ADA (Americans With Disabilities Act) Compliance:

TRANSITION PLAN OVERVIEW

ADA Team | M-NCPCC Montgomery Parks
Park Development Division
February, 2016
OUTLINE

- Background
- Fundamental ADA Components
- Physical Access – Methodology
- Physical Access – Implementation
- Program Access
- Transition Plan Summary
- Glossary
BACKGROUND
ADA Recent Events that Impact Montgomery County Parks

2006

DOJ Conducted sample audits within Montgomery County (including numerous Parks)

2010

DOJ updated 1991 Standards and Established New Standards for Recreation Activities
BACKGROUND

ADA Recent Events that Impact Montgomery County Parks

2011

Montgomery County and Parks enter into Settlement Agreement (SA) with DOJ to complete the following:

- Corrective work for 19 DOJ-audited sites (over five years)
- Self-evaluations of all Parks
- Policy reviews and employee training
- Public Outreach and Communications
- ADA Signage throughout Parks
- Comprehensive Transition Plan
BACKGROUND
Recent ADA Accomplishment at Montgomery County Parks

2015

Montgomery Parks has accomplished the following tasks:

- Corrective work at 17 DOJ-audited sites and nearly 70 other park facilities
- Completed Self-evaluations of all parks (one year ahead of schedule)
- Public Outreach and Communication including presentations to the Commission on People with Disabilities (CPWD) of Montgomery County
- Developed web page for Physical Access Plan
- Developed web page for Program Access Office
- Submitted yearly Interim Transition Plans that regulate the ADA work plan and strategy for the Montgomery Parks system
BACKGROUND
Transition Plan Requirements

✓ **Required**
  - if a governmental entity employs 50 or more persons (Title II)

✓ **Must be available**
  - to the public for review, comment, and inspection

✓ **A Transition Plan:**
  - Identifies barriers within Montgomery Parks’ system that limit accessibility to programs and activities
  - Describes the methods/actions/strategies needed to make facilities accessible across the entire park system
  - Establishes the schedule and timeline for barrier removal
  - Identifies person(s) responsible for plan implementation
  - Reviews Parks’ programs, services and activities for compliance with Title II of ADA
FUNDAMENTAL ADA COMPONENTS

- Physical Access
- Program Access
FUNDAMENTAL ADA COMPONENTS

Physical Access

Facilities designed, constructed, or altered by, on behalf of, or for the use of a public entity must be readily accessible and usable by individuals with disabilities.
FUNDAMENTAL ADA COMPONENTS

Program Access

No qualified individual with a disability shall, because a public entity’s facilities are inaccessible or unusable,

• Be excluded from participation;
• Be denied benefits of programs;
• Be subjected to discrimination.
Montgomery Parks developed 4 steps to make sure the entire park system is physically accessible for people with disabilities:

**Step 1: Self-evaluation**

**Step 2: Barrier Removal Strategy**

**Step 3: Priority Ranking**

**Step 4: Geographic Distribution**
PHYSICAL ACCESS - METHODOLOGY
Step 1: Self-Evaluation

Montgomery Parks hired an outside consultant to help identify deficiencies in physical access for the amenities in every park managed and regulated by Parks. This task was completed by August 2015.

- **417 parks evaluated**
- **13,750 barriers detected**
  
  *Approximately 6,000 of them are Easy Barriers Removals (EBRs)*

- **$48 million and 15 +/- years to remove the barriers**
PHYSICAL ACCESS - METHODOLOGY

Step 2: Strategy – Goal

A. Identify all the different amenities within Montgomery Parks system by two types
   - Recurring Amenities
   - Unique Amenities

B. Determine how many of each type amenities will be made accessible
Recurring Amenities

Definition:
Recurring amenities are those which occur in a number of parks, such as playgrounds, playing fields, basketball and tennis courts, and other recreation amenities.

Solution:
Montgomery Parks proposes to make one-third of existing recurring amenities accessible.

We chose one in three as a result of several factors after following the guidance provided in the Guidance and Analysis Section of the DOJ regulations:
- Size of the public entity
- Particular program offered at each site
- Geographical distribution of sites
- Availability of public transportation to the sites
Definition:
Singular experience or activity in the Park system.

Examples include historic buildings and sites, a tai chi court, the carousel, and a golf driving range.

Certain amenities within the Parks’ system may be duplicative but defined as unique as a matter of policy.

Examples include Brookside Gardens, archery ranges, ice rinks, and nature centers.

Solution:
Montgomery Parks proposes to make all unique amenities accessible through a combination of physical and program access.
Definition of an ADA accessible amenity:

ADA compliance for Physical Access is achieved only when all barriers associated with the amenity are removed.
PHYSICAL ACCESS - METHODOLOGY

Step 3: Priority Ranking – Criteria

We will rank parks and amenities to determine barrier removal priority:

1. PROS Areas - population density
2. Park Type - park usage
   (countywide vs. community)
3. Proximity to public transit
4. Unique amenities within the park
   Unique vs. Recurring amenities
3. Asset Types
   (Parking, Accessible route, restroom, etc.)
4. Barrier Priority Ranking
   (Per DOJ Title II Regulations)
7. Citizen inquiries and special services
Prioritize parks to analyze according to highest population density per PROS area

1. Silver Spring / Takoma Park
2. North Bethesda / Chevy Chase
3. I-270 Corridor
4. Georgia Avenue
5. Eastern County
6. Potomac
7. Rural Area
**PHYSICAL ACCESS - METHODOLOGY**
Step 3: Priority Ranking – Criteria: Park Type

### Countywide Parks
All countywide parks are ranked higher due to higher usage

1. Regional and Recreational Parks
2. Stream Valley Parks
3. Special Parks, Historic / Cultural Sites and Nature Centers
4. Conservation Parks *

### Community-based Parks
Community-based parks are generally ranked lower due to lower usage

1. Local and Neighborhood Parks
2. Urban Parks
3. Neighborhood Conservation Parks *

* These parks are generally excluded due to lack of amenities.
Each park will get a credit and be ranked based on:

- Park ranking criteria
- number/type of amenities within that park

57 Types of Amenities
Check geographic distribution to ensure each type of recurring amenities present in a district are accessible within a 15-minute driving distance.

**Districts within PROS area**
Within each PROS area, group parks by geographic districts, which are bounded by major roads or natural boundaries such as stream valleys.

**Amenities open to public**
Determine number of facilities for ADA compliance based on 1/3 of the number of each type of facilities present in each district.

**ADA accessible amenities**
Within each district, choose specific amenities to meet goal based on park ranking and technical feasibility.

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**Physical Access – Implementation**
PHYSICAL ACCESS - METHODOLOGY
Step 4: Geographic Distribution

PROS AREA 1
Silver Spring - Takoma Park

PROS AREA 2
N. Bethesda – Chevy Chase

PROS AREA 3
I270 Corridor

PROS AREA 4
Potomac

PROS AREA 5
Georgia Avenue

PROS AREA 6
Eastern County

PROS AREA 7
Rural Area
There are 3 steps to implement barrier removal to ensure facilities are physically accessible to individuals with disabilities:

**Step 1: Implementation Plan**

**Step 2: Barrier identification and removal**

**Step 3: Documentation**
PHYSICAL ACCESS - IMPLEMENTATION
STEP 1: IMPLEMENTATION PLAN

The implementation plan of a physically accessible park system includes 3 parts:

A. Selected recurring amenities and all unique amenities

B. History of citizen inquiries or complaints about accessibility

C. Other projects are in Capital Improvements Program (CIP), Major Maintenance, Planned Lifecycle Asset Replacement (PLAR), and/or Park Facility Planning
The barrier identification is based on:

A. Self-evaluation Reports
   - Evaluations have been performed for every park with amenities (Completed in 2015)
   - Any barrier that prevents ADA access is recorded

B. ADA Project Manager’s field observation and confirmation

Barrier Removal Rule

ADA compliance for Physical Access is achieved only when all barriers associated with the amenity are removed.
PHYSICAL ACCESS - IMPLEMENTATION
STEP 2: BARRIER IDENTIFICATION AND REMOVAL

Example: Possible barriers for a picnic shelter

Possible barriers:

Amenity: Picnic Shelter

- Excessive slope at parking lot
- Sign too low; Not enough info
- Uneven pavement
- Non-ADA compatible furniture
- ADA Transition Plan Overview

Example:
Possible barriers:
- Excessive slope at parking lot
- Sign too low; Not enough info
- Uneven pavement
- Non-ADA compatible furniture
- ADA Transition Plan Overview
## PHYSICAL ACCESS - IMPLEMENTATION

### STEP 2: BARRIER IDENTIFICATION AND REMOVAL

#### Example: Possible barriers for a picnic shelter

<table>
<thead>
<tr>
<th>Components associated with the shelter</th>
<th>Items</th>
<th>Example Barriers to Be Removed</th>
</tr>
</thead>
</table>
| Point of Access (POA) (i.e. Parking lot) | 1. ADA compliant parking space  
2. Access aisle adjacent to the parking space  
3. ADA signage for the parking space and aisle | 1. Slope within the parking space and aisle too steep (over 2%)  
2. Space not wide enough (less than 8’)  
3. Height of ADA signage too low (less than 84”) |
| Accessible Route from POA to the amenity | Accessible Route | 1. Running slope too steep (over 5%)  
2. Cross slope too steep (over 2%)  
3. Gaps in pavement too big (over ½” wide)  
4. Uneven pavement (vertical elevation changes over ¼” not ramped) |
| Ground Surface | Concrete Pad | Similar to Accessible Route above |
| Furniture | 1. Picnic table  
2. Benches  
3. BBQ Grill  
4. Trashcans | 1. No ADA compliant furniture  
2. Not enough clear floor space around ADA compliant furniture  
3. Grill is not on a stable pavement  
4. Trashcan openings too high |
| Misc. | 1. Outlet connector  
2. Drinking fountain | 1. Outlet is too high  
2. Drinking fountain is not accessible by a wheelchair  
3. Drinking fountain is not at the correct height |
Steps of documentation:

1. Perform final inspection
2. Document completed work in several ways
   - As-built drawings
   - Photographs
   - On-site field verification
3. Store all documents in Parks database in relation with specific amenities/facilities
4. Create work order for any deficiencies
Montgomery Parks’ goal is to create an accessible park system available via public transit or within a 15-minute driving distance. The strategy is to make all unique amenities and one in three recurring amenities accessible to people with disabilities.

ADA compliance for Physical Access is achieved only when all barriers associated with the amenity are removed.
Montgomery Parks, part of the Maryland-National Capital Park and Planning Commission, encourages and supports the participation of individuals with disabilities. Please contact the Program Access Office to request a disability modification.

Hillandale Office Building
10611 New Hampshire Avenue
Silver Spring, Maryland 20903

301-495-2477 (Voice/TTY)
MD Relay 711 or
800-552-7724 (Voice/TTY)

ProgramAccess@montgomeryparks.org
www.montgomeryparks.org
PROGRAM ACCESS

The Program Access Office launched in February 2015. The function/purpose of the office is to:

- Coordinate, provide and manage modifications for individuals with disabilities to successfully be included in county-wide parks and leisure programs.
- In cooperation with the Department’s ADA Access Team, monitor, research and interpret the ADA ensuring that the Department is in compliance with the law as it relates to program management.
- Develop and implement policies and procedures for Department employees to follow to ensure ADA compliance in program management.
- Educate, train and serve as a resource for staff and the public on disability issues and reasonable modifications.
Modifications provided by Montgomery Parks:

- Trained Support Staff
- Companions
- Braille, large print materials
- Assisted Listening Devices / auxiliary
- Sign language interpreters
- Adaptive equipment
- Audio Description
Process for requesting a program modification:

**Step 1: Registration**
- In person
- Online
- Direct Contact:

**Step 2: Intake Form**

**Step 3: Secure modifications**

**Step 4: Send notification**

**Step 5: Welcome**

**Step 6: Evaluate modifications**
PROGRAM ACCESS
QUALITY ASSURANCE

- Customer Service
- Staff Evaluation
- Testimonials
- Program Evaluation
PROGRAM ACCESS
PARTICIPANT AND SERVICE LOGISTICS

PARKS PROGRAM PARTICIPANTS OF INDIVIDUALS WITH DISABILITIES
(SINCE APRIL 2015)

- Physical Disabilities
- Speech
- Blind/Low Vision, Deaf/Hard of Hearing
- Emotional/Behavioral
- Developmental Disabilities
- Autism Spectrum
- Seizures/Epilepsy
- Multiple disabilities
- Attention disabilities

SERVICE REQUEST CHART
(SINCE APRIL 2015)

- Direct Support Services 23%
- Indirect services 26%
- No services requested 51%
ADA COMPLIANCE
TRANSITION PLAN: SUMMARY

- Provide accessibility to 1 in 3 of each existing recurring amenity
- New parks/facilities or those that are undergoing a renovation will be fully accessible, comply with the ADA/MD Accessibility Codes
- Remove barriers for those unique facilities that offer singular programs
- Maintain the maximum program delivery to all users
- Provides a snapshot in time of the status of ADA compliance in the Montgomery Park system
- Express Montgomery Parks’ commitment to the Final Transition Plan
- Demonstrate substantial and sustainable progress
Moving forward, the strategies of analyzing data, determining appropriate decision criteria and rankings of barrier removals will continue to be refined. The database housing all evaluations and barrier removals is being tailored to the needs of Montgomery Parks to monitor accessibility needs and requirements.

Montgomery Parks welcomes additional public input to help shape a more accessible society and environment.
Thanks to Program Access, my son ended his summer camp experience feeling competent, included with his peers, and appreciated for sharing his love of nature with his peers and the nature center staff. I know he would not have experienced such a positive outcome without the help of his support staff and the thoughtful supervision of the Program Access staff.

After much resistance, Daniel actually enjoyed participating in the ice skating. I have to give all credit to Andy Banks who deserves a medal for his patience and persistence in working with Daniel. He eventually managed to get Daniel to join the group after many sessions trying. Please let Andy know we really appreciate his efforts and the kindness he showed to Daniel, it means a lot!!
GLOSSARY

Amenity:
- Physical component of a park. Examples: parking space, tennis court, picnic shelter

Assessment/Audit and Self Evaluation:
- A procedure to identify and gather information about a park system’s services, programs, policies and practices, and identify physical barriers

Barrier:
- An impediment which is not compliant with ADA standards and which limits accessibility for individuals with disabilities

Easy Barrier Removal (EBR):
- Tasks to remove barriers that generally require small elements of time consisting of ½ day or less of labor

Parks, Recreation, and Open Space (PROS) Plan Service Areas:
- Areas with population demographics used for most Parks Department service delivery strategies and consistent with Montgomery Planning Department’s planning geographies

GLOSSARY

Program:
- The entire offering of Montgomery Parks’ system, both amenities and activities as defined by DOJ’s Title II Regulations

Settlement Agreement:
- Legally binding instrument between Parks Department and DOJ that mandates phased ADA compliance (dated 2011)

Transition Plan:
- Strategy for implementing phased ADA compliance including cost and time-frame (interim plans due yearly, final plan due 2016)

Title II of ADA:
- The title II regulation covers "public entities." These include any State or local government and any of its departments, agencies, or other instrumentalities. All activities, services, and programs of public entities are covered.