



MONTGOMERY COUNTY
Recreation



Why are we holding this meeting?

- ***First***, we will discuss general obligations of the Americans with Disabilities Act (ADA)
- ***Second***, we will discuss the Settlement Agreement with the Department of Justice
- ***Third***, we will discuss access initiatives for both the County and Parks
- ***Fourth***, we will seek public feedback on some choices we have to make

Title II Essential Eligibility

- **Title II (see 28 CFR Part 35) requires that reasonable modifications be made when doing so enables a person with a disability to meet “essential eligibility requirements” for a program or opportunity made available by the County or by Parks**
- **Essential eligibility factors are the factors that determine whether a person with or without a disability uses the “opportunity” or “program”**

Title II Essential Eligibility

- **For a “program” requiring registration, such as a swim lesson, summer camp, tennis lesson, or gardening classes at Brookside, essential eligibility likely includes the three C’s: capacity, charges, and conduct**
- **For a “program” where no registration is required, such as a walk in a park, or swimming in a pool for lap swim, essential eligibility likely includes conduct such as abiding by facility or park rules**
- **Essential eligibility is an important trigger for access and inclusion supports**

Title II Program Access Test for Existing Sites

- Congress recognized in the late 80's and early 90's that every existing facility could not be retrofit for access
- It created the successful “program access test” to address existing facilities and sites
- Have one of a thing, such as only one Brookside Gardens? Make it accessible unless doing so changes, fundamentally, the site
- Have eleven swimming pool complexes, dispersed throughout the County? Make swimming accessible, indoors and outdoors, by making retrofits occur at a number of sites
- What's the right number?

Title II Program Access Test for Existing Sites

- Have 350 playgrounds dispersed throughout the County? Make retrofits occur at a number of sites to assure the surface is accessible, ground level play components are accessible, and elevated play components are accessible
- What's the right number?
- We recommend to local governments that the minimum of duplicated sites to be made accessible is 1 of every 3

Title II Access Audit Requirement

- Access audits of existing sites are required by title II 35.105
- Should have been completed for typical buildings and sites by January 1993
- Recreation and parks final standards were not published until September 2010
- Recreation sites became a priority once a final and enforceable DOJ Standard existed

Title II Transition Plans

- Required of agencies with 50 or more employees
- Must identify all site deficits and corrections to be made
- Must identify responsible employee
- Must identify when work is to be completed

2010 Standards

- Effective date March 15, 2012
- For the first time, includes scoping requirements and technical requirements for recreation elements
- Used to evaluate existing sites and sites renovated between 1991 and now
- Must be used for all new construction

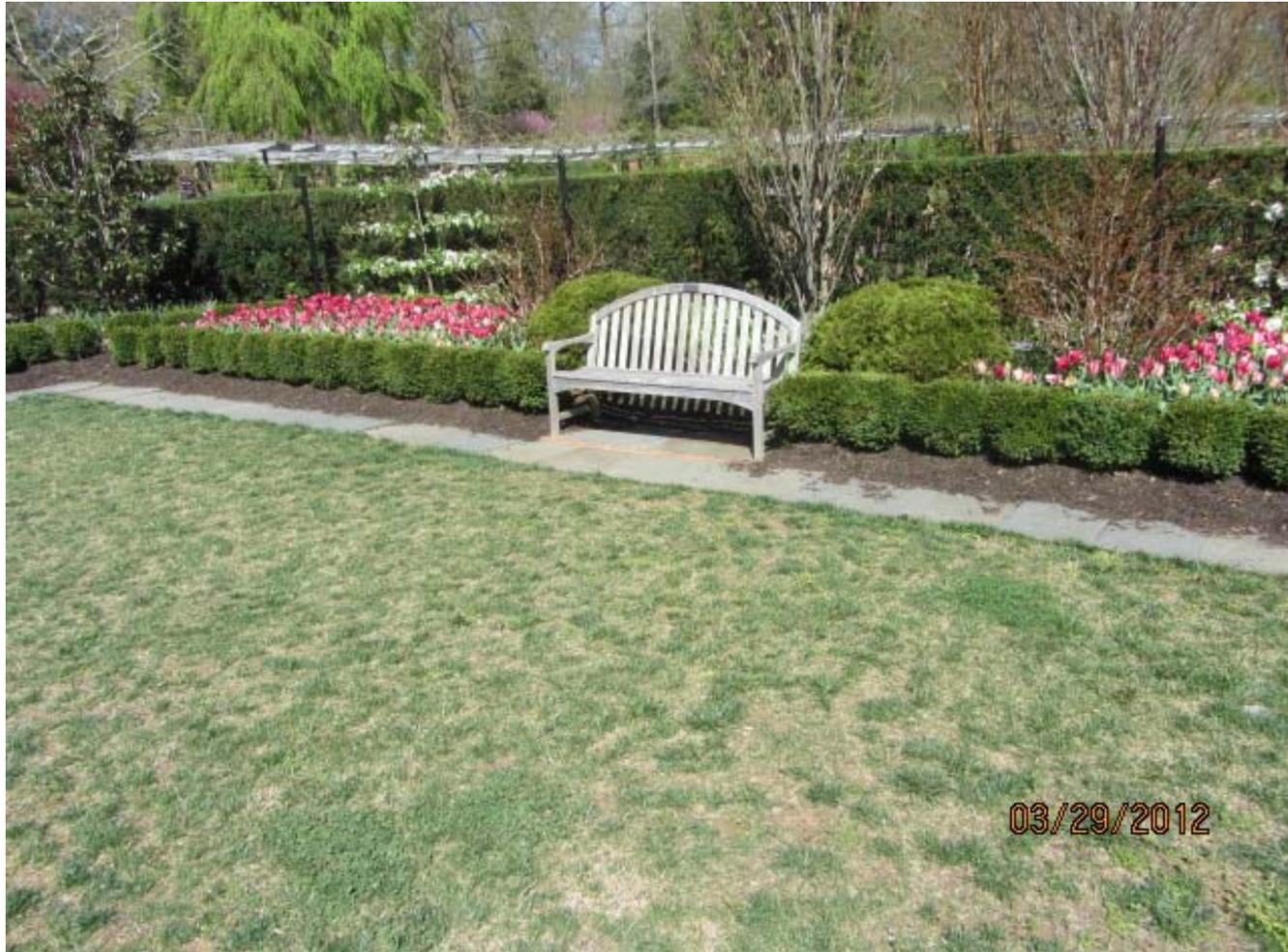
Unfinished Guidelines-to-be-Standards

- Several areas/elements not yet subject to a final standard:
 - Trails
 - Trailheads
 - Campsites
 - Picnic Areas
 - Beaches
 - Benches, viewing areas, and outdoor constructed features
 - Shared Use Paths and Public Rights of Way

Common Issues in Montgomery County

Common issues (deficits and correct items)
identified by Montgomery County Government
and Montgomery Parks to date

BENCH LACKS ACCESSIBLE ROUTE AND CLEAR FLOOR SPACE



LACKS ACCESSIBLE ROUTE, LACKS MANEUVERING CLEARANCE



PLAY AREA LACKS ACCESSIBLE ROUTE, BORDER PREVENTS ENTRY



PARK AMENITIES ARE NOT ON ACCESSIBLE ROUTE



TENNIS LACKS ROUTE DUE TO STAIRS



SPECTATOR SEATING LACKS ROUTE AND CLEAR FLOOR SPACE



FROG POND LACKS ROUTE, SIGNAGE OFF ROUTE



PARKING LACKS CONNECTION TO BUILDING – THROUGH VEHICULAR WAY



ICE RINK LACKS LEVEL ENTRY FOR WHEELCHAIR ACCESS



CAROUSEL LACKS ACCESSIBLE ENTRY AND SEATING



LOCKER HARDWARE REQUIRES TIGHT PINCH/GRASP TO OPERATE



COMPLIANT LOCKER HARDWARE



LOCKERS LACK SYMBOL OF ACCESS; BENCH PREVENTS CLEAR FLOOR SPACE



COMPLIANT CHANGING BENCH IN LOCKER ROOM



COMPLIANT EXTERIOR ROUTE TO PARK FEATURES



EXTERIOR ROUTE FROM BUILDING TO PLAY AREA - BEFORE



EXTERIOR ROUTE TO PLAY AREA FROM BUILDING - AFTER



Development of transition plans, technical infeasibility

- Transition plan should guide the work of the County and Parks as both retrofit some, but not all, existing facilities
- It is technically infeasible to modify an existing site when doing so requires the movement of a load bearing wall or structure, or where other site conditions, such as unusual terrain, prevent the agency from meeting the technical requirements

Policy review and staff training

- Policy review is integral to compliance. It may be a current policy regarding service animals, or requirements that construction and design pros demonstrate ADA awareness. Title II imposes several new requirements.
- Training of staffs is integral to compliance. Preservice, inservice, online, face-to-face, and other training methods are helpful to the County and Parks.

How can the public suggest priorities, preferences, and policies?

- Questions from the Parks consultant
- Feedback from the audience
- Reach out to Montgomery County
- Reach out to Montgomery Parks

Conclusion

- Montgomery County and Montgomery Parks are making every effort to come into ADA compliance
- Policies and staff training are critical elements
- Some choices regarding which sites, and when, are best answered by the public
- Look for further efforts in the next three years

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