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Memorandum Supplemental Packet

TO: ADA COMPLIANCE COMMITTEE
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK/ADA COORDINATOR
DATE: FEBRUARY 7, 2022
SUBJECT: SUPPLEMENTAL PACKET

PENDING BUSINESS

A. Memorandum from ADA Coordinator re: Parks Transition plan and Accessibility Surveys

Updated Draft Parks, Campgrounds and Trails Transition Plan

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ADA Transition Plan

Parks, Campgrounds & Trails



Acknowledgements

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1.0 Introduction

The American Community Survey (ACS) estimates the overall rate of people with disabilities in the US population is around 25.6 percent. The data shows that disability increases with age, for people 65 and over. In Alaska, the numbers reported having a disability overall were 12.6 percent. It was reported that 28.9% of Alaska residents had some form of disability. In Homer 19.5 percent of residents are over the age of 65 (www.census.gov). In short, hundreds of people in our community face disabilities and many of those use Homer's parks, campgrounds, and trails on a regular basis. Homer's mission is to be a dynamic community where all can live, play, work and invest. To make that mission a reality, it needs to be accessible. The City of Homer owns and manages 17 parks, comprised of over 520 acres of land, along with 5.41 miles of maintained trails. These range from small pocket parks and multi-use trails to forested natural areas, larger established parks with playgrounds, campgrounds, and sports fields. To ensure our parks and trail systems are accessible to all, the City has commenced the development of an ADA Parks, Campgrounds and Trails Transition Plan in 2021. This document will become incorporated with the ADA Transition Plan adopted by City Council in 2019.

1.1 ADA Background

The American's with Disabilities Act is a civil rights law that requires all state and local governments to provide equal access to programs and services for all community members. It was signed into law by President George H.W. Bush on July 26, 1990 and went into effect in 1992. The ADA is a landmark civil rights law that prohibits discrimination against individuals with disabilities in access to jobs, public accommodations, government services and programs, public transportation, and telecommunications. The ADA treats access as a civil right.

Title I of the ADA prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The City of Homer is an Equal Employment Opportunity (EU) employer and adheres to the requirements of Title I.

Title II of the ADA adopts the general prohibitions against discrimination contained in Section 504 of the Rehabilitation Act of 1973, but applies to all state and local governments, regardless of whether or not they receive federal funding. It prohibits the City from denying persons with disabilities the equal opportunity to participate in its services, programs or activities, either directly or indirectly through contractual arrangements. It is the policy of the City of Homer to make every reasonable effort to provide equal access to all City facilities, services, programs, and activities for citizens with disabilities in accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.

Title III applies to public accommodations, which include businesses open to the public and requires them to make reasonable modifications to accommodate individuals with disabilities.

1.2 Community Involvement

Community involvement is a priority of Homer and an essential part of the ADA requirements. The City is required to involve the public in the evaluation and prioritization process. To ensure the community had various ways to engage the public, meetings were held via electronic means as well as in person. The public was invited to attend and participate in the facilities review and site accessibility audits.

2.0 Regulatory Standards and Guidance

2.1 Audit Standards

Multiple federal guidelines were applied to the parks, trails and campgrounds **accessibility** audits. The first is the Americans with Disabilities Act Accessibility Guidelines (ADAAG), also known as the 1991 standards, which addresses entries, doors, service counters, showers, curb cuts on sidewalks, pathways and trails within parks, and other typical building elements when applicable. The second is 2010 Standards for Accessible Design, effective March 15, 2012 that included requirements for playgrounds **areas**, ~~golf courses~~, fishing areas, boating areas and more.

The Access Board issued accessibility guidelines for newly constructed and altered recreation facilities in 2002, these supplement the ADAAG. All newly designed, constructed and altered recreation facilities covered by ADA were required to comply.

Certain parks elements do not yet have a final standard, these include trails, picnic areas and campgrounds. On these elements, the Outdoor Developed Areas Guidelines (ODAG) were used. The site accessibility reports cite both the ADAAG 2010 Standards and the Outdoor Developed Areas Guidelines.

This report identifies the barriers and performance-based solutions in the form of project recommendations. Some of these projects will require further design prior to implementation. All improvements will require maintenance to ensure continued compliance with ADA **these guidelines**.

2.2 Transition Plan Requirements

The ADA Parks, Campgrounds and Trails Transition Plan (Parks Transition Plan) development must include the following features:

- A list of physical barriers that limit accessibility of programs or activities to individuals with disabilities, also known as a self-evaluation.
- A detailed description of the methods that will be used to make is accessible.
- The official responsible for implementation of the plan.
- A timeline for corrections.

The Parks Transition Plan timeline is designed to provide flexibility to the City around specific parks, campgrounds and trails ensuring that continuous access and improvements are being made.

In 2019, the City Council adopted the City of Homer ADA Transition Plan (Transition Plan), which identified the ADA coordinator, evaluated communications and other city facilities, developed a dispute process and modifications request. This information is available on the City of Homer website or at the City Clerk's Office. This Transition Plan began the audit process with the evaluation of entrances, restrooms, sidewalks, parking areas and curb ramps at all city facilities.

The Parks Transition Plan describes those barriers to and within Homer's parks, campgrounds, and trails and provides recommendations to remove ~~these~~ barriers **found**. This document will supplement the earlier Transition Plan created for City buildings and facilities to fulfill the requirements in Title II of the ADA.

The Parks Transition Plan and the previously approved Transition Plan will be integrated into a single overall Plan after completion.

2.3 Program Access Recommendations

The US Department of Justice test for existing facilities is known as the program access test. A program is an opportunity made available by the individual department, in this case Parks. A program is not just an activity for which a person registers and pays a fee. It can be the program of picnicking, parking or fishing. It is a program if it is an activity made available by the Parks department. The program access test does not apply to new construction or alterations and additions. New construction, alterations or additions must be designed and constructed to comply with the 2010 Standards for Accessible Design.

There are multiple ways in which a program can be made accessible. In Title II regulations, Section 35.150(b) describes the methods an entity can use to make programs accessible. They include:

- Redesign or acquisition of equipment;
- Move program to accessible buildings;
- Assignment of aides to program beneficiaries;
- Delivery of services at alternate accessible sites;
- Alteration of existing facilities and construction of new facilities;
- Use of accessible rolling stock or other conveyances; and
- Any other methods that result in making its services, programs and activities readily accessible to and usable by individuals with disabilities.

The program access recommendations are based on a minimum of **one out of three assets should be accessible**. All unique assets should be accessible. Some barriers, identified in the site accessibility reports will not need to be changed until a renovation or rebuild based on

the technical infeasibility, historical preservation, construction tolerance or that no current guidance is available.

3.0 Methodology

The methodology of this portion of the transition plan included the following elements.

3.1 Access Audits

Members of the ADA Compliance Committee, Public Works Staff, members of the Parks, Arts, Recreation & Culture Advisory Commission (PARC) and interested community members conducted accessibility audits for six parks, including campgrounds, one separate campground and one memorial park and _____miles of trails. These audits were conducted July through September 2021 and XXXXX (list month in 2022). The following were not included in these audits due to _____:

- *list trails or parks that were not included due to slope, construction, etc. Parks Superintendent may be able to advise on this item.*

-

-

The site visit accessibility audits consisted of an overall site report and individual checklists that covered parking, accessible routes and means of access, play areas, shelters/picnic areas, outdoor recreation amenities **such as fire rings or bar-b-que grills** and park site.

- The overall site report for each park facility includes **the following**:
 - a description of the specific barriers at each location
 - reference to the regulation or guideline citation
 - digital images of the barrier
 - location within the site
 - methods for meeting accessibility requirements
 - recommendations for addressing the barrier
 - priority ranking

3.2 Findings

The accessibility audits identified multiple access deficits across the system. This represents a better than average number of access deficits, meaning City of Homer parks, campgrounds and trails are less accessible than many larger communities but comparable to similar communities across Alaska. Projects were prioritized using Department of Justice (DOJ) guidance which considers the following priorities.

1. Accessible approach and entry (parking, accessible routes)
2. Access to programs and services
3. Access to Restrooms
4. Access to other items (drinking fountains, trash receptacles, grills, benches, etc.)

Each location was prioritized based on community usage, survey responses, public comment or participation, access to park amenities such as playground, trails, and campgrounds and was given a higher priority.

4.0 Transition Plan

The accessibility audits identified multiple access deficits across the system. To effectively and efficiently improve accessibility they were prioritized over a **5? 10?** year timeline to ensure program access. The prioritized list includes barriers to access all features at each location.

This prioritization of the projects within the Parks Transition Plan was accomplished through meetings and site visits ~~attending by~~ **open to** members of the community, **in** collaboration with the ADA Compliance Committee members, ~~Parks and~~ Public Works Staff, and Parks, Arts, Recreation & Culture Advisory Commissioners. This work sought to identify the most efficient and effective way to make the City's parks, campgrounds and trails more accessible. The prioritization focused on all of the deficiencies that could be addressed in the recommended timeframe while working on program access.

These priorities focused on which parks, campgrounds and trails were most used by the community and visitors to improve accessibility, evaluating which deficiencies to correct first for the most benefit. Lastly, that all program types are accessible somewhere within the system.

The transition plan works toward this goal with the expectation that any new construction will be fully compliant and help the department move over time to a completely accessible parks system within the City of Homer.

See Exhibit A for Accessibility Audits on the following:

1. Karen Hornaday Park including playground, campground and ballfields
2. Mariner Park including Day Use Area and campground
3. Beluga Slough Trail
4. Bishop's Beach Park
5. Bayview Park
6. Jack Gist Park including ballfields
7. Seafarer's Memorial

5.0 Cost Estimating and Financing

5.1 Cost Estimating

The timeline for this work outlined in the Parks Transition Plan is **ten** years *(Is this an adequate time period)* which takes advantage of the biennial budgeting process the City follows. Initial work has been focused on ~~improved~~ cost estimates for the projects undertaken in the **2025-**

2026 biennium and a five-year proposed project list. Maintenance and smaller capital projects would occur in the **2023-2024** biennium and the detailed development of budget offers would be written and submitted over the next three (yr # to yr #) biennia. More detailed cost estimates for future projects would be developed for those budget offers. Any new construction undertaken is required to be fully accessible.

Upon completion of the prioritization, the City of Homer Public Works performed cost estimating with ~~construction management~~, park maintenance operations, administration and ~~park~~ planning to further understand the project groupings and how we might contract for certain work such as paving parking lots vs. a discrete set of access projects at a single park. Original cost estimates were based on RS Means data past experience with similar projects and assumptions regarding future economic conditions and related to construction only (no design or project costs).

These numbers were reviewed and revised with a multiplier to bring to **2023** cost estimates. Additional work on costs will occur leading up to development in the spring of **20__** for the **20__ - __** biennium.

Potential cost savings may be realized from strategic scaling of contracts. Analysis of the project list identified 6 major types of work that include the following six trades or project types:

Parking/Paving/Concrete

Labor

Plumbing

Electrical

Signage

Potential CIP Project

Further costing will evaluate opportunities to do multiple projects across the park or trail system, such as all sign upgrades.

5.2 Funding

There is no dedicated source of federal funds for accessibility renovations to existing sites.

The work will be done through three main channels as follows:

- Maintenance and repair
- Small capital projects
- Capital Improvement Plan (CIP) projects.
 - Current CIP projects will be reviewed to see if they may be amended to capture additional access improvements. An example of this might be the **Bayview Park** (location) This will increase the available number of accessible playgrounds.
- Available Grant funding and other sources that could help implement some of this work
 - ADA modifications are common, and grants will be competitive. Some opportunities may be available through the following:

- Community Development Block Grant Funds: Many agencies receive federal Community Development Block Grant (CDBG) funds for accessibility renovations at existing sites. CDBG funds often have a scale of priority. It is important to establish accessibility as a priority for CDBG applications.
 - State/Federal Grant Programs such as the Land & Water Conservation Fund, The Great American Outdoors Act; Community Facilities Direct Loan & Grant Program in Alaska, or Recreational Trails Program
 - State Appropriations: The City has successfully competed for appropriations for larger projects and if offered by the State would be an avenue for funding.
- ~~Other Grant Opportunities: The Fruit Tree Planting Foundation Grant Program—Municipal entities, local nonprofits and public schools are eligible to apply to support the planting of fruitful trees and plants to alleviate hunger, combat global warming, strengthen communities and improve the surrounding environment. Trees can be planted at community gardens, city and state parks, low income neighborhoods, Native American reservations, schools, and other locations where they will serve the greater community. The Foundation provides high-quality trees and shrubs, equipment, on-site orchard design expertise and oversight, horticultural workshops, and aftercare training and manuals. Applications are accepted on an ongoing basis. Learn more and apply.~~

6.0 Recommendations

In addition to the audit findings, opportunities to improve accessibility via policies and procedures were identified through the self-evaluation. The following recommendations are not an exhaustive policy review, but highlighting best practices based on discussions with staff, ADA Compliance Committee members, PARC Commissioners and interested members of the community.

1. Implement modifications according to the approach proposed in Section 4.0 and the Parks Transition Plan to accommodate all users.
2. Develop maintenance staff training and checklists to improve accessibility during routine maintenance. Items such as accessible routes, gaps, changes in level, door closing force and common obstructions can be part of ongoing routine maintenance work.
3. Update website with more details regarding ADA access at each park. This would include parking and restroom accessibility along with what is accessible and lengths of accessible trails, so park patrons can make informed decisions before traveling to the park.

- 340 4. Ensure all contracts have language regarding modifications that a contractor will
- 341 make to provide equal access to services, programs and activities.
- 342 5. Improve wayfinding signage so people with disabilities can more easily and
- 343 conveniently navigate the park system and the city as a whole.
- 344 6. If portable toilets are provided at a park site, make sure at least one is accessible.