

Americans with Disabilities Act Facilities Survey and Transition Plan

October 2017



ACKNOWLEDGMENTS

ADA Transition Team

Carrie Ward, Director of Parks, Recreation and Open Space

Brian Muller, Parks Planning and Facilities Manager

Ken Standen, Facilities Supervisor

Geoff Ames, Executive Consultant, MTC

Ryan Kelly, Senior Project Consultant, MTC

Highlands Ranch Metro District Board of Directors

Jim Worley (Chairman)

Vicky Starkey (Vice Chairman)

Allen Dreher (Treasurer)

Mark Dickerson

Carolyn Schierholz

Nancy Smith May

Renee Anderson

The Metro Districts would like to acknowledge all District staff who have provided input and their respective knowledge into the formation of this document as these folks will be an important resource for the implementation of the recommendations included within.

Contents

1.0	Introduction	1
1.1	Programs, Services and Activities	1
1.2	Program Accessibility	1
1.2.1	Requirement	2
1.3	Transition Plan Requirements	2
1.4	Report	3
1.5	Overview of the Facilities Survey	3
1.6	All Findings Do Not Need to Be Mitigated	4
2.0	Project Approach and Data Collection	5
2.1	Analysis	5
2.1.1	Safe Harbor, New Construction, and Alterations	6
2.1.2	Barriers Not Necessarily Required to Be Removed	6
2.1.3	Factors in Setting Priorities (Timeframes for Mitigation)	7
3.0	Transition Plan Development	7
3.1	Final Remarks and Conclusions	8
4.0	Play Areas	8
	Background	8
5.0	Conclusion	10
6.0	End Notes	10
	Intrinsic Priorities Timeframes and Mitigation	11
	Entries	11
	Services	12
	Restrooms	13
	Other Areas	13
	All Findings	14
	Attachment A - Transition Plan Data	

ADA Facilities Survey – Summary Report

1.0 Introduction

Highlands Ranch Metro District contracted Meeting the Challenge Inc. (MTC) to conduct an on-site review of compliance with the Americans with Disabilities Act (ADA) in Metro District parks. This report includes an analysis of the data collected from 25 Metro District owned parks and recreation facilities identifying and describing barriers, applicable sections of the 2010 Standards, and priorities for barrier removal as recommended by the Department of Justice (DOJ). The Metro District plans to incorporate the subsequent data collection of findings for elements which were not compliant with the scoping and technical provisions of the 2010 ADA Standards for Accessible Design (2010 Standards) into its Metro District wide Transition Plan.

1.1 Programs, Services and Activities

The first principle of title II of the ADA is a requirement to make all programs offered by a public entity, when viewed in their entirety, accessible to and usable by qualified individuals with disabilities. This may require modification of policies and procedures to eliminate inadvertent discrimination. Removal of architectural barriers to provide program access will be, in many cases, the final option. With respect to the viewed in their entirety language of the regulation, identification of services, programs, or activities that are unique to a specific facility, will be critical to determining compliance with program access requirements. In the event that a service, program, or activity is available to the public, only by being present in a specific facility, that facility must be accessible to and usable by qualified individuals with disabilities.

Picnic tables in parks offer the opportunity for picnicking. While there are no technical specifications in the 2010 ADA Standards for picnic tables, it is prudent to provide a means of access to the picnic tables found in public parks. For those elements, for which there are new scoping and technical provisions, such as play areas and team and player seating, objective provisions define accessibility, thereby eliminating some degree of misunderstanding of what is meant by program access. In simple terms, if a program requires entering a play area in order to participate, the rules now specify what must be done to make a play area – and hence, programs offered therein – accessible.

1.2 Program Accessibility

Program access continues to be the primary requirement for public facilities. However, if physical barriers prevent program access, the scoping and technical provisions must be considered, to the maximum extent feasible, to achieve program access. Program access, when programs, services, and activities are provided in more than one location, can be achieved in light of the viewed in its entirety provision. This project, as noted above, did not evaluate all aspects of program access, such as policies and procedures to be considered for other power-driven mobility devices, effective communication, reasonable modification, and service animals. Adoption and implementation of such policies is critical to providing program access.

1.2.1 Requirement

A public entity must operate each of its services, programs, and activities so the service, program, or activity, when viewed in its entirety, is accessible to people with disabilities. This does not mean that every existing facility must be accessible. (§35.150(a))¹ Rather, physical barriers should be removed if that removal is the only means to ensure program access. All newly constructed facilities and alterations to existing facilities should comply with accessibility standards. A public entity must also ensure that when it acquires new facilities by purchase or lease, such facilities are accessible to and usable by qualified individuals with disabilities. In the event new programs are initiated, or existing programs are relocated, the same obligations exist to ensure facilities to be occupied, by such programs, are accessible (§ 35.130(b)(4))².

To explain the *viewed in its entirety* provision in the regulations, DOJ provides the following guidance:

*In determining how many facilities of a multi-site program must be made accessible in order to make the overall program accessible, the standard has always been an assessment of what is reasonable under the circumstances to make the program readily accessible to and usable by individuals with disabilities, taking into account such factors as the size of the public entity, the particular program features offered at each site, the geographical distance between sites, the travel times to the sites, the number of sites, and availability of public transportation to the sites. In choosing among available methods for meeting this requirement, public entities are required to give priority “to those methods that offer services, programs, and activities * * * in the most integrated setting appropriate.”*

1.3 Transition Plan Requirements

Regulations require a transition plan when physical changes to facilities are necessary to achieve program accessibility. The purpose of title II of the ADA is not to drive an urban renewal plan for the Metro District’s infrastructure and buildings. Rather, the ADA is a civil rights law intended to include people with disabilities in the day-to-day life of American communities. To envision the ADA as an architectural code would be short-sighted. It is more than a list of findings to be fixed.

A transition plan must provide a path to a future that is accessible and inclusive for everyone. Like any plan, it should set objectives based on priorities that create realistic time-sensitive goals. The document should set “forth the steps necessary to complete such changes” (§35.150(d)(1)). Regulations originally required public entities with 50 or more employees to develop a transition plan “within six months of January 26, 1992”. Structural changes were expected to “be made within three years of January 26, 1992, but in any event as expeditiously as possible” (§35.150)(c).

The transparency of the transition plan process is essential to giving ownership of the plan to all stakeholders. Inherent to the motto of many in the disability community, “nothing about us, without us,” is the understanding that members of society (other than people with disabilities), are not better informed or situated, than people with disabilities, themselves to make decisions

¹ U.S. Department of Justice, 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; Final Rule, September 15, 2010.

² U.S. Department of Justice, 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; Final Rule, September 15, 2010.

about or for people with disabilities. The participation by people with disabilities or organizations representing them in the formal adoption of a transition plan is essential.

The regulation clearly states: A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection (§35.150(d)(1)).

A transition plan, per title II regulation (§35.150(d)(3)) must at minimum:

- Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- Describe in detail the methods that will be used to make the facilities accessible;
- Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- Indicate the official responsible for implementation of the plan.

1.4 Report

The collection of data and the subsequent findings from the 25 parks and recreation facilities surveyed by MTC have been listed in a transition plan data table (TPD). MTC produced the TPD to identify structural conditions in the Metro District's facilities that present or might present barriers preventing or limiting the opportunity of people with disabilities to access the Metro District's services, programs, and activities.

This report summarizes the process by which the underlying data table was developed. It describes how the data was gathered and analyzed and recommends how the findings should be used. The TPD also includes recommendations for structural mitigation of each finding.

The TPD includes the preliminary information necessary to the development of a transition plan. Neither the TPD nor this summary or the combination of the two constitutes a transition plan. The intention is to provide an overview of the data and findings in the TPD. It is not intended as narrative list of those findings

The Metro District must align any decisions about which of these findings should be mitigated, how they should be mitigated, and when they should be mitigated. This should be done in conjunction with its self-evaluation of programs, policies, and practices.

The final section of this report will discuss the next steps necessary to create a transition plan based on the TPD.

1.5 Overview of the Facilities Survey

There are four essential components required in a transition plan: a barrier list, a mitigation plan, a barrier removal schedule and an official responsible for oversight. As mentioned above, a list of findings and recommendations for mitigation is listed in the TPD. The Metro District will provide the remaining two components: a schedule of completion dates for barrier removal and naming the person or persons responsible for implementation.

The findings are comprised of existing conditions (*as-is* measurements or observations) that are not consistent with the requirements (scoping or technical provisions) or best practices (advisory comments) stated in the 2010 ADA Standards for Accessible Design.

- Analysis of the collected data identified 916 findings (905 do not adhere to ADA Standards and 11 are not best practice).
- Some findings may not be barriers to program access.
- An analysis of the services, programs, and activities associated with each facility (outside the scope of this project) will be necessary to identify those barriers that can be surmounted programmatically.

[Table 1](#) summarizes the findings based on their intrinsic level of priority (1 – Entry, 2 – Service, 3 – Restroom, and 4 – Other) and rough order of magnitude (ROM) degree of difficulty for mitigation (1 – High, 2 – Moderate, and 3 – Low). Findings in the cells shaded orange (the *orange zone*), to the upper left, are those that can be addressed first. Many of the findings in the orange zone can be described, metaphorically, as the “low hanging fruit.” Findings in the cells shade green are secondary. Findings in the cells shaded yellow are expected to be long-term projects as they will typically be very costly and need long lead times for planning and budgeting. Findings in the cells shaded light blue (the *blue zone*), to the lower right, are those in the lowest priority category.

Table 1– Summary of Findings

Intrinsic Priority	Mitigation Difficulty			Total	
	3-Low	2-Moderate	1-High		
1-Entry	82	37	245	364	40%
2-Services	100	26	142	268	30%
3-Restrooms	174	38	21	233	26%
4-Other	3	15	22	40	4%
Total	359	116	430	905	100%
	40%	13%	47%	100%	
	419	41	408	37	
	46%	5%	45%	4%	100%

1.6 All Findings Do Not Need to Be Mitigated

All barriers are not created equal. As noted, the ADA’s Title II regulations do not necessarily “require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities” (§35.150(a)(1)). A public entity must operate its services, programs, or activities so that its services, programs, or activities, when *viewed in their entirety*, are readily accessible to and usable by individuals with disabilities. When a public entity can establish that a program viewed in its entirety is accessible, without removing barriers from a given facility (where that program is offered), the priority for mitigating findings in that facility is the lowest.

The regulations do not require a public entity to remove a barrier, where removal of a barrier would result in a fundamental alteration to the nature of a program. The regulations would not require, for example, paving over the grass on a baseball field (as that would cause a fundamental alteration).

In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with §35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity. (§35.150(a)(3))

The regulations do not require a local government to remove architectural barriers, when doing so “would threaten or destroy the historic significance of an historic property.” (§35.150(a)(2))

The above exceptions do not apply to new construction and alterations undertaken and completed since January 26, 1992.

2.0 Project Approach and Data Collection

MTC approaches the development of a transition plan data table in three general steps. The first is described as data collection. The next is an objective analysis of that data per architectural design standards and other criteria to identify scoping and technical inconsistencies. Finally, a deliverable is produced in the form of a transition plan data table. This deliverable is typically meant to include the required elements of a transition plan.

MTC uses tablet-based, proprietary software developed in the MS Access database application to collect location information and the observable or measurable attributes of elements that have accessibility requirements. MTC’s software acts as an electronic checklist that ensures thorough documentation of on-site conditions and compiles that information directly to a database. Significantly, this process eliminates an intermediate step of transferring handwritten information from paper checklists into an electronic format.

2.1 Analysis

MTC analyzed the collected data in several layers. Initially, MTC’s Access-based software automatically (based on criteria settings derived from the ADA Standards) identified approximately half of the conditions that did not adhere to the ADA Standards. MTC’s senior project consultants analyzed the remaining data to identify findings that were based on multiple/complex attribute values. This was a labor-intensive process completed by MTC staff with comprehensive knowledge of the ADA Standards and regulatory requirements of title II.

MTC’s analysis was limited because of the lack of information regarding dates of construction and alterations. The facilities were analyzed as though they were constructed or

altered since March 15, 2012. New construction and alterations to existing facilities, initiated by the Metro District since January 26, 1992, regardless of program access evaluation, must adhere to the accessible design standards in effect at the time of construction.

2.1.1 Safe Harbor, New Construction, and Alterations

Identification of elements having safe harbor requires specific, detailed information as to the dates and locations of construction and alterations to facilities.

Generically, there are a limited number of elements having *as-is* conditions that adhere to previous standards that would not also adhere to the 2010 ADA Standards. Most of the elements, for which safe harbor may be applied, have relatively low mitigation difficulty. Among the features that may qualify for safe harbor are the following:

- Push-side surfaces of doors up to ten inches that are not smooth
- Water closet centerlines between 18 and 18.5 inches from the near wall
- Single, wheelchair accessible (i.e., low) drinking fountains
- Operable parts between 48 and 54 inches or between 9 and 15 inches

The Metro District will determine, independent of MTC, when safe harbor applies.

2.1.2 Barriers Not Necessarily Required to Be Removed

It is not necessary to schedule structural barrier removal, where program access, *viewed in its entirety*, is provided in the most integrated setting appropriate to the needs of individuals with disabilities. MTC recommends deferring mitigation of barriers where findings do not affect access to services, programs, or activities.

A transition plan should include findings even when those findings do not affect program access. However, mitigation of such findings is not necessarily required until certain events trigger structural barrier removal. Events that might trigger structural barrier removal include, but are not limited to the following:

- Request for a reasonable accommodation under title I of the ADA
- Alterations to these built elements
- Relocation of a program or repurposing of the space
- General renovation of a facility
- A determination that a barrier was created by new construction or alteration after January 26, 1992, not covered by safe harbor
- A specific complaint from the public

Any structural barrier that is the subject of a public complaint, unless it can be circumvented through alternative methods or means, should be removed. Structural alterations to findings is not required when they would cause a fundamental alteration to the nature of a program.

It is important to consider a review of any construction in Metro District facilities since January 26, 1992. Findings, whether or not barriers to program access, built since that date, should be removed.

2.1.3 Factors in Setting Priorities (Timeframes for Mitigation)

As stated previously, MTC uses DOJ terms to rate the intrinsic priority of removing structural barriers. These levels of priority can be viewed as a set of concentric circles. The outermost circle comprises the arrival at and access to entrances of a facility. This includes paths of travel from public walkways, transit stops, and accessible parking. MTC labels these as priority 1 – Entry.

The next level is access to services, upon entering a facility. This includes but is not limited to spaces and elements such as, reception counters in lobbies, swimming pools in recreation centers, and picnic tables in parks. MTC labels these as priority 2 – Service.

The third level is restrooms. Restrooms (except those at highway rest areas) are not considered to contain a “primary function” of a facility or to provide a service. For this reason, restrooms are a lower priority than services. MTC labels these as priority 3 – Restroom.

The lowest level of priority is anything that does not fit in one of the above categories. Drinking fountains, breakrooms, and appliances (refrigerators and microwave ovens in breakrooms, for example) fall into this category. MTC labels these 4 – Other.

From a practical perspective, MTC contends that the difficulty of mitigating a finding is a very reasonable and pragmatic consideration, for deciding the relative order in which mitigation of findings should be completed. Mitigation of high priority and low difficulty findings at the earliest opportunity is sensible and cost effective. Examples of this category of finding include, but are not limited to, re-stripping parking spaces, raising parking signs to a minimum of 60 inches, adjusting door pressures and closing speeds, and installing tactile designation signage. This “low hanging fruit” can often be mitigated with maintenance forces and will seldom cost much or take long to complete.

At the other end of the priority spectrum, the high mitigation difficulty findings (by definition) will require, expensive, long-term projects. Certainly, MTC recommends mitigating the highest priority/high difficulty findings before those that are lower priority. For example, providing accessible parking spaces by regrading a site, might cost as much as a major renovation to provide accessible restrooms, but in understanding DOJ sense of priority, the parking is more important than the restrooms.

MTC labels findings as high mitigation difficulty when our analysis presumes that the mitigation will ordinarily take significant quantities of time and funding. Major projects will require design budgets and time. Major projects will require time to mobilize and complete construction. Major projects will almost always require the issue of an RFP and the ensuing decision and negotiation process to hire a contractor. A public entity must consider all these factors in projecting a (long-term) schedule for mitigating these findings.

3.0 Transition Plan Development

MTC’s scope of work was limited to a survey of identified Metro District facilities. *As-is* conditions in those facilities that did not adhere to the scoping and technical provisions of the 2010 ADA Standards for Accessible Design were identified.

MTC’s TPD is merely the beginning of the process by which a transition plan is developed, adopted, and implemented by a public entity. MTC recommends that the Metro District

carefully consider if it needs to mitigate each finding, in light of discoveries made in its Self-evaluation.

MTC recommends the Metro District apply knowledge gained from its Self-evaluation to determine whether it would be better – more cost-effective – to resolve some of the structural findings in MTC’s TPD through methods and means other than architectural barrier removal.

3.1 Final Remarks and Conclusions

MTC recommends the Metro District, use the content of the TPD and the overview provided in this report to move forward in the development of a robust transition plan. A prioritization scheme for barrier removal schedule should be developed.

The Metro District, with participation of people with disabilities or organizations representing them, must flesh-out the scheme for completing mitigation of findings and assigning the responsibility for implementing the plan. Mitigation of findings in facilities alone, outside of the context of the accessibility of the Metro District’s programs, policies, and practices, cannot ensure the absence of prohibited discrimination based on disability. Discoveries made through its Self-evaluation should be included.

4.0 Play Areas

Background

The *2010 ADA Standards for Architectural Design* (2010 Standards) define the minimum scoping and technical provisions for accessibility in the built-environment as required by the Americans with Disabilities Act. The 2010 Standards which became effective on March 15, 2012, replace the 1991 ADA Standards (also known as the ADAAG) and the Uniform Federal Accessibility Standards (UFAS). The 2010 Standards, while they do revise some of the former requirements and create supplemental standards for additional facilities (such as play areas, swimming pools, and golf courses) essentially build on the basic anthropometrics of the older standards. The basic elements of accessible built-environment are referred to as *building blocks*. These *building blocks* are inherently derived from an understanding of those aspects or traditional buildings and construction practices that have presented physical barriers for people with disabilities. These minimum spaces and clearances to accommodate people with disabilities are organized in Chapter 3 of the 2010 Standards.

For example, [objects that protrude](#)ⁱ into a path of travel between 27 and 80 inches above the floor present a barrier or hazard for people who are blind. People who use wheelchairs and others who have difficulty with walking or balance encounter barriers at vertical [changes in level](#)ⁱⁱ, such as stairs, and steep slopes. [Floor and ground surfaces](#)ⁱⁱⁱ that lack stability or firmness are also difficult to traverse for people with mobility impairments. The intention of accessibility standards is to design new structures without these barriers. Renovation and alteration to existing structures should also, when feasible, eliminate such barriers. The building blocks define basic spaces in the built-environment in a way that precludes construction of new structures or alterations to existing structures that prevent or limit access for people with disabilities.

Until the adoption of the 2010 ADA Standards, recreation specific facilities and elements indoors and especially those outdoors lacked standardized measures of accessibility. However, the lack of standards did not relieve places of [public accommodation](#)^{iv} or [public entities](#)^v from their obligations to comply with the ADA’s prohibition of discrimination on the basis of

disability. This lack of standards contributed to a great deal of confusion for private businesses that were required to provide non-discriminatory access to “the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation”. Similarly, public entities often found themselves negotiating in the gray area of the need for and limits of program access. Public entities consistently had difficulty in determining how to make programs accessible. Alternatives to physical barrier removal such as modification of policies, change of venue, and other means of delivering services have been employed to prevent discrimination in accessing services, programs, and activities *viewed in their entirety*^{vi}. Public entities can offer special programs to accommodate people with disabilities however, they must also “*administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.*”^{vii}

With the advent of scoping and technical provision requirements for recreation facilities found in the supplemental standards of the 2010 ADA Standards, evaluation of access to recreational services, programs, and activities has become significantly more objective. The standards specify the minimum measures that must be taken to make recreation facilities accessible. Where, when, and how much of a playground must be accessible is specified. How many and which means of access must be provided at swimming pools is identified. The minimum requirement for access to exercise machines and equipment is clarified.

There have been a variety of pressures for recreation professionals to make playgrounds *both* safe and accessible. In many respects, these two objectives can be seen as contradictory, if not mutually exclusive. The following discussion will attempt to interpret and clarify the confusing and often conflicting information and ideas surrounding the implementation of the requirements of the 2010 Standards for accessible play areas, specifically those defining compliant surfaces. The scoping and technical provisions for recreation facilities articulate the intent of the ADA to provide non-discriminatory opportunities to access recreational services, programs, and activities for people with disabilities. Access to public programs applies to all members of the public including parents, grandparents, siblings, or guardians who have disabilities in addition to children who have disabilities. While the standards require an approximate percentage of types and dispersion of play components as the primary goal of accessible play areas, in *real world* application, the surface – or some portion thereof – is literally foundational in achieving that goal.

For recreation professionals, the choice of material, understanding of proper installation, and management of ongoing monitoring and maintenance present considerable challenges. Skulski and York conclude, “there is no perfect playground surface”^{viii}. The surface materials that work best for accessibility are not safe. The surface materials that work best for safety are not accessible. Inevitably, we must compromise to find surface materials that can and will serve each purpose and both purposes. Critical to this compromise is the understanding that there are three types of surfaces required in a compliant play area: 1) safe (impact attenuating) surfaces in use zones, 2) accessible (firm, stable, and slip resistant) surfaces within routes and clear ground spaces for those play components required to be accessible, and 3) safe *and* accessible surfaces where use zones and accessible routes coincide. An understanding of where and why given surface materials must be applied (or not) is essential to making decisions that deliver the best results both in terms of compliance and economics.

5.0 Conclusion

A survey of the parks and recreation sites, within the scope of MTC's proposal, was completed in 2017. The greatest concentration of the findings was found in the Entry Priority which includes parking, curb ramps, walking surfaces throughout the parks, ramps, etc. (364 findings). Services such as play areas, seating areas, benches, picnic tables, etc. also resulted in a high number (268 findings). Details of these findings can be found in the attached Transition Plan Database which is intended to become a living document used to track progress of barrier removal.

With regard to play area surfaces, we do not perform measurements with a rotational penetrometer. Play surfaces are viewed with regard to the probable and possible properties of stability, firmness, and slip resistance necessary to provide the minimum level of accessibility required by the Standards. Regardless of surface material, the ADA Standards have technical provisions for surface conditions, including slopes, changes in level, and horizontal openings. We cannot assert safety of play area surfaces. Metro District staff with CPSI credentials should assess fall attenuation periodically to evaluate surface safety within Use Zones.

MTC believes, based on their experience and knowledge of the ADA, the recommendations included in this transition plan represent a valid and accurate interpretation of all pertaining regulations.

The content of this report, including the attached Transition Plan Database, are submitted as technical assistance and guidance and should not be considered legal advice. To the best of the MTC staff understanding, all elements in the buildings and sites within the scope of this project, and having accessibility requirements, were surveyed. Ultimate determination of legal compliance, with and enforcement of Part 35 Regulation, is the responsibility of the U.S. Department of Justice

6.0 End Notes

ⁱ U.S. Department of Justice, *2010 ADA Standards for Accessible Design*, September 15, 2010, 307, p.111.

ⁱⁱ U.S. Department of Justice, *2010 ADA Standards for Accessible Design*, September 15, 2010, 303, p.105.

ⁱⁱⁱ U.S. Department of Justice, *2010 ADA Standards for Accessible Design*, September 15, 2010, 302, p.104.

^{iv} U.S. Department of Justice, 28 CFR Part 36, Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities; (as amended by the final rule published on September 15, 2010), 36.201, p.34.

^v U.S. Department of Justice, 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; (as amended by the final rule published on September 15, 2010), 35.130, p. 33.

^{vi} U.S. Department of Justice, 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; (as amended by the final rule published on September 15, 2010), 35.150, p. 41.

^{vii} U.S. Department of Justice, 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; (as amended by the final rule published on September 15, 2010), 35.130(d), p. 35.

^{viii} Jennifer K. Skulski, CPSI, Principal Investigator, Dr. Sherril York, Executive Director; National Center on Accessibility, "A Longitudinal Study of Playground Surfaces to Evaluate Accessibility: Year One Findings, Executive Summary", Bloomington, IN, May, 2011, p.8.

Intrinsic Priorities Timeframes and Mitigation

Entries

Metro District understands the importance to both facility accessible parking, accessible routes from those parking locations, and other entries of a pedestrian nature. These are of a number one priority. We also understand that some of these barriers will have a higher mitigation difficulty and expense than others. Some of these locations are scheduled in our upcoming budget over the next few years. They are:

Redstone Park Parking Lots

Date: within 2 years

Work: crack sealing, overlay, re-stripping and regrading to include accommodations for accessible parking spaces



Northridge Park Parking Lots

Date: within 2 years

Work: parking lot replacement, re-stripping and regrading to include accommodations for accessible parking spaces

Other areas will be identified for mitigation and funded through an annual budget set aside for removing barriers or included in upcoming projects that will include facility/park parking lot repairs.

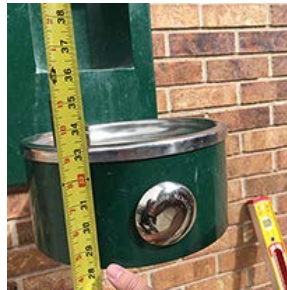
Services

Barrier removal scheduled for playgrounds, sports courts, service and reception counters, park furniture, etc. are included in current projects. They are:

Northridge Park

Date: 2016/17

Work: basketball court renovation, new bocce court, ballfield dugouts and viewing areas, and accessible route to these services.



Redstone Park

Date: 2017

Work: Playground Replacement

Upcoming projects within next few years:

- Tanks Park Skate area
- Foothills Park Playground
- Dad Clark Playground
- Cougar Run Playground

Other facilities will be identified for mitigation and funded through an annual budget set aside for removing barriers or included in upcoming projects that will include service areas.

Restrooms

Barrier removal scheduled for restrooms are included in current projects. They are:

Northridge Park

Date: 2017

Work: 2016 Warranty



Falcon Park

Date: 2017

Work: 2016 Warranty

Upcoming restroom projects within next few years:

Plum Valley Park

Toefer Park

Redstone Park

Other facilities will be identified for mitigation and funded through an annual budget set aside for removing barriers or included in upcoming projects that will include restrooms.

Other Areas

Those items not included under entries, services, or restrooms are also included in the above project replacements or renovations that are current or listed within the next few years. Others will be identified for mitigation and funded through an annual budget set aside for removing barriers.

All Findings Based on Intrinsic Priority (minus running slope recommendations)

Facility	Entry	Services	Restrooms	Other	Total
Big Dry Creek Park	16,360	18,750	4,500	2,000	41,610
Cheese Ranch	8,500				8,500
Civic Green Park	6,100	24,750	1,635		32,485
Cougar Run Park	6,000	18,250	1,500	2,000	27,750
Dad Clark Park	7,000	16,000	4,500		27,500
Diamond K Park	7,000	7,500			14,500
Falcon Park	17,000	9,200	31,550		57,750
Fly'n B Park	4,500	200	3,000		7,700
Foothills Park	21,550	9,000	4,500	250	35,300
Kistler Park	300	38,500	3,000	2,000	43,800
Marcy Park	13,850	14,000		550	28,400
Northridge Park	23,950	9,000	6,520		39,470
Paintbrush Park	16,530	20,000	3,000	6,500	46,030
Plum Valley Park	5,660	19,750	100	1,000	26,510
Pronghorn Park	8,500	7,030		6,500	22,030
Redstone Park	67,600	46,800	48,465	15,350	186,215
Red-Tail Park	3,550	17,530	1,500		22,580
Sand Creek Park		750		500	1,250
Spring Gulch Eq Area	2,250	1,250	2,500		6,000
Spring Gulch Park	8,600	8,250	1,500	100	18,450
Springer Park	4,200	6,500		1,000	11,700
Tanks Park	20,900	30	5,000	1,500	27,430
Timberline Park	3,500	7,750	3,000		14,250
Toepfer Park	5,000	3,000	4,500		12,500
Welte Park	150	11,000			11,150
TOTAL	\$ 278,550	\$ 314,790	\$ 130,270	\$ 39,250	\$ 762,860

Running slopes that are identified in the Transition Plan Data as being out of compliance will be reviewed as to the importance of meeting that particular location's overall importance in meeting total program access. If deemed important, each location will undergo design evaluation as to the best method of achieving barrier removal and those plans and costs will be included in future budgets.