Recreation Access Audits: A to Z

DATE AND TIME       Wednesday, 24 February 2010 / 10AM-1130AM

SPEAKER(S)          John McGovern  
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SESSION DESCRIPTION
Parks and recreation agencies must meet several key requirements of the Americans with Disabilities Act (ADA). From the maintenance of accessible features, to new construction, to system-wide access audits of existing sites and facilities, staffs need to understand and meet these requirements. This session will review requirements for new construction, alterations, and additions; system-wide access audits, and the ever-present maintenance requirement. We’ll also briefly review the status of design guidelines for recreation environments, and smart practices to complement these minimum requirements.

John McGovern spoke about accessibility audits for parks and recreation professionals. He spoke about what the American’s with Disabilities Act was and what it meant for parks and recreation. One main point he made was “Can someone in a wheelchair get to and use the same equipment as someone who is ambulatory?” He spoke about guidelines that have been set forth concerning new construction in parks as well as the differences between an alteration and an addition. Mr. McGovern talked about the Department of Justice following up on accessibility and changes/updates that parks have made in order to become compliant with the ADA. He noted that the Dept. of Justice wants parks to maintain their equipment, thus alterations can be made to existing equipment which would not trigger access requirements to be met, but also noted that any addition, expansion or new construction would have to meet standards of accessibility.

SESSION LEARNING OBJECTIVES
- Discuss and describe the 35.105 self evaluation requirement.
- Discuss treatment of existing sites, and effective methods for conducting a system-wide access audit.
- Discuss and describe new construction requirements.
- Discuss the status of the recreation design guidelines.
- Discuss resources available to parks and recreation agencies.
Presented by
John N. McGovern, J.D., President of Recreation Accessibility Consultants LLC
at the
2010 Great Lakes Park Training Institute

OUTLINE

Is There an Access Audit Requirement?

What is New Construction?

What is an Alteration?

What is an Addition?

OUTLINE (cont)

Is Maintenance Important?

What is the Status of the Guidelines?

Smart Practices and Strategies...

Resources

Access Audit Requirement

What is the ADA?

28 CFR Part 35

Section 35.105

January 26, 1993

What does an access audit look like?

1.2 Exterior Accessible Route (AR) - [CHECKLIST]
no AR from street to sidewalk (checklist), 1” gap VP2, VP2a: 4.6% cross slope VP1, VP1a: 7% running slope VP4, VP4a: route has imperfections allowing water and ice to accumulate VP3

Recommendations:
1.2.1 Create curb ramp with max slope 8.33%, max cross slope 2.08%, having a top landing as wide as the ramp and 36" deep and side flares connected with VP3 (checklist) (coordinate with Village)
1.2.2 Correct or repair sidewalk cross slope along AR to max 2% (VP1, VP1a)
1.2.3 Correct or repair sidewalk running slope on AR to max 5% (VP4, VP4a)
1.2.4 Resurface route to eliminate changes in level and gaps and eliminate water accumulation (VP3)

Designed or Constructed...

By, on behalf of, or for...

January 26 of what year...

Must follow ADAAG and...

Must follow state access code
What is An Alteration?

- Change to a facility or site…
- By, on behalf of, or for…
- January 26 of what year…
- Affects or could affect usability…

DOES INCLUDE…

- remodeling, renovation, rehabilitation, reconstruction, historic restoration, structural rearrangement of parts or elements, or the reconfiguration of walls and partitions…

DOES NOT INCLUDE…

- normal maintenance, reroofing, painting or wallpapering, changes to electrical or mechanical systems, replacement of worn or inoperable features…unless these affect usability of the site!

Is Maintenance Important?

28 CFR Part 35.133 Maintenance of Accessible Features

“A unit of state or local government shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities…”

ADA/ABA Guidelines 1008.2.6.1

“Ground surfaces shall be inspected and maintained regularly and frequently to ensure continued compliance with ASTM F1951.”

What is An Addition?

- An expansion, extension, or increase in the usable floor area of a facility or site…
- By, on behalf of, or for…
- January 26 of what year…
- Includes replenishment (beaches, playground surface)?

What is the Status of the Guidelines?

- ADAAG
  - Play Area Guidelines (US Access Board 2005)
  - - sports fields and courts
  - - golf courses
  - - miniature golf
  - - swimming pools
  - - recreational boating & fishing
  - Outdoor Recreation Guidelines (US Access Board – pending)
  - Title II rewrite (US Department of Justice – pending)

Predictions?

- Federally operated outdoor recreation sites
- Federally funded outdoor recreation sites (LAWCON, FEMA)
- Shared use trails
- State and local government outdoor recreation sites
- Segway policies
- Golf course design
- Single rider golf cars
- Fitness facilities
- Service Animals
Smart Practices and Strategies!

- Follow the Recreation Guidelines
- Follow the Playground Guidelines
- Follow Access Board work on outdoor sites
- Watch for DOJ ADA guidance
- Demand compliant products from vendors

Smart Practices and Strategies!

- Experiment with innovative products
- Train coworkers, policy-makers, bosses, and employees
  - **Lead**, don’t follow…
- Involve citizens with disabilities

Smart Practices and Strategies!

- Designate a responsible employee
- Create and promote a dispute resolution process
- Complete an access audit of sites and facilities
- Make a plan for when, where, and by what date changes will occur
- Make the agency website accessible

Resources!

- US Department of Justice at 202/514-0301 or [www.ada.gov](http://www.ada.gov)
- US Access Board at 202/272-0080 or [www.access-board.gov](http://www.access-board.gov)
- NRPA National Institute on Recreation Inclusion in Schaumburg, IL 11/8 to 11/10 of 2010…go to [www.nrpa.org](http://www.nrpa.org)
- John McGovern at 224/293-6451 or 847/363-9384 or john.mcgovern@rac-llc.com or [www.rac-llc.com](http://www.rac-llc.com)