

Appendix K.

The Americans with Disabilities Act (ADA) and
Its Influence on Management Actions for Recreation and Related Facilities

The Americans with Disabilities Act (ADA), along with the Architectural Barriers Act of 1968 (ABA) and the Rehabilitation Act of 1973; Title V, Section 504, have had a profound effect on the manner by which people with disabilities are afforded equality in their recreational pursuits. The ADA is a comprehensive law prohibiting discrimination against people with disabilities in employment practices, use of public transportation, use of telecommunication facilities and use of public accommodations. Title II of the ADA applies to the Department and requires, in part, that reasonable modifications must be made to its services and programs, so that when those services and programs are viewed in their entirety, they are readily accessible to and usable by people with disabilities. This must be done unless such modification would result in a fundamental alteration in the nature of the service, program or activity or an undue financial or administrative burden to the Department. Since recreation is an acknowledged public accommodation program of the Department, and there are services and activities associated with that program, the Department has the mandated obligation to comply with the ADA, Title II and ADA Accessibility Guidelines, as well as Section 504 of the Rehabilitation Act.

The ADA requires a public entity to thoroughly examine each of its programs and services to determine the level of accessibility provided. The examination involves the identification of all existing programs and services and an assessment to determine the degree of accessibility provided to each. The assessment includes the use of the standards established by Federal Department of Justice Rule as delineated by the Americans with Disabilities Act Accessibility Guidelines (ADAAG, either adopted or proposed) and/or the New York State Uniform Fire Prevention and Building Codes, as appropriate. The development of an inventory of all the recreational facilities or assets supporting the programs and services available on the unit was conducted during the UMP planning process. The assessment established the need for new or upgraded facilities or assets necessary to meet ADA mandates. The Department is not required to make each of its existing facilities and assets accessible. New facilities, assets and accessibility improvements to existing facilities or assets proposed in this UMP are identified in the “Management Actions” section.

The Americans with Disabilities Act Accessibility Guidelines

The Americans with Disabilities Act (ADA) requires public agencies to employ specific guidelines which ensure that buildings, facilities, programs and vehicles as addressed by the ADA are accessible in terms of architecture and design, transportation and communication to individuals with disabilities. A federal agency known as the Access Board has issued the ADAAG for this purpose. The Department of Justice Rule provides authority to these guidelines.

Currently adopted ADAAG address the built environment: buildings, ramps, sidewalks, rooms within buildings, etc. The Access Board has proposed guidelines to expand ADAAG to cover outdoor developed facilities: trails, camp grounds, picnic areas and beaches. The proposed ADAAG is contained in the September, 1999 Final Report of the Regulatory Negotiation Committee for Outdoor Developed Areas.

ADAAG apply to newly constructed structures and facilities and alterations to existing structures and facilities. Further, it applies to fixed structures or facilities, i.e., those that are attached to the earth or another structure that is attached to the earth. Therefore, when the Department is planning the construction of new recreational facilities, assets that support recreational facilities, or is considering an alteration of existing recreational facilities or the assets supporting them, it must also consider providing access to the facilities or elements for people with disabilities. The standards which exist in ADAAG or are contained in the proposed ADAAG also provide guidance to achieve modifications to trails, picnic areas, campgrounds (or sites) and beaches in order to obtain programmatic compliance with the ADA.

ADAAG Application

Current and proposed ADAAG will be used in assessing existing facilities or assets to determine compliance to accessibility standards. ADAAG is not intended or designed for this purpose, but using it to establish accessibility levels lends credibility to the assessment result. Management recommendations in each UMP will be proposed in accordance with the ADAAG for the built environment, the proposed ADAAG for outdoor developed areas, the New York State Uniform Fire Prevention and Building Codes, and other appropriate guiding documents. Until such time as the proposed ADAAG becomes an adopted rule of the Department of Justice, the Department is required to use the best information available to comply with the ADA; this information includes, among other things, the proposed guidelines.