

Accessibility Assessment and Transition Plan

For the:

Parks and Recreation Facilities for the City of Eau Claire

City of Eau Claire, Wisconsin

August 2015



A. Overview

This report describes the process of the physical accessibility assessment and the requirements for developing the Transition Plan by which facilities were evaluated for compliance with the ADA; presents the findings of that evaluation; and provides recommendations for ensuring accessibility.

The development of a Transition Plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities. The Act, which has become known as the “civil rights act” of persons with disabilities, states that:

“No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” (Section 504)

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act (ADA on July 26, 1990). The City of Eau Claire is obligated to observe all requirements Title II in its policies, programs, and services. Title II of the ADA stipulates that public entities must identify and evaluate all programs, activities, and services and review all policies, practices, and procedures that govern administration of the programs, activities, and services for all government entities employing more than fifty people. These administrative requirements include:

- Completion of a self-evaluation;
- Development of an ADA complaint procedure;
- Designation of a person who is responsible for overseeing Title II compliance; and
- Development of a Transition Plan if the self-evaluation identifies any structural modifications necessary for compliance.

This ADA Self Evaluation and Transition Plan is being prepared as partial fulfillment of the requirements set forth in Title II of the Americans With Disabilities Act (ADA). This report will assist the City of Eau Claire, department heads, program directors, and employees in identifying policy, program, and physical barriers to accessibility and in developing barrier removal solutions that will facilitate the opportunity of access to all individuals.

BACKGROUND

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, providing comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations and State and local government services. Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in program, activities and services provided or operated by all State and local governments. Title II mandates that a public entity evaluate its current services, policies and practices to determine whether they are in compliance with the non-discrimination regulations of the ADA. A self-evaluation is required and intended to examine programs, activities and services, identify problems or physical barriers that may limit accessibility by the disabled and describe potential compliance solutions.

B. Discrimination and Accessibility

There are two kinds of accessibility: program accessibility and physical accessibility. Absence of discrimination requires that both types of accessibility be provided. Programmatic accessibility includes physical accessibility, but also entails all of the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate sites.

Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. The ADA establishes requirements to ensure that buildings and facilities are accessible to and usable by people with disabilities. Design guidelines to achieve accessibility have been developed and are maintained by the U.S. Access Board under the jurisdiction of the ADA. Programs offered by the City to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, communication and access to information. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services.

When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City provides equality of opportunity, but does not guarantee equality of results.

Each city park is not required to be accessible nor is each park required to be fully accessible. The City will review the use, location, proximity to disabled persons, staffing and programs involved at each park to provide the best disbursement of handicap accessible programs as possible to its residents. The Site Evaluations Checklists are thorough inspections that are to be used as a guide when planning for greater

accessibility and are not to be construed as a requirement to provide full accessibility for all areas and parks to meet the intent to Title II. The City reserves the right to adjust location of programs and even the Transition Plan to provide for the best use of the existing parks and funding to provide program accessibility to the greatest extent possible with creating an undue burden to the City and its residents.

C. Undue Burden

The City is not required to take any action which it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity or in undue financial and administrative burdens. In those circumstances where City officers, officials or personnel believe that the proposed action will fundamentally alter the service, program or activity or would result in undue financial and administrative burdens, the City has the burden of proving that compliance with 28 CFR §35.150(a) would result in such alterations or burdens. The decision that compliance would result would result in such alteration or burdens shall be made by the City after considering all resources available for use in the funding and operation of the service, program or activity, and shall be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in an alteration or such burdens, the City shall take any other action that will not result in such an alteration or burdens but would nevertheless ensure that persons with disabilities receive the benefits or services provided by the City.

D. Physical Accessibility Assessment and Transition Plan Development Process

The process developed and implemented to complete the City of Eau Claire's ADA Physical Accessibility Assessment and Transition Plan includes; surveys to identify physical barriers in park facilities and a public involvement process to obtain input from the public and to review the draft Transition Plan recommendations.

A physical audit of all the City's park facilities was conducted to determine what alterations might be necessary in order to meet ADA Accessibility Guidelines and suggested alterations that would be necessary to remove barriers and make City's park facilities fully accessible.

The following criteria were used as the basis for the Priority List;

- Safety
- Program(s) Involved
- Date of Construction
- Level of Public Use (Low, Medium or High)

Barriers were then assigned levels of priority within each facility based upon the following criteria, in order of highest to lowest priority;

- An accessible entrance;
- An accessible parking stall;
- An accessible route from parking to accessible elements;
- At least one accessible restroom for each sex or a single unisex restroom;
- Accessible drinking fountains;
- Additional accessible elements i.e. storage, and alarms.

E. Transition Plan

Each facility site evaluation and summary report contains a complete list of architectural barriers. Not all of these barriers must be removed in order to provide program access. Because the City of Eau Claire has a large number of facilities, it is impossible to immediately renovate all facilities that have barriers to program access. Barriers to facilities will be removed systematically, City-wide, to ensure equality from neighborhood to neighborhood.

The City has committed to keeping the identified needs list updated and will implement a process to better track corrective action taken and update the outstanding priority list of needed improvements or corrections. The highest priority items are attached to the back of this document, *City of Eau Claire, Wisconsin ADA Park Deficiencies High Priority Items*, and will be added to or adjusted as budget, programming and needs arise or adjust.

ADA regulations require the City to have an internal grievance policy for the prompt resolution of complaints by a person with a disability who is denied City services or the benefits of any City program or activity because of that person's disability.

F. Complaint Procedure

Complaints should be addressed to the individual who has been designated to coordinate ADA compliance efforts.

- a. To file a complaint, utilize the *Americans with Disabilities Act Discrimination Complaint Form*.
- b. A complaint should be filed with the City of Eau Claire within sixty (60) calendar days after the complainant becomes aware of the alleged violation.
- c. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation shall be informal but thorough and afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

- d. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued and forwarded to the complainant no later than thirty (30) calendar days after its filing.
- e. The complainant can request a reconsideration of the case in instances of dissatisfaction with the resolution. The request for reconsideration should be made within ten (10) calendar days.
- f. The ADA coordinator shall maintain the files and records relating to the complaints filed.
- g. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by nor shall the use of this procedure be a prerequisite to the pursuit of other remedies.
- h. Other remedies include the filing of an ADA complaint with the Department of the Interior: Office for Equal Opportunity, Office of the Secretary, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20547.

G. ADA COORDINATOR

The City's Parks, Recreation & Forestry Director has been appointed as the ADA Coordinator. This position is responsible for ensuring that all programs, services, and activities of the City of Eau Claire are accessible to and usable by individuals with disabilities. The City's ADA Coordinator is:

Todd Chwala

Park Forestry & Cemetery Superintendent

1040 Forest St.

Eau Claire, WI 54703

715-839-5039

To request an ADA accommodation or file an ADA grievance, see *Americans with Disabilities Act Discrimination Complaint Form* or contact Todd Chwala.

City of Eau Claire, Wisconsin ADA Park Deficiencies High Priority Items

No.	Park	Checklist	Sub-Location	Code Section	Description
1	Carson Park	Accessible Route		405.9	Ramp Edge Protection
					<p>Reasoning/Correction: Safety hazard. Additional protection should be added to meet code if there is a drop of over 30", along with the ADA required toe kick.</p>
Projected Cost					\$3,000
2					
					<p>Reasoning/Correction: The slope on the 3 parking stalls is excessive. Also the route up to the baseball stadium is too steep to be considered a ramp. So it is suggested that these 3 stalls be corrected and additional handicap stalls be converted out of the stalls on the east side of the tennis courts.</p>
Projected Cost					\$5,000
3	Carson Park	Accessible Route		403.3	Slope on Accessible Route
					<p>Reasoning/Correction: Slope is too steep to be ramp, and rework of ramps would be costly, so it would be advised to provide additional handicap parking at the top of the hill near the baseball stadium. The existing handicap stalls in the parking lot would remain to serve the football stadium.</p>
Projected Cost					See No. 2

City of Eau Claire, Wisconsin ADA Park Deficiencies High Priority Items

No.	Park	Checklist	Sub-Location	Code Section	Description
4	Carson Park	Fishing Pier & Platform		1005.1	Accessible Routes
	Need Photo in %				<p>Reasoning/Correction: Slope is quite excessive and I have seen this pier used often by people with disabilities. This section of the park proclaims to be 'Barrier Free'. Provide more gradual approach and most likely handrails if slope is from 5% to 8.3%.</p>
Projected Cost					\$2,000
5	Carson Park	Parking	Braun's Bay	502.3	Access Aisle
					<p>Reasoning/Correction: No access aisle is provided. This section of the park proclaims to be 'Barrier Free', plaque on stone seen in the picture to the left. Stalls are wide enough to just restrip with access aisle and add 'Van Accessible' sign.</p>
Projected Cost					\$500
6	Boyd Neighborhood Park	Accessible Route		206.2.2	Within a Site
					<p>Reasoning/Correction: Park is used for many programs, including Par-Te-Rec, which is a program for the impaired, so it is recommended that all elements in the park be on an accessible route. Provide path from playground access to the basketball court.</p>
Projected Cost					\$1,500

City of Eau Claire, Wisconsin ADA Park Deficiencies High Priority Items

No.	Park	Checklist	Sub-Location	Code Section	Description
7	Fairfax Pool & Fields	Parking	Pool	502.2	No Access Aisle
					<p>Reasoning/Correction: No access aisle is provided. Vehicle in one stall could block access to curb ramp, thus preventing other stall from being usable. Restrip the two stalls so that there is an access aisle between, make sure one of the two sets of double stalls is 'Van Accessible'.</p>
Projected Cost					\$500
8	Fairfax Pool & Fields	Pool		1009.3.3	Handrails at Sloped Entry
					<p>Reasoning/Correction: It is required that sloped entry pools be supplied with handrails, (33"-38" between handrails), extend to flat section.</p>
Projected Cost					\$5,000
9	Mitscher Neighborhood Park	Play Areas		1008.2.6.2	Ground Surface Attenuation
	<p align="center">Need Photo</p>				<p>Reasoning/Correction: Playground surface is sand. Provide engineered mulch that meets the fall protection and accessibility requirements.</p>
Projected Cost					\$18,000

City of Eau Claire, Wisconsin ADA Park Deficiencies High Priority Items

No.	Park	Checklist	Sub-Location	Code Section	Description
10	Mt. Simon Park	Play Areas		1008.2.6.2	Ground Surface Attenuation
					<p>Reasoning/Correction: Playground surface is sand. Provide engineered mulch that meets the fall protection and accessibility requirements.</p>
	Projected Cost				\$15,000
11	Mt. Simon Park	Parking	Upper	208.2	Minimum Number
					<p>Reasoning/Correction: Provide 2 additional stalls minimum, if angled street parking is to be included in count then 4 additional stalls should be added to off street parking lot. Also sign and park access aisles appropriately for the existing two stalls.</p>
	Projected Cost				\$2,000
12	Newell Park	Play Areas		1008.2.6.2	Ground Surface Attenuation
	<p align="center">Need Photo</p>				<p>Reasoning/Correction: Playground surface is sand. Provide engineered mulch that meets the fall protection requirements.</p>
	Projected Cost				\$7,500

City of Eau Claire, Wisconsin ADA Park Deficiencies High Priority Items

No.	Park	Checklist	Sub-Location	Code Section	Description
13	Newell Park	Accessible Route		403.4	Accessible Changes in Level
					<p>Reasoning/Correction: Changes in level pose an issue for wheelchairs and can be a trip hazard for able bodied people. Repour concrete apron to fix problem.</p>
	Projected Cost				\$5,000
14	Owen Park	Accessible Route		206.2.2	Within a Site
					<p>Reasoning/Correction: Accessible route from accessible parking is very steep, even too steep for a ramp. Also cross slope is too great. Provide accessible route to amphitheatre from the accessible parking.</p>
	Projected Cost				\$5,000
15					
					<p>Reasoning/Correction: Nothing accessible in these restrooms, even door to go into them is way too narrow. Provide new structure.</p>
	Projected Cost				No Cost Provided

City of Eau Claire, Wisconsin ADA Park Deficiencies High Priority Items

No.	Park	Checklist	Sub-Location	Code Section	Description
16	Riverview Park	Accessible Route		403.4	Accessible Changes in Level
					<p>Reasoning/Correction: Changes in level pose an issue for wheelchairs and can be a trip hazard for able bodied people. Repour concrete apron to fix problem.</p>
	Projected Cost				\$8,000
17	Rod & Gun Park	Accessible Route		403.3	Slope on Accessible Route
					<p>Reasoning/Correction: Accessible route from accessible parking into the park is very steep, some sections are even too steep to be considered a ramp. Railing must also be added to from the Cemetary Parking Lot down to the ramp, two 30' sections that exceed 8.3% slope must be reviewed and adjusted so that they do not exceed 8.3%.</p>
	Projected Cost				\$10,000
18	Rod & Gun Park	Accessible Route		403.3	Slope on Accessible Route
					<p>Reasoning/Correction: Accessible route from accessible parking to restrooms is very steep, some sections are even too steep to be considered a ramp. Provide new route on flatter ground to the restrooms to meet ADA requirements.</p>
	Projected Cost				\$3,000