



# IAAPA

**International  
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## By Federal E-Rulemaking Portal

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Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
1425 New York Avenue, N.W., Suite 4039  
Washington D.C. 20005

### **Re: Comments on the Advance Notice of Proposed Rulemaking Dockets 110, 111, 112 & 113**

The International Association of Amusement Parks and Attractions (IAAPA) is the largest international trade association for permanently situated amusement facilities and attractions. IAAPA represents more than 4,100 facility, supplier, and individual members from more than 90 countries. Member facilities include amusement/theme parks, waterparks, attractions, family entertainment centers, arcades, zoos, aquariums, museums, science centers, resorts, and casinos. IAAPA welcomes the opportunity to comment on the proposed rules.

### **Web Information and Services (CRT Docket 110)**

IAAPA supports WCAG 2.0, Level AA. We believe this is a clear approach to web accessibility which does not specify a particular technology or program. Since these guidelines have been in place for some time and are familiar to many state and local government entities, this will reduce confusion in application.

Even though there may be a growing market for website developers to assist our small business members, many of our small business members develop, write, and maintain their own sites. They do not have the assets to engage sophisticated software developers for forms, map animations and the like.

In a survey of our members, we have received estimates varying from \$25,000 to \$75,000 to rewrite websites. We have received estimates between \$2000 to \$5000 per month for maintenance, depending on use of on-line forms and product market places. We estimate that a small to medium business would require \$4,000 to \$10,000 per month for third party services to accomplish transactions via TTY, video relay or other form of service, where the customer cannot use the form and must be transferred to "live" real time assistance.

We request a two year time period for the conversion of web systems since they may need to be pair with other systems such as "live" real time assistance, iPhone and Android software.

### **Accessibility of Next Generation 9-1-1 (CRT Docket 111)**

IAAPA has no general comment on this issue. Having read other's comment materials and the transcripts of the three public hearings, IAAPA recommends a three to five year time period for transfer of 911 to IP system that will support not only mobile SMS text messaging, but also email and

video communications.

### **Movie Captioning and Video Description (CRT Docket 112)**

IAAPA recommends flexibility in methods and means of providing open captioning and on-demand captioning at movie theaters and movie attractions in amusement and theme parks. The method and means should be open-ended since technology changes quickly, and movie attractions tend to be unique to each facility. Movies at amusement and theme parks are different than those found in a conventional multiplex theater. The means of conveying of captioning and video description is unique to each show, rather than just visual media as a direct digital projection with built-in captioning.

We request audio descriptions be personalized with available technology, so as to not fundamentally alter the nature of the entertainment experience for the audience as a whole.

The medium used for attractions are largely unique to each show. Small and medium sized businesses will be under significant challenge to convert existing shows and media to open captioning and video description.

We request three years for the effective date from the final notice of rulemaking, since a project could be in development for as long as two years. IAAPA would need the time to educate members on the new requirements.

### **Equipment and Furniture (CRT Docket 113)**

IAAPA supports the development of accessibility guidelines for accessible furniture and equipment. The attractions industry will be affected by new regulations or changes to existing regulations concerning the following types of furniture and equipment:

- Dining tables
- Picnic tables
- Soft drinking and vending machines
- Self-service food dispenser machines in cafeteria settings
- Commercial transaction machines
- Informational kiosks

Wheelchair accessible dining tables and picnic tables are readily available on the market. We request the five percent quantity be used for scoping purposes. This is a quantity that occurs in many codes, and our members find this to be sufficient. IAAPA requests a one year effective date from final notice of rulemaking.

Food service and vending machines are another issue. In order to meet the 48” forward and side reach ranges, and 46” reach range over tray rails, a significant number of self-service food, beverage and condiment equipment will require re-tooling by manufacturers and suppliers. Replacing equipment is a capital funding requirement that could have a one-to-two year cycle time from: 1) development capital funds; 2) Request for Proposals and purchasing

agreements; and then final procurement and installation. We estimate \$50,000 per food service operation. Small businesses may have one food service location affected. Larger business could have ten to 15 per facility, depending on if they have group and corporate picnic facilities.

Vending machines for beverages and candy will require retrofitting or replacing to meet the 48" reach range to coin, credit card and dollar bill slots. This could take a year or more for the industry to retrofit or replace the equipment, depending on existing contracts and lease agreements. Many of our members have noted they have three-to-five year lease and marketing agreements for vending machines and products. Current contracts with suppliers would have to be amended or canceled.

Additionally, in exterior conditions, many parks must place these vending machines up on three-to-six inch tall concrete or other durable curbs, in order to conduct pavement wash-down but not expose the undercarriage to rusting or other forms of deterioration. In order to comply with the proposed regulation concerning reach ranges, a second set of equipment would be needed.

The cost of a new vending machine is approximately \$2500 to \$3500 per machine. Small businesses rely on this equipment as a source of revenue. The return on investment is less than 10% per year. A small business may have between three and five machines. An amusement park may have between twenty to forty vending machines. We anticipate a two to three year informational outreach and retooling of equipment for our small business members to bring product to market.

The attractions industry has many other forms of vending machines that are attractions in and of themselves. Therefore, we express our concern that these devices not be categorized with a conventional soda or candy vending machine. For example creating a pinball machine that is usable by a low vision or blind individual is technically infeasible and a fundamental alteration of the amusement experience. Many of the amusement arcade games are games of physical skill and multi-sensory skill. Many of these games simulate driving a race car, driving a motorcycle, shooting guns and laser pointers. IAAPA requests that arcade games be exempt, due to the unique nature of their experience.

We agree self -service, vending machines and arcade equipment should be on an accessible route.

IAAPA thanks the Department of Justice for the opportunity to comment on this proposed rulemaking.