



National Association of Theatre Owners

ADA ISSUES

MOTION PICTURE THEATER PREMIUM AUDITORIUMS

INTRODUCTION

During the past several years, theatre owners have been building more and more facilities with auditoriums featuring luxury seating and food service. The design models vary significantly. At one side of the spectrum are facilities that consist of six to eight small (80 to 120 seat) premium seating auditoriums all of which provide luxury seats, such as recliners, and gourmet food cooked in a full kitchen and served by a uniformed wait staff at the patron's reserved seat. At the other end of the spectrum are facilities where one or two auditoriums in a multiplex offer premium seating and where the guest orders easy to eat food at the concession counter and the food (hamburgers, hot dogs, wraps, etc.) is prepared in microwave or convection ovens and delivered to the guest at his or her seat in a box lunch format. There are many facilities that fall in the middle of the design spectrum.

Many theatres built with premium seating and food service auditoriums also have bars or café areas adjacent to the lobby where movie goers can order food and drinks (often including alcoholic beverages). Many theatres have party rooms where kids have birthday parties and food such as pizza, hot dogs, ice cream and cake is served.

There are ADA regulations setting forth access requirements for motion picture theatre auditoriums and ADA regulations setting forth access requirements for food service areas. However, there are no ADA regulations that specifically discuss ADA access requirements for motion picture theatres with premium seating or food service in theatre auditoriums or in motion picture theatre food service areas such as lobby coffee bars or café's or in party rooms.

This White Paper is designed to provide theatre operators who build theatres with premium seating and food service auditoriums and other food service areas with an understanding of the ADA issues involved. Application of the ADA regulations to any specific facility will depend on the design of that particular facility and Exhibitors should obtain independent evaluation of the design criteria that may apply to any such unique auditorium design.

STADIUM STYLE SEATING

The ADA generally requires that stadium style motion picture theatres provide wheelchair seating on a cross-aisle in the rear 60% of the auditorium seating area or in an area of the auditorium where the vertical viewing angles are between the 40th and 100th percentile for vertical viewing angles in that auditorium. There must be a shoulder to shoulder companion seat adjacent to each individual wheelchair space. In stadium style auditoriums of 300 seats or less, wheelchair spaces do not have to be vertically dispersed and can be located on the same cross aisle. Where possible, the wheelchair spaces should be located in the middle two quartiles of the cross aisle.

NUMBER OF WHEELCHAIR SPACES

For auditoriums of up to 50 seats, 2 wheelchair spaces are required. For auditoriums of 51 to 150 seats, 4 wheelchair spaces are required, and for auditoriums of 151-300 seats, 5 wheelchair spaces are required. One percent of the seats in auditoriums must be aisle seats with moveable armrests. The regulations for food service areas require that 5% of the seating and standing eating counter spaces in a food service area be accessible.

There are no DOJ regulations that specifically address the question of whether the number of accessible wheelchair spaces in a stadium style motion picture auditorium where food is served must comply with the 5% food service area requirement or the lesser requirement in the DOJ regulations for stadium style motion picture auditoriums that do not include food service.

As a point of reference, the Department of Justice has issued guidelines for sports stadiums. These guidelines generally require that at least 1% of the seating in the stadium be accessible. All sections of the stadium must be accessible including food service areas and sky boxes. The sports stadium regulations do not specify the number of accessible seats required for a sky box even though many sky boxes have food service. Applying the same rationale, one might assume that as long as the movie theatre food service auditorium had the required number of seats for a non-food service auditorium, the theatre was ADA compliant. However, there has not been a DOJ ruling on this issue.

SEATING CONFIGURATIONS IN PREMIUM MOTION PICTURE THEATRE AUDITORIUMS

Most motion picture theatre operators are designing premium service auditoriums as stadium style auditoriums with premium style seating, which includes recliners and or loveseat seating that also provide counters for food service.

In such premium auditoriums, due to the type of seats being used there exists significantly reduced seating capacity. In those where food is also served, typically, the seating is located at the rear of the riser platform and the width of the platform has been increased to permit a server to walk in front of the patrons and deliver food to each seat. As a general rule seats are equipped with a table that is attached to the arm of the seat and can be pushed aside to permit the guest to enter the seat or a tray table that folds into the arm of the seat similar to what is found in an airplane. Often, wheelchair seating locations in food service auditoriums are on the rear of the riser which is consistent with ADA regulations pertaining to auditoriums of less than 300 seats. The wheelchair seating locations on the cross aisles of motion picture theatre food service auditoriums are also designed to meet the rear 60% of the auditorium test.

The ADA regulations pertaining to food service areas have an additional requirement that wheelchair spaces be dispersed throughout the food service area. There are no DOJ regulations that specifically address the question of whether wheelchair spaces in a stadium style premium auditorium where food is served must be dispersed throughout the premium auditorium. However, due to the distinct nature of the service being provided in a movie auditorium, versus a restaurant, as well as the vastly different structural layout between a movie theater auditorium and a restaurant, it seems unreasonable that the DOJ would consider the food service regulations as applicable to or viable for movie theatre auditoriums. As of this writing, the Department of Justice has not addressed the issue of whether vertical dispersion is required in motion picture theatre food service auditoriums.

FOOD SERVICE TRAYS

In food service auditoriums, some theatre operators provide wheelchair guests with portable trays designed to clip onto the wheelchair used by the guest or rest in their lap. Other theatre chains have ADA accessible movable tables that can be positioned in front of the wheelchair guest so that the server can place the dinner tray or dinner box on the table. The clip on and lap tables and trays are specifically designed to be ADA compliant. Table or tray height should fall in the 28 to 34" range from the floor.

TICKETING

Luxury seating and food service auditoriums are considered premium auditoriums and the industry practice is that ticketing is sold either online, by telephone or at the box office. Many such auditoriums offer reserved seating.

The ADA regulations require that when a theatre operator is selling reserved seating, wheelchair guests must have the same opportunity to purchase wheelchair and companion seats as guests who are not in wheelchairs. Thus a wheelchair guest should have the opportunity to go online, call the theatre or go to the box office and select a reserved wheelchair space and a companion seat in the same manner as a guest who does not use a wheelchair. Under the Department of Justice guidance document entitled "Ticket Sales" a wheelchair guest is entitled to order and/or purchase up to three companion seats in the same row as the wheelchair space that he/she orders or purchases.

The companion seats adjacent to a wheelchair space should only be sold to a person who purchases a wheelchair space. However, if the companion seat is not sold immediately prior to showtime then the seat can be sold to someone who is not accompanying a disabled guest. Many venues offer a group sales rate for groups of a pre-determined size. If a group includes one or more individuals who need accessible seating, the entire group should be seated together in an area that includes accessible seating. If it is not possible to seat the entire group together and the group must be split, the tickets should be allocated so that the individuals with disabilities are not isolated from others in their group.

COFFEE BARS, LOBBY CAFES AND PARTY ROOMS

Some theatres are being built with coffee bars, lobby café's and party rooms where food and beverage service are available.

There must be an accessible route from the entrance of the theatre to each of these food service areas. There must be an accessible route from each of the food service areas to accessible restrooms and to the cashier station. If the various food service areas (and your regular concession area) has a condiment counter or counter where napkins, straws, and food utensils are dispensed, that counter must have a clear floor space at least 30 inches wide and 48 inches long. If only a forward reach is provided to the counter, the maximum forward reach is 48" high. However, if the reach is over a counter, the maximum forward reach is 44 inches high where the reach back is at least 20 inches deep. Under the 2010 DOJ standards, the maximum unobstructed side reach is 48 inches high.

At least 5% of the seating area or counter space in your food service area must be accessible. There also has to be a 5 foot (60") clear circular floor area in each food service location to permit a wheelchair patron to turn.

At least 5% of the seating and standing spaces in each food service area must be wheelchair accessible. This means that the top of the accessible portion of the table or the counter must be 29-34 inches high; there must be knee clearance at least 27 inches high, 30 inches wide and 19 inches deep beneath the table. Under the 2010 DOJ standards, knee and toe clearance is permitted to extend only 17 inches beneath the table or counter surface.

In some food service areas, guests will be expected to wait in line before ordering, picking up and/or paying for food. The width of the route where the guests wait must be at least 36" wide to be accessible. If the food service area has a counter where food is ordered or picked up, the counter must have an area 36" long that is no higher than 36" high.

In food service areas, theatre operators should be concerned about problems that protruding objects present for disabled people. Objects that protrude more than 4" and are less than 80" from the floor must be removed from accessible paths of travel.

CONCLUSION

In discussing food service auditoriums with NATO members, there appears to be a consensus that premium seating and food service motion picture auditoriums are a viable entertainment option for many moviegoers.

As the popularity of luxury seating and food service auditoriums increases, we can expect that ADA issues will arise. We recommend that theatre owners carefully consider the ADA accessibility regulations that apply to all of their theatres that include luxury seating, food service, lobby cafes, coffee bars, and party rooms.