



# MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

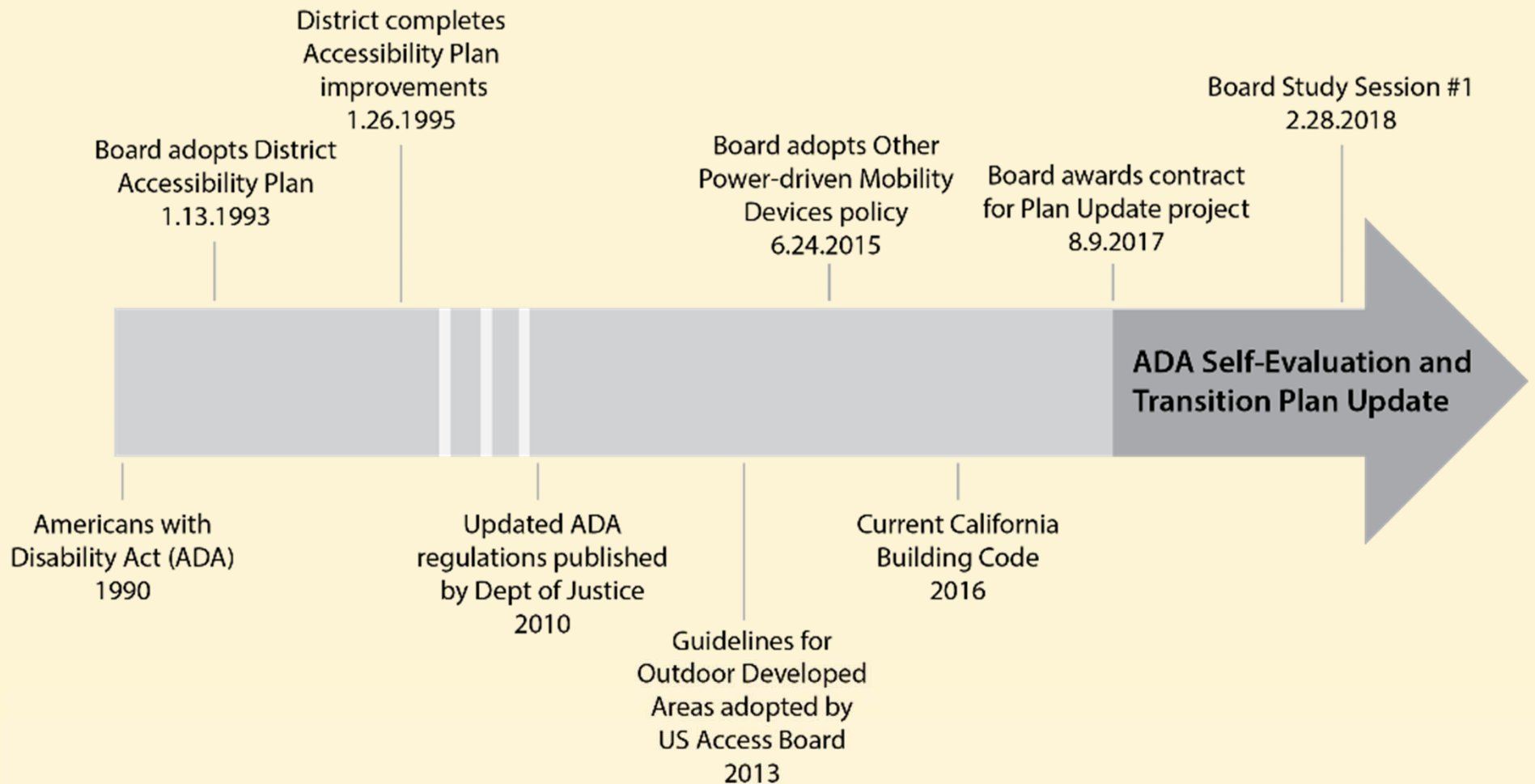
## Introduction to the ADA Self-Evaluation and Transition Plan Update Process

**Board Meeting  
February 28, 2018**



# Project Purpose

- Update the District's existing Accessibility Plan to comply with federal accessibility guidelines
  - Evaluating preserves and facilities;
  - Evaluating programs and policies;
  - Preparing a project database that integrates with the District's Enterprise GIS;
  - Supporting a public information portal on the District website;
  - Developing the Self-Evaluation and Transition Plan;
  - Presenting draft ADA Self-Evaluation and Transition Plan to the Board and other groups; and
  - Conducting trainings for District staff and Board.







**MIG, Inc**

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Principal**

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# Question:

When you hear the word  
“disability”  
what image comes to mind?



**Midpen Board Workshop #1 – February 28, 2018**





**Visual**



**Hearing**



**Cognitive**



**Physical**



# Disability Statistics

- Number of persons with some disability: 54 million (20.6%)
- Number of persons with severe disability: 29 million (9.9%)

Of these numbers

- 1.8 million used wheelchairs
- **8.8 million had vision problems**
- **10.1 million had hearing problems**
- 1.6 million were blind
- 1 million were deaf

(Source: U.S. Dept of Commerce)



# Disability Demographics



## Aging:

- The largest and the fastest growing segment of the US population
- People are living longer with disabilities.
- Current estimates: by 2040 the number of disabled Americans will triple.
- People with disabilities demand access to recreational opportunities.

# Disability vs. Handicap

There is a distinction between a Disability and a Handicap

- A *Disability* is a condition caused by an accident, trauma, genetics or disease which may limit a person's mobility, hearing, vision, speech or mental function. Some people with disabilities have one or more disabilities.
- A *Handicap* is a physical or attitudinal constraint that is imposed upon a person, regardless of whether that person has a disability. Webster's Ninth New Collegiate Dictionary defines handicap as to put at a disadvantage.

# Disability Language

## *Using “Person-First” Language*

| People-First Language                                                                                    | Language to Avoid                                                |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Person with a disability                                                                                 | The disabled, handicapped, victim, defective, deformed           |
| Person without a disability                                                                              | Normal person, healthy person                                    |
| Person with an intellectual, cognitive, or developmental disability                                      | The mentally or developmentally disabled, retarded, moron, idiot |
| Person with an emotional or behavioral disability, person with a mental health or psychiatric disability | Afflicted or special person, insane, crazy, psycho, maniac, nuts |
| Person who is deaf                                                                                       | Deaf and dumb, deaf-mute                                         |
| Persons who have hearing loss                                                                            | Hearing impaired, hard of hearing                                |
| Person who is blind / visually impaired                                                                  | Sight impaired                                                   |
| Persons with speech or language disorders                                                                | Speech impaired, mute                                            |
| Person who uses a wheelchair                                                                             | Confined or restricted to a wheelchair, wheelchair bound         |
| Person with a physical disability                                                                        | Invalid, cripple, lame                                           |
| Person with limited literacy skills                                                                      | Functionally illiterate                                          |
| Accessible parking or restroom                                                                           | Handicap or handicapped parking or restroom                      |



# The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) is a **civil rights law** that mandates equal opportunity for individuals with disabilities.

The law is divided into different *titles*:

Title I: Employment

**Title II: State and Local Government Services –  
*Midpeninsula Regional Open Space District***

Title III: Places of Public Accommodations

# Title II Requirements

The primary responsibility of public agencies with regard to the ADA is to provide

***EQUAL ACCESS TO PROGRAMS AND EXPERIENCES***

Title II agencies are required to:

1. Complete a ***Self-Evaluation*** of policies and programs
2. Designate a person who is responsible for overseeing Title II compliance, *the **ADA Coordinator***
3. Develop a ***Transition Plan*** if the Self-Evaluation identifies any structural modifications necessary for compliance

# Self-Evaluation

1. Identifies District policies, programs, activities and services; and
2. Recommendations for policies and practices that enable participation in District programs and services by individuals with disabilities



# Providing Programs at Existing, Non-compliant Facilities

Options:

1. Make alterations to the facility
2. Provide the same service in another accessible location
3. Provide auxiliary aides or services to assist the individual

# Transition Plan

1. Physical audit of District facilities open to the public for compliance with applicable building codes where programs, activities, and services take place
2. Develop a strategic plan and timeline for barrier removal where it impedes equal access to programs and experiences

Board Workshop #2 (Summer 2018) will go into further detail on Prioritization and the Transition Plan. There will be opportunity for input on criteria identified by staff for the prioritization process and to comment on developing the Draft Transition Plan.

# Access Regulations & Building Codes

The purpose of building codes is to eliminate architectural barriers that limit physical access to programs, activities and services. Codes and regulations establish the minimum requirements to provide physical access.

*Where federal and state standards differ you must use the most restrictive standard*



# Access Regulations & Building Codes

*What applies to Midpen?*

## **Required**

- 2010 ADA Standards for Accessible Design
- 2016 California Building Code (CBC) Chapter 11B

## **Recommended (and used for the outdoor facility evaluations)**

- 2015 Accessibility Guidelines for Outdoor Developed Areas contained in the Architectural Barriers Act (ABA) for federal agencies – *as an open space district, this provides guidance for elements and features in preserves that do not appear in the ADA or CBC.*

# Access “Triggers”

*When do you have to use the Access Regulations and Building Codes?*

1. New facilities must be fully accessible
2. Alterations in existing facilities
  - The area of alteration, structural repair or addition must be made accessible
  - Path of travel to the area of alteration
  - Restrooms, drinking fountains and telephones serving the area of alteration

Exemptions: maintenance activities, cosmetic work, reroofing, some electrical & HVAC work, removal of accessibility barriers, locations where the Conditions for Exception apply

# ABA Conditions for Exception

1. Compliance is not feasible due to terrain
2. Compliance cannot be accomplished with the prevailing construction practices
3. Compliance would fundamentally alter the function or purpose of the facility or setting
4. Where compliance is precluded by:
  - *Endangered Species Act*
  - *National Environmental Protection Act*
  - *National Historic Preservation Act*
  - *Wilderness Act*
  - *Other federal, state, or local laws that address environmental, cultural, historical, or archeological protections*

# Building Blocks of Accessibility

**Routes**: walks, ramps, parking

**Maneuvering spaces**: clear floor space, strike edge clearance, knee and toe clearances

**Hazards**: overhanging or protruding objects, floor grates, drop-offs

**Reach ranges, hardware, operating mechanisms**: work surfaces, counters, controls

**Surfaces**: vertical changes of grade, carpeting, slip and fall, visual contrast

**Communication**: signs, telephones, assistive listening devices

# Accessible Trail Standards

Midpen staff developed a set of guidelines for the Easy Access Trail program informed by the then Proposed Accessibility Guidelines for Outdoor Developed Areas.

## **The Midpen Guidelines define limits for:**

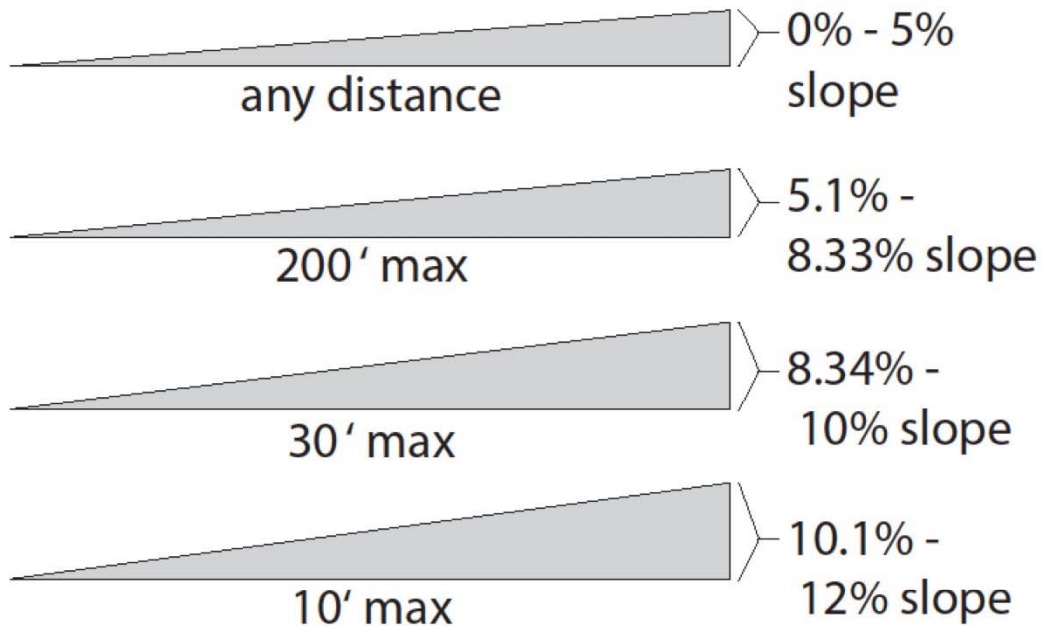
- Running Slope
- Cross Slope
- Surface Condition
- Trail Width





# Running Slope

grade of the trail parallel with the path of travel



- usability of a trail
- need for and distances between resting intervals



# Cross Slope

grade of the trail perpendicular to the path of travel



- usability of a trail
- stability and balance of hikers and OPDMD users
- drainage across path of travel





# Surface Condition

trail surfaces and obstacles in the path of travel



- firmness and stability
- drainage channels
- obstacles greater than 2" including tree roots and rocks





# Trail Width

useable width of an accessible trail surface



- maneuvering clearances and passing spaces
- locations of resting intervals

# Facility Accessibility Principles

- Accessible features are maintained
- New purchases are evaluated with accessibility in mind
- Alterations and new construction is done in accordance with the access requirements of the California Building Code and the Federal ADA



# Initial Findings

## Good

- Easy Access Trails
- Restrooms overall
- Buildings
- Information
- Variety of accessible or potentially accessible opportunities and experiences

## Needs Improvement

- Parking
- Restroom accessories
- Gates and controlled entrances



# Considerations for Built Environment

- ✦ When a public entity chooses to alter any of its facilities, the elements and spaces being altered must comply with the 2010 Standards.
- ✦ When a public entity builds a new facility, it must comply with the 2010 Standards.
- ✦ Safe harbor exception allows facilities that meet certain criteria to remain as-is until a public entity plans an alteration to the structural feature.



# Considerations for Built Environment

- Public programs and services, when viewed in their entirety, must be accessible to people with disabilities, yet
  - not all facilities must necessarily be made accessible
  - no change to facility required if it would threaten or destroy the historical significance of a historic property
  - no change to facility required if it would result in a fundamental alteration in the nature of a service, program or activity
  
- Public entities have an ongoing obligation to make programs and services accessible to people with disabilities.

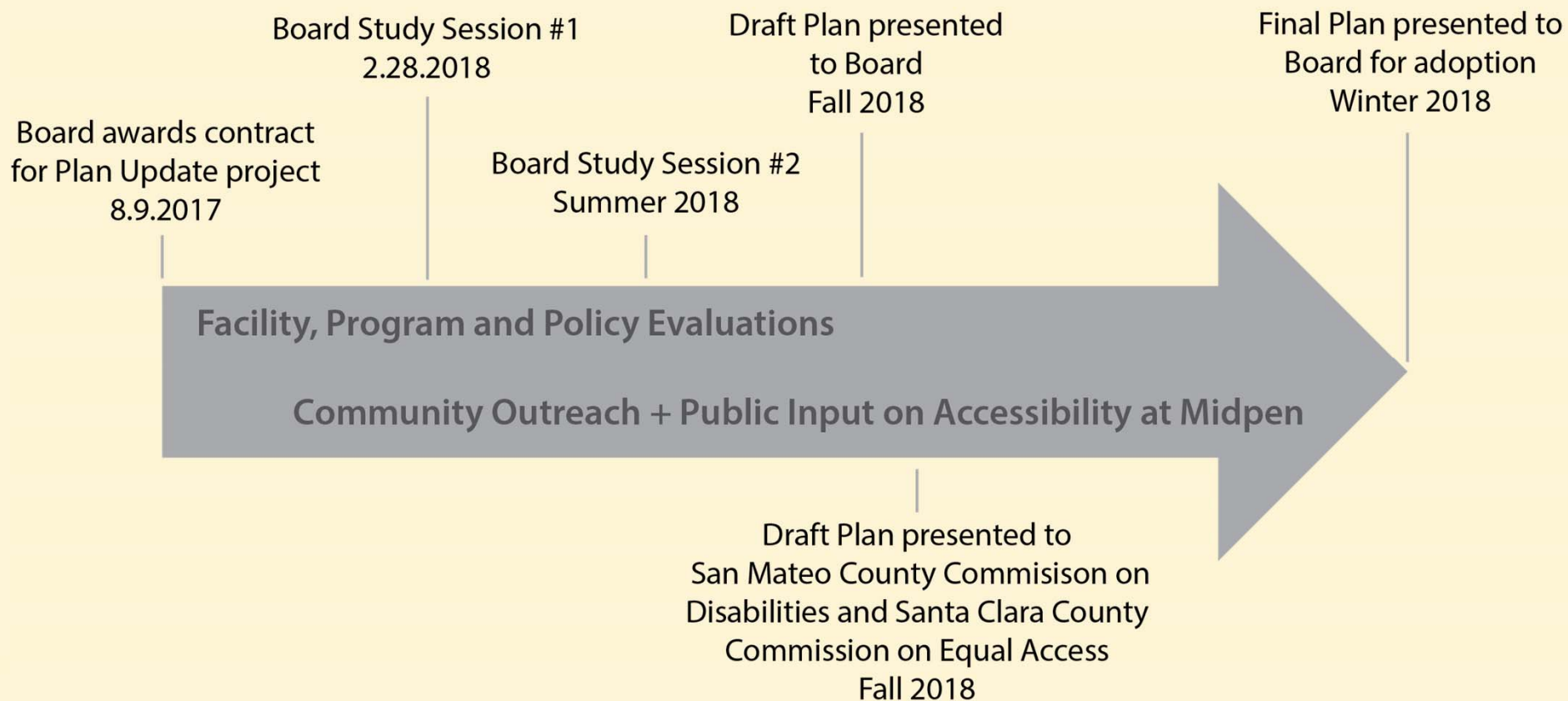


# Considerations for Outdoor Developed Areas

- ✿ Condition for Exception 1. Compliance is not practicable due to terrain.
- ✿ Condition for Exception 2. Compliance cannot be accomplished with the prevailing construction practices.
- ✿ Condition for Exception 3. Compliance would fundamentally alter the function or purpose of the facility or the setting.
- ✿ Condition for Exception 4. Compliance is limited or precluded by certain laws, such as ESA, NEPA, Wilderness Act, etc



# Project Timeline







# ADA Self-Evaluation and Transition Plan

**Questions?**



# ADA Self-Evaluation and Transition Plan





# Routes

## Path of Travel Basics:

- 5% max. running slope
- 2% max. cross slope
- No vertical changes of elevation greater than  $\frac{1}{4}$ " or  $\frac{1}{2}$ " with a 1:2 bevel.
- 80" headroom
- 48" minimum width

