



ADA Transition Plan

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I. Introduction

The following Plan was created by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) in 2015 and was amended for use by the Westchester County Department of Parks, Recreation and Conservation (PRC). While many of the Plan components are applicable to Westchester County's park programs and recreation facilities, the plan was modified to omit reference to State-wide parks and recreation facilities and programs and to more specifically address Westchester County's park system.

A. Overview

The Americans with Disabilities Act of 1990 (ADA) provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications. The ADA's purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities as well as assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.

Title II of the ADA covers programs and services provided by public entities, including those offered by PRC. Under Title II, public entities must take all reasonably possible measures to render their programs accessible to individuals with disabilities and reasonably modify policies, practices, or procedures to avoid discrimination against people with disabilities. Entities must start this process by evaluating the accessibility of their programs and facilities. These evaluations must then be used to create a Transition Plan that aims to achieve accessibility for as many people as reasonably possible.

This Self-Evaluation and Transition Plan has been prepared in compliance with the ADA to assist PRC, its executive staff, park facility managers and other staff to identify policy, program, and physical barriers to accessibility and develop solutions that will facilitate access for all individuals. As PRC administers over 50 parks encompassing over 18,000 acres, total accessibility is a huge undertaking requiring a great deal of coordination and investment. This report describes the process of the Self-Evaluation by which policies, programs, and facilities were evaluated for compliance with the ADA; presents the findings of that evaluation; and identifies actions to maximize accessibility. The Transition Plan found in Part III sets out PRC's plans for achieving greater accessibility, method of prioritizing projects, and a timeframe for accomplishing them. The Transition Plan will be revised periodically to reflect PRC's progress in this initiative and ensure that accessibility remains a priority for the Department.

B. Legislative Mandate—The Statutory Framework

Congress first acted to protect the rights of individuals with disabilities in the Rehabilitation Act of 1973. The Act requires all organizations receiving federal funds to make their programs available without discrimination toward people with disabilities. The Act, which has become known as “the civil rights act for persons with disabilities,” states:

“No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”
Rehabilitation Act, Section 504.

Nearly twenty years after passing the Rehabilitation Act, Congress expanded the protected rights of individuals with disabilities through the Americans with Disabilities Act. PRC must observe all requirements of Title I of the ADA in its employment practices; Title II in its policies, programs, and services; relevant provisions of Titles IV’s telecommunications requirements; relevant provisions of Title V’s miscellaneous mandates; and all requirements specified in the ADA Accessibility Guidelines that apply to facilities and other physical holdings.

C. DOJ Implementation—The Regulatory Framework

The ADA’s legislative mandate is implemented by the Department of Justice (DOJ), which promulgates regulations and enforces the ADA. Title II’s regulatory scheme adopts the general prohibitions of discrimination established under Section 504 of the Rehabilitation Act and adds specific prohibitions of discrimination for public entities.

The regulations specify that PRC may not, either directly or through contractual arrangements:

- Deny persons with disabilities the opportunity to participate as members of advisory boards and commissions;
- Deny persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered to others, even if the entity offers permissibly separate or different activities;
- Select the location of facilities that have the effect of excluding or discriminating against persons with disabilities;
- Discriminate in employment practices against qualified persons with disabilities

In addition, DOJ requires PRC to:

- Complete a self-evaluation—identify and evaluate all programs, activities, and services and review all policies, practices, and procedures that govern administration of the programs, activities, and services;
- Develop a Transition Plan if the self-evaluation identifies any structural modifications necessary for compliance and retain the Plan for three years;
- Develop an ADA complaint procedure;
- Designate a person to be responsible for overseeing Title II compliance.

This report sets out the results of PRC's ADA Self-Evaluation and establishes its Transition Plan.

D. Standards of Accessibility

The ADA requires public entities to offer two types of accessibility: program accessibility and physical accessibility. The ADA maintains that entities failing to offer both types of accessibility unlawfully discriminate against individuals with disabilities. The ADA defines disability as a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. There is no set list of disabilities; any condition that actually impairs or is perceived to impair an individual's "substantial life function" may qualify as a disability.

1. Program Accessibility

Program accessibility includes physical accessibility, but also incorporates all of the policies, practices, and procedures that allow people with disabilities to participate in programs and access important information. It requires entities to provide individuals with disabilities an equally effective opportunity to participate in or benefit from its programs and services. As such, program accessibility must be achieved by both structural and non-structural methods. Nonstructural methods include, but are not limited to, the acquisition or redesign of equipment, provision of aids, and the availability of alternate sites for services. When choosing a method of providing program access, PRC will prioritize the option that results in an integrated setting encouraging interaction among all users, including individuals with disabilities.

2. Physical Accessibility

An entity achieves physical accessibility when its facilities are free of barriers and obstacles that restrict their entrances and uses. The requirements for physical accessibility are specified by the Department of Justice's regulations. Prior to March 15, 2012 the Department of Justice required entities to comply with the 1991 ADA Accessibility Guidelines (1991 ADAAG) for new construction and alterations. After that date, DOJ started enforcing the 2010 ADA Accessibility Guidelines for Buildings and Facilities under the new title of ADA Standards for Accessible Design or ADA SAD). The ADA Standards are largely authored by the U.S. Access Board, a federal agency that develops accessibility standards for the built environment, transportation, communication, medical diagnostic equipment and information technology.

In addition to the 2010 ADA Standards, PRC is subject to the New York State Building Code, which contains requirements for accessibility and refers to the International Code Council and American National Standards Institute's guide on Accessible and Usable Buildings and Facilities (ICC/ANSI Sections A117.1-2003) for detailed technical standards. The ADA Standards and Building Code cover a wide variety of facilities and establish minimum accessibility requirements for new construction and alterations to existing facilities.

But while the ADA Standards and Building Code cover a wide array of built structures, they do not include standards for many types of outdoor recreation areas. In September 2013, the

Access Board finalized its Architectural Barriers Act (ABA) Guidelines for Outdoor Developed Areas. These ABA Guidelines only apply to federal agencies; entities using federal funds; and entities that construct or alter facilities on federal land pursuant to a concession contract, partnership agreement, or similar arrangement. Federal offices that administer recreation sites (namely the Forest Service, Army Corps of Engineers, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and National Park Service) had to comply with the ABA Guidelines starting November 25, 2013. In the absence of other guidelines on outdoor developed areas, PRC will consider the ABA Guidelines as it strives to make programs and recreational areas at all parks and recreation facilities accessible to all individuals.

3. Exemptions for Historic Significance, Fundamental Alteration, Undue Burden & Unsuitable Terrain

While PRC is committed to making its properties and programs accessible to as many people as possible, its duty to preserve historic and natural resources renders some accessibility measures impracticable. Recognizing that universal accessibility of existing structures is not always possible, the ADA does not require entities to take any actions that would threaten or destroy the historic significance of a historic property; result in a fundamental alteration in the nature of its program or activity; create a hazardous condition; or present an undue financial and administrative burden. The determination that a program or site cannot be made accessible must be made by the Commissioner or her designee and be accompanied by a statement explaining the conclusion.

When an accessibility measure appears to present an undue burden to the Department or is otherwise impracticable, PRC will evaluate all of a program's resources and seek to provide alternative opportunities for individuals with disabilities. For instance, where PRC cannot install an elevator in a historic site, it may design an interpretive exhibit on the ground floor illustrating what can be found on the second floor. In this manner, PRC will seek to provide individuals with disabilities with access to the many benefits and services of its programs.

Unlike existing structures, new facilities must be built in compliance with DOJ's standards unless doing so is structurally impracticable. DOJ notes that this may be the case where unique terrain precludes accessibility features and requires that structures built on such terrain are constructed to be as accessible as possible.

E. ADA Self Evaluation and Transition Plan Development Requirements

The ADA requires that public agencies perform a self-evaluation of their ability to provide programmatic access to individuals with disabilities.

As part of this Self-Evaluation, PRC continues to:

1. Identify all of its programs, activities and services; and
2. Review all of the policies, practices and procedures that govern the administration of its programs, activities and services.

The evaluation is designed to uncover areas that require more attention and policies that may, directly or indirectly, adversely impact accessibility. In conducting the evaluation, the ADA and DOJ suggest that entities consider:

- Whether any physical barriers prevent access to programs and the steps needed to enable these programs to be accessible, when viewed in their entirety;
- Policy modifications that may provide access to individuals with disabilities, as well as justifications for any exclusionary or limiting policies that will not be modified;
- Methods of communication with the public;
- Alternative communication methods and devices;
- Emergency evacuation techniques;
- Portrayal of individuals with disabilities in written and audio-visual materials;
- Policies and methods to provide access to historic preservation programs;
- The rationale for any determination that providing access would be an undue financial or administrative burden;
- Employment practices;
- Building and construction policies;
- Measures to familiarize staff with the policies and practices for providing full participation of individuals with disabilities; and
- Whether practices designed to limit participation by individuals engaged in the illegal use of drugs impermissibly discriminate against former drug users.

If a self-evaluation reveals that a public agency must make structural changes to achieve program accessibility, it must create a transition plan providing for the removal of barriers.

The ADA requires that transition plans contain at least the following information:

- A list of the physical barriers in the Agency's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed outline of the methods to be used to remove these barriers and make the facilities accessible;
- A schedule for taking the steps necessary to achieve compliance with the ADA, Title II; and
- The name of the individual responsible for the plan's implementation.

II. ADA Self Evaluation and Transition Plan Development Process

PRC used a variety of tools to evaluate Westchester County's park system. The Department formed an accessibility team, conducted a park-wide survey and reviewed its policies and regulations. Many of these processes are ongoing as the park system is constantly evolving to meet the recreational and cultural demands of Westchester County.

A. Accessibility Team

A team led by the Director of Park Facilities and including the park facility managers allows its members to contribute their varied perspectives on accessibility to identify and work toward the completion of tasks that will achieve and communicate greater accessibility.

B. Policy and Regulation Review Process

The Accessibility team reviewed PRC's policies, guidance, and regulations to determine whether they have a discriminatory impact on individuals with disabilities and provide sufficient guidance to the Department's staff. As a result of this process, the Commissioner instituted the following policies which make several important commitments to ADA accessibility:

- New construction will adhere to current ADA Standards;
- Existing facilities will continue to be assessed for compliance with the standards;
- New programs will be accessible to the largest extent possible;
- Existing programs will continue to be assessed for accessibility;
- Reasonable accommodation requests will be directed to facility staff and fulfilled to the greatest extent possible;
- Wheelchairs are permitted in any area open to pedestrian use;
- Power Driven Mobility Devices are permitted where safety and conservation needs permit;
- Service animals are allowed in all locations;
- Information regarding accessibility will continue to be made available; and
- Department employees who deal with the public will be trained to understand their responsibilities to all visitors.

C. Facility Accessibility Assessment Surveys

To obtain current information on accessibility at its parks, PRC conducted a Preliminary Accessibility Assessment at each park facility. Facility managers or their designees completed the ADA Survey and then the Director of Parks Facilities reviewed them for accuracy. The survey evaluated parking, entrances and restrooms for ADA accessibility.

The results of the survey were then reviewed and organized into a database. The database allows PRC to identify which facilities need to be renovated or reorganized for increased accessibility. The data can be organized by facility location, and by program offering so the Department can get a comprehensive view of the recreational opportunities and barriers that affect individuals with disabilities.

D. Program Evaluation

PRC offers a wide and varied array of programs. Moreover, the Department's programs are constantly evolving to keep up with recreational trends and visitor demands. Major categories of PRC's programs will be evaluated as part of second phase of the facility survey, including:

- Interpretive and educational programs including audio-visual programs, historic site exhibits, nature centers, and animal/livestock exhibits. These sites are generally open to the public as well as popular destinations for school field trips and fundraising events.
- Outdoor recreation programs including camping, hunting, fishing, hiking, biking, mountain biking, picnicking, horseback riding, playgrounds, tennis, golf, volleyball, miniature golf, and disc golf. Athletic fields also allow for free recreation, including soccer and baseball.
- Winter recreation programs including sledding, cross-country skiing, ice skating, and ice fishing.
- Water-based activities like swimming, kayaking, canoeing, paddle-boarding, boating, aquatic fitness and other beach activities.
- Indoor recreation such as fitness rooms, exercise classes, and indoor courts allowing for free recreation, including basketball and soccer.
- Events such as concerts, festivals, and competitions.
- Vacation rentals in cabins and campgrounds.

E. Public Input

Information concerning PRC's facilities and programs is available on its website and in its promotional materials. The public is encouraged to comment on PRC's offerings so the Department may take all suggestions into consideration. The Residents Comment Form on PRC's website allows the public to quickly and easily forward questions or comments about accessible programs and facilities to PRC staff. In addition, PRC conducts public meetings when it considers major alterations to its sites. These public meetings are designed to allow individuals across the County to voice their concerns and suggestions so the Department may make informed decisions that meet the needs of County residents. Input received by the public helps shape the Department's priorities for accessibility and contributed to the projects and priorities described in the Transition Plan.

III. Transition Plan

A. Overview

The Transition Plan analyzes the Department's findings on accessibility, sets out PRC's priorities for attaining greater accessibility at its parks and recreation facilities, and describes upcoming accessibility projects. With the budget constraints and logistical difficulties inherent to the operation of over 50 properties, eradicating all barriers to access and ensuring full accessibility at all County parks and recreation facilities is an iterative process. Although much has been accomplished in the 25 years since the ADA's enactment, additional challenges and opportunities exist. The Department will continue to remove barriers and aims to ensure a wide range of opportunities for individuals with disabilities across the County park

system. In addition, PRC will maintain equipment and features that provide access to individuals with disabilities.

The following sections compile the information that PRC has gathered from its team meetings, review process, surveys, and public input regarding the accessibility status of its sites and programs. Later sections will set out the criteria by which PRC prioritizes accessibility projects and list projects designed to foster access to the Department's built environment, outdoor recreation areas, historic properties, recreation facilities, programs, and website.

B. Facility and Program Assessment Findings

Below is a brief summary of issues that need to be addressed across the County park system as well as a brief description of the eleven PRC regions, their programs, and their challenges.

1. System-wide Summary

The facility assessment surveys revealed that certain facilities continue to present barriers to accessibility across the County. These recurring facilities include:

- Parking lots
- Park Entrances
- Ramps
- Restrooms

The barriers at these features vary widely in severity due to natural terrain, the age of existing facilities, and the changing regulatory structure. They have been catalogued by PRC employees and are prioritized as described below.

2. Facility Assessment Summary

Westchester's parks offer a wide variety of recreation opportunities for both residents and visitors throughout the County. The parks offer opportunities for fishing, picnicking, ice skating, trails, playgrounds, athletic fields and courts, pools, fitness rooms, exercise classes, and theaters. The facility assessment survey has been instrumental in highlighting not only where facilities within parks are compliant with current ADA standards, but also identifies where these facilities may be deficient or fall short of ADA compliance.

One of the more notable barriers to access found at parks is the lack of signage denoting handicap accessibility where applicable. For instance, while many of the parking lots at the parks have been brought up to current standards, providing the necessary handicap accessible parking spaces, it was noted that some of these spaces are either lacking signage denoting handicap parking or contain outdated signage that do not meet current standards.

The Department is working to remedy these issues with projects that include accessibility improvements by not only addressing parking lot signage concerns, but also by addressing barrier free access to the buildings and other facilities connected to the parking lots. Where a new nature center building is being planned for at the Cranberry Lake Nature Preserve,

handicap accessible parking spaces with signage and handicap accessible walkways from the parking lot to the new nature preserve building are being incorporated in the design. The Department is striving to bring all its parks up to current standards.

3. Prioritization Process

Enhancing accessibility to County parks and Recreation Facilities – particularly at older facilities built decades ago – requires very substantial capital investments. PRC is committed to continual improvement, but funding constraints dictate that providing universal access at all facilities must be a long-term process. PRC utilizes the following criteria to prioritize facilities and resources for accessibility upgrades:

- **Level of Public Use:** Facilities with many visitors are prioritized higher.
- **Program Uniqueness & Number:** Programs that are difficult to find elsewhere may be particularly important to the community.
- **Identified Complaints:** Facilities with identified accessibility complaints receive consideration over other facilities.

PRC schedules physical access projects as part of a five year capital program. Enhancing accessibility and assuring ADA compliance are critical factors in the selection of projects programmed for design and construction in the Capital Program. When a facility manager notices the need for a project, he notifies the Program Coordinator of Capital Planning. The Program Coordinator incorporates these improvements into a list of projects that become the proposed Capital Plan for PRC. The program coordinator considers the above three factors while they form the Department's Capital Plan so the Department can further its accessibility goals and allow individuals with disabilities to experience the County's natural, historical, and recreational resources.

C. Methodology

PRC's primary method for enhancing accessibility at its facilities is to ensure that all new construction and renovations comply with the most recent relevant provisions of the ADA STANDARDS and NYS Building Code. In addition, the Department commences new projects designed to render existing structures accessible. For instance, a new zero-depth entry ramp that can easily be used by people in wheel chairs was recently installed in the swimming pool at Sprain Ridge Park. ADA means of access to pool facilities is also being contemplated in an upcoming capital project for the County's Saxon Woods Pool facility.

In rare instances, PRC staff may conclude that full compliance with ADA standards cannot be achieved because the cost of a project is prohibitive or the project would result in unacceptable impacts to historic or natural resources. Whenever a Park facility manager believes that an existing feature cannot be made accessible, he or she sends all relevant information to the Commissioner. The Commissioner or her designee makes the final decision on whether rendering a feature accessible would result in a fundamental alteration or undue burden. In making this decision, the Commissioner considers all resources available for the funding and operation of the service, program, or activity. She then produces a written statement explaining why the feature cannot be rendered accessible and what measures the

Department will take to ensure that individuals with disabilities can access PRC's programs. Where full accessibility cannot be immediately attained, PRC ensures that accessible features are distributed so that visitors across the County may enjoy the Department's programs. For example, as PRC cannot entirely make all portions of County trailway system accessible, it aims to ensure that at least accessible route is provided at each facility and that handicap accessible trails are distributed throughout the County.

D. Schedule & Funding

The Five Year Capital Program allows the Department to incorporate ADA Accessibility into scheduled projects for funding. In past decades, the County park system suffered from significant under-investment and the system developed a capital improvements backlog exceeding \$400 million. Accessibility improvements suffered alongside other capital needs. Fortunately, the Department's capital fund has recently been revitalized. This funding allows the Department to pursue capital projects that improve and expand infrastructure while continuing programs and services in its parks and recreation facilities across the County. Barrier removal and other accessibility measures are a critical component of the Department's ongoing revitalization program, with the highest-priority projects selected for immediate attention.

E. Policies and Procedures

The Westchester County Office for People with Disabilities guides policy and provides services for people with disabilities. The Office acts as a clearinghouse of information for people with disabilities, their families and advocates, strives to connect residents with the services they need. Through educational programs and awareness efforts, resource guides, and employment and transportation assistance, the Office for People with Disabilities is ensuring all residents have full and equal access to everything in Westchester County.

In addition, PRC seeks to maximize program access by providing auxiliary aids and services wherever possible. This includes the provision of audio descriptions, ASL interpreters, braille, large print documents, scaled models, tactile maps and displays, aphasia guides, and closed captioning wherever they would reasonably increase access to PRC's programs and interpretive exhibits.

F. Training Needs

Going forward, training County park employees will be important to ensure awareness of ADA and New York Human Rights Law requirements as well as the County policies. Three groups of parks employees make daily decisions that touch upon accessibility. Individuals who direct capital improvements are instrumental in determining which structures will be renovated or constructed and are often heavily involved in construction planning. Park facility managers who shape program rules and policies determine a program's level of accessibility. And employees who work directly with visitors at County parks and recreation facilities must be sensitive to the needs of individuals with varied abilities as they often make spontaneous decisions regarding reasonable accommodations.

These three groups of PRC employees should therefore be trained in ADA compliance to reinforce their knowledge of the detailed technical standards established by the ADA and ABA, the ADA's program access requirements, and its standards for reasonable accommodations. While many employees have received training in these areas over the years, there is an ongoing need for training as both accessibility standards and the Department's workforce are subject to frequent changes. In light of this need, Countywide capital facility staff and park facility managers, are notified of and encouraged to participate in online webinar trainings offered through the National Center on Accessibility.

G. Communication—Signage, Website, and Publications

Facility signage, PRC's website, and Department publications should inform the public which facilities are accessible. As improvements are made, the park facility managers shall submit specific accessibility information to the Department's webmaster for inclusion in the Department's website and appropriate social media outlets. For instance, the website's map and guide includes a column referencing accessibility which refers to those parks and recreation facilities that provide the easiest access for individuals with limited mobility. Detailed information about mobility should be offered for facilities and programs across the park system both on the website and on signage at ORPHP facilities. In addition to making information available, the Department must ensure that the information itself is accessible to individuals with varying abilities.

H. Public Involvement

Interested persons, including individuals with disabilities or organizations representing them, may participate in PRC's compliance efforts by submitting comments to this document. To make this possible, the document shall be made available on the Department's website. PRC is eager to receive input from its visitors so it can improve accessibility at all of its sites while serving as steward of the natural, ecological, historic, cultural, and recreational resources within its system.

I. Responsible Party

Evan Letainer serves as Director of Westchester County Office for People with Disabilities. Evan works with County Executive Staff, County Departments, and other PRC staff to coordinate accessibility efforts. All grievances, suggestions, and requests for a reasonable accommodation should be submitted to the Office for People with Disabilities via the accessibility mailbox available through a link on the Department's website or directed to:

Evan Letainer
Office for People with Disabilities
148 Martine Avenue, Room 102
White Plains, NY 10601
914-995-2957
ehl2@westchestercountyny.gov