

# ADA Compliance: Non-Local Parks (P128702)

Category M-NCPPC  
 Sub Category Development  
 Administering Agency M-NCPPC (AAGE13)  
 Planning Area Countywide

Date Last Modified 11/17/14  
 Required Adequate Public Facility No  
 Relocation Impact None  
 Status Ongoing

Total	Thru FY15	Est FY16	Total 6 Years	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	Beyond 6 Yrs
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### EXPENDITURE SCHEDULE (\$000s)

Planning, Design and Supervision	1,088	0	188	900	150	150	150	150	150	150	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	5,019	0	869	4,150	650	700	700	700	700	700	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>6,107</b>	<b>0</b>	<b>1,057</b>	<b>5,050</b>	<b>800</b>	<b>850</b>	<b>850</b>	<b>850</b>	<b>850</b>	<b>850</b>	<b>0</b>

### FUNDING SCHEDULE (\$000s)

Current Revenue: General	461	0	161	300	50	50	50	50	50	50	0
G.O. Bonds	5,646	0	896	4,750	750	800	800	800	800	800	0
<b>Total</b>	<b>6,107</b>	<b>0</b>	<b>1,057</b>	<b>5,050</b>	<b>800</b>	<b>850</b>	<b>850</b>	<b>850</b>	<b>850</b>	<b>850</b>	<b>0</b>

### APPROPRIATION AND EXPENDITURE DATA (000s)

Appropriation Request	FY 17	800
Appropriation Request Est.	FY 18	850
Supplemental Appropriation Request		0
Transfer		0
Cumulative Appropriation		1,057
Expenditure / Encumbrances		304
Unencumbered Balance		753

Date First Appropriation	FY 12	
First Cost Estimate		
Current Scope	FY 16	6,107
Last FY's Cost Estimate		5,106

#### Description

This program provides for an on-going comprehensive effort to ensure that all parks and park facilities are built and maintained in compliance with Title II of the Americans with Disabilities Act (ADA) and the ADA Accessibility Guidelines (ADAAG) standards. This program includes both the correction of deficiencies identified by the United States Department of Justice (DOJ) during its proactive Project Civic Access (PCA) assessment of 19 local park facilities, as well as efforts to comply with the revisions to Title II of the ADA, which went into effect on March 15, 2011. This program also includes policy development and advanced technical training for Department of Parks' architects, landscape architects, engineers, construction managers, inspectors, and other staff to ensure that ADA compliance and accessibility are incorporated throughout the park system's planning, design and construction processes in order to ensure that parks and park facilities comply with the new revisions to Title II of the ADA. The new Title II requirements include revisions to the existing 1991 ADAAG and additional standards for facilities not addressed in the 1991 ADAAG including swimming pools, recreational facilities, and playgrounds which collectively is now known as the 2010 ADA Standards for Accessible Design.

#### Cost Change

FY17 and FY18 increase to address barriers identified on the ADA Transition Plan and to accommodate ADA retrofits triggered by work done in other Level-Of-Effort PDFs. Overall cost increase due to implementation of alternative project delivery model aimed at shortening project development process and allowing staff to be more responsive to changes in user needs and funding availability. This new method uses various level-of-effort pdfs to fund smaller or phased projects in lieu of creating a standalone PDF for a complete park renovation that may take years to complete.

#### Justification

Montgomery County was selected by the DOJ for a Project Civic Access (PCA) review in 2006. PCA is a proactive, ongoing initiative of the Disability Rights Section (DRS) of the DOJ Civil Rights Division to ensure ADA compliance in local and state governments throughout the country. DOJ has inspected over 112 County facilities, including 19 local parks that fall under the M-NCPPC's jurisdiction. Montgomery County and M-NCPPC entered into a settlement agreement with DOJ on August 16, 2011, that requires the County and M-NCPPC to remediate problems identified by DOJ within a negotiated timeline and place assurances for self-assessing and remediation for the future, including efforts to comply with the new Title II requirements. The agreement further stipulates that M-NCPPC must perform self-evaluations of all parks within its system at the approximate rate of 20% per year. Upon completion of the self-evaluations, M-NCPPC must also submit a final transition plan by August 2016. The transition plan provides a summary of all barriers found, a strategy and timeline for their removal, as well as planning level cost estimates for barrier removal. As of August 2013, self-evaluations have been completed on approximately 45% of the park system. These evaluations report that approximately 14,000 barriers have been identified with a projected planning level cost estimate of \$18-20 million dollars for barrier removal. It is estimated that the final totals will be approximately double the figures mentioned. The estimates indicate that a significant increase in the level-of-effort will be required to comply with the requirements of Title II and the settlement agreement.

#### Other

\$50,000 Current Revenue is budgeted for required ADA retrofits to leased properties that cannot be funded with general obligation bonds

#### Fiscal Note

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Prior year partial capitalization of expenditures through FY15 totalled \$2,962,000.

### **Disclosures**

Expenditures will continue indefinitely.

### **Coordination**

United States Department of Justice, County Attorney's Office, Department of General Services, ADA Compliance: Local Parks, PDF 128701