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Appendix H

Accessibility Evaluation Executive Summary

To view the full report, contact the City of Bloomington Parks and Recreation Division.

INTRODUCTION

This Transition Plan report for Bloomington Parks and Recreation was prepared by JQP, Inc. Its purpose and intent is to:

1. Assist Bloomington Parks and Recreation in understanding its obligations under various state and federal regulations and guidelines to provide persons with disabilities access to its programs, services and activities.
2. Assist Bloomington Parks and Recreation in reviewing their existing facilities regarding program accessibility and creating a transition plan. The transition plan recommends which modifications may be implemented first and those that can become part of longer-range plan.
3. Identify items that are “encouraged” to improve accessibility, but are not necessarily required by law or building code.

METHODOLOGY

On-site surveys of Bloomington Parks and Recreation facilities and sites were conducted during the summer and fall of 1999. The sites were reviewed for usability by persons with disabilities and for compliance with various state and federal laws, regulations and guidelines for accessibility.

Recommendations are based on our knowledge of the current interpretations of multiple regulations, legislation and guidelines, as well as, over 20 years experience working with clients such as Bloomington Parks and Recreation.

ORGANIZATION OF THE REPORT

The Executive Summary describes applicable codes and guidelines and summarizes transition plan requirements.

A Red Yellow Green Chart rates and gives quantities of amenities.

Following the Executive Summary and Red Yellow Green Chart are the Individual Site Transition Plans. These reports provide detailed information of recommended upgrades and cost estimates.

Reports are grouped by category:

Undeveloped (in alphabetical order)

Playlots (in alphabetical order)

Others (in alphabetical order)

School/Park Sites (in alphabetical order)

A system wide Summary Report details by site the priority 1, 2, 3, and 4 monetary totals.

Please contact Julee Quarve-Peterson at JQP, Inc. (612-374-3031) if there are any questions regarding this report.

EXECUTIVE SUMMARY

Bloomington Parks and Recreation Department in its continuing efforts to provide an appropriate environment for its users has completed an evaluation for compliance with applicable laws, codes, and design guidelines pertaining to accessibility.

As a government entity, Bloomington Parks and Recreation is required to comply with specific state and federal laws, which mandate architectural barriers to discrimination be removed to provide persons with disabilities equal opportunity. The following laws, codes and design guidelines specifically pertain to Bloomington Parks and Recreation:

■ **Section 504 of the 1973 Rehabilitation Act**

Section 504 of the 1973 Rehabilitation Act states that any entity receiving Federal financial assistance (either directly or indirectly) must prohibit any discrimination against “qualified individuals with disabilities” in their programs, activities or services.

As a result, an evaluation of all City buildings, facilities, sites, programs, and practices were to be completed as well as the implementation of a barrier removal program (Transition Plan).

Enforcement for Section 504 of the 1973 Rehabilitation Act is through various Departments of the Federal Government. If an entity is found not making efforts to comply with Section 504 of the 1973 Rehabilitation Act, there is a risk of losing federal funding.

■ **Minnesota State Building Code Chapter 1341**

The Minnesota State Building Code Chapter 1340 regarding accessibility was implemented in November 1975 and updated in January 1996. The code was revised in May 1999 and is now called the Minnesota State Building Code Chapter 1341. Any building remodeled, constructed or having a change of occupancy after that date is to comply with the Minnesota State Building Code Chapter 1341 design guidelines. The Minnesota State Building Code Chapter 1341 is enforced by local or state building officials

■ **Americans With Disabilities Act Title II**

The Americans With Disabilities Act of July 1990 (ADA) is the most recent in a series of civil rights laws for persons with disabilities. The ADA has five titles:

Title I:	Employment
Title II:	Public Services and Public Transportation
Title III:	Public Accommodations
Title IV:	Telecommunications
Title V:	Miscellaneous Provisions.

The focus of this evaluation is Title II.

Title II of the Americans with Disabilities Act is intended to apply to all programs, activities, and services provided or operated by public entities. Where Section 504 of the 1973 Rehabilitation Act protected patients and employees, the Americans with Disabilities Act expands coverage to include any individual who participates in activities sponsored by the City or are located in facilities owned and operated by Bloomington Parks and Recreation.

Per the Americans with Disabilities Act, facilities such as Bloomington Parks and Recreation are to review all buildings and facilities to determine what architectural barriers exist, the cost to remove those barriers, and then determine what the appropriate implementation plan should be to comply.

Like Section 504 of the 1973 Rehabilitation Act, the Americans with Disabilities Act requires that architectural barriers be removed if they are necessary to provide program accessibility.

Enforcement of the Americans with Disabilities Act is through lawsuits filed as a result of a complaint by a person with a disability or an organization representing persons with disabilities. As of July 26, 1992, an entity such as Bloomington Parks and Recreation is at risk of being exposed to a lawsuit if implementation plans have not been developed.

■ **Accessibility Guidelines for Play Areas**

These guidelines are for newly constructed and altered play areas and certain outdoor recreation areas covered by the Americans with Disabilities Act. The final rule was published in July 1997.

Site Evaluations

The following report is an overview of those issues that should be upgraded to meet the intent of the new construction guidelines for accessibility. Each barrier has been assigned a priority identifying those items we consider to be of higher priority, potentially a barrier to program access, by the Americans with Disabilities Act and to assist Bloomington Parks and Recreation in developing a plan for the removal of barriers.

It is encouraged that Bloomington Parks and Recreation use the information provided in this report as well as their knowledge of existing budgets and future capitol improvement plans to develop a barrier removal plan which outlines a schedule of the action to be taken for each recommendation listed. As each upgrade has been completed as a result of repair, remodeling, replacement, or as a proactive approach to removing architectural barriers, those specific items should be dated or "checked off" to identify that the action has been completed.

Priority 1 recommendations are accessibility issues which are encouraged to be upgraded within the near future a "special project", i.e. one year. These recommendations typically present the greatest impact in improving accessibility at a site or are considered "inexpensive" and "easy to implement".

Priority 2 recommendations are to be implemented within forthcoming years. These recommendations are important in providing an accessible environment but may require a greater level of planning, the potential involvement of an architect and/or outside contractor and may require separate budgeting.

Priority 3 recommendations are accessibility projects that do not critically affect the impact on accessibility but are still important to provide full accessibility.

Priority 4 recommendations are accessibility projects that do not affect the impact on program accessibility and are to be improved at such time as repair, replacement, or remodeling occurs. For example, if faucet hardware located in a rest room needs to be replaced, it should be replaced with hardware that requires single effort operation, i.e. single lever, dual blade or automatic sensor. Over a period of time, through general upgrades, full accessibility will be provided.

A **reactive** approach should be taken to accommodate a qualified employee's request for accessibility upgrades to provide an appropriate work environment. It is encouraged that Bloomington Parks and Recreation establish a procedure to communicate with employees to determine appropriate needs. Employee issues have been assigned a Priority 4.

All **new construction and remodeling** should meet the new construction guidelines produced as a result of the Americans with Disabilities Act or MN Building Code 1341.

Within the database, each accessibility issue was assigned a project type: Maintenance, Capitol Improvement or None. The purpose of identifying the style of project was to assist the City of Bloomington in determining which projects could easily be completed in house without creating a special budget request.

Transition Plan

The recommendations of this report are presented in a Transition Plan format. The transition plan is the plan of action the City may propose to remove barriers relating to architectural or site modifications. A transition plan is to include the following information, at a minimum:

- The issues for upgrade
- The location where the upgrade is needed
- The time frame for removing the barrier
- The person responsible

Title II of the Americans with Disabilities Act indicates all programs must be accessible, not necessarily all buildings, sites or facilities. Program accessibility is an option in lieu of making architectural changes. This gives the City the option of relocating programs to accessible facilities or areas of a building instead of upgrading certain facilities to made them accessible. The success of relocating programs to gain accessibility depends on current and future numbers and locations of individuals with disabilities. The long-range goal should be to make all sites and facilities accessible to the maximum extent feasible. How to move toward that goal remains the responsibility of the City.

It is recommended that the City complete the transition plan by inserting estimated completion dates, persons responsible, etc.

Please contact Julee Quarve-Peterson at (612) 374-3031 if there are any questions regarding this report.