable for the addition of hand controls and swivel seats? If so, are those cars suitable for driving on greens? To what extent are accessible golf cars of all types stable, lightweight, and moderately priced?

Response to Question 14:

Regarding question 14, there is no “one size fits all” approach to accommodating mobility disabilities. Effectively addressing the needs of golfers with disabilities requires a multi-faceted approach, comprised of education for both golf course operators and



golfers with disabilities. Facility programs and policies must be modified and golf course staff must be effectively trained on ADA requirements, and customer service best practices.

Golf cars are already available that are readily adaptable for the addition of hand controls and swivel seats. Kits to retrofit a standard golf car are available through adaptable equipment suppliers and some golf course product suppliers. Adapting standard golf cars is a feasible, cost-effective option. The cost to retrofit standard golf cars with hand controls is variable and ranges from \$500 to \$1,000.

The number of golfers unable to play by walking, and who require a specific single rider golf car, is low. Research and survey data shows that most golfers with mobility disabilities can play if the facility provides a traditional golf car with access to tees and greens. Standard golf cars in use today were originally intended to help people with disabilities navigate the course without walking. In essence, today's golf cars are already accessible to all but a small number of individuals. These golf cars are widely available and utilized, and comply with existing safety standards as established by the American National Standards Institute (ANSI) and the National Golf Car Manufacturers Association.

Currently there are no safety standards for single rider accessible golf cars. We agree with disability advocates and others in the golf community that safety is an issue that must be addressed with the same level of ANSI standards and regulations that exist for traditional golf cars. Standards and safety testing for all single rider cars must be in place before any recommendation or determination is made regarding their further use.

Question 15:

What are appropriate scoping requirements for accessible golf cars? Should the criteria used to determine scoping stem from factors including the number of golf course patrons, the number of golfing holes (e.g. nine, 18, or 27) at the facility, the number of inaccessible golf cars in use, or other criteria? Should each 18-hole course be required to provide a certain number of accessible golf cars?



Response to Question 15:

The U.S. Department of Defense mandates providing two to three single rider golf cars at each of their 150 military golf facilities. Survey data gathered from these courses shows that there is very little demand for this type of equipment. Only 16 of the facilities reported their cars being used more than 10 times per year. Most of the 150 facilities have received zero requests for use of the cars.

More than 80% of these facilities proactively promoted and marketed the availability of the accessible golf cars to their customer base. Based on this data, and similar data gathered from other golf operations around the country, single rider golf cars are not utilized by most golfers with disabilities.

For those golfers who do require a single rider golf car, the facility can make one available without having to own the car. The pooling of single rider cars in several areas of the country has been an industry-led, proactive model that successfully accommodates individuals with disabilities. Golf courses should not be required to purchase and own single rider golf cars, because pooling and sharing of such cars is an accommodation that is working and working well. Through cooperation among golf facilities, any demand for single rider cars can and is being met.

Question 23. The Department seeks input regarding the impact the measures being contemplated by the Department with regard to accessible equipment and furniture will have on small entities if adopted by the Department. The Department encourages you to include any cost data on the potential economic impact on small entities with your response.

Question 24. Are there alternatives that the Department can adopt, which were not previously discussed, that will alleviate the burden on small entities? Should there be different compliance requirements or timetables for small entities that take into account the resources available to small entities or should the Department adopt an exemption for certain or all small entities from coverage of the rule, in whole or in part. Please provide as much detail as possible in your response.



Response to Questions 23 and 24:

Almost all golf courses in the U.S. are considered small business entities. Mandating that every golf course purchase one or more single rider golf cars, when there is little or no demand for such equipment, would impose a significant economic burden to these small businesses. The price of these cars ranges from \$8,000 to over \$20,000, depending on technology and design. This is a significant expense given the demand for such equipment.

Echoing our earlier comments, any decisions regarding mandating the purchase or ownership of such devices should not occur until there is a nationally recognized safety standard in place for the manufacture and operation of single rider golf cars.

C. GCSAA Commitment

GCSAA is dedicated to achieving the mission of increasing participation of people with disabilities in the game of golf, and supports wholeheartedly that through the game of golf, individuals with disabilities can become actively engaged in the social fabric of a community, as well as derive health benefits that improve quality of life. Everyone within a community benefits from inclusion and quality of life improves for all citizens when all activities are accessible and inclusive.

Thank you for the opportunity to submit these comments. Please forward questions to me directly at criordan@gcsaa.org or by phone at 785-832-3610.

Sincerely,

A handwritten signature in black ink that reads "Carrie N. Riordan". The signature is written in a cursive, flowing style.

Carrie N. Riordan
GCSAA Senior Director, Member Programs