

# ***Madden & Patton, L.L.C.***

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September 24, 2007

Ms. Susan Dudley  
Administrator, Office of Information & Regulatory Affairs  
Office of Management and Budget  
725 17<sup>th</sup> Street, NW  
Washington, D.C. 20503

## **Re: Proposed DOJ ADA Regulations**

Dear Ms. Dudley:

I represent the International Association of Assembly Managers, Inc. an industry trade association comprised of over 4,600 managers of stadiums, arenas, theaters, convention centers, amphitheaters and auditoriums throughout the United States ("IAAM"). On behalf of IAAM, I would like to voice the industry's support for the Department of Justice's proposed ADA regulations ("DOJ regulations") that will hopefully be submitted to the Office of Management and Budget ("OMB") this calendar year.

IAAM members operate facilities in all fifty states that represent investments of billions of dollars of public and private funds. Most of these facilities are owned and operated by governmental entities. These facilities attract hundreds of millions of patrons each year to a variety of professional and amateur events including, but not limited to, football, baseball, basketball, music concerts, theatrical productions, annual conventions and tradeshow. The proposed DOJ regulations change the current regulations by reducing the wheelchair seat scoping from 1% to 0.5%. For example, under the current regulations, a new 70,000-seat stadium is required to install and reserve 700 wheelchair spaces and at least 700 companion spaces. If OMB approves the proposed DOJ regulations, the 70,000-seat stadium will be required to have only 350 wheelchair spaces and 350 companion spaces.

Over the past thirteen years, according to research and industry studies performed by the United States Architectural and Transportation Barriers Compliance Board or Access Board, wheelchair users have used only one-third of the wheelchair spaces and the remaining two-thirds of the seat spaces have remained empty. The construction of one wheelchair space with enhanced views replaces 4.5 conventional seats. Therefore, if we use the same example cited above for a 70,000-seat stadium, the proposed reduction in wheelchair scoping would add 1,575 conventional seats for the wheelchair spaces and another 1,575 for the companion spaces, for a total of 3,150 conventional seats in this one

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facility. Based on a ticket price of \$45.00, this stadium could increase revenues in the amount of \$157,500 for each of their major events. The millions of large to small events at all public assembly facilities including amusement parks, fairs, auto and horse racetracks, stadiums, arenas, convention centers, amphitheaters, performing arts centers, movie theaters and bleacher seating in gyms and auditoriums are affected by the proposed DOJ regulations. These updated changes in the DOJ regulations are long overdue and are desperately needed to rectify the current overly burdensome regulations. As we understand it, below is a copy of the proposed scoping for wheelchair seating in the public assembly facility industry.

**Access Board's Proposed Final Table 221.2.1 Number of Wheelchair Spaces  
(Issued April 2, 2002)<sup>1</sup>**

<b>Number of Seats</b>	<b>Minimum Number of Wheelchair Spaces Required</b>
4 to 25	1
26 to 50	2
51 to 150	4
151 to 300	5
301 to 500	6
501 to 5000	6 plus 1, for each 150, or fraction thereof, over 500
5001 and over	36 plus 1, for each 200, or fraction thereof, over 5000

In closing, thank you for meeting with me to discuss the positive impact the proposed DOJ ADA regulations will have on the public assembly facility industry.

Sincerely,

  
Turner D. Madden  
Managing Partner

cc: Mr. Carl Zinsmeister, Assistant to the President for Domestic Policy  
Ms. Rena J. Comisac, Acting Assistant Attorney General, U.S. Department of Justice

<sup>1</sup> See United States Access Board's Draft final Americans with Disabilities Act Architectural Barriers Act Accessibility Guidelines issued April 2, 2002.