

CHAPTER 5

Accessibility and Outdoor Recreation

This chapter addresses common challenges and issues that park professionals and other interested persons face when trying to make their programs, services and activities accessible to people with disabilities. Included is information about requirements, pertinent legislation, guidelines and potential resources.

WHO BENEFITS FROM ACCESSIBILITY

Most recreational programs have faced the challenge of having to do more with less in terms of financial resources, personnel and time. That might make it tempting to argue that accessibility costs too much. But have you thought about the cost of not providing access to people in general, not just "people with disabilities?"

Accessibility certainly benefits people with disabilities, but it also helps many people who are not legally disabled. For example, a ramp benefits the:

- Family with large, heavy gear and folding chairs
- Parent with a child in a stroller
- Older person with bad knees
- Person on crutches coming back from a skiing holiday

- Park employees unloading equipment from a boat
- Young artist with heavy paints and easel
- School group on a field trip, whose students are less likely to stumble
- Couple carrying a heavy lunch basket
- Emergency fire or medical personnel responding with a gurney and equipment

According to the U.S. Census Bureau, more than one in five Americans, approximately 54 million people, have a disability. In Indiana, about 900,000 people, age 5 and older, reported having a disability. These numbers represent the largest minority group in the nation. These people have spouses, children, relatives and friends. They belong to churches, support groups and social organizations. As more people live longer and naturally encounter disabling conditions, and more veterans return home with disabilities, it takes little effort to see that everyone benefits from accessibility.

People with disabilities (according to the U.S. Census Bureau) have \$220 billion in discretionary spending power. The Open Doors Organization released a 2015 Market Study that showed American adults with disabilities now spend \$17.3 billion annually on just their own travel. Such travel provides the following benefits, as listed below.

Legal Benefits

- Avoidance of arbitrations/mediations
- Avoidance of court cases

Technical Benefits

- Ramps are easier to manage/clean
- Accessibility features require little if any extra effort
- Accessibility features are good for all, not just people with disabilities
- Improvement of use of facilities

Economic Benefits

- Increase in productivity—spend less time defending complaints
- Reduction in costs for maintenance and support
- Decrease in injury claims for public and work force
- Increase in profits from greater participation

Public Relations Benefits

- Property is seen as inclusive and forward-looking
- Avoidance of complaints
- Avoidance of negative media coverage

NOTHING NEW

For more than 47 years, as required by the Architectural Barriers Act of 1968 and the Rehabilitation Act of 1973, federal government agencies and entities that receive federal funds had to make their facilities and programs accessible to people with disabilities.

In 1990, more than 25 years ago, Congress enacted the Americans with Disabilities Act (ADA), which extended accessibility and non-discrimination requirements in five areas: employment, public services, public accommodations, telecommunications and miscellaneous provisions.

State and local governments, including counties, cities, towns and townships, are covered by Title II of the ADA (public services). Likewise, commercial and non-profit parks-and-recreation providers are covered by Title III (public accommodations) because they provide services to the public. These organizations include non-profit groups such as Friends of specific parks and trail groups, YMCAs, and Boys and Girls Clubs, as well as commercial entities that provide canoe rentals, fitness facilities, go-cart racing, amusement parks, ski resorts, rafting, bowling alleys, etc. If you are involved with the public, via government or private business, you have had to provide accessible facilities, programs and services for years.

STANDARDS AND GUIDELINES

Start with the best, most current information. The two standards to start with are—the 2010 ADA Standards for Accessible Design and Architectural Barriers Act (ABA) Accessibility Standards. Following these standards will satisfy all requirements, but please make sure that there are not more-stringent local codes.

The ADA is a comprehensive civil rights law that prohibits discrimination on the basis of disability. The ADA requires that newly constructed and altered state and local government facilities, places of public accommodation, and commercial facilities be readily accessible to, and usable by, persons with disabilities. To continue to guide this process, the 2010 ADA Standards for Accessible Design took effect March 15, 2012. The Department of Justice (DOJ) adopted the 2010 ADA Standards for Accessible Design as part

of the revised regulations for Title II and Title III of the ADA of 1990. The Standards are at: ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm.

The Standards set minimum requirements—both scoping and technical—for new construction and alterations of the facilities of more than 80,000 state and local governments and more than seven million businesses. Until the 2012 compliance date, entities could use the revised standards to plan current and future projects so that their buildings and facilities would be accessible. After March 15, 2012, all entities had to use the 2010 standards.



TACTILE ACCESSIBILITY

In addition to the official version of the 2010 standards, the DOJ website provides important guidance about the standards that is compiled from the Title II and Title III regulations. This guidance provides detailed information about the adoption of the 2010 standards, including changes to the standards, the reasoning behind those changes, and the response to public comments received on these topics.

The 2010 Standards for Accessible Design contains codified specifications for these recreational facilities:

- Amusement Rides
- Recreational Boating Facilities
- Exercise Machines and Equipment
- Fishing Piers and Platforms
- Golf Facilities
- Miniature Golf Facilities
- Play Areas
- Saunas and Steam Rooms
- Swimming Pools, Wading Pools and Spas
- Shooting Facilities with Firing Positions

Achieving accessibility in outdoor environments has long been a source of inquiry due to challenges and constraints posed by terrain, the degree of development, construction practices and materials, and other factors.

The U.S. Access Board has issued requirements that are now part of the Architectural Barriers Act (ABA) Accessibility Standards and apply to national parks and other outdoor areas developed by the federal government. They do not apply to outdoor areas developed with federal grants or loans. A guide that explains these requirements is at access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas/a-summary-of-accessibility-standards-for-federal-outdoor-developed-areas.

The new provisions address access to:

- Trails
- Picnic and camping areas
- Viewing areas
- Beach access routes
- Other components of outdoor-developed areas on federal sites when newly built or altered.

They also provide exceptions for situations in which terrain and other factors make compliance impracticable. The new requirements are located in sections F201.4, F216.3, F244 to F248, and 1011 to 1019 of the ABA Standards.

Through later rulemaking, the U. S. Access Board intends to develop guidelines for non-federal outdoor sites covered by the ADA and areas developed with federal grants and loans covered by the ABA.



FISHING

Although accessibility specifications for these recreational facilities are not yet adopted by standard-setting agencies, they are considered “best available information” and should be used when constructing new or altering existing facilities.

It is a common misconception of facility managers and building owners that facilities built before accessibility standards do not need to make accessibility modifications, or are “grandfathered.” On the contrary, each state and local government entity is required by Title II to conduct a self-evaluation of the accessibility of programs and facilities, and create a corresponding Transition Plan to correct identified accessibility deficiencies. Because many facilities built before accessibility standards are mostly inaccessible, the Transition Plan must include ways to remove barriers from these facilities. And according to regulation accessibility standards, altering a facility triggers the need to use the current accessibility standards.

PROGRAM ACCESS

Program accessibility was first legislated in Section 504 of the Rehabilitation Act of 1973, which states that “No otherwise qualified individual with a disability in the United States,

as defined in section 7 (20), shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, or under any program or activity conducted by any Executive agency or by the United States Postal Service.”

This important principle was also written into the ADA legislation: “A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity’s services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as program accessibility, applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible. (U.S. DOJ, ADA Title II; 1990)”

In essence, program accessibility applies to almost anything. Although you may not be constructing new or altered facilities, program access may require making physical changes to your facilities. Program access may also require changing policies, practices and procedures. Consider the following scenarios:



ACCESSIBLE PLAYGROUND

- The parks department main office is in an inaccessible building built in the 1950s. The department retrofits the building so that the parking, route to the building, public offices and support facilities such as public restrooms are accessible to the public.
- Signs interpreting the natural and cultural history of the area are provided on a trail. Audio tours may be used to effectively communicate to a person with low or no vision the information in the interpretive displays.
- Parks board meetings usually are held in an inaccessible historic building. The new parks board members decide to officially move the meeting to an accessible location that allows all interested members of the public, regardless of ability, to attend without prior notification.
- The parks department offers movie nights each Friday in September. Staff ensures captions are turned on for each movie for people who are hard of hearing or deaf.

In its 2010 revision of Title II ADA regulations, the rule expanded on its mobility devices guidance by adding that Other Power-Driven Mobility Devices (OPDMD) are acceptable. The DOJ defines OPDMD as “any mobility device powered by batteries, fuel or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for locomotion ... but that is not a wheelchair” According to this new regulation, public entities must permit the use of OPDMDs by people with mobility impairments unless the entity can otherwise demonstrate that a specific OPDMD creates safety or programmatic issues. The regulation provides assessment factors to assist public entities in determining whether specific classes of OPDMD can be allowed in a particular facility. Questions regarding the application of this new regulation should be directed to the DOJ or the Great Lakes ADA Center.

Public entities with 50 or more employees are required by Title II to designate an employee to coordinate ADA compliance. This requirement is often met by hiring or designating an accessibility coordinator. The accessibility coordinator should know the entity’s structure, activities and employees; know applicable laws and how to meet them; and know about varying types and severity of disabilities. The accessibility coordinator can assist the parks-and-recreation department in identifying and solving potential program accessibility issues, respond to grievances, and assist with staff training. Proper staff training is key to ensuring programs and services are accessible. Disability awareness and accessibility training should be provided for all staff and volunteers. Training helps ensure that visitors with disabilities are treated with respect and that

requests for accommodations are met with an appropriate response (DOJ ADA Guide for Small Towns - ada.gov/smtown.htm).

MEASURE, MARK AND MEASURE AGAIN

You have probably heard this rule of thumb before. It refers to making sure you cut correctly the first time. But it can extend to the philosophy of doing things correctly and planning for more than the minimum. For example, the range for the height of grab bars in a restroom is 33-36 inches from the floor to the top of the gripping surface. Shooting for 34 or so will give you plenty of wiggle room. It will not cost more. Even if a contractor makes a small adjustment, you will still be safe.

In addition, you should understand that the ADA standards were developed by a number of individuals with a variety of interests and perspectives. Building to the Standards will accommodate many but not all people with disabilities. Exceeding the standards, where possible, will provide increased accessibility and opportunities for even more people. For example, incorporating Universal Design concepts will provide greater access for those with more severe disabilities.

The term “Universal Design” was coined by architect Ronald L. Mace to describe the concept of designing all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of age, ability, or status in life. In most instances, the increased cost is negligible but the benefits are significant.

Examples might be:

- Smooth, ground-level entrances without stairs or a separate ramp
- Surface textures that require less force to travel across
- Wide interior doors, hallways and alcoves with 60” x 60” turning space
- Single-hand operation with closed fist for operable component, like door and faucet handles
- Light switches with large, flat panels rather than small toggle switches
- Buttons and other controls that can be distinguished by touch
- Bright and appropriate lighting, particularly task lighting
- Instruction that presents material both orally and visually

Consider your preferences and desires. Would you be more inclined to take your family to a well-kept, clean park or, when seeing trash or unmowed areas, just move on and not go to that park at all? The same idea holds for exceeding

requirements. Clearly, an area that the community can be proud of will be less likely to be defaced or vandalized. Having a model facility will draw in people and support from a wider area. This is a major reason for maintaining and improving parks and other recreation areas.

PRODUCTS, DESIGNERS AND CONSULTANTS

Perhaps almost daily, many parks-and-recreation professionals are responsible for choosing products for use in the facilities at which they work. Whether these products are additions or replacements, the professional often must determine how it meets accessibility standards.

requests for qualifications (RFQ) may be posted. If so, ask for information regarding accessibility compliance.

After you hire a company, have a knowledgeable person on your parks-and-recreation staff review plans for accessibility and other concerns before bidding. Work with that person on the bid document to include language regarding the liability of the contractor regarding accessibility. Include people with disabilities in the process. Asking for this input/perspective not only provides a view from fresh eyes, but also publicizes your program.



ARCHERY

Picnic tables, benches, play structures and surfacing, sinks, lockers, and drinking fountains are among the many products that need to be accessible. It is important for the buyer to investigate potential products rather than relying solely on a vendor's claim of accessibility or "ADA approved." For guidance, refer to "ADA Approved and Other Accessible Product Myths: Choosing Products to Improve Access at Your Parks & Facilities," at ncaonline.org/resources/articles/ada_approved.shtml.

In addition to purchasing products, parks-and-recreation practitioners also work with designers and consultants during capital projects. Before hiring a company, practitioners should ask how much accessibility experience its staff has. While many architects, landscape architects and engineers are aware of accessibility, it is not necessarily their main focus while designing and constructing a new facility or doing rehabilitation projects. Before hiring a designer or consultant,

WRAP-UP AND RESOURCES

Our intent is to provide the tools necessary to ensure that whatever program you develop will be the best it can be for all. No one, including people with disabilities, wants to be unnecessarily singled out or treated differently. We want all people to enjoy natural resources in as natural an environment as possible, but we also want to make sure we do not create unnecessary barriers. Please contact the following resources for free accessibility information and/or technical assistance.

U.S. Department of Justice

Find out more about the ADA or the 2010 ADA Standards for Accessible Design using the toll free ADA Information Line at 800-514-0301 (Voice) or 800-514-0383 (TTY), or go to ada.gov.

The U.S. Access Board

The Access Board is an independent federal agency devoted to accessibility for people with disabilities. Created in 1973 to ensure access to federally funded facilities, the board is now a leading source of information on accessible design. The board develops and maintains design criteria for the built environment, transit vehicles, telecommunications equipment, and electronic and information technology. It also provides technical assistance and training on these requirements and on accessible design, and continues to enforce accessibility standards that cover federally funded facilities.

United States Access Board
1331 F Street, NW, Suite 1000
Washington, DC 20004-1111

Phone (voice): (202) 272-0080
Toll free: 800-872-2253
Phone (TTY): (202) 272-0082
Toll free: 800-993-2822
Fax: (202) 272-0081

access-board.gov

Email: info@access-board.gov

Great Lakes ADA Center

The DBTAC-Great Lakes ADA Center provides information, materials, technical assistance and training on the ADA. Topics addressed include the nondiscrimination requirements in employment, the obligations of state and local governments and business to ensure programs, services and activities are readily accessible to and usable by people with disabilities. This pertains to access to the information technology used by these entities, including but not limited to websites, software, kiosks, etc.

Great Lakes ADA Center
University of Illinois at Chicago
Institute on Disability and Human
Development (MC 728)
1640 W. Roosevelt Road, Room 405
Chicago, IL 60608

Phone: (312) 413-1407 (V/TTY)
M-F 8 a.m.-5 p.m. CT
Phone: 800-949-4232 (V/TTY)
M-F 8 a.m.-5 p.m. CT
Fax: (312) 413-1856

adagreatlakes.com

National Center on Accessibility

The National Center on Accessibility is a nonprofit center operating under Indiana University in Bloomington. The center offers information, training, research, technical assistance, and consultation on issues related to accessibility to parks, recreation programs, activities and services.

National Center on Accessibility
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