

To the editor;

This is in response to the article “incident raises restroom access questions” Times 1/29/10. The writer claims that Dunkin Donuts “is a public accommodation under the A.D.A.”

The A.D.A. is a federal regulation. These rules were written for equal access. In other words they do not care if Dunkin Donuts has a bathroom, only that if there is one, the bathroom can accommodate disabled persons. In addition these regulations are not enforced by local jurisdiction.

Local jurisdiction however does enforce State handicapped regulations by way of Mass State Building Code, Architectural Access Code, and State Plumbing Code. Regulations to provide proper and adequate toilet facilities for all building uses fall under 248 C.M.R. State Plumbing Code.

The code does not require toilet facilities for the general public. In fact the closest it comes to this is a public beach. In all other uses toilet facilities are required for the employees, and for what the code calls “places of assembly” then bathrooms are required for the customers and employees.

No where is it written in any regulation that any business, public or private must supply bathrooms for the world. Not a City Hall, not a Police Station, gas station, library, church or restaurant.

Dunkin Donuts is well within their rights to refuse the use of their bathrooms to anyone that is not a customer.

Bathrooms for the general public are provided by some cities and towns as a convenience, they are not required by code. You can usually find them in tourist towns. For example Newburyport, Salem Willows, and recently The Town of Rockport built public bathrooms on T-Wharf. Perhaps one day the City of Gloucester will build public bathrooms, soon as they build the ones for Newell Stadium which are required by code.

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