



February 21, 2011

Dean Bissias
Executive Director
Park District of La Grange
536 East Avenue
La Grange, IL 60525

Dear Dean:

Please accept this letter as the review of the transition plan for the Park District of La Grange. The attached reports indicate whether we recommend access work be completed at a site, or whether a site can be left as is.

Authority

Title II of the Americans with Disabilities Act (42 USC 12131) prohibits the more than 86,000 units of local government such as the Park District of La Grange, from discrimination on the basis of disability in the delivery of programs and services. The definition of programs and services is broad and includes public parks and recreation operations, such as the many unique opportunities made available for the enjoyment of your registrants by the District.

The Department of Justice issued an implementing regulation for title II, which became effective on January 26, 1992. That regulation is integral to this audit and can be found at 28 CFR Part 35. That was amended with a regulation published September 14, 2010 in the Federal Register. The requirements of the amended regulation did *not* change our approach and were anticipated for quite a few years.

Title II requirements that come into play in our work for the District include:

- section 35.105 self evaluation
- the section 35.133 maintenance requirement
- the section 35.150 program access test regarding existing sites
- the 35.150(d) transition plan requirement
- the section 35.151 requirements for new facilities and alterations to old facilities, and
- the section 35.163 requirements regarding building signage.

Additionally, we have incorporated Illinois Accessibility Code requirements where they are more stringent than the ADA requirements.

Final and Enforceable Regulations...and Final Guidelines

Regarding recreation facility design, two sets of federal guidelines were applied to the Park District of La Grange access audit, and therefore, to the development of a transition plan. The first is the Americans with Disabilities Act Accessibility Guidelines, or ADAAG. Published by the US Department of Justice (DOJ) on July 26, 1991 as Appendix A to 28 CFR Part 36, this final and enforceable regulation is now known as the 1991 Standards. It addresses entries, showers, curb cuts, doors, service counters, ramps, and other typical building elements.

The second is the 2010 Standards for Accessible Design, published by DOJ on September 14, 2010. As these Standards were already available as a final guideline, we used this as our guide in our access audit. It addresses many recreation environments.

The 2010 Standards were developed by the US Access Board and include requirements for playgrounds, fishing areas, boating areas, swimming pools, fitness centers, golf courses, and sports courts and fields. The Access Board, a federal agency, develops all access guidelines. ***We cite to the 2010 Standards in our work.***

As mentioned above, the Illinois Accessibility Code (IAC) imposes some requirements that are more stringent than ADAAG. Where that is the case we recommend IAC compliance.

There are recreation environments addressed by a guideline for federal agencies. These guidelines have not yet been incorporated as a regulation. The environments are picnic areas, trailheads, trails, viewing areas, beaches, and campsites. Where applicable, we have adhered to these for Park District of La Grange sites, and in developing a transition plan.

Approach and Analysis

Section 35.150 of the DOJ regulation implementing the ADA does not require that every existing facility or site be made accessible. This concept is reflected in our recommendations to the District, where we suggest that no changes occur at Denning Park, the Sedgwick Park Buildings, Stone Park, and Waiola Park and that these sites be left as is, or inaccessible.

We interpret this DOJ requirement to mean that with similar sites such as playgrounds, the District has some flexibility in determining which sites to make accessible. For unique sites, such as the Recreation Center and its many unique amenities, the District has little choice with regard to which site it will make accessible, as there is only one such site.

In a transition plan it is critical to evaluate the activity within a site. If it is available elsewhere, the site need not be made accessible.

Transition Plan Site Report Format

Our audit included an examination of 11 different facilities or parks. Each facility or park has its own section in our final report. We have edited those site reports to note on page one whether the site needs correction and if so, in what phase the corrections should occur.

The District is receiving one hard copy in one binder. The binder has all the final site reports, and these should replace the ones delivered earlier to the District.

You are also receiving one storage device with all text, checklists, and digital photos. On your screen, the text in the reports includes a hyperlink to the checklist used and the photo.

The checklists also have a hyperlink to the image of the access deficit.

Title II Program Access Test and Phasing

As mentioned above, the title II program access test in 35.150(b) gives the District flexibility in making existing facilities and sites **that have similar features** accessible. For example, we counted 15 playgrounds. Not all of those sites must be accessible. The program access test imposes a burden on the District to make the “program of playgrounds” or the “program of tot lots” accessible with relatively similar ease to all District residents.

Our goal was then to have at least 1 of every 3 playgrounds or tot lots accessible, or able to be made accessible. We believe 7 are accessible or could be made accessible with relative ease. We recommend no additional sites be made accessible. The District could leave the other 8 sites as is and inaccessible. This **exceeds** the ratio we recommend of 1 of every 3 similar sites. And, as the District develops Gordon or other parks with playgrounds in the future, those new sites will be compliant.

We applied this same concept to tennis courts, basketball courts, ballfields, athletic fields, and shelters. Our recommendations to you, we believe, make the “programs” of tennis, basketball, ballfields, athletic fields, and shelters accessible to Park District of La Grange residents.

Phase One

Our entire Phase One recommendations address the Recreation Center. As the key site of the District from a program, administrative, and governance perspective, we recommend it be addressed first. Phase One recommendations are projected at a cost of \$91,755.

Phase Two

The 2010 Standards become effective March 15, 2012. Our Phase Two recommendations are for recreation environments addressed in those Standards. We recommend site work at Elm Park, Gilbert Park, Gilbert Preschool, Gordon Park, Rotary Centennial Park, Sedgwick Park, and Spring Park. Phase Two recommendations are projected at a cost of \$194,343.25.

Phase Three

Our Phase Three recommendations are a mix of parks, buildings, and other District sites. We suggest work at the Community Center, Denning Leased Building, outdoor recreation improvements at Rotary Centennial and Spring, and Sedgwick Park Buildings. Phase Three recommendations are projected at a cost of \$78,723.

District Option

As mentioned earlier in this report, we suggest that no changes occur at Denning Park, the Sedgwick Park Buildings, Stone Park, and Waiola Park and that these sites be left as is, or inaccessible. When and if the District makes changes to elements at these sites, those elements must comply with the 2010 Standards and IAC. We project costs for District Option work at \$88,467.50.

Balance and Completion Date

The goal is to have recommended work completed by March 15, 2015. Within the phases we recommend, the District should move projects from one phase to another to match capital plan activity, grants, work of a similar type, or for economic reasons such as the expenditure of roughly equivalent amounts in each of the next three years.

Conclusion

The final reports identify, we believe, every access deficit at the sites, as required by section 35.105 of title II. We have, in our approach to program access, made recommendations so that not every access deficit needs to be corrected. Our recommendations are flexible enough that later modifications, should your own plans change, can easily occur.

We worked well with all of the District staff, who patiently answered every question we had about site use. We appreciated your assistance.

The District has shown for almost 35 years a strong commitment to access for people with disabilities. That is evident again. Addressing our recommendations will assure that the benefits of recreation remain available to Park District of La Grange residents.

If there are any questions please call me at 224/293-6451 or on my cell at 847/363-9384.

Sincerely,



John N. McGovern, J.D.
President

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